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COVENANT AS A FRAMEWORK FOR UNDERSTANDING
THE PRIMARY DIVORCE AND REMARRIAGE
TEXTS IN THE NEW TESTAMENT

A Dissertation
Presented to
the Faculty of
The Southern Baptist Theological Seminary

In Partial Fulfillment
of the Requirements for the Degree
Doctor of Philosophy

by
Devin Paul Hudson
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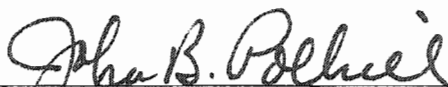
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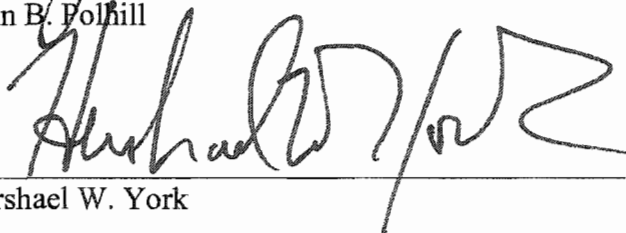
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To Starla,
my best friend, encourager, and love,
and to
Kayleigh, Ragan, and Zachary,
my special treasures

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LIST OF ABBREVIATIONS

AB	Anchor Bible
AnBib	Analecta biblica
ASNU	Acta seminarii neotestamentici upsaliensis
BAGD	W. Bauer, W. F. Arndt, F. W. Gingrich, and F. W. Danker, <i>Greek-English Lexicon of the NT</i>
<i>Bib</i>	<i>Biblica</i>
<i>BJRL</i>	<i>Bulletin of the John Rylands University Library of Manchester</i>
<i>Bsac</i>	<i>Bibliotheca Sacra</i>
<i>BT</i>	<i>The Bible Translator</i>
<i>BTB</i>	<i>Biblical Theology Bulletin</i>
<i>CBQ</i>	<i>Catholic Biblical Quarterly</i>
ConBOT	Coniectanea biblica, Old Testament
<i>CTM</i>	<i>Concordia Theological Monthly</i>
EKKNT	Evangelisch-katholischer Kommentar zum Neuen Testament
<i>EvQ</i>	<i>Evangelical Quarterly</i>
<i>ExpTim</i>	<i>Expository Times</i>
GNS	Good News Studies
<i>GTJ</i>	<i>Grace Theological Journal</i>
HNTC	Harper's New Testament Commentaries

<i>HTR</i>	<i>Harvard Theological Review</i>
IBC	Interpretation: A Bible Commentary for Teaching and Preaching
ICC	International Critical Commentary
<i>IDB</i>	G. A. Buttrick (ed.), <i>Interpreter's Dictionary of the Bible</i>
<i>Int</i>	<i>Interpretation</i>
<i>ISBE</i>	G. W. Bromiley (ed.), <i>International Standard Bible Encyclopedia</i> , rev.
<i>ITQ</i>	<i>Irish Theological Quarterly</i>
<i>JBL</i>	<i>Journal of Biblical Literature</i>
<i>JETS</i>	<i>Journal of the Evangelical Theological Society</i>
<i>JJS</i>	<i>Journal of Jewish Studies</i>
<i>JNES</i>	<i>Journal of Near Eastern Studies</i>
<i>JSNT</i>	<i>Journal for the Study of the New Testament</i>
JSNTSup	Journal for the Study of the New Testament—Supplement Series
JSOTSup	Journal for the Study of the Old Testament—Supplement Series
NAC	The New American Commentary
NICNT	New International Commentary on the New Testament
NICOT	New International Commentary on the Old Testament
NIGTC	The New International Greek Testament Commentary
<i>NovT</i>	<i>Novum Testamentum</i>
NPNF	Nicene and Post-Nicene Fathers
<i>NRT</i>	<i>La nouvelle revue théologique</i>
NTC	New Testament Commentary
<i>NTS</i>	<i>New Testament Studies</i>

OTL	Old Testament Library
OTS	<i>Oudtestamentische studiën</i>
RA	<i>Revue d'assyriologie et d'archéologie orientale</i>
RB	<i>Revue biblique</i>
RelS	<i>Religious Studies</i>
ResQ	<i>Restoration Quarterly</i>
RevExp	<i>Review and Expositor</i>
RevQ	<i>Revue de Qumran</i>
SBTJ	<i>The Southern Baptist Theological Journal</i>
SBLDS	SBL Dissertation Series
ScrHier	Scripta Hierosolymitana
SJT	<i>Scottish Journal of Theology</i>
SNTSMS	Society for New Testament Studies Monograph Series
SNTU	<i>Studien zum Neuen Testament und seiner Umwelt</i>
TCGNT	B. M. Metzger, <i>A Textual Commentary on the Greek New Testament</i>
TDNT	G. Kittel and G. Friedrich (eds.), <i>Theological Dictionary of the New Testament</i>
TNTC	Tyndale New Testament Commentary
TOTC	Tyndale Old Testament Commentary
TS	<i>Theological Studies</i>
TynBul	<i>Tyndale Bulletin</i>
TZ	<i>Theologische Zeitschrift</i>
VT	<i>Vetus Testamentum</i>
VTSup	Vetus Testamentum, Supplements

WBC	Word Biblical Commentary
ZAW	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>
ZNW	<i>Zeitschrift für die neutestamentliche Wissenschaft</i>

PREFACE

A work of this size and nature is never a solo effort. It has been through the faithful help and support of others that God has enabled me to complete this task. The concept of covenant marriage is sacred to me because of the covenant relationship that I enjoy with my love and best friend, Starla. God brought us together into this covenant of commitment and fidelity, and it is by His grace that we have been able to remain true to our vows. Starla's undying and unconditional love for me is a true example of what it means to love, honor, and cherish one's spouse. She has sacrificed on many occasions in order to help me fulfill my dreams. She is my encourager and supporter. I love her more at this point in our journey than I ever have before. I look forward to our future together as we seek to fulfill God's intent for our sacred covenant of marriage.

God has also placed three special treasures in my life—our children, Kayleigh, Ragan, and Zachary. They remind me daily of what is truly important in life. They are my constant source of joy and delight. They bring happiness to my heart. I thank God for entrusting them to our care. We are a team and I love them very much.

I am also thankful for those outside of my inner circle who have shown love and support along the way. My father and mother have been consistent examples of a covenant marriage and what it means to be faithful servants of God. My brothers, Dale and Derek, have also provided regular support and encouragement through this time.

I have been fortunate to know and spend time with many great teachers and leaders throughout this journey. I am grateful to each one of these who have given their lives to teach others. A special word of thanks to Dr. Tom Schreiner, who has been patient with me and a continual source of encouragement and help. And thank you to Dr. Danny Akin, who is the one leader and friend in my life who often kept me encouraged when I was ready to throw in the towel. To these and the many others who have taken time to invest in me, I say thanks.

Finally, I want to offer praise to my Lord and Savior, Jesus Christ. I am truly amazed at His abiding grace in my life. He is indeed the One who is worthy of all honor, praise, and glory. It is my heart's desire to know Him and to give my life telling others about His marvelous grace. To Him alone be the glory.

He must increase. I must decrease.

Devin Paul Hudson

Louisville, Kentucky

December 2004

CHAPTER 1

INTRODUCTION

Divorce and remarriage are topics that generate spirited debates both in the life of the local church and in the academy. While there is a certain level of unanimity among evangelical interpreters that divorce is outside of God's ideal and is a misfortune resulting from human sinfulness, there is great diversity among scholars regarding whether divorce and/or remarriage are biblically permissible.

Contributing to the earnestness of this discussion is the incessant devaluing of marriage in our society and the subsequent ever-rising divorce rate within Western civilization.¹ Consider the following recent statistics pertaining to divorce in America, which has a higher divorce rate than any other Western nation.² With over one million divorces a year, in excess of 3,500 marriages a day end in divorce. America's divorce rate is now more than double the rate of 1960 and currently more marriages are terminated by a divorce than by the death of a spouse.³

¹The "devaluing of marriage" is evident not only in the rising divorce rate but also in the ongoing and growing debate over the legalization of homosexual marriage.

²These statistics are based upon general studies performed by the U.S. Department of Health and Human Services, the National Center for Health Statistics, and the U.S. Census Bureau. For that reason, it is difficult to get a full grasp of the actual statistics and the consequent effects of divorce upon families and children. See U.S. Bureau of the Census, *Statistical Abstract of the United States*, 120th ed. (Washington: U.S. Government Printing Office, 2000a), and U.S. Bureau of the Census, *Marital Status and Living Arrangements* (Washington: U.S. Government Printing Office, 2000b).

³For these statistics and more, see Jeffrey Scott Turner, *Families in America* (Santa Barbara, CA: ABC-CLIO Inc., 2002).

The latest studies also reveal that divorce triggers devastating results in the lives of the involved children. Nearly one million children a year watch the marriage of their parents collapse in divorce. More than half of the children in our public schools live in a single-parent home. Around 35 percent live apart from their biological fathers. If current rates hold, soon one-third of Anglo children and two-thirds of African-American children born within homes where the mother and father are married will experience the dissolution of that marriage by the time the child is sixteen.⁴ Current sociological evidence also confirms that children suffer significant emotional, physical, spiritual, and mental damage when divorce occurs.⁵

Fewer than 40 percent of married couples claim to be very happy and studies show that divorce leads to higher levels of depression and potential suicide.⁶ Yet more than 70 percent of adult Americans believe “marriage is a lifelong commitment that should not be ended except under extreme circumstances” and 81 percent of divorced and

⁴Elissa P. Benedek and Catherine F. Brown, *How to Help Your Child Overcome Divorce: A Support Guide for Families* (New York: New Market Press, 2001), and John W. James, Russell Friedman, and Leslie Landon Matthews, *When Children Grieve: For Adults to Help Children Deal with Death, Divorce, Moving, Pet Loss, and Other Losses* (New York: HarperCollins Publishers, 2001).

⁵Perhaps the most monumental research on this matter in recent years was performed by the research team of Judith Wallerstein, whose study began in 1971 and spanned 25 years. Wallerstein identified and traced the lives of 60 separated and/or divorced families in California and the results of the divorce upon the children. The study discovered that these children (now in their twenties, thirties, and forties) still suffered significant fallout from the divorce. Some of the common traits included the fear of betrayal, powerlessness, unrealistic ideas of love and partnership, and a tendency to shy away from all forms of intimacy. Children often feel responsible for the divorce, are forced to take sides, show signs of displaced parental aggression, irritability, sadness, distractibility, anger, and rejection. Children who went through a divorce were also more likely to have education problems, get involved in crime and delinquency, be abused, and even make less money in their careers. Judith Wallerstein, Julia Lewis, and Sandy Blakeslee, *The Unexpected Legacy of Divorce: A 25 Year Landmark Study* (New York: Hyperion, 2000).

⁶Linda J. Waite and Maggie Gallagher, *The Case for Marriage: Why Married People are Happier, Healthier, and Better Off Financially* (New York: Broadway Books, 2001), 57-67.

separated persons believe that marriage should be for life.⁷ On the other hand, in 1996 when asked “How wrong do you personally think it is when people divorce?” a quarter of Americans expressed a strongly permissive attitude toward divorce, going so far as to say either divorce was right for everyone or not a moral issue at all.⁸

Just from these studies and statistics alone, it should be evident that this subject matter is pertinent to the context in which modern believers live and serve. The institution of marriage is under severe attack.

Sadly, the Christian community has proven as susceptible to divorce as common society. The divorce rate among professing evangelical Christians rivals that of the secular culture around us. Evangelical pollster George Barna recently discovered that “overall 33% of all born again individuals who have been married have gone through a divorce, which is statistically identical to the 34% incidence among non-born again adults.”⁹ It is unmistakable that local evangelical churches are filled with persons whose lives have been directly or indirectly affected by divorce and remarriage.

For this reason, pastors and scholars often refrain from addressing this vital and relevant topic. Add to this dilemma the antagonism of the modern humanistic culture toward a biblical view of marriage and evangelical pastors and scholars are left in a quandary on how to address biblically and reasonably this pertinent subject matter.

⁷Ibid., 25.

⁸Roper Center Data Review, “Americans Rate Their Society and Chart Its Values: A Roper Center Review of Findings of the General Social Survey and the 1996 Survey of American Political Culture,” *The Public Perspective* 8 (1996): 1-27.

⁹Based upon the research conducted by the Barna Research Group. Barna’s information is available from <http://www.barna.org>. This particular research is entitled “Divorce 2001.” It should be noted that a profession of being a “born-again” Christian does not always equal authentic faith.

Divorce and remarriage are sensitive issues that are difficult to discuss without the confusion of personal experience, feelings, opinions, and emotions. A condemnation of these practices as inappropriate or sinful can quickly breed feelings of animosity and anger.¹⁰

Yet the plethora of emotions, feelings, uncertainty, confusion, and opinions pertaining to this topic is one of the primary reasons why it is imperative that this matter is examined exegetically and theologically. The pastor and scholar must seek to understand what the Bible teaches regarding divorce and remarriage. For in the end what Scripture teaches must serve as our principle guide for faith and practice. As the late Francis Schaeffer observed at the 1982 *International Council on Biblical Inerrancy*, “If we believe the Bible is totally true, we cannot dodge its claims on our lives in sensitive areas such as divorce.”¹¹ Personal feelings, experiences and emotions must give way to the biblical data. *Sola Scriptura* must serve as the benchmark that establishes a biblical theology of divorce and remarriage.

When approaching this divisive subject, one must guard against two dangers.¹² First, Scripture cannot be ignored or rejected in light of experience or sympathy. Compassion must not supersede God’s divine revelation. Right and wrong cannot be

¹⁰Stanley Ellisen refers to the divorce and remarriage issue as the place “where angels fear to tread.” Stanley Ellisen, *Divorce and Remarriage in the Church* (Grand Rapids: Zondervan, 1977), 13.

¹¹The proceedings from the 1982 Internal Council on Biblical Inerrancy are found in *Hermeneutics, Inerrancy, and the Bible*, ed. Earl D. Radmacher and Robert Preus (Grand Rapids: Academie Books, 1984). Schaeffer’s words are also quoted by J. Carl Laney, “No Divorce & No Remarriage,” in *Divorce and Remarriage: Four Christian Views*, ed. H. Wayne House (Downers Grove, IL: InterVarsity, 1990), 15.

¹²As pointed out by Larry Richards, “Divorce & Remarriage under a Variety of Circumstances,” in *Divorce and Remarriage: Four Christian Views*, ed. H. Wayne House (Downers Grove: InterVarsity, 1990), 216-19.

determined by convenience or empathy. Divorce is painful, yet we cannot allow emotion to dictate truth. As Larry Richards observes:

If divorce isn't God's will, ever, then we can't advise it. If divorce isn't God's will, ever, we have to take the radical position that a sovereign Lord is able to turn evil into good. God must intend to work good in the lives of the innocents involved. We cannot be swayed by sympathy, but are bound by our allegiance to the Word of God.¹³

Our beliefs must be held captive by the Word of God. Thomas Schreiner adds:

As believers, our desire is to submit to the lordship of Christ in every arena of life. There is no realm over which Jesus Christ should not reign as our sovereign. Hence, we submit to scriptural authority in formulating our view of marriage . . . we do not trumpet our own ideas about marriage, nor do we appeal to "our experience" or "what God told me" when facing controversial questions like divorce and remarriage . . . we turn to the scriptures to study and seek what God has to say about topics that provoke debate even among Christians. We acknowledge that the Bible has the final and authoritative word on how to conduct ourselves as husbands and wives, parents and children, and men and women.¹⁴

Our theological interpretation of Scripture must be controlled by Scripture itself and not guided by our own life experiences and preferences.¹⁵

Second, one must guard against a form of legalism or proof-texting that transforms biblical principles into rigid laws. The whole counsel of God must be taken into constant consideration. For example, if one were to take Malachi 2:16 where the Lord says, "I hate divorce" as the only blanket statement in Scripture on divorce, one might

¹³Ibid., 217.

¹⁴Thomas R. Schreiner, "Editorial: Marriage and the Family," *SBJT* 6 (2002): 2.

¹⁵I do not mean to imply that life experiences do not help shape our theology in practical terms. Life experiences should constantly challenge us to think through our beliefs. Indeed one of the primary reasons I selected this topic for my dissertation is because of my own life experiences. However we must keep in mind that we must view life through the lens of Scripture. Biblical revelation supercedes life experiences in terms of truth.

have an inaccurate view of the larger biblical picture.¹⁶ On the other hand, if we were to interpret the “no-clause” statements of Mark and Luke or Paul’s words regarding abandonment without any consideration of their overall contexts, we could misinterpret the broader biblical teaching on what appears to be legitimate grounds for divorce. Only after one has weighed and evaluated the scriptural evidence as a whole can one begin to construct a proper biblical perspective on this subject.

When one considers the biblical texts, historical research, and modern scholarship regarding the divorce and remarriage controversy, we discover quickly that there are a multitude of issues that must be measured when examining this matter. Questions concerning the nature of marriage itself, the cultural and historical contexts in which Jesus and Paul’s words were spoken, the exact meaning of key phrases such as “one flesh,” “leave and cleave,” and “except for adultery,” the proper grammatical constructions of the relevant passages, and the exact meaning of certain Greek and Hebrew words are just a few of the related concerns that add to the perplexity of this topic. One must wrestle with each of these areas and more to address fully the overall subject matter. It will be the goal of this work to take into account and speak to as many of the relevant topics as possible.

With these things in mind, it is now important to introduce the primary views regarding divorce and remarriage. I will outline seven general views, which we will then subdivide into the four primary evangelical views with distinct variations.¹⁷

¹⁶As evidenced by the ESV translation of this verse: “‘For the man who hates and divorces,’ says the Lord, the God of Israel, ‘covers his garment with violence,’ says the Lord of hosts.” The meaning of the Hebrew is quite difficult.

¹⁷These seven views are proposed by William Heth, “Another Look at the Erasmian View of Divorce and Remarriage,” *JETS* 25 (1982): 264-65. The four evangelical views are those prescribed in

The Primary Views

The Patristic view, embraced by many of the Early Church fathers, seems to have permitted divorce on the grounds of unchastity, but divorce was defined in terms of separation from “bed” and “board.” Remarriage was not an option because that would eliminate the possibility of reconciliation.¹⁸

The preteritive view, essentially espoused by Augustine,¹⁹ has been

Divorce and Remarriage: Four Christian Views, ed. H. Wayne House (Downers Grove: InterVarsity, 1990).

¹⁸As with each of these views, it is difficult to summarize the Patristic view in such simple terms. The complexity of the Jewish, Hellenistic, and Greek cultures surrounding the Early Church, the silence of many of the Church Fathers on this issue, and the severity of the false charges of immorality leveled against the church in that day make it difficult to grasp fully the Patristic understanding of divorce and remarriage. What does seem clear is that the Church Fathers (a) abhorred the moral indifference of the Hellenistic society (indicated by their acute position on the social mixing of the sexes), (b) elevated Christian morals against the low morality of the Hellenistic world as evidenced by their encouraging withdrawal from any aspect of society that might weaken the moral fiber of the church, and (c) limited sexual intercourse for the purpose of procreation. From all indications, the Church Fathers accepted the Matthean exception clauses as grounds for divorce defined in their terms while discouraging remarriage on the grounds of the doctrine of penance in the Ante-Nicene Church. Two factors played an important role in this doctrinal framework:

(1) Adultery was viewed among the “rigorists” to be beyond the Church’s right to forgive. Forgiveness only came at the final judgment of God.

(2) The belief that there was only one repentance for post-baptismal sins discouraged divorced believers from remarrying lest they make reconciliation impossible.

For the Early Church, the Pauline Privilege implied a distinction was to be made regarding the permanence of a mixed marriage as opposed to a union between Christians. This was based upon the fact that non-Christians were not to be held responsible for the Christian doctrines of marriage and divorce.

Due to the many factors listed above, it is difficult to reconstruct an exact description of the Patristic view. It is fair to say that the Early Church Fathers do seem influenced by the rigorist tendency to react to the moral degradation surrounding them. See Pat Edwin Harrell, *Divorce and Remarriage in the Early Church* (Austin, TX: R. B. Sweet Company, 1967); J. Dupont, *Marriage et divorce dans L’Evangile* (Abbaye de Sant-Andre: Desclee de Brouwer, 1959); and Gordon Wenham, “May Divorced Christians Remarry?” *Evangelical Review of Theology* 6 (1982): 118-30.

¹⁹Augustine wrote in his treatise *On the Good of Marriage*: “For whosoever putteth away his wife, except for the case of fornication, maketh her to commit adultery. To such a degree is that marriage compact entered upon a matter of a certain sacrament, that it is not void even by separation itself, since, so long as her husband lives, even by whom she hath been left, she commits adultery, in case she be married to another: and he who hath left her, is the cause of this evil. But I marvel, if, as it is allowed to put away a wife who is an adulteress, so it be allowed, having put her away, to marry another. For holy Scripture causes a hard knot in this matter, in that the Apostle says, that, by commandment of the Lord, the wife ought not to depart from her husband, but, in case she shall have departed, to remain unmarried, or to be reconciled to her husband; whereas surely she ought not to depart and remain unmarried, save from an husband that is an adulterer, lest by withdrawing from him, who is not an adulterer, she cause him to commit adultery. But I see not how the man can have permission to marry another, in case he have left an

championed in the last century by Anglican J. P. Arendzen,²⁰ Roman Catholic Bruce Vawter,²¹ and Thomas Fleming, who in essence embraces this same perspective.²² Heth and Wenham refer to this standpoint as “the ‘no comment’ view.” The prepositions *παρεκτός* (Matt 5:32) and *μὴ ἐπι* (Matt 19:9) are taken to mean “irrespective of, setting aside, independently of.” Thus in both of the Matthean passages, Jesus is effectively saying “never mind” Deuteronomy 24:1.²³ Feinberg encapsulates this interpretation in his paraphrase of Matthew 19:9: “If anyone divorces his wife—except in the case of *porneia*

adulteress, when a woman has not to be married to another, in case she have left an adulterer. And, this being the case, so strong is that bond of fellowship in married persons, that, although it be tied for the sake of begetting children, not even for the sake of begetting children is it loosed. For it is in a man’s power to put away a wife that is barren, and marry one of whom to have children. And yet it is not allowed; and now indeed, in our times, and after the usage of Rome, neither to marry in addition, so as to have more than one wife living: and surely, in case of an adulteress or adulterer being left, it would be possible that more men should be born, if either the woman were married to another, or the man should marry another. And yet, if to prescribe, who is there but it must make him attentive to learn what is the meaning of this so great strength of the marriage bond?...Seeing that the compact of marriage is not done away by divorce intervening; so that they continue wedded persons one to another, even after separation; and commit adultery with those, with whom they shall be joined, even after their own divorce, either the woman with a man, or the man with a woman.” Augustine, *On the Good of Marriage*, section 7, trans. C.L. Cornish, NPNF, vol. 3 (Peabody, MA: Hendrickson, 1995), 402.

And in *On Marriage and Concupiscence*, Augustine avers, “So enduring, indeed, are the rights of marriage between those who have contracted them, as long as they both live, that even they are looked on as man and wife still, who have separated from one another, rather than they between a new connection has been formed. For by this new connection they would not be guilty of adultery, if the previous matrimonial relation did not still continue. If the husband die, with whom a true marriage was made, a true marriage is now possible by a connection which would before have been adultery. Thus between the conjugal pair, as long as they live, the nuptial bond has a permanent obligation, and can be canceled neither by separation nor by union with another.” Augustine, *On Marriage and Concupiscence*, 1.2, trans. Peter Holmes, NPNF, vol. 5 (Peabody, MA: Hendricksen, 1995), 268.

²⁰J. P. Arendzen, “Another Note on Matthew XIX, 3-12,” *Clergy Review* 21 (1941): 23-26; idem, “Rewriting St. Matthew,” *The Expositor* 16 (1918): 366-71.

²¹Bruce Vawter, “Divorce Clauses in Matthew 5:32 and 19:9,” *CBQ* 16 (1954): 155-67. Vawter later abandoned the preteritive view. See Bruce Vawter, “Divorce and the New Testament,” *CBQ* 39 (1977): 528-42. In this article, Vawter says the clauses must be regarded as “exceptive.”

²²Thomas V. Fleming, “Christ and Divorce” *TS* 24 (1963): 106-20.

²³Arendzen, “Another Note,” 25ff.

about which I shall make no comment—and remarries, he commits adultery.”²⁴

The Erasmian position finds its roots in 1519, when sixteenth-century Greek scholar and Catholic-humanist Erasmus declared that the innocent spouse in matters of adultery and desertion had the right to remarry. Although this view did not originate with Erasmus, it did gain wide acceptance under his influence and was later adopted and taught by the Reformers,²⁵ from where it has evolved into the standard Protestant position

²⁴John S. Feinberg and Paul D. Feinberg, *Ethics for a Brave World* (Wheaton, IL: Crossway, 1993), 306.

²⁵Luther taught that since the Old Testament legislated the death penalty for adultery, the guilty spouse could be considered figuratively “dead” and the innocent party had the right to remarry. In opposition to the Roman Catholic teachings of his day, Luther later allowed for divorce and remarriage for impotence, refusal of conjugal rights, desertion, and ignorance of a previous marriage. See Martin Luther, “The Babylonian Captivity,” in *Three Treatises*, trans. A. T. W. Steinhäuser, rev. Frederick C. Ahrens and Abdel Ross Wentz (Philadelphia: Fortress Press, 1970), 220-37. Some church historians suggest that Luther refused to confront Phillip of Hesse, an avid supporter of Luther, who in 1540 married Margaret Von Der Saale although he was still legally married to a previous wife. Earle E. Cairns, *Christianity through the Centuries*, rev. and enl. (Grand Rapids: Academie Books, 1981), 296. For an overview of Luther’s beliefs on this matter, see William Heth and Gordon Wenham, *Jesus and Divorce* (Carlisle: Paternoster, 1997), 79-81.

John Calvin (1509-64) took a more conservative approach to divorce and remarriage but still allowed some generous applications. Calvin understood Deut 24:1-4 to be a restraint upon a second remarriage. He did not see this passage as teaching approval or condemnation of divorce and remarriage. Calvin also upheld the belief that the innocent spouse in the case of adultery was to consider their spouse figuratively dead. Likewise, he permitted the deserted partner to remarry by way of assumption that the deserter would enter into another conjugal relationship. E.g., see John Calvin, *Commentary on a Harmony of the Evangelists*, trans. W. Pringle (Edinburgh: Calvin Translation Society, 1845-46), 2:384. For an overview of Calvin’s position, see Heth and Wenham, *Jesus and Divorce*, 81.

In 1643 John Milton argued that Jesus did not condemn divorce and remarriage but only the injury they created. He believed a couple could divorce for almost any reason, including mutual consent. His views were not only considered radical but heretical by some. John Milton, *The Doctrine and Discipline of Divorce* (London: n.p., 1644).

The Westminster Confession affirmed what the Reformers taught where in chapter 24 it states in section 5: “Adultery or fornication committed after a contract, being detected before marriage, giveth just occasion to the innocent party to dissolve that contract [Matthew. 1:18-20]. In the case of adultery after marriage, it is lawful for the innocent party to sue out a divorce [Matthew 5:32], and after the divorce to marry another, as if the offending party were dead [Matthew. 19:9; Romans. 7:2-3]. Section VI - Although the corruption of man be such as is apt to study arguments, unduly to put asunder those whom God hath joined together in marriage; yet nothing but adultery, or such willful desertion as can no way be remedied by the Church or civil magistrate, is cause sufficient of dissolving the bond of marriage [Matthew. 19:8-9; 1 Corinthians. 7:15; Matthew. 19:6]; where in a public and orderly course of proceeding is to be observed, and the persons concerned in it not left to their own wills and discretion in their own case [Deuteronomy 24:1-4].” Philip Schaff, ed. “Westminster Confession,” in *The Creeds of Christendom* (Grand Rapids: Baker, 1993), 3:656.

in regards to adultery and desertion as the two justifiable reasons for a Christian to divorce.²⁶

The betrothal view understands the situation addressed by Jesus in Matthew 5 and 19 as breaching the Jewish customary betrothal period in which a man and woman were considered husband and wife for one year before the marriage was officially consummated. This waiting period of around 12 months provided ample time to reveal whether a woman was pregnant when the betrothal period was instigated. If the woman proved to be immoral during this time, the contract could be broken by a divorce and since the marriage had not been consummated, the man was free to marry another. It was in light of this context that Jesus offered the exception clause.²⁷

The unlawful marriages view maintains that Jesus forbids unlawful marriages in the Matthew texts, and contains several variations. One of the more recent proposals is that the use of *porneia* by Jesus equals the forbidden degrees of kinship found in Leviticus 18:6-18.²⁸ In other words, Jesus prohibits marriages between near relatives, marriages that should not have been consummated in the first place. Jesus is teaching

²⁶There are many variations within the Erasmian camp but two of the more respected and lucid works from the twentieth century are R. H. Charles, *The Teaching of the New Testament on Divorce* (London: Wms. & Norgate, 1921) and John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed, 1961).

²⁷Abel Isaksson, *Marriage and Ministry in the New Temple: A Study with Special Reference to Mt. 19.13 and 1 Cor. 11.3-16* (Gleerup/Copenhagen: Munsgaard, 1965), 122-42; Charles C. Ryrie, "Biblical Teaching on Divorce and Remarriage," *GTJ* 3 (Fall 1982): 187; James M. Boice, "The Biblical View of Divorce," *Eternity* (1970): 19-21; and J. Dwight Pentecost, *The Words and Works of Jesus Christ* (Grand Rapids: Zondervan, 1981), 354-58. We will examine this view in more detail in the chapter dealing with these particular passages.

²⁸J. Carl Laney, *The Divorce Myth* (Minneapolis: Bethany, 1981), 71-81; J. R. Mueller, "The Temple Scroll and the Gospel Divorce Texts," *RevQ* 38 (1980): 247-56; F. J. Moloney, "Matthew 19, 3-12 and Celibacy. A Redactional and Form Critical Study," *JSNT* 2 (1979): 42-60.

“no divorce” except in the rare instance where a marriage has violated the prohibition of Leviticus 18:6-18.

The no-further-relations view argues, primarily on the basis of Paul’s words in 1 Corinthians 7, that if a divorce occurs then the Christian husband or wife is under obligation to remain single and chaste unless the divorced partner dies.²⁹

And the traditio-historical perspective dismisses the authenticity and historicity of the words of Jesus and attributes the New Testament teachings to later additions by traditions within the early church. The more radical adaptations of this view do not appear to be a viable option for the evangelical scholar who takes seriously the authoritative nature of the Bible.³⁰

Four Evangelical Views

From these seven views, there are four common evangelical views that summarize the variant positions. The “no divorce-no remarriage” perspective maintains that marriage was designed by God to be permanent unto death; therefore divorce and remarriage both constitute the sin of adultery.³¹

The “divorce, but no remarriage” view argues that even though legal separation and legal divorce may be advisable under certain biblically prescribed circumstances, one is not permitted to remarry after a divorce. Remarriage constitutes the sin of adultery.³²

²⁹J. D. M. Derrett, *Law in the New Testament* (London: Darton, Longman & Todd, 1970): 363-88, and W. J. Harrington, “The New Testament and Divorce,” *ITQ* 39 (1972): 178-86.

³⁰D. R. Catchpole, *Synoptic Divorce Material as a Traditio-historical Problem* (n.p., 1975); L. Sabourin, “The Divorce Clauses (Mt 5:32, 19:9),” *BTB* 2 (1972): 80-86.

³¹Laney, *The Divorce Myth*.

³²This view was popularized by W. A. Heth and Gordon J. Wenham, *Jesus and Divorce: Towards an Evangelical Understanding of New Testament Teaching* (Nashville: Thomas Nelson, 1985);

“Divorce and remarriage for adultery or desertion” is the standard Protestant view and contends the Bible allows for divorce in cases of adultery and or desertion by an unbeliever and the subsequent right to remarry.³³

The “divorce and remarriage for other reasons” position suggests that because humans are marred by sin, God’s marriage ideal will not always be achieved. In some cases, hard-heartedness (which may be displayed in a variety of ways, including adultery, abuse, abandonment, etc.) may so distort the marriage relationship that a divorce is the best one can do. It is the sole responsibility of the husband and/or wife to determine whether or not the marriage is actually over and it is time to divorce. Persons who divorce for any legitimate reason have the right to remarry.³⁴

Naturally these four positions have a number of variations within them that will be addressed throughout the course of this work, but they serve as the primary four interpretations in the field at this time.³⁵

Objectives

Now that we have discussed briefly the primary viewpoints concerning this subject matter, it is important to define the aim of this work. I will seek to accomplish

updated ed.; Carlisle: Paternoster, 1987). See also D. Warden, “The Words of Jesus on Divorce,” *ResQ* 39 (1997): 141-53. It should be noted that while Heth has recently changed his position, Wenham has not. See the dialogue between the two in William A. Heth, “Jesus on Divorce: How My Mind has Changed,” *The Southern Baptist Journal of Theology* (Spring 2002): 4-29 and Gordon Wenham, “Does the New Testament Approve Remarriage after Divorce?” *The Southern Baptist Journal of Theology* (Spring 2002): 30-45.

³³Many scholars embrace this position. For a general overview, see Thomas R. Edgar, “Divorce & Remarriage for Adultery or Desertion,” in *Divorce and Remarriage: Four Christian Views*, ed. H. Wayne House (Downers Grove: InterVarsity, 1990), 149-96.

³⁴Jay E. Adams, *Marriage, Divorce & Remarriage in the Bible* (Grand Rapids: Baker, 1980).

³⁵These four views are compared in *Divorce and Remarriage: Four Christian Views*, ed. H. Wayne House (Downers Grove: InterVarsity, 1990). It should be noted I will be dealing with the other relevant issues (such as the betrothal, incestuous relations, and historical-critical views) within the context of these four primary positions.

four primary tasks. One, I will offer a biblical theology of marriage based upon the biblical framework of covenant. In order to address the divorce/remarriage issue properly, one must begin with a proper understanding of marriage itself. In order for that to happen, one must return to the original implementation of the marriage relationship as found in the Garden of Eden. Genesis 2:24 serves as God's most basic explanation of marriage. The covenant terms which are used in that account set the stage for the remainder of Scripture and are crucial for understanding the marriage relationship.

Two, this work will exegete and investigate crucial Old Testament texts on divorce in light of the covenant framework upon which marriage is based. Particularly we will consider Deuteronomy 24:1-4 and Malachi 2:13-16 within their immediate and broader contexts. Other relevant Old Testament texts will be taken into consideration as well.

From there we will move to the heart of the paper where the relevant New Testament passages will be taken into consideration. The crucial Synoptic texts include Mark 10:1-12, Luke 16:18, Matthew 5:31-32 and 19:1-12. Jesus' words in these passages will be examined in light of their context and the overall covenant framework of Scripture. Finally the appropriate Pauline texts will be explored, focusing primarily upon 1 Corinthians 7 (and its context) and secondarily upon Romans 7:1-4.

Based upon the exegetical and theological groundwork of these key passages, this work will seek to offer a reasonable and biblical defense for the permissibility of divorce and subsequent remarriage based primarily upon a violation of the Genesis 2:24 covenant paradigm. In other words, I will argue that the teachings of Jesus and Paul

present legitimate grounds for divorce based upon a willful breach of the “leave and cleave” and the “one-flesh” covenant oath between a husband and a wife.

In the exception clause found in Matthew, Jesus addresses the “one-flesh” requirement of a covenant marriage and the desertion scenario found in Paul speaks to the “leave and cleave” principle. This approach is rather unique to the discussion and offers a biblical framework by which to approach the covenant marriage paradigm. My contribution to the field will be linking the Genesis 2:24 covenant model of marriage to the teachings of both Jesus and Paul.³⁶

God’s ideal for a covenant marriage is that it is permanent and binding, but when the covenant is violated (because of human sinfulness), God has provided allowances for justifiable divorce and consequent freedom to remarry. It is my contention that a proper understanding of the nature and intent of a covenant marriage itself and a proper understanding of the biblical grounds for permissible divorce and remarriage will strengthen the covenant of marriage and subsequently provide a biblical basis for solidifying Christian marriages. Divorce is one of the most dangerous threats to society as a whole because it abolishes our most basic societal institution: marriage itself. Yet when one properly understands marriage itself within God’s original design, then we can truly value and appreciate this institution God calls marriage. Our attention now turns to the marriage covenant itself.

³⁶There is a natural link to this passage in the Synoptics in that Jesus directly cites this verse. And although the verse itself is missing from Paul’s words to the Corinthians and Romans, I will argue that Paul is building upon an already laid foundation (as evidenced in his words on marriage found in Eph 5).

CHAPTER 2

A THEOLOGY OF MARRIAGE

A correct understanding of divorce and remarriage begins with a proper grasp of marriage itself. In the Synoptic accounts when Jesus was questioned by the Pharisees regarding the permissibility of divorce, he directed their attention to the earliest teaching of Scriptures on marriage: Genesis 2:24. Thus it is reasonable to first define marriage in its most basic terms before discussing the possible dissolution of a marriage or a remarriage after divorce. Part of the difficulty in dealing with this issue seems to stem from a failure to develop first a proper and biblical view of marriage. For this reason, this chapter will seek to offer a biblical theology of marriage. This work will define marriage based upon the biblical concept and nature of covenant.¹

¹There has been a plethora of writings in recent years on the nature and meaning of covenant within the Old Testament and the Near Eastern context. For a helpful summary of this research, see D. R. Hillers, *Covenant: The History of a Biblical Idea*, Seminars in the History of Ideas (Baltimore: Johns Hopkins, 1969); Klaus Baltzer, *The Covenant Formulary in Old Testament, Jewish, and Early Christian Writings* (Oxford: Basil Blackwell, 1971); D. J. McCarthy, *Old Testament Covenant: A Survey of Current Opinions* (Oxford: Basil Blackwell, 1972); and idem, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament*, AnBib 21a (Rome: Biblical Institute, 1981).

The outcome of much of this research has often left the Old Testament notion of covenant ambiguous and puzzling. Even the exact meaning of the Hebrew word בְּרִית has been widely debated. Yet this author finds no compelling reason to translate בְּרִית any way other than “covenant” so throughout this work *berith* will be translated covenant. For a defense of this rendering, see E. W. Nicholson, *God and His People. Covenant and Theology in the Old Testament* (Oxford: Clarendon, 1986), 105ff.

This chapter will also seek to make the case that marriage should be understood in terms of covenant. For more thorough works devoted exclusively to this topic, see G. R. Dunstan, “The Marriage Covenant,” *Theology* 78 (1975): 244-52; David Atkinson, *To Have and to Hold: The Marriage Covenant and the Discipline of Divorce* (London: Collins, 1979); R. S. Wescott, “The Concept of b^erith with Regard to Marriage in the Old Testament” (Th.M. thesis, Dallas Theological Seminary, 1985); and Gordon Paul Hugenberger, *Marriage as a Covenant: A Study of Biblical Law and Ethics Governing Marriage Developed from the Perspective of Malachi* (New York: E. J. Brill, 1994).

Arguments against Identifying Marriage as a Covenant

Before examining the biblical evidence in favor of understanding marriage in terms of covenant, it is important to distinguish some of the arguments against identifying marriage within a covenantal framework.²

Some argue against recognizing marriage in terms of covenant based upon a more specific definition of בְּרִית (“covenant”). Many of these arguments arise from the belief that covenant has more to do with the actual ratifying oath that seals the covenant than with the nature of the relationship between the covenantal parties.³ For example, Palmer maintains that because covenant necessitates an exclusive and unbreakable bond (in opposition to a contract) and the Old Testament sanctions divorce, marriage should not be understood in such legal and binding terms. He writes:

In a society where polygamy and divorce were sanctioned by Mosaic law, where the wife was regarded as the property of the husband and adultery a violation of the rights of the Hebrew male, where fecundity was still the overriding concern, it would be unreal to speak of Jewish marriage as a covenant either of love or of fidelity.⁴

This work will reason that the ratifying oath is a necessary part of the construction of a biblical covenant, but that the two terms are not synonymous.

A second argument against identifying marriage in terms of covenant is based upon what some scholars believe is an unmerited blending of the Old Testament images

²These are the principal arguments against identifying marriage as covenant as outlined in Hugenberger, *Marriage as a Covenant*, 4-8.

³Nicholson contends that the evidence for identifying Yahweh’s relationship with Israel in simple relationship terms is simplistic and exaggerated. Nicholson, *God and His People*, 20. E. Kutsch goes so far as to suggest that בְּרִית does not even mean covenant. Ernst Kutsch, “Gesetz und Gnade. Probleme des alttestamentlichen Bundesbegriff,” *ZAW* 79 (1967): 18-35, and idem, *Verheissung und Gesetz. Untersuchungen zum sogenannten ‘Bund’ im Alten Testament*, Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft 131 (Berlin: Walter de Gruyter, 1973).

⁴P. F. Palmer, “Christian Marriage: Contract or Covenant?” *TS* 33 (1972): 621.

of Yahweh being in covenant with His people and the marital language often employed to describe this divine-human relationship.⁵ Milgrom observes that in such instances “the term *bryt* . . . is a literary usage and carries no legal force.”⁶ To demonstrate his point, he refers to Ezekiel 16:8, where the oath in the text “is taken by God whereas it should have been expected of the bride, Israel, for it is the bride, not the husband, who is the subject to the laws of adultery.”⁷

Greenberg confirms this line of reasoning when he explains the origins of the covenant described in this passage, not as an expression of an actual marriage, but as a combination of Yahweh’s oath to the Promised Land descendents and “the solemn declaration of mutual obligation connected with the Exodus and covenant with the people.”⁸ In other words, the metaphor has nothing to do with a literal marriage but is merely symbolic of God’s covenant oath with His people.⁹

The contention of this work will be that covenant does serve as a model for a proper understanding of marriage and that the use of marital language to describe Yahweh’s relationship with Israel simply reinforces the defining characteristics of a

⁵Some of the more obvious passages include Hos 1-3, Isa 54:5-8, Jer 3, and Ezek 16.

⁶Jacob Milgrom, *Cult and Conscience: The Asham and the Priestly Doctrine of Repentance*. Studies in Judaism in Late Antiquity (Leiden: E. J. Brill, 1976), 134.

⁷Ibid.

⁸Moshe Greenberg, *Ezekiel 1-20: A New Translation with Introduction and Commentary*, AB, vol. 22 (Garden City, NY: Doubleday, 1983), 278.

⁹See also C. M. I. Kalluveetil, *Declaration and Covenant. A Comprehensive Review of Covenant Formulae from the Old Testament and the Ancient Near East*, AnBib 88 (Rome: Biblical Institute, 1982).

covenant relationship. As we shall observe, covenant serves as a framework for the most fundamental of all relationships: marriage.¹⁰

A third argument simply stated is that no Old or New Testament text explicitly identifies marriage as a “covenant” (בְּרִית or διαθήκη).¹¹ While the exclusion argument may appear valid at first, it is imperative to remember that the sheer absence of a word from Scripture does not prohibit its reality and influence. For example, neither the word Trinity nor Bible is found in Scripture, yet both words are fundamental to Christian doctrine. Silva makes a similar point when he points out that the word “hypocrisy” is noticeably absent from Isaiah 1:10-15, where the teaching is obvious.¹² And while the word “covenant” is seldom found in the prophets, several scholars have demonstrated that it serves as a primary framework for these writings.¹³ In fact, the word “covenant” does not even appear in the recognized Davidic covenant of 2 Samuel 7 although David himself later identifies this agreement with God as a “covenant” (2 Sam 23:5).¹⁴ As Mendenhall notes there are “numerous references to covenants and covenant

¹⁰For a more thorough refutation of Milgrom and Greenberg, see Hugenberg’s chapter on covenant and oath. Hugenberg, *Marriage as a Covenant*, 168-215.

¹¹The LXX translators chose the word *διαθήκη* to translate the Hebrew *בְּרִית*. For a discussion on the legitimacy of this translation, see Geerhardus Vos, *Biblical Theology: Old and New Testaments* (Edinburgh: Banner of Truth Trust, 1975), 33-35.

¹²M. Silva, *Biblical Words and their Meaning: An Introduction to Lexical Semantics* (Grand Rapids: Zondervan, 1983), 26ff.

¹³For example, see Hillers, *Covenant*.

¹⁴“Truly is not my house so with God? For He has made an everlasting covenant with me, Ordered in all things, and secured.” In Ps 89, God’s promise to David is referred to as a covenant four times (Ps 89:3, 28, 34, 39). Unless otherwise noted, all Scripture references are taken from the New American Standard Bible.

relationships where this term does not occur.”¹⁵ Nevertheless it is notable that the word covenant is conspicuously lacking from both testaments when the text deals specifically with marriage.¹⁶ It will be important to address this question as we interact with the text. In light of these three arguments, is it reasonable to identify marriage in covenant terms?

Marriage as a Covenant

In his tour de force *Church Dogmatics*, Karl Barth identifies “covenant fidelity” as the internal meaning and purpose of our creation as human beings in God’s divine image and the rest of the created order as the external framework for and condition of the possibility of maintaining covenant.¹⁷ Barth’s claim appears valid when one examines the consistent biblical witness of God’s interaction with people from Adam, Abraham, Moses, David, through the prophets and into the new covenant established in Christ. As P. R. Williamson points out,

The “covenant” concept is one of the most important motifs in biblical theology. As well as being reflected in the traditional title of the two parts of the Christian Bible, the Old and New Testaments (i.e. covenants), the covenant idea looms large at important junctures throughout the Bible. The concept underpins God’s relationship with Noah, the patriarchs, Israel, the Aaronic priesthood, and the Davidic dynasty. It is also used with respect to God’s relationship with the reconstituted “Israel” of the future. Therefore, while “biblical” and “covenant theology” are not synonymous, the covenant concept is undoubtedly one of the Bible’s core theological themes.¹⁸

¹⁵ G. E. Mendenhall, “Covenant,” in *IDB*, ed. G. A. Buttrick et al. (Nashville: Abingdon, 1962), 715.

¹⁶ Traditionally there are three texts that have been cited that specifically identify marriage as a covenant: Prov 2:17, Ezek 16:8, and Mal 2:14. However even these three passages are somewhat problematic as to their exact meaning. We will discuss them in more detail later.

¹⁷ Barth’s treatment of this subject is found in vols. 3 and 4 of *Church Dogmatics*. Karl Barth, *Church Dogmatics*, ed. G. W. Bromiley and T. F. Torrance, 5 vols. (Edinburgh: T. & T. Clark, 1956-77).

¹⁸ P. R. Williamson, “Covenant,” in *New Dictionary of Biblical Theology*, ed. T. Desmond Alexander et al. (Downers Grove, IL: InterVarsity Press, 2000), 419-20.

Covenant certainly serves as one of the primary frameworks for analyzing God's relationship to his human creation. Based upon the consistency of the biblical evidence and the intimacy of the creation event itself, one might even argue that all human relations can be recognized in covenantal terms. That being the case, it makes natural sense that the most complete expression of human relations, a marriage between a man and a woman, can also be established within the covenant framework.

What is necessary at this point is to consider the basic components that typically characterize a covenant within the biblical construct. In spite of the ongoing debate regarding the precise meaning of בְּרִית a general consensus seems to exist among many scholars concerning the basic elements of a biblical covenant.¹⁹

While the etymology of the Hebrew word בְּרִית is vague, three primary roots have found wide acceptance: (1) the Hebrew *bārâ* which means "to eat bread with," (2) the Middle Assyrian noun *berītu* which translates "bond" or "fetter," and (3) the

¹⁹It is important at this point to note that this dissertation focuses upon the biblical meaning of covenant in specific relation to the topic of marriage. We will not address other topics such as the federal theology issues associated with a "covenant of works" versus a "covenant of grace." See P. A. Lillback, "Covenant," in *New Dictionary of Theology*, ed. S. B. Ferguson, D. F. Wright, and J. I. Packer (Downers Grove, IL: InterVarsity, 1988), 173-76, and W. Wilson Benton, Jr., "Federal Theology: Review for Revision," in *Through Christ's Word: A Fs for Dr. Philip E. Hughes*, ed. W. R. Godfrey and J. L. Boyd III (Phillipsburg, NJ: Presbyterian and Reformed, 1985), 180-204.

Nor will we be discussing covenant as a possible theological center to the Old Testament. See W. Eichrodt, *Theology of the Old Testament*, 2 vols., trans. P. A. Ackroyd (London: SCM, 1961).

Outside of these theological topics, there is also extensive debate regarding the historical and/or sociological nature of covenant in terms of the wider Near Eastern background where different types of covenants served assorted purposes. Ancient documents show the wide range of covenants between humans and most of them entreated religious sanctions of some sort. The Old Testament picture of covenants contains both similarities and differences to the other covenants of that day. However, it is not the primary purpose of this work to examine this overall historical and sociological background. The similarities and differences will be presumed and noted when applicable. While the amount of research and literature on this issue is vast, for a detailed overview of these primary extant treaties and their data, see George E. Mendenhall, *Law and Covenant in Israel and the Ancient Near East* (Pittsburgh: The Biblical Colloquium, 1955), and J. H. Walton, *Ancient Israelite Literature in Its Cultural Context* (Grand Rapids: Zondervan, 1989).

Akkadian preposition *birīt* which means “between.” The Old Testament term בְּרִית came to represent that which bound two parties together. J. Arthur Thompson explains:

[*berith*] was used for many different types of “bond,” both between man and man and between man and God. It has a common use where both parties were men, and a distinctively religious use where the covenant was between God and man. The religious use was really a metaphor based on the common use but with a deeper connotation.²⁰

With these possible origins in mind, it is important to remember that the contextual usage of a word is more significant than its etymological heritage.

Hugenberger defines a biblical covenant as “an elected, as opposed to natural, relationship of obligation under oath.”²¹ Kline describes בְּרִית as a “sanctioned-sealed commitment to maintain a particular relationship or follow a stipulated course of action. In general, then a covenant may be defined as a relationship under sanctions.”²² And Mendenhall offers this meaning: “a solemn promise made binding by an oath, which may be either a verbal formula or a symbolic oath.”²³ The concept of covenant may also be encapsulated as:

An agreement between two parties based on promise, which includes four elements: First, an undertaking of committed faithfulness made by one party to the other (or to each other); secondly, the acceptance of that undertaking by the other party; thirdly, public knowledge of such an undertaking and its acceptance; and fourthly, the growth of a personal relationship based on and expressive of such a commitment.²⁴

²⁰J. Arthur Thompson, “Covenant,” in *ISBE*, ed. Geoffrey W. Bromiley et al. (Grand Rapids: Eerdmans, 1979): 1:790.

²¹Hugenberger, *Marriage as a Covenant*, 11.

²²M. G. Kline, *By Oath Consigned: A Reinterpretation of the Covenant Signs of Circumcision and Baptism* (Grand Rapids: Eerdmans, 1968), 16.

²³G. E. Mendenhall, “Covenant,” in *IDB*, ed. G. A. Buttrick et al. (Nashville: Abingdon, 1962): 1:714.

²⁴Atkinson, *To Have and to Hold*, 70.

Based upon these definitions, some common covenantal components help one identify marriage in terms of covenant. First, a covenant is an elected relationship as opposed to a natural blood tie. D. J. McCarthy observes that covenant was “the means the ancient world took to extend relationships beyond the natural unity by blood.”²⁵ Kalluveetil adds that the “[concept of] covenant is relational, in one way or other it creates unity, community.”²⁶ So a covenant needs to be understood in terms of a voluntary commitment between two parties who elect to enter a relationship. Ramsey contributes, “The conscious acceptance of covenant responsibilities is the inner meaning of even the ‘natural’ or systemic relations into which we are born and of institutional relations or roles we enter by choice, which this fabric provides the external framework for human fulfillment in explicit covenants among men.”²⁷ When applied specifically to the covenant of marriage, it should be noted this man-woman relationship is fundamentally one of elected choice. Atkinson regards covenant theology (a propos marriage) as a “theology of personal pronouns.”²⁸ Individual persons choose to enter into this covenantal relationship.

Second, the covenant relationship is confirmed by an oath of fidelity.²⁹ A covenant is sealed by a pledge, a promise of faithfulness. Weinfeld avers, “*berith* as a

²⁵McCarthy, *Treaty and Covenant*, 175.

²⁶Kalluveetil, *Declaration and Covenant*, 51.

²⁷P. Ramsey, *The Patient as Person: Explorations in Medical Ethics* (New Haven: Yale University Press, 1970), 4.

²⁸Atkinson, *To Have and to Hold*, 70.

²⁹In contrast, Lohfink equates *berith* strictly with an oath. N. Lohfink, *Die Landverheissung als Eid: Eine Studie zu Gn. 15*, *Stuttgarter Bibel-Studien* 28 (Stuttgart: Verlag Katholisches Bibelwerk, 1967), 101-13.

commitment has to be confirmed by an oath . . . [because] the oath gives the obligation its binding validity.”³⁰ McCarthy proposes that the foundational base of the covenant is “a union based upon an oath.”³¹ In terms of marriage, the covenant must be sealed with an oath of faithfulness and fidelity. The absence of this ratifying oath would exclude marriage from covenantal substance.³²

Third, a covenant relationship assumes faithfulness between the two consenting parties. Patterned after the Genesis 2:24 model, the marriage covenant is an exclusive, permanent interpersonal communion between a man and a woman. The “one flesh” relationship demands absolute fidelity.

Four, a covenant grants the involved parties a level of confidence and safety. A covenant was intended to be enduring. While covenant parties did not always maintain loyalty to the covenant boundaries, the nature of the covenant was permanently binding.

These defining elements of a covenant can be summarized in terms of parties, conditions, results, and security.³³ To try and understand marriage within the covenant

³⁰M. Weinfeld, “Berith,” in *TDOT*, English rev. ed. (1977-), ed. G. J. Botterweck and H. Ringgren (Grand Rapids: Eerdmans, 1977), 2:256.

³¹McCarthy, *Treaty and Covenant*, 141.

³²It is important to note here that this work does not attempt to expand upon the differences between the oath and the covenant itself. The two terms do not appear to be completely synonymous. I simply embrace the idea that in the context of a biblical covenant, the oath is the ratifying seal that helps confirm the covenant. It is difficult to isolate a single meaning and interpretation of a word like oath that is so ubiquitous in the text. The Hebrew stem itself appears 216 times in the Old Testament alone, and it is translated a number of ways according to its context. One discovers upon examination that biblical oaths can be conditional or unconditional, binding on subsequent generations or temporary, sacred or profane, and even used for the purpose of purification. These are just a few examples of the varying characteristics of a biblical oath. However, it can be rightfully argued that some type of oath is essential to the validation of a covenant. For discussion of the term “oath,” see F. C. Fensham, “Oath,” in *ISBE*, ed. Geoffrey W. Bromiley (Grand Rapids: Eerdmans, 1986): 572-74; Manfred R. Lehmann, “Biblical Oaths,” *ZAW* 81 (1969): 74-92; and Marvin H. Pope, “Oaths,” in *IDB* (Nashville: Abingdon, 1962): 3:575-77.

³³William Luck, *Divorce and Remarriage: Recovering the Biblical View* (San Francisco: Harper & Row, 1987), 26. See also R. Killen and J. Rea, “Covenant,” in *Wycliffe Bible Dictionary*, ed.

framework, one must examine these four elements in light of the overall covenant paradigm of Scripture.

Parties

Although the involved parties of a biblical covenant may vary from individuals, groups, or even entire nations, covenants were basically either between two or more humans or between God and humans. Both types will be examined briefly.

The following examples of human-to-human covenants are all found in the Old Testament:³⁴ (1) a willful and mutual commitment of a deeply personal and intimate nature, such as that shared by Jonathan and David (1 Sam 18:3; 20:8; 22:8; 23:18); (2) an agreement between persons for primarily political objectives (2 Sam 3:12ff.); (3) a treaty between tribal heads (Gen 14:13; 21:22-32; 26:26-31); (4) an agreement between an individual and tribal delegates, such as Rahab and the Israelite spies (Josh 2); (5) a pact between a king and an individual (1 Kgs 2:42-46); (6) an agreement between a king and a certain faction of his nation (2 Sam 5:1; 1 Chr 11:3); (7) suzerain-type treaties made between a king and his vassals (2 Sam 8; 1 Kgs 4:21); (8) a treaty requested by a weaker group to a stronger tribe for the purpose of protection (Josh 9:6ff.; 1 Sam 11:1ff.; 1 Kgs 20:34), or imposed by a stronger nation upon a weaker people group (Hos 12:1; Ezek 17:13), or mutually agreed upon by equal parties (1 Kgs 5:12; 1 Kgs 15:19); (9) a fervent pledge by the nation of Israel to keep the law of Moses (2 Kgs 23:3; Jer 34:8; Ezra 10:3;

Charles Pfeiffer, H. Voss, and J. Rea (Chicago: Moody, 1975): 306. Roger Beckwith charts the chief characteristics of seven major covenants in the Bible. These marks include promises, commands, oaths, sacrifice, signs, and parties. Roger Beckwith, "The Unity and Diversity of God's Covenants," *TynBul* 38 (1987): 93-118.

³⁴A complete list of these covenants is provided in Thompson, "Covenant," 791.

Neh 9:38; 10:29); (10) a marriage (Mal 2:14); and (11) metaphorical covenants with things (Hos 2:18; Jer 33:20, 25; Isa 28:15, 18; Zech 11:10; Job 5:23; 31:1; 41:4).

In many of these human-to-human instances, shared aspects of the Near Eastern treaty pattern can be recognized. Most of them include some type of conditions or provisions, oaths or promises, and blessings and curses based upon faithfulness to the agreement. However, since Yahweh is the assumed witness behind all of the Old Testament, unlike most of the Near Eastern treaties and oaths no mention is made of other gods as witnesses. On a few occasions other peripheral witnesses are evoked (such as a pillar [Gen 31:52] or the people themselves [Josh 24:22]), but for the most part divine sanctions are implicit. These human covenants were often made “between” parties “for the benefit” of those involved and were to be maintained.³⁵

While the covenants between God and humans were similar in construct to the suzerainty treaty pattern of the Near Eastern culture, they were distinct in their nature. For one, the Old Testament covenants between God and Israel were based solely upon the love, mercy, and goodness of God, who was the loyal covenant partner regardless of Israel’s constant and willful defiance. Emphasis is placed upon the initiative of the God who “establishes” (וּבְרָא),³⁶ “grants” (וְנָתַן),³⁷ “sets down” (שָׁטַח),³⁸ and “commands” (צִוָּה).³⁹ Each of these verbs often have covenant (בְּרִית) as their object stressing Yahweh’s initiative in the agreements. Throughout the Old Testament God gives

³⁵Ibid.

³⁶Gen 6:18; 9:11; 17:7

³⁷Gen 9:12; 17:2; Num 25:12

³⁸2 Sam 23:5

³⁹Josh 7:11; 23:16; 1 Kgs 11:11

commands, laws, statutes, and judgments that Israel is expected to obey.⁴⁰ When Israel rejected or disobeyed God's law, they were consequently judged. God is often portrayed as the Sovereign who is always faithful to the covenant while Israel is depicted as the wayward partner who constantly breaches the covenant obligations.

Within this context of God-human covenants, the Old Testament also discusses a few covenants that are more personal in nature. Examples would include God's covenant with Noah (Gen 9:9-17); the Abrahamic covenant (Gen 15:8-18; 17:1-14); God's covenant with Israel at Sinai (Exod 19-24); and the Davidic covenant (2 Sam 7:12-17). There are also times when God reaffirms an existing or broken covenant with the initial parties or their descendants.⁴¹

What is evident from these Old Testament examples is that the covenant concept is a dominant theme of both human-to-human relationships and God-to-human relationships. And whether the relationship was one of parity or disparity, the inclusion of at least two willing parties was essential to establish and maintain a covenant.

A question that naturally emerges from this evidence in relation to biblical marriages is whether the involved parties were considered willing equals. Given the Old Testament directive for the husband to "pay a price" for his wife (Gen 34:12; Exod 22:16; Deut 22:28) and the New Testament teaching on the husband as the "head" of his wife, who in return is instructed to "submit" to her husband (Eph 5:22-23; Col 3:18), one might conclude that marriage within the biblical framework is between unequal parties.

⁴⁰Thompson, "Covenant," 792.

⁴¹E.g., Deut 29; Josh 24; 2 Kgs 11; 23:3; and 2 Chr 29:10

However, as we will discover when we examine the Genesis 2:24 model for covenant marriage, God created men and women as equal representatives of the divine image.

While the Bible prescribes distinct roles for men and women in the marriage relationship, those roles are not based upon gender inequality. The biblical paradigm presents two equal parties with separate role responsibilities entering willfully into the marriage covenant.⁴²

Conditions

If the parties of a marriage are equal, then we must also speak of the marriage covenant in terms of a joint or mutual agreement with certain expectations. Because human covenants are dependent upon the acceptance and adherence of the covenant conditions to which the involved parties have agreed, this conditional element of a marriage is vital to the overall discussion of the permissibility of divorce and/or remarriage. Admittedly some God-human covenants appear unilateral in nature, but even in many of these instances God conditions the results of the covenant upon human faithfulness and obedience. For example, one might regard the Abrahamic covenant as unilateral and unconditional. And indeed the covenant itself appears to be unconditional when God pronounces clearly to Abraham in Genesis 17:7:

⁴²Luck quotes Lev 19:20 as a scriptural example of husband and wife equality. “Now if a man lies carnally with a woman who is a slave acquired for another man, but who has in no way been redeemed, nor given her freedom, there shall be punishment; they shall not, however, be put to death, because she was not free.” Luck comments, “What this is saying is that in concubinage the woman is judged differently than in a ‘full marriage.’ This implies . . . status equality. Status equality, in turn, reminds us of the intimate companionship of a covenantal relationship. The partners are seen as ‘companions,’ that is, two individuals bound together as equals.” Luck, *Divorce and Remarriage*, 27. It is not the purpose of this work to defend an egalitarian or complementarian view of manhood and womanhood. What both sides should be able to agree upon is that a marriage is between two equal humans who reflect the image of God. This truth transcends the role debate.

And I will establish my covenant between me and you and your descendants after you throughout their generations for an everlasting covenant, to be God to you and to your descendants after you. And I will give to you and to your descendants after you, the land of your sojournings, all the land of Canaan, for an everlasting possession; and I will be their God.

The covenant itself is “everlasting.” Yet it also seems that participation in the covenant blessings is conditional for in Genesis 17:14 God states, “But an uncircumcised male who is not circumcised in the flesh of his foreskin, that person shall be cut off from his people; he has broken My covenant.” It seems clear in this subsequent verse that involvement in and loyalty to the covenant are provisional. God’s covenant, while eternal in its nature, calls for conditional demands.

Furthermore, the Mosaic covenant, to which it could be argued that the marriage-divorce imagery of the Old Testament is most often related, is certainly conditional. Moses is unambiguous in Deuteronomy 27-30 that obedience to God’s covenant results in God’s blessing and disobedience to God’s covenant results in God’s judgment. The “if . . . then” formula established throughout these chapters makes it clear that the covenant and the blessings and curses contained therein hinge upon the obedience of the people to the laws and commands of God. The prophet Jeremiah confirms the conditional nature of the Sinai covenant when he records this covenantal promise from the Lord:

“Behold, days are coming,” declares the Lord, “when I will make a new covenant with the house of Israel and with the house of Judah, not like the covenant which I made with their fathers in the day I took them by the hand to bring them out of the land of Egypt, My covenant which they broke, although I was a husband to them,” declares the Lord, “I will put My law within them, and on their heart I will write it; and I will be their God, and they shall be My people.” (Jer 31:31-32)

It is obvious from these words that the Israelites “broke” their original covenant with God through disobedience. They violated the conditions of the covenant.

In support of a condition-based covenant, Palmer argues that the Sinai covenant, which he maintains is patterned after the fourteenth century B.C.E. Hittite covenants, requires fidelity to certain covenant demands that were based upon Yahweh's unique relationship with his people. "In the Hittite covenants the relationship between the covenanters is that of king to subject, lord to vassal. In the Sinai covenant the relationship is that of maker to creature, lord to servant, redeemer to redeemed."⁴³ And the realization of the covenant blessings depends primarily upon compliance to the covenant obligations.

It should also be noted that the God-human covenant is always conditioned upon the obedience of humans and never hinges upon God's commitment to faithfulness. Yahweh is portrayed as the ever-faithful partner that always fulfills His part of the covenant. The sinfulness of humans causes covenants to be broken, which is especially important to remember when considering human-to-human covenants which one can argue are all "bilateral and conditional."⁴⁴

The conditional covenant language is connected specifically in the Old Testament to marriage. For example, Proverbs 2:17 sets apart the adulterous wife as the one who "leaves the companion of her youth, and forgets the covenant of her God." Not only is the word covenant employed here to describe the marriage, but also the implication that the wayward wife has forgotten the marriage covenant. In addition, the covenant is tied directly to God, emphasizing the divine sanction and ordination of the marriage covenant.

⁴³Palmer, "Contract or Covenant," 619.

⁴⁴Killen and Rea, "Covenant," 387.

As the history of Israel unfolds, the prophetic literature introduces a new element to the conditional stipulations. God's loyalty is still present but it is expressed in marital terms of steadfast love and commitment. Yahweh is even identified as Israel's faithful husband. Isaiah 54:5-6: "For your husband is your Maker, whose name is the Lord of hosts; and your Redeemer is the Holy One of Israel, who is called the God of all the earth. For the Lord has called you, like a wife forsaken and grieved in spirit, even like a wife of one's youth when she is rejected." The conditions still exist and now God adopts the analogy of a devoted husband who maintains loyalty to the covenant in spite of his wife's infidelity and rebelliousness.

Likewise in Jeremiah 31:32 God uses marital terminology to describe his broken relationship with Israel and in Ezekiel 16:8 God employs lucid marriage images in establishing His "covenant" relationship with unfaithful Jerusalem.⁴⁵ Later in the same chapter marital language is once again utilized to define the eternal covenant that God has made with His people (Ezek 16:59-62).

The story of Hosea the prophet and his wayward wife Gomer also expounds God's covenant of grace with His people. Gomer's harlotry is used as an example of Israel's disloyalty to God. And Hosea serves as an illustration of God's constant covenant love and mercy as he seeks out and restores his unfaithful wife. In similar fashion, God pursued and forgave wayward Israel in spite of her spiritual harlotry.

⁴⁵Marvin Pope attempts to show that "spreading one's cloak" over a woman is an Arab euphemism for sexual intimacy. Marvin H. Pope, "Mixed Marriage Metaphor in Ezekiel 16," in *Fortunate the Eyes That See—Essays in Honor of David Noel Freedman in Celebration of His Seventieth Birthday*, ed. Astrid Beck (Grand Rapids: Eerdmans, 1995), 384-99. Ruth 3:9 also insinuates that this might have been a common betrothal ritual. Whether Ruth and Boaz engaged in sexual activity during this exchange is highly debatable.

Malachi 2:14 identifies the Lord as “a witness between you and the wife of your youth, against whom you have dealt treacherously, though she is your companion and your wife by covenant.” Again we have a connection between the marriage covenant and the confirmation of the covenant by God.

One can argue that the use of the word “covenant” in these specific incidents and the repeated analogy of Yahweh as the faithful husband of adulterous Israel support the understanding of marriage in covenant terms. As David Instone-Brewer points out, “The word ‘covenant’ may mean a ‘marriage covenant’ or a ‘treaty covenant’ and often in these passages it means both. The marriage covenant of God with his people is, at times, almost synonymous with his treaty covenant with them.”⁴⁶ Particularly in the prophecies of Jeremiah and Ezekiel, these two images of marriage and treaty covenant are entwined in order to draw out relational comparisons.

One can observe from the synopsis provided above that human covenants are conditional. The marriage covenant is no exception. Even in God-human agreements, the covenant is conditioned upon human fidelity, although God assumes the analogous role of a faithful husband who maintains a steadfast love for his wayward bride.

Results

What is also evident in the biblical paradigm of covenant is that direct results stand in correlation to one’s fidelity to the covenant. Covenants were cemented by benefits and penalties. Since a covenant is conditioned upon one’s adherence and faithfulness to the established parameters of the covenant, a breach of the covenant

⁴⁶David Instone-Brewer, *Divorce and Remarriage in the Bible: The Social and Literary Context* (Grand Rapids: Eerdmans, 2002), 2.

boundaries results in the covenant itself being threatened or temporarily broken. When God warns the Israelites to remain faithful to the covenant, He also cautions them that a violation of the covenant would lead to their demise. In Deuteronomy 28:15, 20, God declares,

But it shall come about, if you will not obey the Lord your God, to observe to do all His commandments and His statutes with which I charge you today, that all these curses shall come upon you and overtake you The Lord will send upon you curses, confusion, and rebuke, in all you undertake to do, until you are destroyed and until you perish quickly, on account of the evil of your deeds, because you have forsaken me.

These final chapters of Deuteronomy are filled with severe warnings of what will happen if the covenant is violated.

On the other hand, loyalty to the covenant brings the blessings of God upon the people and the land. For example, Deuteronomy 28:1-2 reads,

Now it shall be, if you will diligently obey the Lord your God, being careful to do all His commandments which I command you today, the Lord your God will set you high above all the nations of the earth. And all these blessings shall come upon you and overtake you, if you will obey the Lord your God.

Covenant fidelity promised great reward and blessing. Results were an intrinsic part of the covenant.

Security

Hand in hand with the blessings of living within the covenant parameters is the security that comes from living in obedience to the covenant. When God spoke to Moses and promised to deliver His people from the oppressive hand of the Egyptians, He instructed Moses to tell the people

I have heard the groaning of the sons of Israel, because the Egyptians are holding them in bondage; and I have remembered My covenant . . . I am the Lord, and I will bring you out from under the burdens of the Egyptians, and I will deliver you from

their bondage. I will also redeem you with an outstretched arm and with great judgments. Then I will take you for My people, and I will be your God and you shall know that I am the Lord your God, who brought you out from under the burdens of the Egyptians. And I will bring you to the land which I swore to give to Abraham, Isaac, and Jacob, and I will give it to you for a possession; I am the Lord. (Exod 6:5-8)

From these words alone, one can grasp the security that came to Israel when they were faithful to live in obedience to the covenant. God claims His people for His own. God personalizes their relationship. “I will take you for My people,” God declares. “I will be your God and you shall know that I am the Lord your God.” These are promises of security and trust.

When speaking to the security of a covenant marriage, it is also important to consider the payment systems of Old Testament culture. From all indications, payments varied at different times and in different cultures throughout the Old Testament period. E. M. Yamauchi identifies from the Old Babylonian culture two primary payments: the “bride-price” (*terhatu*), which sealed the betrothal period and was paid by the groom to the father of the bride, and the “dowry” (*sheriqtu*), which was paid by the bride’s father to the bride.⁴⁷ The Jewish equivalent of the *terhatu* was known as the *mohar*⁴⁸ and the Jewish equivalent of the *sheriqtu*⁴⁹ was known as the *nedunyah*. Yahweh is depicted as paying a different “bride-price” when He married Israel, the price of “righteousness and justice” (Hos 2:19).⁵⁰

⁴⁷Edwin M. Yamauchi, “Cultural Aspects of Marriage in the Ancient World,” *BSac* 135 (1978): 241-52.

⁴⁸Gen 24:53; Exod 22:16-17; Hos 3:2. Instone-Brewer, *Divorce and Remarriage in the Bible*, 4.

⁴⁹Judg 1:14-15; 1 Kgs 9:16; Ezek 16:33.

⁵⁰Korpel translates this text as follows: “And I will betroth you to me for ever, and I will betroth you to me, at the price of righteousness and justice, at the price of faithfulness and mercy. Yea, I

The purpose of these payments was two-fold: to provide security to the marriage and to seal the covenant legally.⁵¹ The dowry afforded security to the bride in that the father of the bride would often give a payment well in excess of the necessary bride-price in order to protect the daughter's share in the family estate, help the couple set up their home, and safeguard the bride in case the husband died or divorced her.

These payments also helped secure the sanctity of the marriage itself. Instone-Brewer explains:

The bride-price, which was paid by the groom to the bride's father, represented many months wages. This helped to ensure that marriage was not entered into lightly. The whole system of payments was weighted against divorce, because whoever caused the divorce was penalized financially. If the husband divorced his wife without cause, he usually returned the dowry, and if the wife divorced her husband without cause, she lost her right to some or all of her dowry. However if the divorce was caused by one partner breaking a stipulation in the marriage contract, the guilty partner was deemed to have caused the divorce and the innocent partner kept the dowry.⁵²

Obviously such payment provided security to the husband and wife individually and to the marriage as a whole. This bride-payment involved great sacrifice and confirmed the marriage covenant.

It could be argued that such conditions make a marriage contractual rather than covenantal and indeed recent studies have attempted to distinguish between marriage as a

will betroth you to me, at the price of reliability, and you shall know the Lord." She notes that "at the price of" is the same phrase employed in 2 Sam 3:14 where David betrothed Michal for the price of a hundred Philistine foreskins. "To know" is a euphemism for sexual intercourse, which cements the covenant relationship. Marjo Christina Annette Korpel, *A Rift in the Clouds: Ugaritic and Hebrew Descriptions of the Divine* (Münster: Ugarit-Verlag, 1990), 229.

⁵¹Instone-Brewer, *Divorce and Remarriage in the Bible*, 5.

⁵²Ibid., 6. Instone-Brewer turns to Deut 24:1-4 as an example of this action. We will examine this text in detail in the next chapter.

covenant and marriage as a contract.⁵³ One of the difficulties in defending the position that marriage is strictly covenantal is that only one word (בְּרִית) is used for both elements; thus there is no reason to believe there should be a distinction between בְּרִית as a covenant and a contract. Theologically, the distinction helps differentiate between a relationship based upon legalism and one based upon trust.

For the modern interpreter, covenant language helps emphasize the gracious nature of the relationship between Yahweh and Israel and Christ and the Church. It also helps define the gracious nature of the marriage relationship between a man and woman. Yet we cannot limit בְּרִית to a theological interpretation only. It is obvious that בְּרִית includes contractual constituents as well.

At the same time, it should be noted that the God-human agreements seem to emphasize the theological nature of the covenant over the contractual character. Obviously God is beyond the human limitations of a contractual agreement (even though as mentioned above there is an “if . . . then” element even in God’s covenants with humans).

The theological implication of a biblical covenant is that the faithful partner does not break the covenant even if the other partner violates the stipulations of the agreement. God is faithful to the covenant even when the people were not. God keeps his side of the agreement even when His people rebel against him. However when defining marriage in terms of a human-to-human covenant, one must be aware that there

⁵³See particularly Palmer, “Contract or Covenant,” 617-65. Palmer’s central argument is that contracts are legal documents enforced by penalties whereas covenants are based primarily upon faith. Marriage is based upon the trust of two people. I follow Instone-Brewer’s line of reasoning on this matter except that I would emphasize the theological nature of the covenant over the contractual (without obliterating the contractual nature). See Instone-Brewer, *Divorce and Remarriage in the Bible*, 15-19.

are contractual components within the marriage covenant. Covenant marriage is not strictly a theological concept.⁵⁴ This work seeks to strike a balance between the theological nature of the marriage covenant, which is foundational to the relationship, and the contractual element, which is necessary in human-to-human covenants. This distinction can be observed below by comparing God's covenant with His people and the marriage covenant.

God's Covenant and the Marriage Covenant

Another argument that supports marriage being understood in terms of covenant is that the marriage relationship often serves as the primary analogy of both God's relationship with His people Israel in the Old Testament and in Christ's relationship with the Church in the New Testament. Following Barth, Ehrlich asserts, "Marriage, which is the supreme expression of the togetherness of male and female in differentiation and relationship (reflects the image of God and) represents the covenant by which God has bound himself to his people, his church, [and] to man."⁵⁵

⁵⁴I do not agree fully with Instone-Brewer's suggestion that the use of marriage covenant is misleading. Instone-Brewer, *Divorce and Remarriage in the Bible*, 18-19. I maintain that there are definite similarities between the ancient Near East covenants and contracts, but there is also a distinction. There is a natural and presumed theological assumption behind the marital covenant. My position seeks a balance between the theological emphasis of scholars such as Palmer and Hugenberger and the contractual emphasis of Instone-Brewer.

⁵⁵R. J. Ehrlich, "The Indissolubility of Marriage as a Theological Problem," *SJT* 23 (1970): 298. Barth goes so far as to argue that the duality of maleness and femaleness in creation, in their differentiation and relationship is part of the meaning of the "image of God" in humankind. Karl Barth, *Church Dogmatics* (T. & T. Clark, 1961), 3:207-20.

At this point, we will focus primarily upon the theological nature of the marriage covenant as reflected in God's dealings with His people and illustrated in marital terms. G. R. Dunstan offers five distinguishing marks of comparison.⁵⁶

First, the initiative of love invites a response and creates a relationship between the lover and the loved.⁵⁷ Writers of both the Old and New Testament emphasize the divine initiative of the God who invites a people into a relationship with Himself. Hosea 11:1: "When Israel was a youth I loved him, and out of Egypt I called My son." First John 4:10, 19: "In this is love, not that we loved God, but that He loved us and sent His son to be the propitiation for our sins We love, because He first loved us." The marriage covenant is a relationship of choice.

Second, God's covenant of grace is ratified and made permanent by an oath. Hosea 2:19-20: "I will betroth you to Me forever; Yes, I will betroth you to Me in righteousness and in justice, in lovingkindness and in compassion, and I will betroth you to Me in faithfulness. Then you will know the Lord." In the New Testament, Jesus invites his hearers to "come" and those who come will not be "cast out" (John 6:35-37). Even so the essence of the marriage covenant is the vow of consent. The man and woman exchange vows to be faithful to one another regardless of life's circumstances. These vows authenticate the covenant.

Third, the covenant relationship comes with conditions. In the Old Testament, these conditions are expressed in commandments from God to men. The Sinai covenant

⁵⁶G. R. Dunstan, "The Marriage Covenant," *Theology* (1975): 244-52.

⁵⁷Dumbrell points out that God's covenants are often made with those with whom he already has a gracious relationship and occasionally makes them in response to an expression of faithfulness on the recipient's part (e.g., David's desire to build a house for God) but even in these instances it is an

builds upon the foundation of 10 commands that are to be observed and obeyed. In the New Testament, Jesus spoke of a “new commandment” of love based upon His love for his followers (John 13:34). Covenants demand conditions. These conditions are paralleled in marriage by covenant obligations of faithfulness. As Dunstan observes, “The first commandment of the marriage covenant is a mutual subjection in love, a mutual care so lasting and so deep as to seek ultimately the perfection of the beloved.”⁵⁸ As we will observe later in the chapter, the instructions of Genesis 2:24 serve as a basis for the marital covenant conditions.

Fourth, God’s covenant entails a promise of blessing to those who are faithful to the covenant obligations. As has already been demonstrated, God’s covenant with his people involved promises of blessing based upon faithfulness to the covenant. In the Old Testament, many of these blessings were material. In the New Testament, the new covenant brings the promise of the forgiveness of sins (Matt 26:28). Likewise, the marriage covenant reinforces this promise of blessing as the two become one and signify to the world the relationship between Christ and the Church. With the marriage covenant comes the blessing of living within the commands of marriage and the grace of forgiveness that stems from the unconditional love of the involved parties.

Fifth, sacrifice marks both the covenants of the Old and New Testaments and the covenant of marriage.⁵⁹ The sacrificial system of the Old Testament and the sacrifice

unanticipated initiative of God that creates the covenant. William Dumbrell, *Covenant and Creation: An Old Testament Covenantal Theology* (Exeter: Paternoster Press, 1984), 19, 78.

⁵⁸Dunstan, “The Marriage Covenant,” 248.

⁵⁹In my opinion, Dunstan stretches his analogy a bit too far in this fifth point. Yet Paul does employ sacrificial language in Ephesians 5 when comparing a husband’s relationship with his wife to Christ’s relationship with the church. Ephesians 5:25: “Husbands, love your wives, just as Christ also loved the church and gave Himself up for her.”

of Jesus Christ on Calvary in the New Testament help shape and define the covenantal relationship of God with His people. Even so, marriage symbolizes death to childhood, singleness, certain rights of self-determination, and to self as a whole in order to give way to the wholeness of the one-flesh relationship.

One can observe clearly the connection between God's covenant with His people and the covenant relationship of marriage. Such comparisons provide ways of understanding how the human marriage covenant is to imitate God's covenant. Following this pattern, covenant marriage serves as a model and illustration to the world of the relationship between God and His people. As Atkinson argues, one of the primary tasks of the Church is "to enable and foster the growth of such relationships in which marriage can and does declare the meaning and character of God's covenant relationship with His people."⁶⁰

From the evidence provided above, one can reasonably argue that marriage contains the same necessary components as the biblical concept of covenant. Neufeld, in his significant work on marriage in the Old Testament, maintains that marriage in its simplest form contains:

(a) an intention of the parties to enter into a binding marital union and (b) actual consummation. Neither the mere intention nor the sexual act was in itself sufficient. Intention would be indicated by conduct such as courtship or by promises or other expressions aiming at an immediate union.⁶¹

Wenham and Heth call attention to four essential elements within a biblical marriage that qualify it to be a covenant: (1) marriage involves the "consent and intent of the will"

⁶⁰Atkinson, *To Have and to Hold*, 76.

⁶¹E. Neufeld, *Ancient Hebrew Marriage Laws* (London: Longman's Green & Co., 1944), 89.

between the marrying partners confirmed in ancient Near East marriage agreements with oaths and witnesses; (2) marriage is to be ratified by the parents (Eph 6:1-3; Gen 21:21; 34:4-6; 38:6; Judg 14:2-3; Josh 15:16; and 1 Sam 17:25; 18:20-27); (3) marriage includes ratification before the public (witnesses), which would involve adherence to the social and legal customs of the day (Gen 29:25-26; 34:12); and (4) marriage is consummated physically.⁶²

Marriage is to be understood within the covenant framework. With that in mind, it is important at this point to consider Genesis 2:24, for this key text provides the most principal definition of marriage found within Scripture.⁶³

Genesis 2:24

In Mark 10:1-12 when Jesus is questioned by the Pharisees regarding the permissibility of divorce in conjunction with Deuteronomy 24:1-4, he returns to the creation account (Gen 1:27; 2:24) where it is clear that God's intent from the "beginning" is for marriage to be lifelong and monogamous. Based upon Jesus' use of this particular passage, it seems that God's marital mandate in Genesis 2:24 not only defines Adam and Eve's marriage but also serves as the normative paradigm for biblical marriage as a whole.⁶⁴ Thus, Genesis 2:24 is crucial in understanding covenant marriage from a biblical and theological perspective for not only did Jesus appeal to the Garden of Eden

⁶²Wenham and Heth, *Jesus and Divorce*, 103-04.

⁶³As evidenced by both Jesus and Paul, who referred back to this text in their pivotal discussions on marriage, divorce, remarriage, and the home. See Matt 19:5, Mark 10:7-8, 1 Cor 6:16, and Eph 5:31.

⁶⁴Obviously there are multitudes of hotly debated issues surrounding Gen 1-3. However, it is not necessary to address each of these issues to recognize the importance this text plays in the overall biblical picture of marriage. For that reason, this work will not deal with such broader topics such as the

narrative when questioned about divorce, but also Paul appeals to the story when addressing some of the weightier matters of the Christian faith (Rom 5:12-21; 1 Cor 15:45), when speaking to the propriety of proper worship (1 Cor 11:2-16; 1 Tim 2:11-15), when refuting improper moral behavior among the Corinthians (1 Cor 6:16), and when writing directly about the husband-wife roles within marriage (Eph 5:31). It is therefore important that this work considers in detail this pivotal passage.

Based upon the overall biblical evidence as well as intertestamental proof,⁶⁵ we are justified in categorizing Genesis 2:24 as the locus classicus of marriage in the Bible. This weighty verse reads, “Therefore a man leaves his father and his mother and cleaves to his wife, and they become one flesh.” This statement, which appears to be the commentary of the narrator and not the continued speech of the man from 2:23, provides a pinnacle summary of Genesis 2:18-25 and offers the most basic framework for how marriage is to be understood throughout the remainder of Scripture.⁶⁶

origin of the earth, the historical validity of Gen 1-11 in light of Higher Criticism, the character and development of the human race, how Eve was created from Adam, the entrance of sin into the world, life in the Garden of Eden, the role of free choice prior to and following the Fall, the prescribed curses of Gen 3 and their subsequent effects, and many of the other issues that are discussed in multiple articles, books, and commentaries. It should be noted that this author affirms the historical validity of the Creation account and the historical authenticity of the first eleven chapters of Genesis.

⁶⁵See Tob 8:5f., Sir 25:24-26, and the article by Pierre Grelot, “The Institution of Marriage: Its Evolution in the Old Testament,” *Concilium* 55 (1970): 39-50.

⁶⁶Not surprisingly, some higher-critical scholars devalue this verse as a later complementarian addition. E.g., Westermann contends that v. 24 is “but an addition to the narrative which is complete without it . . . The narrative 2:4b-8, 18-24 belongs to the cycle of narratives about the creation of humankind . . . This is a narrative cycle that is completely *sui generis* in that its goal is always the same: the existence of humankind as it is today. The etiological motif of v. 24 is then an addition, an explanation of ‘the basic drive of the sexes to each other.’ It can be shown clearly that v. 24 has been added; whereas v. 23 remains within the action of the narrative, v. 24 steps outside it.” Claus Westermann, *Genesis 1-11*, trans. John J. Scullion (Minneapolis: Augsburg Publishing House, 1984), 233. Westermann also rejects the notions of Delitzsch and Dillman who were misled in thinking that the “narrative is the foundation of monogamy” since “it is not concerned with the foundation of any sort of institution, but with primeval event.” *Ibid.*, 232.

Hugenberger refutes Westermann’s presupposed form/source critical line of reasoning by calling attention to the “explicit introductory ‘therefore’ (לְכֵן), the generalized language of ‘man’ (אִישׁ)”

But even if Genesis 2:24 is to be considered the foundational model of biblical marriage, can it be established that the marriage defined here is covenantal? Admittedly the word *בְּרִית* is missing from this crucial verse, but as we have noted, the absence of the exact term itself does not necessarily prohibit us from recognizing Adam and Eve's marriage in covenant terms. In his monumental work, Hugenberger goes to great lengths to demonstrate how the prophet Malachi follows precedence in interpreting and applying Genesis 2:24 in terms of covenant.⁶⁷

As pointed out above, it is clear from the Old Testament that covenant is a term that is not restricted to "divine-human" relationships or international treaties. It is a word that is employed to define personal and intimate human-to-human relationships as well.

For example, David and Jonathan's bond is described as a covenant (1 Sam 18:3; 20:8; 23:18) that is based upon a prior love for one another. It is evident from the text that love is the primary motive behind their covenant for 1 Samuel 18:1 reads, "The

rather than 'Adam' (אָדָם) and especially the leaving of one's father and mother, a qualification which could not have applied literally to Adam, all make plain the narrator's intention: this summary is to be interpreted as a general norm substantiated by the preceding narrative." Hugenberger, *Marriage as a Covenant*, 153.

Hugenberger also does a commendable job in interpreting this verse in light of the literary parallels often drawn between Gen 1-11 and various ancient Near Eastern creation accounts and other myths. Hugenberger argues effectively that Genesis has some similarities with these accounts but distances itself from the mythological literature in its "implied repudiation . . . of the polytheism and related theomachy, the begetting of subordinate deities, etc., of its ancient Near Eastern antecedents . . . Genesis also distances itself from the mythical by its quasi-precise location of Eden near the Tigris and Euphrates rivers, its insistence that Adam and Eve are the progenitors of the entire human race, etc." Hugenberger concludes, "These features demand that the biblical creation and subsequent history be understood as real events at the head of the continuum of real time and space." Hugenberger, *Marriage as a Covenant*, 155. See also, W. Brueggemann, *Genesis, Interpretation* (Atlanta: John Knox Press, 1982), 96, 102-15; and Henri Blocher, *In the Beginning*, trans. David G. Preston (Downers Grove, IL: Inter-Varsity, 1984), 154-70.

⁶⁷We will deal with Hugenberger's interpretation of Malachi's allusion to Gen 2-3 in the next chapter. For now, it is safe to say that Hugenberger's arguments are compelling and at a minimum warrant consideration. I concur with his conclusion that the Old Testament evidence confirms that marriage is to be appropriately understood in terms of covenant. Hugenberger, *Marriage as a Covenant*, 151-67.

soul of Jonathan was knit to the soul of David, and Jonathan loved him as himself,” and then verse 3 states “Jonathan made a covenant with David because he loved him as himself.” Jonathan loved David and as a result of this love covenanted with him, a covenant that Jonathan maintained in spite of his own loss of fame and family (1 Sam 19-20).

In a similar fashion, the marriage covenant as defined in Genesis 2:24 is a call to “leave” father and mother and “cleave” to one’s spouse. It is a human-to-human covenant based upon intimacy, love, and commitment to one another. We shall now examine in detail this important verse.

“Leave” and “Cleave”

“For this cause a man shall leave his father and his mother, and shall cleave to his wife” (Gen 2:24a). As Hugenberg notes, the implication of this directive has been widely disputed among scholars. Some have argued that the command reflects a “hypothesized primitive matriarchy,” where the authority of the wife over her husband supplants the former authority of the man’s parents.⁶⁸ However, such an absolute matriarchy appears absent in biblical societies, which if anything appear to be more patriarchal in nature (as supported by surrounding texts such as Gen 3:16).⁶⁹

⁶⁸W. R. Smith, *Kinship and Marriage in Early Arabia*, 2nd ed. (Cambridge: Cambridge University Press, 1903), 82-87; Julian Morgenstern, “Beena Marriage (Matriarchat) in Ancient Israel and Its Historical Implications,” *ZAW* 47 (1929): 91-110; and idem, “Additional Notes on Beena Marriage (Matriarchat) in Ancient Israel,” *ZAW* 49 (1931): 46-58.

⁶⁹For a more thorough critique of this position, see Theodorus Christaan Vriezen, *Onderzoek naar de paradijsvoorstelling bij de oude semietische volken* (Wageningen: H. Veenman, 1937), and Roland de Vaux, *Ancient Israel: Its Life and Institutions* (New York: McGraw-Hill, 1961). Von Rad appears a bit puzzled with the “leave” and “cleave” terminology in light of the patriarchal customs of ancient Israel in which it would seem inconsistent for a man to leave his family in lieu of his wife. Von Rad recognizes Gen 2:24 as essentially aetiological, i.e., it was told to answer the definite question of “the extremely powerful

Others have argued that Genesis 2:24 remains from a more primitive form of marriage identified as *erēbu* marriage, where in the absence of any natural sons the husband becomes a part of his father-in-law's home and is adopted as the son in order to preserve the family bloodline. However, this view can be rejected based upon a lack of biblical evidence.⁷⁰

Instead the word “leaves” or “forsakes” (יָעַזַב) must be interpreted in conjunction with the term “cleaves” (דָּבַק) and has to do primarily with a shift of loyalty and not a change of residence.⁷¹ As Westermann avers, “The man leaves his parents” and not his “parent’s house.”⁷² Bravmann contends that the leaving and cleaving is primarily psychological, that in this societal context the man has more of an emotional detachment from his home than a wife does from hers.⁷³ Hamilton argues against this perspective instead focusing upon the words “forsake” and “cling,” two verbs that frequently describe Israel’s rejection of her covenant with Yahweh or the maintenance of the covenant

drive of the sexes to each other.” Gerhard von Rad, *Genesis: A Commentary*, trans. John H. Marks (London: SCM Press, 1961), 82-83.

⁷⁰This theory is based primarily upon the appearance of the word *erēbu* in Middle Assyrian Laws A§27, but again a lack of concrete evidence casts doubt upon its validity. Supposed biblical examples include the accounts of Jacob, Moses, and Samson but scholarship has explained effectively why *erēbu* marriages are not applicable in these instances. See G. R. Driver and J. C. Miles, *The Assyrian Laws* (Oxford: Clarendon, 1935), 134ff.

⁷¹This thought can be supported by the use of the word “cleave” in Ruth 1:14, where “Ruth clung to [Naomi].” Obviously the word here is non-sexual and refers to clinging to someone in a permanent way. Likewise the men of Judah “remained steadfast (clung)” to their king (2 Sam 20:2). The word carries the idea in these texts of permanent, committed faithfulness. Atkinson, *To Have and to Hold*, 83-84.

⁷²Westermann, *Genesis*, 233. That the leaving is not to be taken literally can be illustrated by the story of Jacob’s family, whose sons remained under their father’s authority as they build their own families and possessions.

⁷³M. M. Bravmann, “Concerning the Phrase ‘and shall cleave to his wife,’” *Le Muséon* 85 (1972): 269-74; idem, “The Original Meaning of ‘A Man Leaves His Father and Mother’ (Gen 2.24),” *Le Muséon* 88 (1975): 449-553; and idem, *Studies in Semitic Philology* (Leiden: Brill, 1977), 593-95.

relationship. Hamilton observes, “To leave father and mother and cling to one’s wife means to sever one loyalty and commence another. Already Scripture has sounded the note that marriage is a covenant rather than an ad-hoc makeshift arrangement.”⁷⁴

This metaphorical interpretation seems to best serve the context and overall meaning of the passage. In favor of this metaphorical view, “leave” is utilized figuratively in other Old Testament examples of one renouncing their commitment to another (e.g., Gen 24:27; Deut 28:20; 29:24; 31:8, 16, 17; and Josh 1:5). As Hamilton notes, “leave” is often used in the context of Israel being warned not to forsake her covenant with Yahweh (Deut 29:24) or being condemned for having already forsaken the covenant (Deut 31:16).⁷⁵ On the other hand Yahweh is portrayed as the faithful covenant partner who refuses to “forsake” the covenant (Deut 31:8; Josh 1:5).

Correspondingly “cleave” is often utilized to symbolize covenant faithfulness and loyalty (Deut 4:4; 10:20; 11:22; 13:5; 30:20; Josh 22:5; 23:8) and is regularly linked to covenant terms such as: “to serve,” “to fear,” “to keep his commands,” and “to love.”⁷⁶ The obvious connection here is the binding of the covenant parties within the covenant relationship and parameters.⁷⁷ Words such as steadfast love and faithfulness that often

⁷⁴Victor P. Hamilton, *The Book of Genesis: Chapters 1-17*, NICOT (Grand Rapids: Eerdmans, 1990), 180-81.

⁷⁵The prophet Jeremiah employs “forsake” language throughout his writing: 1:16; 2:13, 17, 19; 5:7; 16:11; 17:13; 19:4; and 22:9.

⁷⁶Gerhard Wallis, “דָּבַחַ, dābhaq,” in *TDOT* (Grand Rapids: Eerdmans, 1978), 3:79-84; W. Brueggemann, “Of the Same Flesh and Bone (Gn 2,23a),” *CBQ* 32 (1970): 532-42; Umberto Cassuto, *A Commentary on the Book of Genesis*, pt.1, *From Adam to Noah, Genesis I-VI*, trans. I. Abrahams (Jerusalem: The Hebrew University, 1961), 137; and Hamilton, *Genesis 1-17*, 181.

⁷⁷Hugenberger, *Marriage as a Covenant*, 160.

define the relationship of the covenant God with His people are also covenant terms employed in a marriage to express the love of a man and woman.⁷⁸

Indeed the leave and cleave elements found in the Gen 2:24 paradigm reveal the magnitude of the marriage covenant itself. As Calvin eloquently asserts:

The sum of the whole is, that among the offices pertaining to human society, this is the principal, and as it were the most sacred, that a man should cleave unto his wife. And he amplifies this by a superadded comparison, that the husband ought to prefer his wife to his father. But the father is said to be left not because marriage severs sons from their fathers, or dispenses with other ties of nature, for in this way God would be acting contrary to himself. While, however, the piety of the son towards his father is to be most assiduously cultivated, and ought in itself to be deemed inviolable and sacred, yet Moses so speaks of marriage as to show that it is less lawful to desert a wife than parents. Therefore, they who, for slight causes, rashly allow of divorces, violate, in one single particular, all the laws of nature, and reduce them to nothing. If we should make it a point of conscience not to separate a father from his son, it is a still greater wickedness to dissolve the bond which God preferred to all others.⁷⁹

As will be developed later in this work, the contention of this author is that the “leave” and “cleave” principle of marriage is essential to understanding Paul’s divorce and remarriage passages in the New Testament.

The Two Shall Become “One Flesh”

The enigmatic phrase “they will become one flesh” (זָהוּ לְבָשָׂר אֶחָד) has generated a lot of scholarly debate.⁸⁰ Three views seem to dominate the academic

⁷⁸Atkinson notes four types of faithfulness necessary in the covenant marriage: (1) faithfulness to a vow; (2) faithfulness to a calling/obligation; (3) faithfulness to a person; and (4) faithfulness to a relationship. Atkinson, *To Have and to Hold*, 85-87.

⁷⁹John Calvin, *Commentaries on The First Book of Moses called Genesis*, vol. 1, trans. John King (Grand Rapids: Eerdmans, 1948), 136.

⁸⁰It should be noted that the word “two” is not present in the Masoretic text but is prevalent in ancient versions such as Septuagint, Syriac Peshitta, Samaritan Pentateuch, Vulgate, *Targum Pseudo-Jonathan*, and *Targum Neofiti*. It is absent from Targum Onqelos (which is often corrected back to the Masoretic). The gloss is present in the text when Jesus and Paul cite it (Matt 19:5; Mark 10:8; 1 Cor 6:16). Instone-Brewer points out that the widespread use of the gloss does not appear to have changed the Hebrew text. At Qumran when they were gathering arguments against polygamy, they did not employ this text with

landscape. Some scholars believe this clause is an allusion to offspring.⁸¹ This notion appears least likely in that it associates children with their own parents and requires a sense for “flesh” which is uncommon in biblical Hebrew.⁸²

A second perspective that has found favor among a number of scholars is that “become one flesh” equals sexual intercourse.⁸³ This understanding stems primarily from the chronological sequence of what would naturally follow the “leave” and “cleave” requirements, viz., sexual union. And no doubt sexual intimacy and consummation are a definite part of the “two becoming one” facet of the marriage covenant. Genesis 2:25 reinforces this interpretation when it is made clear that “the man and his wife were both naked and were not ashamed.” However it does not seem apparent that the author is referring exclusively to the act of sexual intercourse. The biblical author utilizes a somewhat unusual phrase (“become one flesh”) instead of the more frequent “know him/her” language that most often refers to sexual union.

Hugenberger rejects the strictly sexual intimacy perspective based upon the semantic implications of the expression “cleave.” He explains:

In the present sequence of “he will leave” and “he will cleave”, especially given the semantic implication of “cleaving” as an expressive of on-going adherence and loyalty, rather than a punctiliar act, one expects the third member of the sequence

the word “two” and there is no extant example of the Hebrew text being quoted with the “two” added. The gloss was a common addition that seems to have been recognized as a comment on the text rather than a variant. The purpose of the addition would be obvious: marriage is between two individuals and therefore stands against polygamy. Instone-Brewer, *Divorce and Remarriage*, 61.

⁸¹Von Rad, *Genesis*, 82. Von Rad follows the interpretation of Rashi, cf. A. M. Silbermann and M. Rosenbaum, *Chumash with Targum Onkelos, Haphtaroth, and Rashi's Commentary: Bereshith* (Jerusalem: The Silbermann Family, 1934), 12.

⁸²Against this view, see H. W. Wolff, *Anthropology of the Old Testament*, trans. M. Kohl (Philadelphia: Fortress, 1974), 93.

⁸³J. Skinner, *A Critical and Exegetical Commentary on Genesis*, 2nd ed., ICC (Edinburgh: T. & T. Clark, 1930), 70, and N. M. Sarna, *Genesis: The Traditional Hebrew Text with the New JPS Translation*, The JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1989), 23.

likewise to refer to an enduring state, rather than a single act of intercourse, or even a series of such acts. In other words, it is doubtful that the reader is to imagine that following the consummation of the marriage in sexual union or following each successive act of intercourse, the couple reverts to their former state of being two separate fleshes.⁸⁴

Hugenberger's finds endorsement of his objection in Sirach 25:26 where the instruction regarding divorce of an unfaithful wife is to "cut her off from your flesh with a bill of divorce." The inference here is that the one-flesh relationship is an ongoing one within matrimony. Divorce ends the one-flesh reality.

In the same way, Paul accentuates in 1 Corinthians 6:16 that becoming "one flesh" is the result of sexual union rather than being equal to it: "Do you not know that he who joins himself to a prostitute becomes one body with her? For, as it is written, 'The two shall become one flesh.'"⁸⁵

It could also be argued that Matthew 19:5-6 refers to a continuing "one-flesh" status. After quoting Genesis 2:24, Jesus declares, "So they are no longer two but one flesh. What therefore God has joined together, let not man put asunder." These words of perpetual union indicate that the "one flesh" relationship is more than the act of sexual intercourse itself.

The third and perhaps most common view is that to "become one flesh" refers not to the act of sexual union itself but to a bondedness which results from and is expressed through sexual union.⁸⁶ The emphasis of this interpretation rests upon the

⁸⁴Hugenberger, *Marriage as a Covenant*, 161.

⁸⁵This text will be examined in greater detail in the dissertation as it resounds the words of Gen 2:24 and prepares the reader for 1 Cor 7, where Paul deals directly with the divorce-remarriage issue.

⁸⁶M. Gilbert, "'Une seule chair' (Gn 2,24)," *Nouvelle Revue Théologique* 100 (1978): 66-89, and W. Neuer, *Man and Woman in Christian Perspective*, trans. Gordon Wenham (London: Hodder & Stoughton, 1990), 63. Driver considers the phrase to be indicative of an emotional, and perhaps spiritual,

“oneness” of the relationship rather than the “flesh” (in terms of sexual intercourse).

Wolff expresses this thought well when he writes, “It means the physical union of man and woman, whose utter solidarity is expressed in this way.”⁸⁷ Gilbert concludes that the “one flesh” bond is not merely a fleshly union but a bond that is based upon a love commitment that surpasses even the love of a father or mother for their children.⁸⁸ Bailey maintains that “although the union in ‘one flesh’ is a physical union established by sexual intercourse . . . it involves at the same time the whole being, and affects the personality at the deepest level. It is a union of the entire man with the entire woman.”⁸⁹

Hugenberger adds to this third view the idea that the bondedness that results from and is expressed in sexual union establishes a new family unit.⁹⁰ “In other words, the ‘bondedness’ expressed by flesh is more precisely a familial bondedness.”⁹¹ This added element appears to do justice to the context of “leaving” one’s existing family and “cleaving” to one’s spouse in order to create a new family unit.⁹²

connection but does not indicate any relation between this union and the sexual act itself. S. R. Driver, *The Book of Genesis with Introduction and Notes*, 3rd ed. (London: Methuen, 1904), 43.

⁸⁷Wolff, *Anthropology of the Old Testament*, 93.

⁸⁸Gilbert, “‘Une seule chair’ (Gn 2,24).”

⁸⁹D.S. Bailey, *The Mystery of Love and Marriage* (New York: Harper, 1952), 44.

⁹⁰Hugenberger does not take his view as far as Vawter, who attempts to demonstrate, based upon Ps 84:3, that “flesh” can refer to one’s “very being itself, his identity, his heart and soul.” Thus “becoming one flesh” means “a union of persons who together make up a new person.” B. Vawter, *On Genesis: A New Reading* (Garden City, NJ: Doubleday, 1977), 75ff.

⁹¹Hugenberger, *Marriage as a Covenant*, 163. See also G.J. Wenham, “The Restoration of Marriage Reconsidered,” *JJS* 30 (1979): 36-40.

⁹²Atkinson goes so far as to suggest that procreation is an intricate part of the “one flesh” relationship. Supporting this assertion is the covenantal theme of procreation within the Abrahamic covenant. Abraham was to be the father of a family. Paul concludes that all human family life derives its meaning, purpose, and love from the Fatherhood of God. “The marriage covenant combines the context in which human sexuality finds its fulfillment and that in which human family life finds its foundation.” Atkinson, *To Have and to Hold*, 83.

Supporting this claim is the use of one-flesh texts such as Genesis 29:14; 37:27; Leviticus 18:6; 25:49; 2 Samuel 5:1; and Isaiah 58:7, where the term denotes kinship.⁹³ At least five of these texts (excluding possibly Lev 18:6) signify not only kinship but also the necessity of fidelity within the relationship. One could also point for support of this view to Paul's one "body" imagery in 1 Corinthians 12 or Ephesians 4 concerning the obligation of believers toward each other or to his instructions in Ephesians 5 in regard to marriage.

In the end, it seems reasonable to conclude that the two "become one flesh" refers to "the familial bondedness of marriage which finds its quintessential expression in sexual union."⁹⁴ Accepting the premise that covenants are designed to create a relationship of unity and loyalty and given the propensity of the Scriptures to utilize family terminology to describe that relationship, the "one flesh" proposition above supports the idea that the Genesis 2:24 text should be understood in terms of a covenant marriage paradigm. In other words, the original purpose of marriage parallels that of covenant, to create a familial relationship of solidarity and loyalty between unrelated persons.⁹⁵

⁹³See S. Rattray, "Marriage Rules, Kinship Terms and Family Structure in the Bible," in *Society of Biblical Literature 1987 Seminar Papers* (Atlanta: Scholars, 1987), 537-44.

⁹⁴Hugenberger, *Marriage as a Covenant*, 163.

⁹⁵The concept of "one-flesh" is beautifully illustrated in childbearing. In their children, a husband and wife are united into one single unique person who permanently represents them both.

“Flesh of My Flesh and Bone of My Bone”

Although our focus has been upon Genesis 2:24, it is profitable here to refer to Adam’s “jubilant welcome” of Eve in Genesis 2:23.⁹⁶ While Adam’s declaration is to be taken literally, his words regarding Eve (“this is now bone of my bones and flesh of my flesh”) convey a distinctive formulaic feature that is paralleled in other texts such as Genesis 29:12-14, 2 Samuel 5:1; 19:13; 1 Chronicles 11:1; and Judges 9:2, where the terms refer to a person’s total relation to someone else. This is important for a couple of reasons.

One, each of these texts makes use of this “relationship formula” to establish a family bond that goes beyond mere recognition. Adam is acknowledging Eve as a family member, more particularly, his wife.⁹⁷

Second, in some of these texts the “relationship formula” is not only acknowledging the existing familial propinquity, “but is rather a covenant oath which affirms and establishes a pattern of solidarity.”⁹⁸ An example of the covenantal oath trait found within this relationship formula is in 2 Samuel 5:1, where Israel gathers to declare David their king and avow, “We are your bone and flesh.” This declaration is then confirmed with a covenant (5:3). As Hugenberger points out in favor this “relationship formula” in Genesis 2:23,

⁹⁶Westermann, *Genesis 1-11*, 231. See also J. A. Bailey, “Initiation and the Primal Woman in Gilgamesh and Genesis 2-3,” *JBL* 89 (1970): 137-50; Alan Jon Hauser, “Linguistic and Thematic Links between Genesis 4:1-16 and Genesis 2-3,” *JETS* 23 (1980): 297-305; and Neuer, *Man and Woman in Christian Perspective*, 67.

⁹⁷Hugenberger, *Marriage as a Covenant*, 164-65.

⁹⁸Brueggemann, “Of the Same Flesh and Bone,” 535.

Adam does not address his “jubilant welcome” to Eve (“you are now bone of my bones”), as one would expect for a mere welcome, but to God as witness (“this is now bone of my bones”). Surely Adam recognized that God did not need to be informed concerning Eve’s origins. Rather, these words appear to have been intended as a solemn affirmation of his marital commitment, an elliptical way of saying something like, “I hereby invite you, God, to hold me accountable to treat this woman as part of my own body.”⁹⁹

A common reciprocal loyalty is found in these words that manifests itself in the “leaving and cleaving” and “one-flesh” components that follow in verse 24.¹⁰⁰

Summary

It has been shown that in spite of the absence of the term *קְרִיית* in Genesis 2-3, the original purpose of marriage as defined by God in Genesis 2:24 parallels that of covenant found regularly throughout Scripture. The instruction given to the husband to “leave” his family and “cleave” to his wife are terms commonly found in covenant contexts all through the Old Testament. The one-flesh directive affirms a bondedness that occurs within the marriage relationship that equals and surpasses any other human-to-human covenant relationship found in Scripture. And Adam’s use in Genesis 2:23 of the “‘bone of my bone’ and ‘flesh of my flesh’ relationship formula” parallels texts such as 2 Samuel 5 where it is applied as a covenant-affirming oath formula. Based upon this evidence, it can be argued that Genesis 2:24 provides the foundation for understanding marriage in terms of covenant. Thus marriage is an exclusive (a man . . . his wife),

⁹⁹Hugenberger, *Marriage as a Covenant*, 165.

¹⁰⁰Hamilton calls attention to the fact that the in the Old Testament “flesh” is often a symbol of one’s weakness and frailty and bone may well be its opposite – a symbol of one’s strength (and actually this argument is strengthened by the fact that one of the meanings of the Hebrew root for bone means “to be or make strong” (Gen 26:16; Psa 105:24; Dan 8:8, 24). Taken this way, the formula also becomes a pledge of loyalty in times of both strength and weakness. Hamilton, *Genesis 1-17*, 179-80.

permanent (leaves and cleaves), personal communion that forms a new familial unit (one flesh). Marriage is the context by which God's covenant can be expressed fully.

Conclusion

The goal of this chapter was to establish a biblical theology of marriage based upon the covenant framework of Scripture. This aim was accomplished in two ways. First, it has been demonstrated that the marriage relationship contains the same components as found within the biblical paradigm of covenant and that God often employs marital language when speaking in terms of covenant.

Second, this chapter has explained how God's earliest and most precise explanation of marriage should be understood within the framework of biblical covenant. Based upon this evidence, it is reasonable to conclude that a proper understanding of biblical marriage defines marriage in terms of a covenant.

What constitutes a biblical covenant of marriage? Derived from the previous discussion, a working definition of a marriage covenant would include the following features: covenant marriage is a willful commitment (oath) of a man and woman to one another in an exclusive relationship of moral fidelity that is intended to be permanent. It is to be patterned after God's relationship with His people in the Old Testament and Christ's relationship with His church in the New. The marriage covenant involves leaving one's own family and cleaving to one's mate. It creates a bondedness that is expressed in a new family unit that is recognized within public society and is consummated privately by sexual intimacy. It is recognized and affirmed by God as creation's most fundamental expression of covenant relationship.

With this framework in place, we can now focus upon the Old Testament texts that are relevant to a proper understanding of the divorce and remarriage texts of the New Testament.

CHAPTER 3

CRUCIAL OLD TESTAMENT TEXTS

Having introduced a basic theology of marriage rooted in the biblical framework of covenant and God's earliest definition of marriage in Genesis 2:24, it is important now to examine the crucial Old Testament passages that help shape and influence the divorce and remarriage discussion.

Genesis 1-2

Although the previous chapter examined Genesis 2:24 in some detail, the purpose there was to establish a theology of marriage based upon the fundamental concepts of "leave," "cleave" and "one flesh." Now we will consider the broader context of Genesis 1-2 and the inherent implications of these verses upon the subject matter.

In Genesis 1:27 we learn that "God created man in his own image, in the image of God He created him; male and female He created them." This verse is important to the present discussion in that it grounds the involved parties of a covenant marriage both to the image of God and to the creation act.¹ Also this verse is significant in the simple fact

¹It is not the purpose of this work to analyze the exact meaning of the three crucial phrases found in this verse, particularly the widely-discussed "God created man in his own image." For a general overview and history of the primary views, see Claus Westermann, *Genesis 1-11*, trans. John Scullion (Minneapolis: Augsburg, 1984), 148-60; G. A. Jónsson, *The Image of God: Genesis 1:26-28 in a Century of Old Testament Research*, ConBOT, trans. L. Svendsen (Stockholm: Almqvist & Wiksell, 1988); and A. A. Hoekema, *Created in God's Image* (Grand Rapids: Eerdmans, 1986), 33-65.

I would agree with Westermann that the general consensus of most exegetes is that the text is saying something about humanity, viz., that people bear God's image because they have been created in accordance with it. In other words, humans were created by God in a way that they somehow bear the divine image. I would also contend that the creation of humans as male and female is closely related to this

that when being questioned regarding the divorce issue in light of Moses' command in Deuteronomy 24:1-4 Jesus links this text with the crucial Genesis 2:24.²

By quoting Genesis 1:27, Jesus takes his audience back to the "beginning" and utilizes this customary proof-text affirming monogamous marriage. Although polygamy was allowed in rabbinic Judaism, it seems to have been falling out of favor by the first century. Even some groups in Judaism disapproved of it or forbid it altogether and Genesis 1:27 was often employed within this tradition as a standard text denouncing polygamy. This prohibition can be observed in the Damascus Document:

They are caught by two (snares). By sexual sin (namely) taking two wives in their lives, while the foundation of creation is "male and female he created them" [Gen. 1:27]. (5.1) And those who entered (Noah's) ark went in two by two into the ark [Gen. 7:9]. CD 4.20-5.6.³

In this section, it appears Genesis 1:27 and 7:9 are linked together in order to accuse the author's opponents, who permitted polygamy, of violating the Law. Furthermore, no

image-bearing thought. Part of being created as men and women in God's image is fulfilling our distinct God-given roles (as emphasized by the singling out of "male" and "female") and entering this "one flesh" relationship within the marriage covenant with one of the primary purposes being procreation (but not the sole purpose). Kenneth Mathews argues that human procreation is not intended "merely as a mechanism for replication or the expression of human passion but is instrumental in experiencing covenant blessings." Kenneth Mathews, *Genesis 1-11*, NAC 1a (Nashville: Broadman & Holman, 1996), 174.

Defining and understanding the proper roles of the sexes is important within the marriage covenant in that it is within this covenant framework that God blesses Adam and Eve and instructs them to replenish the earth (Gen 1:28). Thus when the marriage covenant is violated through things such as abuse, neglect, or infidelity, the original design of God suffers as well as the image-bearers themselves.

²See Matt 19:4-6 and Mark 10:6-9. The type of exegesis that Jesus employs here has been identified as *gezerah shavah*, a common hermeneutic in rabbinic Judaism where two passages are linked so that a single deduction can be drawn from them. God's activity in the first text is implied in the second, thus it is God who joins them together. See David Instone-Brewer, *Techniques and Assumptions in Jewish Exegesis before 70 C.E.*, *Texte und Studien zum antiken Judentum* 31 (Tübingen: J. C. B. Mohr, 1992), 17-18.

³As found in James H. Charlesworth, *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*, 2 vols. (Tübingen: J.C.B. Mohr, 1995). As Instone-Brewer points out, "This portion exists only in the Geniza MS A. CD has been found in Qumran fragments 6Q15 and 4Q226-73, but only a couple of words from this passage are found in these fragments." David Instone-Brewer, *Divorce and Remarriage in the Bible* (Grand Rapids: Eerdmans, 2002), 138.

exegetical explanation is provided for this textual connection, which may indicate that this interpretation was commonplace among interpreters of that day.

These two verses are linked by the words “male and female” which occur immediately after the phrase quoted from Genesis 7:9 and is the same type of textual connection that Jesus seems to utilize in the Synoptic texts.⁴ Instone-Brewer explains:

By linking the two texts the exegete can infer that “male and female” in 1:27 is further defined by the phrase “two by two” in 7:9. This means that the use of this phrase in 1:27 implied that marriage involved only two people. Marriage is not actually mentioned in 1:27, but in the following verse God tells the male and female to multiply. This verse was the basis of the rabbinic law that all men should marry and have children, and so marriage is implied in 1:27.⁵

The words found in the Damascus Document cited above and Jesus’ words in the Gospel of Mark are very similar and could have been a part of a shared exegetical tradition supporting monogamy.

This link between Genesis 1:27 and 7:9 in the rabbinic tradition indicates that at least part of God’s original creative purpose was to create male-female pairs and since God the Creator made everything perfect and we are created in God’s image, we are to follow His example.⁶ In essence, a male and a female are to come together to form a monogamous, heterosexual union.⁷

⁴Evald Lövestam, “Divorce and Remarriage in the New Testament,” in *The Jewish Law Annual*, ed. B. S. Jackson (Leiden: Brill, 1981), 4:50.

⁵Instone-Brewer, *Divorce and Remarriage*, 138.

⁶Instone-Brewer points out that this same type of “following God’s example” reasoning is found in a Hillel-Shammai debate about how many children a couple is to have in order to fulfill the “increase and multiply” command of Gen 1:28. The Shammaites argued that two children were sufficient based upon the example of Moses (Exod 18:2-3) and the Hillelites contended that “a male and female” were sufficient based upon the example of God. The Hillelites triumphed because they appealed to a higher example. Instone-Brewer, *Divorce and Remarriage*, 139.

⁷The abbreviated account of the Synoptics does not include the Gen 7:9 reference, which may have been omitted as unnecessary for understanding Jesus’ teaching on this passage or it may have been simply considered strained exegesis.

Jesus also links, based on the word “two,” Genesis 1:27 with Genesis 2:24 in order to show that marriage is intended to be lifelong. Not only did God create males and females so as to establish monogamous pairs, but also He created them for the purpose of becoming one flesh. In God’s creative design, the two become one (while still maintaining their male and female characteristics).

Genesis 1:28 affirms the connective link between 1:27 and 2:24 as it depicts God as the One who blesses this newly created male-female couple and instructs the pair to “be fruitful and multiply.” One of the primary purposes for the covenant marriage relationship is procreation (again following God’s example of creation).⁸

Genesis 1:27-28 provides a beautiful picture of God’s creative initiative in covenant marriage. Instone Brewer writes, “The picture of God’s activity in [Gen] 1:27 is much more that of someone who ‘joins’ than someone who ‘binds.’ In verse 27 God has the role of a parent who finds a spouse for his child, and in verse 28 God is like the priest or rabbi who ‘blesses’ them when he joins them at their wedding.”⁹

Using these key passages from Genesis 1-2, it can be argued that covenant marriage is made up of two people (male and female) who are joined together by God in a one-flesh relationship that has creative purposes: the creation of a new family unit and the creation of children.

But does this foundational passage teach that the marriage covenant is indissoluble? As was shown in the previous chapter, Genesis 2:24 contains three

⁸Wenham identifies v. 28 as a clear statement of the “divine purpose of marriage: positively, it is for the procreation of children; negatively, it is a rejection of the ancient oriental fertility cults.” Gordon J. Wenham, *Genesis 1-15*, WBC 1 (Waco: Word Books, 1987), 33.

⁹Instone-Brewer, *Divorce and Remarriage*, 140.

elements that are essential to covenant marriage: one must “leave” one’s family, “cleave” to one’s spouse, and become “one flesh” through physical consummation. While these three terms have already been examined in detail, it is important to analyze them specifically in light of the indissolubility question.

Most scholars concur that the instruction to “leave” one’s family has primarily to do with abandoning one’s former familial role in order to establish a new home and family. It is mainly a shift of priorities and loyalties and not necessarily of residence. Leaving does not require abandoning one’s parents or avoiding contact with one’s parents. On the contrary, children are instructed in both testaments to “honor” their parents (Exod 20:12 and affirmed by Jesus in Mark 7:6-13) and Paul even instructs the church to provide for the needs of their aging parents (1 Tim 5:3-4). Rather the leaving element has to do with the reality that a man and woman must let go of their former roles as primarily a son or daughter and cling to their new role as a husband or wife. Former family connections are superceded by the pledge to one’s spouse.

The question of dissolubility in God’s second directive, to “cling” to one’s spouse, is more debatable. The word קָרַב is used regularly in the Old Testament as a symbol of loyalty and affection. Not only is it employed to define Ruth’s relationship with Naomi (Ruth 1:14) and the faithful devotion of the Judahites to David during Sheba’s rebellion (2 Sam 20:2), but also the word קָרַב is used of a military alliance (Josh 23:12) and of joining metal together by soldering (Isa 41:7). Combine these usages with the concept of marriage as a covenant, and the cleave instruction appears to promote an unbreakable union. J. Carl Laney clarifies:

The biblical concept of “cleaving” suggests the idea of being “superglued” together—bound inseparably by a commitment to a life-long relationship. While

tape is used to bind things temporarily, glue is normally used to bind things together permanently. Only with great difficulty can two articles which are glued together be separated. If you try to separate two pieces of wood which have been glued together, you will discover that they usually don't separate at the joint. While the glue holds the joint firm, the wood pulls away from its own grain and breaks! Items which are glued together often cannot be separated without great damage. The same is true of persons bound together in a marriage covenant.¹⁰

Heth echoes Laney's words and connects this word with Yahweh's unconditional faithfulness to Israel when he suggests that "the use of cleave in Genesis 2:24 . . . points to a covenant relationship modeled after God's covenant with Israel in the Old Testament [and] . . . serves as a pedagogical metaphor of God's love for his elect."¹¹ Heth maintains that the permanence of marriage is primarily a theological issue that parallels God's faithfulness to Israel in spite of her rebellion. As he points out, "Even though Israel repeatedly violated her covenant with Yahweh, there is no indication that this dissolved or nullified the covenant relationship."¹² When "cleave" is defined in such terms, there appears to be no legitimate grounds for a marriage covenant to be dissolved. But should "cleave" be understood as an absolutely indissoluble directive?

Thomas Edgar argues that the word "cleave" in Genesis 2:24 cannot be used to only prove permanence for the same word is also used to refer to clods of dirt "cleaving together" and to a girdle "cleaving to one's loins." Obviously in both of these instances, the word does not demand permanence. Furthermore Edgar maintains that the cleave statement of Genesis 2:24 says nothing directly "about divorce or remarriage, or

¹⁰J. Carl Laney, "No Divorce & No Remarriage," in *Divorce and Remarriage: Four Christian Views*, ed. H. Wayne House (Downers Grove, IL: InterVarsity, 1990), 19.

¹¹William Heth, "Divorce, but No Remarriage," in *Divorce and Remarriage: Four Christian Views*, ed. H. Wayne House (Downers Grove, IL: InterVarsity, 1990), 75. The Heth quotes from this article and any other work prior to his 2002 article reflect Heth's original interpretation. As was pointed out earlier, his view has since changed.

¹²*Ibid.*, 76.

permanence.”¹³ And even if one argues correctly that Genesis 2:24 provides a model for covenant marriage, this does not guarantee that the covenant cannot be broken.

The phrase “one flesh” has also generated debate on both sides of the dissolubility issue. Arguing in opposition to the idea that companionship is the essence of marriage (based upon Gen 2:18),¹⁴ Heth contends that the meaning of “flesh” in Genesis 2:24 carries the same meaning as it does in the previous verse where Adam announces, “This is now bone of my bones and flesh of my flesh.” For Heth, this “flesh and bone” terminology denotes kinship. It is the same “formula of relationship” found in Genesis 29:14; Judges 9:1-2; 2 Samuel 5:1; and 19:12-13 where in each case it indicates a “permanent relationship of kinship.”¹⁵ Wenham concludes concerning the “one flesh” terminology:

This does not denote merely the sexual union that follows marriage, or the children conceived in marriage, or even the spiritual and emotional relationship that it involves, though all are involved in becoming one flesh. Rather it affirms that just as blood relations are one’s flesh and bone, so marriage creates a similar kinship between man and wife. They become related to each other as brother and sister are The kinships established by marriage are therefore not terminated by death or divorce.¹⁶

When a man and woman marry, they pledge their loyalty to one another publicly and consummate their marriage privately. Both elements are essential in the covenant

¹³Thomas R. Edgar, “Response,” in *Divorce and Remarriage: Four Christian Views*, ed. H. Wayne House (Downers Grove, IL: InterVarsity Press, 1990), 62. Edgar suggests that even if one can prove permanence in Gen 2:24, this passage must be interpreted in light of Matt 19:9 where Jesus clearly provides an exception clause. We will deal with this point in the next chapter.

¹⁴Supported by Jay Adams, *Marriage, Divorce, and Remarriage in the Bible* (Phillipsburg, NJ: Presbyterian & Reformed, 1980) and Ed Dobson, “What is Marriage?” *Fundamentalist Journal* 4 (1985): 40-41.

¹⁵Heth, “Divorce, but No Remarriage,” 77. See also W. Reiser, “Die Verwandtschaftsformel in Gen. 2, 23,” *TZ* 16 (1960): 1-4.

¹⁶Wenham, *Genesis 1-15*, 71.

paradigm and create an unbreakable bond equal to a blood relative kinship. Heth asserts, “Something unique and ‘creational’ takes place when husband and wife consummate their marriage covenant: they become closely related (‘one flesh’).”¹⁷ Heth’s interpretation of the phrase “one flesh” becomes vital to his understanding of the permanent “kinship” covenant that is formed in marriage.¹⁸

On the other hand, Edgar argues that such indissoluble assumptions are invalid since no biblical passage directly supports the concept that a “one flesh” relationship means a married couple, just as a blood relative, is bound to an unchangeable relationship. As a matter of fact, Paul’s use of the “one flesh” phrase in 1 Corinthians 6:16 to describe sexual relations with a prostitute would indicate that the phrase does not denote indissolubility or otherwise Paul would be suggesting that one who committed such an act would be disqualified from marriage to someone other than the prostitute.¹⁹

Furthermore Edgar reasons, “If ‘one flesh’ means equivalent to ‘blood relative’ in the full sense, then once married, the couple are blood relatives and in an incestuous relationship contrary to Scripture. It therefore follows that the term one flesh cannot possibly be the equivalent to ‘blood relative’ in the full sense of the term.”²⁰ It seems illogical for one to adhere to the claim of kinship indissolubility in the fullest sense of the term if they do not adhere to the equivalent results that follow. And, Edgar contends,

¹⁷Heth, “Divorce, but No Remarriage,” 77.

¹⁸We will be discussing later in the work Heth’s kinship interpretation of this passage in relation to Lev 18:6-18 and the exception clause of Matt 19:9.

¹⁹Thomas Edgar, “Divorce & Remarriage for Adultery or Desertion,” in *Divorce and Remarriage: Four Christian Views*, ed. H. Wayne House (Downers Grove, IL: InterVarsity Press, 1990), 154.

²⁰*Ibid.*

even if it were possible to prove that “one flesh” equals kinship and implies an unchangeable relationship, this does not restrict the involved parties from marriage to others and therefore could not subsequently prohibit remarriage.²¹

Other commentators contend that the “one flesh” relationship implies community rather than kinship. The two are “united in commitment . . . bound by stipulations, forming a new entity or relationship.”²² This communal relationship involves intimacy, solidarity, trust, well-being, support, and other defining marks of a covenant relationship.

While these scholars raise some valid points, Hugenberger’s work truly clarifies the nature and significance of the “one flesh” relationship. Hugenberger’s book helped convince William Heth, previously one of the most ardent defenders of the kinship view of “one flesh” and the no remarriage perspective, that marriage can be dissolved.

Hugenberger argues that a covenant entails an “elected, as opposed to natural, relationship of obligation established under divine sanction.”²³ As was demonstrated in the previous chapter, covenants were “the means the ancient world took to extend relationships beyond the natural unity by blood.”²⁴ Heth had maintained previously that the covenant and one-flesh consummation of marriage made two totally unrelated

²¹Ibid., 154.

²²Mathews, *Genesis*, 223. Cf. Westermann, *Genesis 1-11*, 233; Walter Brueggemann, *Genesis*, IBC (Atlanta: John Knox Press, 1982), 47; and H. C. Leupold, *Exposition of Genesis* (Grand Rapids: Baker, 1953), 1:137.

²³Hugenberger, *Marriage as a Covenant*, 174.

²⁴McCarthy, *Treaty and Covenant*, 175.

persons as closely related as blood relatives. Now having reexamined his position in light of Hugenberg's clearer perspective of covenant, Heth concludes, "the unity between unrelated persons established by the marriage covenant is not the same as a vertical blood relationship between a parent and a child nor the horizontal blood relationship that exists between siblings."²⁵ Instead, the Genesis 2:24 "one-flesh" element of the covenant refers to "the bondedness which results from and is expressed by sexual union" and "refers to the establishment of a new family unit."²⁶ The one-flesh imagery is not controlled primarily by the kinship interpretation. It is guided primarily by the bondedness that occurs within the consummation of marriage that seals the covenant and establishes a new family.

Hugenberg insists that "leave" and "cleave" are clearly covenantal terms and the "one flesh" consummation serves as the ratifying oath that seals the covenant relationship. He explains, "sexual union (*copula carnalis*), when engaged in with consent . . . was understood as a marriage-constituting act and, correspondingly, was considered a requisite covenant-ratifying (and renewing) oath-sign for marriage, at least in the view of certain biblical authors."²⁷ He adds, "clearly sexual union is the indispensable means for the consummation of marriage both in the Old Testament and elsewhere in the ancient Near East."²⁸

Ortlund emphasizes the uniqueness of the one-flesh relationship when he writes:

²⁵Heth, "How My Mind has Changed," 18.

²⁶Hugenberg, *Marriage as a Covenant*, 162-63.

²⁷*Ibid.*, 248.

²⁸*Ibid.*, 279.

Human marriage is premised in the making of the woman out of the very flesh of the man, so that the bond of marriage reunites what was originally and literally one flesh. All other relational claims must yield to the primacy of marital union. It requires an exclusive, life-long bonding of one man with one woman in one life fully sharedGod so joins them together that they belong fully to one another, and to one another only.²⁹

Marriage is intended to be lifelong. It is an enduring one-flesh covenant, but with that covenant comes shared responsibilities.

Heth's recent conclusion regarding the Genesis 2:24 passage states clearly the position of this work. He declares:

The Genesis 2:24 "one flesh" relationship that results from the covenant of marriage ratified by sexual consummation is not an indissoluble union, just one that should preeminently not be dissolved, and a sexual sin like adultery is the preeminent violation of the marriage covenant.³⁰

The one-flesh element of Scripture's most foundational description of marriage is to be taken seriously. Covenant marriage is intended to last a lifetime. But the permanent ideal of marriage does not preclude the overall covenant framework of Scripture.

Conclusion

Genesis 1-2 offers pivotal insight into the nature of the marriage covenant. Marriage is an original part of God's creative design. God created men and women for the purpose of being joined together as a pair in a monogamous relationship. His instructions were clear: a man and a woman are to "leave" their primary family loyalties as a son or daughter and "cleave" to their spouse in a binding covenant relationship. This covenant is ratified through the "one-flesh" consummation that creates a new family unit

²⁹Raymond Ortlund, *God's Unfaithful Wife: A Biblical Theology of Spiritual Adultery* (Downers Grove, IL: InterVarsity, 1996), 23.

³⁰Heth, "How My Mind has Changed," 19.

and is affirmed by the blessing of God. The marriage covenant is intended to be lifelong and permanent. Yet as with any human-to-human covenant there are conditions to the covenant relationship. A breach of those conditions may threaten the covenant itself.

Deuteronomy 24:1-4

Perhaps no Old Testament passage regarding divorce and remarriage is more discussed than Deuteronomy 24:1-4. There are a couple of evident reasons for its prominence. One, it is one of the only passages in the Old Testament that addresses the subject specifically and two, it is the central text to which the Pharisees referred when asking Jesus about the permissibility of divorce. For those two simple reasons, this passage has become crucial in the development of a proper biblical understanding of divorce and remarriage. Deuteronomy 24:1-4 states:

When a man takes a wife and marries her, and it happens that she finds no favor in his eyes because he has found some indecency in her, and he writes her a certificate of divorce and puts it in her hand and sends her out from his house, and she leaves his house and goes and becomes another man's wife, and if the latter husband turns against her and writes her a certificate of divorce and puts it in her hand and sends her out of his house, or if the latter husband dies who took her to be his wife, then her former husband who sent her away is not allowed to take her again to be his wife, since she has been defiled; for that is an abomination before the Lord, and you shall not bring sin on the land which the Lord your God gives you as an inheritance.³¹

At this point, this crucial passage will be examined in light of its immediate context only. It will be considered in further detail in the next chapter with regards to its role in the Synoptic accounts.

³¹Most modern commentators agree that the protasis in this paragraph is in the first three verses and that it is only at the beginning of verse four that the apodosis begins. We will discuss this matter later in the chapter.

The Primary Interpretations

At least ten major interpretations of the Mosaic legislation are found in this text. The first view, proposed by Philo, simply suggests that the prohibition in this passage is given because to renew the first marriage would be to condone adultery since adultery is implicit in the second marriage regardless of whether a remarriage to the original husband occurs or not.³²

In response to this position, Yaron calls attention to the fact that both the divorce and the remarriage are portrayed as legally correct, so the wife could not have committed adultery through remarriage.³³

A second interpretation maintains that the remarriage of a divorced woman is tantamount to adultery. This view is often based upon Jesus' words in Matt 5:32: "everyone who divorces his wife, except for the cause of unchastity, makes her commit adultery; and whoever marries a divorced woman commits adultery."³⁴ In response to this view, many modern scholars have rejected the notion that this text should only be interpreted with regards to Jesus' words in the Synoptics. The legislation must first be interpreted in light of its immediate context.³⁵

³²Philo, *Special Laws* (3:30-31): "She must not return to her first husband but ally herself with any other than him, because she has broken with the rules that bound her in the past and cast them into oblivion when she chose new love-ties in preference to the old. And if a man is willing to contract himself with such a woman, he . . . has lightly taken upon him the stamp of two heinous crimes, adultery and pandering. For such subsequent reconciliations are proof of both."

³³R. Yaron, "The Restoration of Marriage [Deut. 24:1-4]," *JJS* 17 (1966): 1-11. See also Raymond Westbrook, "The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4," in *Studies in the Bible 1986*, *ScrHier* 31, ed. Sara Japhet (Jerusalem: Magnes, 1986), 387-405.

³⁴C.F. Keil and F. Delitzsch, *The Pentateuch*, trans. J. Martin (Edinburgh: T. & T. Clark, 1868; reprint, Grand Rapids: Eerdmans, 1954, 418 and S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy*, 3rd ed., ICC (Edinburgh: T. & T. Clark, 1902), 272.

³⁵Yaron, "The Restoration of Marriage," 7-8.

A third proposal suggests that the law forbids the return of a wife to her original husband after a later marriage to another because the wife is then regarded as “defiled,” which suggests that the second marriage is considered legally adulterous. Thus the prohibition closes a legal loophole that might appear to legalize adultery. Craigie explains:

The language (defiled) suggests adultery (see Lev 18:20). The sense is that the woman’s remarriage after the first divorce is similar to adultery in that the woman cohabits with another man. However, if the woman were to remarry her first husband, after divorcing the second, the analogy with adultery would become even more complete; the woman lives first with one man, then another, and finally returns to the first. Thus the intent of the legislation seems to be to apply certain restrictions on the already existing practice of divorce. If divorce became too easy, then it could be abused and it would become a “legal” form of committing adultery.³⁶

In opposition to this point of view, Wenham and Heth call attention to the fact that in this legislation the second marriage is considered perfectly legal. Only the restoration of the first marriage is forbidden.³⁷

A fourth view argues that the law’s intent is to discourage quick and injudicious divorces by disallowing the man who divorced his wife to take her back.³⁸ A husband ought to consider strongly his action before initiating such an irreversible separation. While the “indecent” described in these verses is debatable, what is clear is that remarriage to a previous spouse is forbidden.

³⁶Peter Craigie, *The Book of Deuteronomy*, NICOT (Grand Rapids: Eerdmans, 1976), 305. See also J. Calvin, *Commentaries on the Four Last Books of Moses Arranged in the Form of a Harmony*, vol. 3, trans. C. W. Bingham (Grand Rapids: Baker, 1950), 94.

³⁷Wenham and Heth, *Jesus and Divorce*, 108.

³⁸Driver, *Deuteronomy*, 272. Against this view see Yaron, “The Restoration of Marriage,” 5; J. A. Thompson, *Deuteronomy. An Introduction and Commentary*, TOTC (Downers Grove, IL: InterVarsity, 1974), 244; Gordon Wenham, “The Restoration of Marriage Reconsidered,” *JJS* 30 (1979): 36-40; and Westbrook, “The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4,” 389.

Atkinson offers three reasons why he supports this particular perspective. First, because a definite and substantial cause of divorce must be given, guarantees against hasty or rash divorces are given. Moses is condemning divorce without a just cause. Second, a proper legal procedure had to be utilized, which would make public the termination of the first marriage in order to promote a sense of social responsibility and protect the divorced woman against capital charges of adultery if she remarried. Third, the prohibition against remarriage to the first husband curbs the cruelty of husbands who might treat their wives as temporarily dispensable.³⁹ Atkinson summarizes his view with these words:

The Mosaic legislation affords a recognition of the fact of marriage breakdown, although divorce is not approved; it acknowledges the need for civil legislation for the sake of society and to secure protection to the divorced woman; it serves to legislate against cruelty.⁴⁰

Luck takes a similar approach in a fifth position when he emphasizes the legislation's primary intent is to protect the woman from an "abusive and hard-hearted husband" during the process of divorce.⁴¹ The prescribed process circumvents a quick and easy divorce by a husband who has little regard for his estranged spouse.

Challenging these previous two views, Phillips contends that this text cannot be taken as evidence that Moses was attempting to limit the husband's right to quick and easy divorce.⁴² This allowance would hardly inhibit an angry husband intent on divorce because almost certainly the "strongest deterrent to divorce in Israel and all over the

³⁹Atkinson, *To Have and to Hold*, 104.

⁴⁰Ibid.

⁴¹Luck, *Divorce and Remarriage*, 57.

⁴²Anthony Phillips, "Some Aspects of Family Law in Pre-Exilic Israel," *VT* 25 (1973): 237-42.

ancient Near East was financial, since the husband had to forfeit the dowry and may have been involved also in other payments to his former wife.’⁴³ One might argue that this point does not eliminate Luck’s point. The legislation could serve as both a financial deterrent and a preventive means of protecting a wife from abuse.

A sixth perspective insists that the consequence of the second marriage is an “unobliterable” relationship. John Murray, who holds this position, goes so far as to suggest:

The second marriage effects an unobliterable separation from the first husband. This implies a unique relation to the first husband and demonstrates that the marriage bond is so sacred that, although divorce may be given and a certain freedom granted to the divorced persons, yet there is an unobliterable relationship that appears, paradoxically enough, in the form of an unobliterable separation in the event that a second marriage has been consummated on the part of the divorced wife ...it is the fact of divorce that bears the whole onus of ultimate responsibility for the defilement that is sure to enter when the first marriage is restored after a second had been consummated.⁴⁴

Murray’s interpretation is more than the text seems to allow. What is clear is that the passage simply disallows the remarriage of a wife to her former husband after he has put her away and she has married someone else.

A seventh reading concludes that this law reflects the Israelite principle that a man must not have sexual relations with his wife once she has had relations with another man. In support of this interpretation, the Old Testament indicates that a wife’s sexual relationship with her husband is defiled through intercourse with another man (Gen

⁴³Thompson, *Deuteronomy*, 244.

⁴⁴Murray, *Divorce*, 15-16.

35:22; 49:4; Num 5:13-14; 2 Sam 16:21-22; 20:3; Jer 3:1; and Amos 2:7). This view also speaks of the “natural repulsion” of taking back a wife who has lived with another man.⁴⁵

Then again, is it realistic to believe that a man within this cultural context would want to marry a divorced woman who had been “defiled” by another man? And, as Yaron suggests, is it reasonable to conclude that a “natural repulsion” has “found expression in only one particular legal system?” There is no evidence of another ancient Near Eastern system including such a regulation.⁴⁶

An eighth perspective, popularized by Yaron, contends that the law deems the second marriage perfectly legal and the legislation is therefore designed, like other Old Testament warnings regarding incestuous practices, to protect and stabilize the second marriage by inhibiting the restoration of the first marriage.

Yaron makes note of the fact that the strong prohibitive words of verse 4 are the same ones employed in connection with the incest sins of Leviticus 18 and 20. He contends that the incest laws are intended to protect the family and socially approved marriages from disruptive sexual tension. When a divorced woman marries another man, a triangle of relationships forms in that the first husband may seek reconciliation with his

⁴⁵Advocated by Abel Isaksson, *Marriage and Ministry in the New Temple: A Study with Special Reference to Mt. 19.13 and 1 Cor. 11.3-16*, trans. Neil Tomkinson with Jean Gray, ASNU 24 (Lund: Gleerup; Copenhagen: Munsgaard, 1965); and J. D. M. Derrett, *Law in the New Testament* (London: Darton, Longman & Todd, 1990).

Carmichael cites the examples of Abraham and Abimelech to argue for this attitude of “natural repulsion” against taking back a wife who had co-habited with another man. C. M. Carmichael, *The Laws of Deuteronomy* (Ithaca, NY: Cornell University, 1974), 203-07. But, as Hugenberg demonstrates, the offensive act in the Abimelech story was not adultery but remarriage. There are also other incidents, such as David’s request for Michal, that affirm remarriage as acceptable. Hugenberg, *Marriage as a Covenant*, 293.

⁴⁶Yaron, “The Restoration of Marriage,” 1-11. See also Wenham, “The Restoration of Marriage Reconsidered,” 37, and Westbrook, “The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4,” 391.

wife, who is then caught in the unfavorable position of having to decide between two men. Such a dilemma is avoided if remarriage to the first husband is forbidden.⁴⁷

Wenham and Heth, who take a similar interpretive approach, find one major flaw in Yaron's reasoning, viz., "the reunion of the first couple is forbidden even if the second husband dies. Why protect the second marriage when death has ended it?"⁴⁸

Wenham refined Yaron's view into a ninth position which maintains that the law employs the theological position of the Leviticus 18 incest laws and considers the renewal of the first one-flesh relationship after the creation of a second as some type of incest. In other words, when the divorced woman remarries, she now creates a bond in the relationship between the two men that makes them like brothers. To return to her former husband would be like a man marrying his sister. Wenham explains:

Through her first marriage the woman entered into the closest form of relationship with her husband . . . divorce did not terminate this relationship; she still counted as a very close relative. If a divorced couple want to come together again, it would be as bad as a man marrying his sister. That is why it is described as "an abomination before the Lord" that "causes the land to sin."⁴⁹

In the end, a man may not remarry his wife because his first marriage to her made her one of his relatives. The legislation here takes the Leviticus texts to their theological limit. Marriage partners are considered one flesh, which in this view, makes their relationship as binding as a blood tie.

The primary problem with this interpretation is that Deuteronomy 24:1-4 offers no indication that an incestuous relationship is ever in question. Nor does the law seem to

⁴⁷Ibid., 8.

⁴⁸Wenham and Heth, *Jesus and Divorce*, 109.

⁴⁹Wenham, "The Restoration of Marriage Reconsidered [Deut 24:1-4]," 40.

prohibit the second marriage. The text simply states that a return to the first husband would be “an abomination before the Lord.” What that phrase means exactly is unclear. But to introduce the incestuous laws of Leviticus into this passage seems unwarranted. Furthermore, if this view is correct, it seems odd that the original marriage partners are not allowed to marry even after the death of the second spouse.⁵⁰

A final explanation seeks to interpret the law as prohibiting a husband from returning to a wife he divorced for legitimate reasons of indecency. In this situation a husband would be free from the normal financial consequences of divorce and might have been entitled to the dowry of the divorced wife as well. If the wife then remarries and her second marriage ends in circumstances that leave her affluent (by means of the marital gifts from the second husband, the dowry, the divorce money, or the widow’s allowance), then the first husband is forbidden to remarry this woman in order to profit financially. The law prevents unjust enrichment on the basis of an estoppel.⁵¹

Westbrook, the chief advocate for this perspective, argues that the other views have failed to consider a crucial component of the circumstances in these verses, viz., the difference noted in the termination of the first and second marriages before the effort of the husband to return to his wife. Westbrook writes,

In the former, the husband finds “some indecency” in his wife and divorces her; in the latter he “dislikes” her and divorces her, or in the alternative, dies. There must therefore exist some underlying factor which is on the one hand common to divorce for “dislike” and death, and on the other distinguishes these two types of dissolution

⁵⁰Harold W. Hoehner, “Divorce and Remarriage: Response,” in *Applying the Scriptures*, ed. Kenneth S. Kantzer (Grand Rapids: Academie Books, 1987), 240-46.

⁵¹An estoppel is “the rule whereby a person who has profited by asserting a particular set of facts cannot profit a second time by conceding that the facts were otherwise. He is bound by his original assertion, whether it is objectively true or not.” Raymond Westbrook, “The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4,” in *Studies in the Bible 1986*, ScrHier 31, ed. Sara Japhet (Jerusalem: Magnes, 1986), 404.

from divorce for “indecenty.” That factor, we submit, lies in the property aspect of marriage—more exactly, in the financial consequences of its dissolution.⁵²

While no other direct biblical evidence validates his conclusions, Westbrook makes a strong case for a legal tradition that affirms this practice based upon the earlier cuneiform sources and post-biblical Jewish sources.

Westbrook notes two legal practices from the extant evidence. First, it is recognized that when a marriage is legally dissolved, whether by divorce or death, the wife is entitled to a financial payment. At a minimum, her dowry is returned and often a husband had to give her something extra. Second, if a wife is found guilty of socially recognized misconduct, which for example could be in the realm of her household duties, finances, or sexual impropriety, the husband could divorce her without any financial penalty.⁵³

Applied specifically to Deuteronomy 24:1-4, Westbrook contends that this law prohibits the husband from unjust enrichment by returning to his wife, whom he divorced on the grounds of “some indecenty” and therefore escaped the normal financial consequences. A husband is not allowed to reject his wife and then profit by taking her back.⁵⁴

⁵²Ibid., 393.

⁵³Ibid., 404.

⁵⁴Westbrook’s argument is based largely upon the technical definition of אָנַח (“dislike” or “hate”). One example includes an Old Babylonian marriage contract that states, “If H divorces W . . . if W hates H.” British Museum, *Cuneiform Texts from Babylonian Tablets in the British Museum* (London: British Museum, 1898-1977), 6:26a. He also cites a longer example of a marriage contract from Alalakh: “If W hates H and divorces him . . .” and a Neo-Assyrian contract that asserts: “If W hates H and divorces . . .” Westbrook, “Prohibition of Restoration of Marriage,” 400. Although the OT does not allow this type of groundless divorce based solely upon אָנַח it most likely was practiced in the surrounding cultures. For example, in Deut 22:13-21 the man who “hates” his wife cannot divorce her solely on those grounds, so he creates an immorality charge against her.

Westbrook supports his “estoppel” proposal by translating the traditional phrase “after she has been defiled” (אָפּוּרְטִי אִשְׁרָהּ הָיְתָה) with the Hebrew *hof'al* form.

Westbrook suggests that this form expresses causation and can be translated “she has been caused to be unclean.” The primary concern is not whether or not the wife is in fact unclean; the point is that the husband has legally declared her unclean. “Having profited from the claim that she was unfit to be his wife, he can not now act as if she were fit to marry him because circumstances have made her a more profitable match.”⁵⁵ Westbrook does appear to stretch the implications of the Hebrew form here to support his claim.

Walton contributed to Westbrook’s case by contending that the verb is an example of the rare *hutqattel* form, which has more of a reflexive passive meaning. Walton renders the phrase: “she has been made to declare herself to be unclean” and reasons that the situation refers to a judicial declaration that the wife was required to make at her first divorce. She had to announce publicly that she was unclean in order for the divorce to be legal.⁵⁶ The husband’s pretense is then exposed if he attempts to remarry his wife later. He is obviously changing his mind for financial gain.

This final interpretation fits well within the overall social context of the prohibition.⁵⁷ The lack of evidence from other parallel biblical laws and Westbrook’s weakening of the term “abomination” call this view into question.

⁵⁵Ibid., 404.

⁵⁶John H. Walton, “The Place of the *hutqattel* within the D-stem Group and its Implications in Deuteronomy 24:4, *Hebrew Studies* 32 (1991): 7-17.

⁵⁷David Instone-Brewer exhibits how Deut 24:1-4 can be understood both in the social and literary context of the second millennium B. C. E. “In the social context of the ANE, a husband who abandoned his wife was allowed to reclaim her, and his children, at any time. This right was abrogated by some husbands in their marriage documents and occasionally in a divorce certificate. In Israel such a certificate was mandatory. The certificate had a very similar purpose and wording to the widow’s tablet

Conclusion

It is not the aim of this work to establish which of these ten views is to be favored as the primary *raison d'être* prohibiting palingamy to a former spouse in Deuteronomy 24:4. However, a few crucial points of emphasis need to be examined in light of the overall discussion.

One, understanding the basic grammatical structure of Deuteronomy 24:1-4 is important. The present scholarly consensus is summarized by Campbell who observes, “There is scarcely any question that these verses constitute one conditional sentence, the protasis of which is to be found in the first three verses and the apodosis of which begins only with v. 4.”⁵⁸ The first three verses present the hypothetical scenario and verse 4 submits the command or prohibition.⁵⁹

This view distances itself from some of the older translations of this passage such as the Authorized Version which translates the opening verse: “When a man taketh a wife, and marrieth her, then it shall be, if she finds no favour in his eyes, because he hath found some unseemly thing in her, that he shall write her a bill of divorce and give it into her hand, and send her out of his house.” Such translations give the impression that divorce is mandatory under the prescribed conditions instead of simply an observation of what was already occurring.⁶⁰ In other words, Deuteronomy 24:1-4 is not a mandate but

which can be dated back to the second millennium B. C. E.” David Instone-Brewer, “Deuteronomy 24:1-4 and the Jewish Divorce Certificate, *JJS* 49 (1998): 230-43.

⁵⁸Robert Campbell, “Teachings of the Old Testament concerning Divorce,” *Foundations* 6 (1963): 174-78.

⁵⁹For an excellent grammatical breakdown of these verses, see Hugenberger, *Marriage as a Covenant*, 78-79.

⁶⁰See also the English Revised Version, the American Revised Version, and the 1901 American Standard Version. Murray, *Divorce*, 4. For a detailed discourse analysis approach that agrees in

simply describes a basic “if . . . then” scenario. It is a descriptive passage, not a prescriptive one.

This grammatical structure is important in understanding that Deuteronomy 24:1-4, in its immediate context, is concerned strictly with the prohibition of palimony to a former spouse. As Merrill notes, “The legislation here neither commands nor condones divorce in general but only regulates its practice for ancient Israel.”⁶¹ In other words, this text should not be used to condemn nor to confirm the practice of divorce and remarriage. Its primary purpose is not to institute, define, or encourage divorce but to regulate an existing practice.

Two, the exact meaning of the phrase “something indecent” (עֲרוֹת דָּבָר) is questionable.⁶² The Hebrew literally means the “nakedness of a thing.” Most scholars argue against the idea that the phrase refers simply to adultery. Considering that the Pentateuch prescribes the death penalty for those caught in adultery (Lev 20:10; Deut 22:22-27), the phrase seems to serve as some type of catch-all that includes some type of misconduct other than or, if sexual in nature, short of adultery.⁶³

most regards with modern scholarship while sustaining traditional rabbinic interpretations as well, see Andrew Warren, “Did Moses permit Divorce? Modal *weqatal* as Key to New Testament Readings of Deuteronomy 24:1-4,” *TynBul* 49 (1998): 39-56. Instead of a series of apodoses followed by a single protasis, Warren finds an initial apodosis in v. 1b.

⁶¹Eugene Merrill, *Deuteronomy*, NAC 4 (Nashville: Broadman & Holman Publishers, 1994), 316.

⁶²As it will be seen in the next chapter, the interpretation of this phrase was extremely important in Rabbinical interpretation where the schools of Shammai and Hillel seem sharply divided.

⁶³Murray shows examples of Old Testament instances where the death penalty was alleviated based upon certain contingencies. But in none of these instances does the phrase עֲרוֹת דָּבָר occur nor could the prohibition of Deut 24:4 apply in any of these cases. Murray, *Divorce*, 11-12. Kaiser summarizes Murray’s arguments well:

1. The Pentateuch prescribed death for adultery (Lev 20:10; Deut 22:22; cf. 22:23-27).
2. Numbers 5:11-31 relates to cases of suspected but unproven adultery, so that could not be the intention of this provision.

If one were to follow Westbrook's line of reasoning, the cause of the first divorce differs from the second in that the "indecency" found in the original marriage provides legitimate grounds for a legal and recognized divorce. On the other hand the second marriage ends because the latter husband "hates" or "dislikes" her, which are illegitimate grounds for a divorce and therefore without justification.⁶⁴ As will be noted later in the chapter, this argument appears to find support in Malachi 2:16 as well.

This enigmatic phrase will be examined further when we look at Jesus' response to this issue in the Synoptics. For now, it is safe to say that the phrase cannot be restricted to adultery and whatever the indecency entails, it was considered legitimate grounds for a divorce to occur.

Finally, the postscript of the prohibition ("for that is an abomination before the Lord, and you shall not bring sin on the land which the Lord your God gives you as an inheritance") has generated a lot of discussion. Again the exact meaning of the word "abomination" hinges largely upon how one understands what occurs in the previous verses. What appears obvious from a simple reading of the text is that the prohibition is against the remarrying of the original spouse. This particular action, regardless of our exact interpretation of the involved terms, is an abomination before God.

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3. Deuteronomy 22:13-21 also covered the case of a bride who was charged with previous sexual promiscuity and who vindicated herself; so that could not be the alternative meant here.
 4. Deuteronomy 22:23-24 treats the cause of a betrothed virgin and her husband-to-be who voluntarily defiled themselves and hence the sanction was death for both.
 5. Nor can the "unseemly thing" of Deuteronomy 24:1 be a matter of coercing a bride-to-be to have sexual relations, for Deuteronomy 22:25-27 exonerated the virgin and put the man to death.
 6. Nor was it a matter of premarital sex between an unbetrothed man and woman, for in that case the man must marry her and never divorce her (Deut 22:18-19).

Walter Kaiser, *Toward Old Testament Ethics* (Grand Rapids: Zondervan, 1983), 200-03.

⁶⁴Westbrook, "The Restoration of Marriage," 393.

In summary, Deuteronomy 24:1-4 does not deal specifically with the question of the permissibility of divorce and remarriage for legitimate or illegitimate reasons. Instead the passage regulates a practice that is already occurring within the Jewish culture.

Malachi 2:10-16

If one were to read a typical English translation of Malachi 2:16, they might get the impression God's attitude toward divorce is absolutely settled with these poignant words: "I hate divorce," says the Lord, the God of Israel. Indeed some scholars take this statement as God's unequivocal rejection of divorce as a whole. Steele and Ryrie call this verse "one of the most profound texts in the scripture on the subject of marriage permanence."⁶⁵ And Laney avers that "God's attitude toward divorce" is condensed into these few words.⁶⁶ But upon further investigation, one quickly discovers that there are deeper issues with which to wrestle regarding the exact meaning of these controversial words.

Obviously one must examine this passage within its overall context to gain a fuller appreciation of verse 16. Malachi speaks of divorce within the broader context of criticizing those who violate covenant promises. The primary message of Malachi centers on the fact Judah has failed to maintain her covenant with God. The prophet implores Judah to renew her commitment to covenant faithfulness.

In spite of God's unconditional love for them (1:2-5), Judah has shown nothing but contempt for Yahweh and his name (1:6-14). God first cautions them that their

⁶⁵Paul E. Steele and Charles C. Ryrie, *Meant to Last* (Wheaton, IL: Victor Press, 1983), 67.

⁶⁶J. Carl Laney, *The Divorce Myth* (Minneapolis: Bethany House, 1981), 48.

obstinate disdain is a breach of the covenant (2:1-10) and then proceeds to outline explicit ways they have violated the covenant terms. Three of the violations are specifically defined (2:10-16; 3:8-10) and other desecrations are simply listed (3:5). Throughout the remainder of the book, God invites Judah to choose between mercy and judgment. Their choice will be evidenced by their willingness or refusal to abide within the parameters of the Sinai covenant (4:4).

Within this overall covenant context Malachi addresses three specific areas of covenant breaking: marriage to idolatrous wives (2:11-12), breaching the marriage covenant (2:14-16), and robbing God by withholding tithes and offerings (3:8-10). The other violations listed in 3:5 include: sorcery, adultery, perjury, and the oppression of employees, widows, orphans, and foreigners. While the words regarding divorce in 2:14-16 are our primary focus here, it is critical to observe that the protection of foreigners in the broader context implies that the foreign wives were rejected not just because they were non-Israelites but because they led the people into idolatry. This thought is supported by the identifying phrase “the daughter of a strange God” in 2:11.⁶⁷

There does seem to be a clear connection between the marriage to an idolatrous wife and the violation of the marriage vows formed between the man and the “wife of [his] youth.” Instone-Brewer explains the link:

Perhaps some men were divorcing the wife whom they married when they were young in order to marry a rich foreign woman. In this case their unfaithfulness

⁶⁷For a detailed evaluation of the varying interpretations of the expression “the daughter of a foreign god” see Hugenberger, *Marriage as a Covenant*, 34-36.

One of the more popular views is that Mal 2:11 is referring to the whole nation of Judah, who married “the daughter of a strange god” by committing idolatry. See Isaksson, *Marriage and Ministry*, 31. However the context would seem to suggest that it is the individual men who are marrying foreign wives. Mal 2:12 states: “May Yahweh cut off the man who does it.” It is obviously the man who is being accused of unfaithfulness.

would consist of abandoning their wives by divorcing them without proper grounds. They would, in effect, be breaking their vows to sustain their wives with food, clothing, and oil (love).⁶⁸

However, as Hugenberg points out, this link is mere conjecture. Nothing in this passage defines specifically how the covenant of marriage was being violated. What is definite is that the men were being “faithless” to the wives of their youth.⁶⁹

While Malachi 2:14 is one of the few instances in the Old Testament where marriage is explicitly referred to as a covenant, objections have been raised by certain scholars who prefer a more literary, metaphorical reading of 2:14.⁷⁰ Others believe the words represent a figurative marriage either between Israel and Yahweh,⁷¹ Israel and the covenant,⁷² or the priests of Malachi’s day and the original priestly community.⁷³ Some scholars, who accept this verse as an allusion to a literal marriage, have argued that the covenant language has little to do with the actual marriage, but simply indicates that the wife is a member of the same covenant community as the husband.⁷⁴ And still others understand *בְּרִית* in this verse as primarily a reference to God’s covenant with Israel and

⁶⁸Instone-Brewer, *Divorce and Remarriage*, 55.

⁶⁹Hugenberg, *Marriage as a Covenant*, 101-105.

⁷⁰Milgrom, *Cult and Conscience*, 133-37.

⁷¹Flemming Friis Hvidberg, *Weeping and Laughter in the Old Testament*, trans. N. Haislund (Leiden: E. J. Brill, 1962), 120-23, and Isaksson, *Marriage and Ministry*, 27-34.

⁷²C. C. Torrey, “The Prophecy of ‘Malachi,’” *JBL* 17 (1898): 1-15, and Bruce Vawter, “The Biblical Theology of Divorce,” *Proceedings of the Catholic Theological Society of America* 22 (1967): 223-43.

⁷³Graham Ogden, “The Use of Figurative Language in Malachi 2:10-16,” *BT* 39 (1988): 223-30.

⁷⁴Karl Marti, *Das Dodekapropheten*, Kurzer Hand-Commentar zum Alten Testament 13 (Tübingen: J. C. B. Mohr, 1904), 468-72, and Adam Simon van der Woude, “Malachi’s Struggle for a Pure Community. Reflections on Malachi 2:10-16,” in *Tradition and Re-interpretation in Jewish and Early Christian Literature. Essays in Honour of Jürgen C. H. Lebram*, ed. J. W. van Henten, J. J. de Jonge, P. T. van Rooden, and J. W. Wesseliuss, *Studia Post-Biblica* 36 (Leiden: E. J. Brill, 1986), 65-71.

only secondarily to the marriage covenant.⁷⁵ However, as Hugenberg has meticulously demonstrated, the best understanding of covenant in Malachi 2:14 is in terms of a literal marriage between the men and the “wives of their youth.”⁷⁶

No doubt Malachi 2:14-16 is one of the most complex passages in the Old Testament to translate. As A. S. van der Woude affirms, “Mal. 2.15 is one of the most difficult passages of the whole Old Testament. It would be a hopeless task to record all the attempts that have been made to explain this verse.”⁷⁷ Baldwin adds, “It is impossible to make sense of the Hebrew as it stands and therefore each translation, including the early versions, contains an element of interpretation.”⁷⁸ And Welch concludes, “The text is so corrupt and the sense so uncertain that the verses cannot form the basis of any sure conclusion.”⁷⁹ The more traditional translation of Malachi 2:14-16 reads:

(14) The Lord was witness to the covenant between you and the wife of your youth, to whom you have been faithless, though she is your companion and your wife by covenant. (15) Has not the one God made and sustained for us the spirit of life? And what does he desire? Godly offspring. So take heed to yourselves, and let none be faithless to the wife of his youth. (16) “For I hate divorce,” says the Lord the God of Israel, “and covering one’s garment with violence,” says the Lord of hosts. So take heed to yourselves and do not be faithless. (RSV)

Hugenberg’s translation differs from the traditional reading in the first half of verse 15 and the first few words of verse 16:

⁷⁵T. V. Moore, *A Commentary on Haggai and Malachi: A New Translation with Notes* (New York: Robert Carter & Bros., 1856; reprint, London: Banner of Truth Trust, 1993), 362-69, and A. R. Fausset, “Malachi,” in *A Commentary, Critical and Explanatory on the Old and New Testaments*, vol. 2, ed. R. Jamieson, A. R. Fausset, and D. Brown (New York: Fleming Revell, 1887), 892.

⁷⁶Hugenberg, *Marriage as a Covenant*, 27-47.

⁷⁷van der Woude, “Malachi’s Struggle for Pure Community,” 69.

⁷⁸J. G. Baldwin, *Haggai, Zechariah, Malachi*, TOTC (Downers Grove, IL: Intervarsity, 1972), 240.

⁷⁹A. C. Welch, *Post-Exilic Judaism* (London: Blackwood, 1935), 120.

(14) The Lord was witness between you and the wife of your youth, against whom you have been faithless though she is your companion and your wife by covenant. (15) Did He not make [you/them] one, with a remnant of the spirit belonging to it? And what was the One seeking? A godly seed! Therefore watch out for your lives and do not act faithlessly against the wife of your youth. (16) “If one hates and divorces [merely on the grounds of aversion],” says Yahweh, God of Israel, “he covers his garment [i.e. visibly defiles himself] with violence,” says Yahweh of hosts. Therefore take heed to yourself and do not be faithless [against your wife].⁸⁰

Hugenberger finds an allusion to the “one flesh” covenant of Genesis 2:23-24 in the beginning of verse 15. However the translation of the Hebrew in this section is so admittedly complicated that Hugenberger’s proposal is ambiguous at best. The second half of the verse is clearer and emphasizes the importance of fidelity to the marriage covenant.

Hugenberger’s change in translation of the well-known “I hate divorce” clause in Malachi 2:16a is based on a reading of the Hebrew text without emendation. The most basic form of the Hebrew reads שׂנא שלח which most translations revise to read “I hate divorce.”⁸¹ Hugenberger instead follows the proposal of Westbrook who establishes a parallel to this phrase within ancient Near Eastern texts that translate the phrase “he hates [and] divorces.”⁸² Westbrook suggests that this expression refers to “divorces without adequate grounds” which result in a financial penalty for the person initiating the divorce.

⁸⁰Hugenberger, *Marriage as a Covenant*, 27, 76, 126.

⁸¹Davies points out that the Qumran Cave 4 Scroll of the Minor Prophets emended שׂנא שלח (“if/for he hates divorce”) to שׂנאה שלח (“if you hate, divorce”), which Targum Pseudo-Jonathan follows (“But if you hate her, release her” [ארי אם סבית לה פטרה]) as well as the Vulgate and LXX. This amendment is normal within Qumran literature where כִּי is often changed to אִם. P. R. Davies, *The Damascus Document: An Interpretation of the “Damascus Document,”* JSOTSup 25 (Sheffield: Sheffield Academic Press, 1983), 234-38.

⁸²Westbrook, “Prohibition of Restoration of Marriage,” 400-05. The recent ESV follows this lead as well and translates the verse: “‘For the man who hates and divorces,’ says the Lord, the God of Israel, ‘covers his garment with violence,’ says the Lord of hosts.”

Based upon this translation, one can also make a logical connection to Deuteronomy 24:1-4 as evidence of this type of unjust divorce legislation.

Zehnder agrees that the phrase is best translated “for who hates and divorces covers his garment with violence” and suggests that the hatred has to do with the men considering their Israelite wives “inferior” and “hindering” in light of the “more promising prospects offered by marriages with foreign women.”⁸³

Whichever translation and meaning one embraces, verse 16 definitely confirms that God is against the person who breaks his/her covenant of marriage. While the more traditional reading may seem to suggest God is opposed to any form of divorce, the broader context reveals that God is condemning those who specifically violate the marriage covenant. Condemnation is directed at the person who causes the divorce through faithlessness and not toward the person who is the recipient of such damaging actions. In support of this interpretation, verse 14 affirms that God is a witness of the covenant marriage vows and while the exact meaning of 15a is uncertain, the admonition at the end of the verse instructs the man to be faithful to his wife.

The enigmatic phrase “covering one’s garment with violence” adds to the confusion regarding verse 16. Jones suggests that the prophet could be alluding to the betrothal pledge in which the man spread the “wing” (extremity) of his garment over the woman as a sign of protection and commitment.⁸⁴ The phrase in Malachi 2:16 would then

⁸³Markus Zehnder, “A Fresh Look at Malachi ii 13-16,” *VT* 53 (2003): 255.

⁸⁴C.f. Ruth 3:9 and Ezek 16:8.

be a “metonymy for the marriage relationship, which is radically abused through arbitrary divorce.”⁸⁵

The more traditional view, which maintains that “his garments” is simply a symbolic expression of the inner state of a man, makes sense within the overall context.⁸⁶

Either way, verse 16 is a denunciation against the violence done to those who are divorced for illegitimate reasons. The prophet views such action as not only unethical but an act of covenant unfaithfulness liable to God’s judgment.

The basic Hebrew word בגד (“unfaithfulness”) is used repeatedly in some form in these verses and is crucial for understanding this entire section (2:10-16) in covenant terms. Verse 10 informs the reader that Judah’s unfaithfulness to God’s covenant is evidenced in their behavior toward each other: “Why do we deal treacherously each against his brother so as to profane the covenant of our fathers?” And verse 11 specifies they have “profaned the sanctuary of the Lord” by marrying idolatrous wives. As can be seen in the NAS rendering above, the term בגד is often translated “treacherous” which signifies the breaking of a treaty or covenant. The word appears 43 times in the Old Testament and is frequently employed to describe covenant violations. Erlandsson expounds, “It is used when the OT writer wants to say that a man does not honor an agreement, or commits adultery, or breaks a covenant or some other ordinance given by

⁸⁵David C. Jones, “Malachi on Divorce,” *Presbyterian* 15 (1989): 19. This interpretation would make sense in light of the repeated expression “the wife of your youth,” which denotes the early stages of a marital relationship.

⁸⁶For a breakdown of three major interpretations of this phrase, see Hugenberger, *Marriage as a Covenant*, 73-76. Those who embrace this traditional view include C. F. Keil, *The Twelve Minor Prophets*, vol. 2, trans. J. Martin (Edinburgh: T. & T. Clark, 1878; reprint, Grand Rapids: Eerdmans, 1954), 454, and S. R. Driver, *The Minor Prophets: Nahum, Habakkuk, Zephaniah, Haggai, Zechariah, Malachi*, The Century Bible (New York: Oxford, 1906), 554. For other texts with a similar metaphorical meaning, see Jer 2:34, Ps 73:6, and Ps 109:18.

God.”⁸⁷ C. Isbell writes, “As a verb, it originally meant the taking of a *begeh*, ‘garment.’ But it soon came to describe other acts that were improper within the setting of a community composed of equal partners in covenant with God.”⁸⁸ The term is elsewhere applied to those who break the Sinai covenant (1 Sam 14:33; Ps 119:158), those who break a betrothal covenant (Exod 21:8), and those who break a marriage covenant (Jer 3:20; 9:2).⁸⁹

Malachi’s condemnation of divorce must be understood within this overall context of covenant unfaithfulness. The warning is against those who break the marriage covenant through “unfaithfulness.” This interpretation fits both the immediate context of this section (2:10-16), where faithfulness to human covenants is used to exemplify faithfulness to Yahweh’s covenant, and it fits well within the focus of Malachi’s entire prophecy, which is a plea to maintain covenant faithfulness.

Thus Malachi 2:10-16 does not represent God’s attitude toward all divorce, but rather it expresses God’s displeasure with those who break the marriage covenant for inappropriate reasons. Adams deduces:

It is altogether true that God hates divorce. But He neither hates all divorces in the same way nor hates every aspect of divorce. He hates what occasions every divorce—even one that He has with sinful Israel. He hates the results that often flow to children and to injured parties of a divorce (yet even that did not stop Him from willing divorce in Ezra 1:44, 11). And He hates divorces wrongly obtained on grounds that He has not sanctioned.⁹⁰

⁸⁷S. Erlandsson, “Bāghadh,” in *TDOT*, ed. Johannes G. Botterweck, Helmer Ringgren, and Heinz-Josef Fabry, (Grand Rapids: Eerdmans, 1974), 1:470.

⁸⁸C. Isbell, *Malachi* (Grand Rapids: Zondervan, 1980), 50.

⁸⁹Instone-Brewer, *Divorce and Remarriage*, 57.

⁹⁰Adams, *Marriage, Divorce, and Remarriage in the Bible*, 23-24.

Specifically in this text, God hates divorce as an act of treachery against one's spouse and covenant.

Other Key Old Testament Texts

We have discussed the primary Old Testament texts regarding this issue, but a few other passages need to be highlighted as well. These texts reinforce the idea that marriage is to be understood in terms of covenant.

Proverbs 2:17

Proverbs 2:16-17: To deliver you from the strange woman, from the adulteress who flatters with her words; that leaves the companion of her youth, and forgets the covenant of her God.

Based upon the context of this verse and the recognition that other Old Testament texts speak about marriage in terms of covenant, scholars have traditionally recognized “the covenant of her God” in this passage as a reference to the marriage covenant.⁹¹ Hugenberger notes two chief alternative interpretations to this traditional view.⁹²

Boström argues that “the covenant of her god” refers to a commitment to the strange woman's pagan god.⁹³ Based on the accepted view that זרה “strange” and נְכַרְיָהָ

⁹¹F. Delitzsch, *Proverbs, Ecclesiastes, Song of Solomon*, trans. J. Martin (Edinburgh: T. & T. Clark, 1875; reprint, Grand Rapids: Eerdmans, 1982), 82; C. H. Toy, *A Critical and Exegetical Commentary on the Book of Proverbs*, ICC (Edinburgh: T. & T. Clark, 1899), 47; B. Gemser, “The Instructions of Onchsheshonqy and Biblical Wisdom Literature,” *Congress Volume, Oxford*, 1959 SVT 7 (Leiden: E. J. Brill, 1960), 102-28; and R. B. Y. Scott, *Proverbs. Ecclesiastes*, 2nd ed., AB 18 (New York: Doubleday, 1965), 43.

⁹²Hugenberger, *Marriage as a Covenant*, 297-99.

⁹³Gustav Boström, *Proverbiastudien die Weisheit und das fremde Weib in Sprüche 1-9* (Lund: Gleerup, 1935), 103ff.

“foreign” refer to this woman’s non-Israelite status,⁹⁴ Boström maintains that אֱלֹהֵיָהּ “her god” is most likely a reference to her pagan deity.⁹⁵ He supports his line of reasoning by noting that יהוה “Yahweh” consistently appears throughout Proverbs 1-9 (19 times); therefore, an allusion to אֱלֹהִים “god” is likely to be a “god” other than Yahweh.

Hugenberger demonstrates why Boström’s interpretation falls short in a number of areas.⁹⁶ Not only does אֱלֹהִים appear two other times in this section (2:5 and 3:4) where it unmistakably refers to Yahweh, but also אֱלֹהִים appears nowhere with a pronominal suffix, thus there is no lexical choice available for the precise expression וְאֶת־בְּרִית אֱלֹהֵיהָ (“the covenant of her God”). The author’s word choice is the natural one.

Also it seems unlikely that the author of Proverbs would condemn a pagan woman for any wrongdoing against her god. And while there is some slight evidence for the concept of covenant between pagan deities and their followers, it is not enough to make it probable in the book of Proverbs.⁹⁷ Finally it is not definite that the terms זָרָה “strange” and נְכַרְיָה “foreign” demand that this woman is a non-Israelite.⁹⁸ She might be labeled “strange” to emphasize that she is not the man’s lawful wife⁹⁹ or that she is a

⁹⁴For support of this view, see J. G. Williams, *Women Recounted. Narrative Thinking and the God of Israel*, Bible and Literature Series 6 (Sheffield: Almond, 1982), 107-09.

⁹⁵Cf. 2 Kgs 19:37; 2 Chr 32:21; Isa 37:38; Dan 1:2; Jonah 1:5.

⁹⁶Hugenberger, *Marriage as a Covenant*, 297-98.

⁹⁷Z. Zevit, “A Phoenician Inscription and Biblical Covenant Theology,” *IEJ* 27 (1977): 110-18, and K. A. Kitchen, “Egypt, Ugarit, Qatna and Covenant,” in *Ugarit-Forschungen* 11 (Kevelaer: Verlag Butzon & Bercker, 1979), 453-64.

⁹⁸In opposition to this view, see R. N. Whybray, *Wisdom in Proverbs*, Studies in Biblical Theology 45 (London: SCM, 1965), 89-92, and C. V. Camp, *Wisdom and the Feminine in the Book of Proverbs*, Bible and Literature Series 11 (Sheffield: Almond, 1985), 25-28.

⁹⁹J. Huehnergard, “Five Tablets From the Vicinity of Emar,” *RA* 77 (1983): 11-43, and Karel van der Toorn, “Female Prostitution in Payment of Vows in Ancient Israel,” *JBL* 108 (1989): 193-205.

social outsider because of her immoral behavior.¹⁰⁰

Other scholars contend that “the covenant of her god” refers to the Sinaitic covenant. Cohen mentions “the prohibition of adultery formed part of God’s covenant with Israel (Exod. xx. 13).”¹⁰¹ Kidner takes a similar approach but suggests that if the text had intended to refer to the marriage covenant, the wording would have been closer to that found in Malachi 2:14.¹⁰² And McKane takes this interpretation even further by denying any reference to marriage in Proverbs 2:17 because “the companion” (רִאֲוֹן) of verse 17 does not refer to the woman’s husband but the woman’s teacher or guide.¹⁰³

In support of the traditional understanding of Proverbs 2:17, Hugenberger argues that McKane’s proposal is unconvincing. Context simply does not favor such an interpretation. Instead the use of רִאֲוֹן in this context as meaning “husband” is consistent with its usage throughout the Old Testament.¹⁰⁴ The same is true in regard to Kidner’s argument. There are other Old Testament examples of human-to-human covenants being simultaneously defined as covenants of God.¹⁰⁵

¹⁰⁰L. A. Snijders, “The Meaning of zār in the Old Testament,” *OTS* 10 (1954): 1-154.

¹⁰¹A. Cohen, *Proverbs*. Soncino Books of the Bible, ed. A. Cohen (London: Soncino, 1947), 11.

¹⁰²D. Kidner, *Proverbs. An Introduction and Commentary*, TOTC (Downers Grove, IL: InterVarsity, 1964), 62.

¹⁰³He supports this view of רִאֲוֹן as teacher by appealing to Jer 3:4 and 13:21. W. McKane, *Proverbs. A New Approach*, OTL (London: SCM Ltd., 1970), 213. McKane’s interpretation is reflected in the KJV translation of this verse: “which forsaketh the guide of her youth.”

¹⁰⁴E.g., see Jer 3:4; Prov 5:18; Joel 1:8; and Mal 2:14-15.

¹⁰⁵Ezek 17:16-20 condemns Zedekiah for breaking his covenant with Nebuchadnezzar and warns of God’s pending judgment. Although vss. 16 and 18 indicate that the covenant was with Nebuchadnezzar, v. 19 concludes: “Therefore thus says Yahweh God: As I live, surely my oath which he despised and my covenant which he broke, I will requite upon his head.” See also Jer 34:18 and 1 Sam 20:8, where human covenants are referred to as covenants of God.

And against the view that the covenant in Proverbs 2:17 refers to the Sinaitic covenant, Hugenberg points out that the use of the third feminine singular pronominal suffix seems to restrict the covenant to a personal one: she has forgotten the covenant of *her* God.¹⁰⁶ Furthermore Proverbs rarely deals with the Sinaitic covenant. Its appearance in this context would be atypical. As a matter of fact, 2:17 is the only text in Proverbs to even mention a בְּרִית (“covenant”). Hugenberg notes that this “exceptional use is best explained as the result of a secular use of covenant, that is, as a reference to marriage, which is entirely appropriate in the context of 2:17, rather than to a theological construct.”¹⁰⁷

There does appear to be a link between Proverbs 2:17 and Malachi 2:10-16, which affirms our understanding in both passages of covenant in reference to marriage. The fact that the “strange” woman in Proverbs 2:17 “forsakes the companion of her youth” offers a parallel to the man who is “faithless to the wife of his youth” in Malachi 2:16. The use of the term אֶלֶף (“companion”) in Proverbs 2:17 is similar to תְּכֵרֶתְךָ (“your companion”) in Malachi 2:14. Similarly in Proverbs 2:17 the woman “forgets the covenant of her God” and in Malachi 2:14 the man has been faithless to his “wife by covenant.”¹⁰⁸

With these considerations in mind, it is clear that the covenant mentioned in Proverbs 2:17 is a covenant of marriage. It can also be observed that the woman abandons her spouse and forsakes their divinely sanctioned covenant.

¹⁰⁶Hugenberg, *Marriage as a Covenant*, 301.

¹⁰⁷*Ibid.*, 302.

¹⁰⁸Camp, *Wisdom and the Feminine in the Book of Proverbs*, 235-37, 269-71. Camp builds upon the work of A. Robert, “Les attaches littéraires bibliques de Prov. I-IX,” *RB* 44 (1935): 505-25.

The Later Prophets

David Instone-Brewer summarizes well the development of the later prophets concerning the theme of covenant and marriage:

The later prophets speak about God as if he were married to Israel and Judah. He separates from one wife and divorces another, all the time acting in strict accord with the Pentateuchal laws. The marriage metaphor that was presented by Hosea's life and teaching was developed by Jeremiah, and then developed further by Ezekiel and Second Isaiah. A literary dependence is likely, especially from Hosea to Jeremiah to Ezekiel. These prophets present a consistent picture of God who reluctantly divorces Israel because she consistently breaks her marriage vows, and no shame is attached to God's divorce because it was Israel's and Judah's fault. Malachi's criticism of divorce is directed at those who cause divorce by breaking their vows.¹⁰⁹

This work will now provide a brief overview of the development of this metaphor within the later prophets (excluding Malachi which we have already discussed).

Hosea

Hosea's development of a marriage metaphor to symbolize Yahweh's relationship with Israel occurs within a culture of surrounding religions that spoke of gods who married persons and nations¹¹⁰ and within a Jewish religious history that employed language symbolizing Yahweh's intimate jealousy for Israel is found in the

¹⁰⁹Instone-Brewer, *Divorce and Remarriage*, 34.

¹¹⁰E.g., see J. C. L. Gibson, "Shachar and Shalim and the Gracious Gods," in *Canaanite Myths and Legends*, 2nd ed., ed. G. R. Driver (Edinburgh: T. & T. Clark, 1978), 28-30, 123-27, and William W. Hallo and K. Lawson Younger, "Dawn and Dusk (The Birth of the Gracious and Beautiful Gods)," in *The Context of Scripture: Canonical Compositions from the Biblical World* (Leiden: Brill, 1997), 1:274-83. For ancient Near East examples, see Julie Galambush, *Jerusalem in the Book of Ezekiel: The City as Yahweh's Wife*, SBLDS 130 (Atlanta: Scholars Press, 1992), 20-22. And to observe Hosea's development of ideas found within the Pentateuch and other religions, see C. L. Seow, "Hosea, Book of," in *Anchor Bible Dictionary* (New York: Doubleday, 1992), 3:291-97.

Decalogue and Pentateuch.¹¹¹ Hosea's message of God's unconditional faithfulness to His people in spite of their constant rebellion was lived out in the prophet's personal life.

Admittedly the biographical events described in the first three chapters of Hosea are difficult to recreate.¹¹² In Hosea 1, the prophet is instructed to marry a licentious woman named Gomer and to give their children names that symbolize Israel's rebellion against God. As a result of Gomer's adulterous lifestyle, this marriage ends in divorce in chapter 2. But in chapter 3 Hosea is directed "again" to marry a promiscuous woman whom he is to buy from the slave market. It is difficult to know whether the "again" refers to marrying Gomer again, getting married again, or God speaking to Hosea again.¹¹³

Most commentators would contend that chapter 3 describes Hosea's remarriage to Gomer who has been sold into slavery by one of her lovers. This interpretation fits the book's overall comparison between Hosea's marriage and God's relationship to Israel. What is evident from chapter 2 is that Israel experiences a divorce from God.¹¹⁴ Yahweh asserts clearly in 2:2: "She is not my wife, and I am not her

¹¹¹Exod 15:13; 20:2-6; 34:14-16; Lev 17:1-7; 20:1-6; Deut 4:34-38; 31:16; Judg 2:17; and 8:27, 33. The language of "jealousy" permeates these texts that often speak of Israel's spiritual adultery with other nations. See Ortlund, *God's Unfaithful Wife*, 25-100. Sinai can be viewed as the place where God "marries" Israel. See Louis Ginzberg, *The Legends of the Jews*, trans. Henrietta Szold (Philadelphia: Jewish Publication Society of America, 1913-67), 6:36. Ginzberg notes that Sinai is considered a wedding in midrashic literature. See also Nelly Stienstra, *YHWH Is the Husband of His People: Analysis of a Biblical Metaphor with Special Reference to Translation* (Kampen: Kok Pharos, 1993), 179-86.

¹¹²Part of the difficulty rests in the complexity of the text itself, which employs a northern dialect of Hebrew of which there are few examples outside Ugaritic. Seow, "Hosea," 292.

¹¹³Ibid., 293.

¹¹⁴It is difficult for some scholars to admit that God would divorce Israel. Cornes reasons that the divorce is temporary and therefore cannot be considered an actual divorce. Andrew Cornes, *Divorce and Remarriage: Biblical Principles and Pastoral Practice* (London: Hodder & Stoughton, 1993), 165.

husband.”¹¹⁵ As Instone-Brewer observes, it should be noted that God suffers the divorce. He carries it out because He has been forced into it by Israel’s continual breach of the marriage vows.¹¹⁶

The hope of Israel lies in the promised restoration and establishment of a new covenant relationship with Yahweh. It is important to mention that the language employed by Hosea indicates the creation of a new marital relationship with Israel and not just the restoration of one that has been damaged. Yahweh promises to “betroth” his people in “righteousness, justice, steadfast love, mercy, and faithfulness.” (Hos 2:19-20). A new relationship will be established, one that is symbolized as a marriage without problems.

Jeremiah

The prophet Jeremiah expands upon the truths of Hosea, applying them to a new situation. His primary audience is post-exilic Judah, who has taken a similar path of spiritual adultery as Israel.¹¹⁷ Jeremiah writes to remind Judah of the sanctity of her marriage to God after Sinai (2:2) and then to describe in detail her present state of apostasy. Judah is portrayed as a wild animal in heat chasing after many mates (2:23-25; 5:8). She has forgotten her husband (2:32-37) and has defiled herself by pursuing other gods (2:27-28; 5:7) and nations (2:36-37). Jeremiah warns Judah that unless she repents

¹¹⁵This phrase appears to be an ancient Near Eastern divorce formula. See M. A. Friedman, *Israel’s Response in Hosea 2:17b: ‘You are My Husband,’* *JBL* 99 (1980): 199-204, and Hugenberger, *Marriage as a Covenant*, 216-37.

¹¹⁶Instone-Brewer, *Divorce and Remarriage*, 38.

¹¹⁷For comparisons, see Jack Lundbom, “Jeremiah, Book of,” in *Anchor Bible Dictionary* (New York: Doubleday, 1992), 3:717; Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1985), 311-12; and Robert P. Carroll, *Jeremiah* (London: SCM, 1986), 119.

she will be disgraced like a harlot (13:26) and divorced like Israel (3:1-20). Yet in the end both Israel and Judah will be brought together into a new covenant relationship with God (31:1-34).¹¹⁸

In chapter 3, Jeremiah warns adulterous Judah that she may suffer the same fate as faithless Israel who was given a “writ of divorce” (3:8). It is obvious that Jeremiah believes that an actual divorce has occurred which serves as an impediment to Israel’s reconciliation with God. An allusion to Deuteronomy 24:1-4, which forbids a wife from remarrying her first husband after marrying someone else, confirms the helpless state in which Israel finds herself and the potential fate of wayward Judah. Israel has not remarried but she has defiled herself with many lovers, making reconciliation unattainable.¹¹⁹

Jeremiah then seeks to show that wayward Israel is not the same Israel who will be united with Judah and brought into covenant with God (3:18-22). When the prophet finally speaks of a new covenant, he refers to Israel as a “virgin” (31:3-5). This interpretation corresponds to Hosea’s words and preserves the law of Deuteronomy 24 in that God does not remarry the same adulterous wife but a new wife who has been brought together with Judah as a unified nation.¹²⁰

¹¹⁸Jeremiah pictures God as being symbolically married to two sisters. Galambush suggests that Jeremiah builds on Hosea’s plea for Israel not to entice Judah to unfaithfulness. Galambush, *Jerusalem in the Book of Ezekiel*, 82.

¹¹⁹Holladay identifies this passage as a lawsuit between Yahweh and Israel based on Deut 24:1-4 and paraphrased in Jer 3:1. In v. 2 the evidence is examined and vv. 4-5a provide quotations of Israel by the plaintiff Yahweh. The rest of the section is a call to repentance. William Holladay, *A Commentary on the Book of the Prophet Jeremiah* (Philadelphia: Fortress, 1986), 47-48.

¹²⁰For a more detailed discussion of the issues of Jeremiah 3, see Instone-Brewer, *Divorce and Remarriage*, 39-43.

Jeremiah develops the marriage metaphor within the confines of covenant. Faithfulness to the covenant brings covenant blessings. Unfaithfulness results in the covenant itself being jeopardized.

Ezekiel

Ezekiel develops the marriage metaphor of Judah as an unfaithful wife into two allegories. In chapter 16 Judah is depicted as an abhorred child who is rescued by God and joined to him in a covenant relationship that is epitomized in marital terms. Soon Judah defiles herself in immorality and is subsequently punished. However, the covenant is fully restored.

In chapter 23 Judah and her sister Israel are both pictured as harlots who refused to forsake their immorality and were consequently handed over to their lovers. Israel was destroyed by the Assyrians (23:10) and Judah's punishment came at the hands of the Babylonians. Both of these chapters employ blatant language to describe the unfaithfulness of Yahweh's bride.¹²¹

Though these two chapters differ somewhat, they both emphasize that the nations of Israel and Judah have violated their marriage covenant. Spiritual unfaithfulness is considered adultery and provides sufficient grounds for divorce. In one instance, God hands Israel over to her lovers and the marriage ends (23:9). On the other hand, while God has every right to end His marriage with Judah if He so desires, He does not do it. Ezekiel does not indicate that God is considered more righteous because He does not end

¹²¹It has been stated that the language utilized by Ezekiel would have been scandalous to its original audience and cannot be translated faithfully in a way appropriate for public usage. R. Eliezer ben Hyrcanus forbade the public reading of Eze 16. See Marvin H. Pope, "Mixed Marriage Metaphor in Ezekiel

the desecrated marriage, nor that God is to be considered unrighteous for preserving the relationship. Instead what is emphasized is God's undeserved love and mercy toward those who have violated his covenant. In spite of Judah's unfaithfulness, God promises to remember and renew his covenant with her after she has been punished (16:58-62). "I will establish my covenant with you, and you shall know that I am the Lord," says Yahweh. And even more specifically in 16:8, God utilizes marital imagery to speak in covenant terms: "I spread my skirt over you, and cover your nakedness; yea, I plighted my troth to you and entered into a covenant with you," says the Lord God, "and you became mine."¹²² God is merciful in his actions toward a wayward Judah, who has acted in a manner that has violated the covenant terms.

Isaiah

Isaiah pictures Israel as both an adulteress and later a forsaken wife. In this instance, the prophet states that Israel has not been divorced but has suffered a time of separation that will come to an end through restoration. Most of the marital language is employed in Second Isaiah,¹²³ where Israel is referred to as a wife who has not been divorced (50:1) although she has been forsaken and rejected (54:4-7). And she will be married again (62:4-5).

16," in *Fortunate the Eyes that See—Essays in Honor of David Noel Freedman in Celebration of His Seventieth Birthday*, ed. Astrid Beck (Grand Rapids: Eerdmans, 1995), 389-90.

¹²²Greenberg argues against the idea that this is a marriage covenant, but Hugenberger persuasively refutes him. M. Greenberg, *Ezekiel 1-20*, AB 22 (Garden City, NY: Doubleday, 1983), 220. Hugenberger, *Marriage as a Covenant*, 308-09.

¹²³The term Second Isaiah simply refers to the chapters following chapter 39. This term does not denote anything about the authorship of Isaiah. It is simply used to recognize the distinction in style and situation after chapter 39.

Isaiah argues that God has not divorced His people but has sent them away because of their sins (50:1).¹²⁴ Isaiah seems to make a slight distinction between being put away and receiving the certificate of divorce and we discover in Isaiah 54:4-7 that God's intent was to abandon Israel for a short period and then to reconcile her in the future. Yahweh declares, "For a brief moment I forsook you, but with great compassion I will gather you."

In chapter 62 Isaiah unexpectedly employs the virgin-type language to which Hosea and Jeremiah have already alluded (Hos 2:15; Jer 31:1-7). This later picture of Israel as a virgin bride differs from Isaiah's earlier image of a wife who returns to her husband after many years. As Instone-Brewer shows, "this is the most forceful way in which Isaiah can show that God has forgiven her unfaithfulness completely. The period of abandonment is not only over, but it is as if it had never happened."¹²⁵

Conclusion

The images and emphases of the latter prophets differ slightly from one another but the overall picture is the same: the covenant marriage between Yahweh and his people is one that demands faithfulness. It can be violated and broken through adultery. And when the covenant is broken, the innocent party has suitable grounds to

¹²⁴The Good News Bible, like many commentators, translates the phrase regarding the divorce certificate as rhetorical. See Herbert G. Grether, "Translating the Questions in Isaiah 50," *BT* 24 (1973): 240-43. The minority view is that this question should be taken straightforwardly. In that case, Isaiah would be taking the matter seriously enough to ask for the certificate as proof Judah was divorced. See Claus Westermann, *Isaiah 40-66*, OTL (London: SCM, 1969), 224, and Norman H. Snaith, "Isaiah 40-66: A Study of the Teaching of the Second Isaiah and Its Consequences," in *Studies on the Second Part of the Book of Isaiah*, VTSup 14 (Leiden: Brill, 1977), 190-91. Whether or not the question is rhetorical, Isaiah does not appear to believe Judah is divorced.

¹²⁵Instone-Brewer, *Divorce and Remarriage*, 51.

divorce the guilty spouse. Divorce is not demanded and indeed it requires a genuine act of mercy and undeserving love seeks reconciliation over divorce, but when the marriage covenant is violated divorce is a legitimate option.

Ezra 9-10

A final note should be made regarding Ezra 9-10. In this particular instance, Ezra arrives in Jerusalem from Babylon and learns that the people of Israel, including the priests and Levites, have not separated themselves from the surrounding people groups. As a result, the men have taken daughters of the land for themselves and for their sons and have “intermingled” the holy race of God with the “peoples of the lands” (Ezra 9:2). The prophet is overcome with sorrow and cries out to God: “. . . shall we again break Thy commandments and intermarry with the peoples who commit these abominations? Wouldst Thou not be angry with us to the point of destruction until there is no remnant nor any who escape?” (9:14). Ezra fears for Israel’s future as a result of her evident unfaithfulness, but as he is praying a large assembly of the people gather around him and weep bitterly over their sins. Shecaniah, one of the sons of Elam, speaks out and offers this solution to Ezra:

We have been unfaithful to our God and have married foreign women from the peoples of the land; yet now there is hope for Israel in spite of this. So now let us make a covenant with our God to put away all the wives and their children, according to the counsel of my lord and of those who tremble at the commandment of our God; and let it be done according to the law. (10:2-3)

It is obvious from these words alone that Shecaniah and Ezra, based upon his compliance to the request, believed that it was justified and right for them to “put away” these foreign wives.

The traditional view maintains that these marriages to foreign women were contrary to God's law and therefore should be declared null and void.¹²⁶ From all indications, sexual intercourse had taken place in these relationships and the women were officially considered "wives" of the men. Socially these marriages were valid but theologically they were inappropriate and therefore to be nullified.¹²⁷

Heth and Wenham argue that these marriages were not considered real marriages. They declare, "In Ezra's eyes this was not a question of breaking up legitimate marriages but of nullifying those which were contrary to the law."¹²⁸ These scholars base their opinion on the choice of Hebrew used to describe these marriages and the "out of the ordinary" divorce terminology Ezra employs. Also, it would seem contradictory for the Israelites to make a covenant with God by violating a covenant made between a man and woman in the presence of God.

However, to argue that it was acceptable for Ezra to command the Israelite men to "put away" their wives based on the assumption the marriages were not "real" seems to be a stretch. There is no real reason to believe that the marriages were not legitimate marriages in terms of being recognized by both the governing authority and God as real marriages. Ezra must have considered them real because he speaks of the sin of the people as breaking the covenant and intermarrying with the people of the land

¹²⁶F. Charles Fensham, *The Books of Ezra and Nehemiah*, NICOT (Grand Rapids: Eerdmans, 1982), 135. As Fensham points out, the difference between what happens in this incident and the legislation of Deut 24:1-4 is the intermarrying with foreign wives that has occurred, threatening the purity of the community.

¹²⁷Atkinson, *To Have and To Hold*, 105.

¹²⁸Wenham and Heth, *Jesus and Divorce*, 163.

(9:14). The sin is explicitly mentioned: intermarrying. While the terms are unusual, that does not imply they do not convey that the marriages and divorces were valid socially.

What is important to grasp from this account is the fact that theologically these marriages were considered outside of God's intent. By taking idolatrous wives, the Israelites had committed spiritual adultery against God. As we have seen above, the warnings of the latter prophets centered on the spiritual apostasy of God's people and not upon the physical side of the unfaithfulness. Luck explains, "The problem is that in establishing legal marital relations with the women of the land, they had broken their 'marriage' covenant with God . . . sex with a human being was not the issue. It was the breaking of one of the rules of the Mosaic covenant wherein lay the offence."¹²⁹

It is significant to note here that Ezra the prophet believed it was within God's revealed plan for divorce to occur in this situation. The putting away of the wives fits with God's overall covenant paradigm.¹³⁰ It is an act of purging. What appears obvious from this account is that intentional interfaith marriages were condemned by Ezra and he even instructed God's people to put away their idolatrous wives.¹³¹

Conclusion

In this chapter, we have discovered that covenant is a primary framework by which marriage is understood in the Old Testament. From the earliest description of

¹²⁹Luck, *Divorce and Remarriage*, 79.

¹³⁰Luck associates this incident with other Old Testament examples where the Israelites were instructed to remove evil from the land. In the Gibeon incident (Josh 9), the Israelites are required to retain the covenant relationship but only as a sort of punishment against Israel. In other occurrences, the Israelites are blessed for putting away evil things from among them (2 Kgs 18:1-7; 23). Luck, *Divorce and Remarriage*, 79.

¹³¹We will return to this passage briefly when we consider Paul's instructions in 1 Cor 6-7 regarding a believer's marital relationship with an unbeliever.

marriage in Genesis 1-2 to the use of marriage as a metaphor for God's relationship with his people, covenant serves as a primary framework for defining this most intimate of relationships. Based upon the Old Testament evidence, we are able to draw some pertinent conclusions for the overall work.

First, as with other Old Testament covenants (and ancient Near Eastern treaties as a whole), certain conditions of fidelity keep a covenant intact. To violate these stipulations threatens the covenant itself. The same is true of the marriage covenant. The foundational components of leave, cleave, and oneness serve as essential conditions of the marriage covenant. To break one of these components is to threaten the covenant itself.

Second, the Old Testament provides an overall picture of how divorce was regulated within the community of God's people. The Old Testament does not mandate or prohibit divorce. It simply describes and regulates what was already transpiring. For that reason, passages such as Deuteronomy 24:1-4 and Ezra 9-10 are to be understood descriptively and not prescriptively. What is clear from these texts is that divorces and subsequent remarriages were occurring within the covenant people.

Third, divorce was not a part of God's ideal for marriage and his hatred for unlawful divorce is evident in such passages as Malachi 2:10-16. God's disdain for divorce is clear from the opening pages of Genesis where marriage is defined with indissoluble language. God's ideal plan for the marriage covenant is one man and one woman for a lifetime. At the same time, it is also clear that God himself employed divorce language and actions toward wayward Israel. When God's people violated the covenant terms, divorce was a viable option in God's spiritual economy. God's intent for

marriage is permanence but with the covenant comes conditional terms that demand faithfulness and fidelity. The indissolubility of the marriage hinges upon the faithfulness of each spouse to the vows of consent.

Fourth, the Old Testament tradition is important for understanding fully the New Testament teachings on divorce and remarriage. The passages we highlighted above serve as precursors to the discussions that transpire in the teachings of Jesus and Paul and are important as we turn our attention to the New Testament.

CHAPTER 4

THE TEACHINGS OF JESUS

This work has sought to demonstrate that the biblical concept of covenant serves as a primary framework for understanding marriage and consequently the scriptural teachings on divorce and remarriage. A theology of covenant marriage has been proposed and the crucial Old Testament texts have been examined in light of this paradigm. Now we concentrate on the heart of this work, viz., understanding the New Testament teachings of Jesus and Paul on divorce and remarriage in light of the covenant framework.

Rabbinic Teachings

Before focusing upon the text itself, this work will examine briefly the first century context in which Jesus' teachings occur. It is imperative to be aware of the first century rabbinic discussions regarding divorce and remarriage. Instone-Brewer recapitulates the common principles of that era:

By the first century C.E. there was general agreement in rabbinic Judaism concerning most aspects of divorce and remarriage. The rabbis agreed that the grounds for divorce were childlessness, material neglect, emotional neglect, and unfaithfulness. Divorce was generally regarded as undesirable but sometimes necessary. Divorce was enacted by the man, though a court could persuade a man to enact divorce when his wife demonstrated that she had sufficient grounds for a divorce. Remarriage was generally accepted, but if it followed an invalid divorce, it was treated as adultery. The rabbis also agreed on the financial penalties for divorce when marriage vows were broken. The main dispute concerned a new interpretation of Deuteronomy 24:1 by which the Hillelites allowed divorce for "any matter." This

new groundless divorce was much easier to enact and very quickly became the form of divorce used by almost all Jews.¹

A couple of significant aspects within the rabbinic teachings are crucial when considering the context of the Synoptic teachings.

Initially within rabbinic law only a man could enact a divorce. This regulation was based primarily upon the Deuteronomy 24:1 legislation that instructs the man to obtain the divorce certificate. As a result of this provision, a man could instigate and achieve a divorce voluntarily while the woman had little control of the situation and could even be divorced against her will. For example, one guideline stated:

The man who divorces his wife is not equivalent to a woman who receives a divorce, for a woman goes forth willingly or unwillingly, but a man puts his wife away only willingly.²

Rabbinic law was concerned primarily for the rights of the man and had little concern for the woman.

As society progressed the woman apparently could force her husband to divorce her if the marriage vows were broken. The marriage contract protected the woman and granted her the right to divorce her husband under certain prescribed injurious circumstances. This right can be observed in the following statement that seems to enable a woman the right to get a divorce even when the man does not desire it:

Should there be no marriage contract at all? But if that were the case, then a woman would go forth both when she wants and when she does not want to do so, but a man would put her forth only when he wants to do so.³

¹David Instone-Brewer, *Divorce and Remarriage in the Bible* (Grand Rapids: Eerdmans, 2002), 85.

²*m. Yebam.* 14.1

³*t. Ketub.* 12.3

These words indicate that rabbinic courts would ensure that a woman could be released from the marriage contract if her husband violated the marital conditions.⁴

Later Mishnaic evidence indicates that by the first century women might have even been able to file divorce petitions.⁵ Little compelling evidence suggests that a woman could actually write the certificate of divorce and present it to her husband, but the extant data does indicate that the woman could petition the courts to take action against a husband who has violated the marriage contract.⁶

This practice might have been implemented due to the influence of the surrounding Greco-Roman culture where women could initiate a divorce. Wealthy Jewish women were also known to divorce their husbands.⁷ And Philo also seems to imply that women could divorce their husbands.⁸ The Elephantine documents insinuate that women had this right as early as the fifth century B.C.E. and that men and women had equal

⁴Evidently the courts compelled the reluctant husband by increasing his fines until he was bankrupt. The Mishnah also indicates that force would be employed if necessary. *m. 'Arak. 5.6*: "They compel him until he says: I will it." There also appear to be other court decisions by which a husband could be forced to divorce his wife. For further detail, see Mark Washofsky, "The Recalcitrant Husband: The Problem of Definition," in *The Jewish Law Annual*, ed. B. S. Jackson (Leiden: Brill, 1981), 4:144-66.

⁵A divorce certificate, known as the *Se'elim get* or Papyrus *Se'elim 13*, from a woman to her husband dating from the early second century, was disclosed in 1957 by J. T. Milik and recently published by Tal Ilan in "Notes and Observations on a Newly Published Divorce Bill," *Harvard Theological Review* 89 (1996): 195-202. Milik's article is "Le travail d'édition des manuscrits Désert de Juda," in *Volume du Congrès Strasbourg, 1956*, VTSup 4 (Leiden: Brill, 1957), 17-26.

⁶For a more detailed examination of this topic, see *The Jewish Law Annual*, vol. 4, ed. B. S. Jackson (Leiden: Brill, 1981). Several articles in this book discuss the rights of women in relation to the initiation of a divorce.

⁷Josephus speaks of Salome's divorcing her husband by issuing a repudium—a Roman divorce certificate. She "did not choose to follow here country's law but acted on her own authority and repudiated her marriage." Josephus, *Ant. 20.141-47*.

⁸Philo, *Spec. Leg. 3.30*: "Another commandment is that if a woman after parting from her husband for any cause whatever, marries another . . . she has broken with the rules that bound her in the past and cast them into oblivion."

entitlement to a divorce by stating publicly that they “hate” their spouse and providing them proper compensation.⁹

The scholarly consensus also holds that within first century Palestinian Judaism women could gain a divorce from their husbands under a variety of circumstances.¹⁰ Exodus 21:10-11 was employed to define the obligations of a husband to his wife and if these commitments were breached, the wife (or husband) could legally seek a divorce. Although apparently uncommon for the wife to instigate the divorce, some Jewish courts in first century Palestine upheld this practice.

Instone-Brewer explains the use of Exodus 21:10-11 to identify the marriage obligations found within first century Judaism.¹¹ The right of divorce hinged upon the faithfulness of the spouses to the commitments found in these verses:

If he takes to himself another woman, he may not reduce her food, her clothing, or her conjugal rights. And if he will not do these three things for her, then she shall go out for nothing, without payment of money.¹²

The words translated “food, clothing, and love” carried a variety of meanings and later functioned to justify divorce for a number of reasons.

The first word *שארה* literally means “her flesh” but is generally understood to

⁹See the discussion regarding Westbrook’s article in the previous chapter.

¹⁰Scholars seem to reach this conclusion even prior to the publication of the *Se’elim get* discovery. E.g., see the article “Divorce,” in *Jewish Encyclopedia* (New York and London: Funk & Wagnalls Co., 1905), 4:624-8; I. Abrahams, *Studies in Pharisaism and the Gospels* (London: Macmillan, 1917), 77; and Louis M. Epstein, *The Jewish Marriage Contract: A Study in the Status of the Woman in the Jewish Law* (New York: Johnson Reprint Corp., 1968), 201-05.

¹¹Instone-Brewer, *Divorce and Remarriage*, 99-117.

¹²As Instone-Brewer points out, it is unclear how Exod 21:10-11 became the basis of general divorce law. The passage is speaking specifically regarding a slave wife. Instone-Brewer maintains that the common exegetical rule of *qol vahomer*, the argument from major to minor, would demand that this law be applied to the free wife as well as the slave. *Ibid.*, 100-01.

mean her “food” or “provisions.”¹³ The second root כְּסוּתָהּ is less problematic and is most often correctly translated “her clothing.”¹⁴ The third term עֲנֻתָהּ is more difficult to translate and has received a number of suggestions including: “her abode,”¹⁵ “her right of parenthood,”¹⁶ “her nuptial gift,”¹⁷ and “her ointment.”¹⁸ Perhaps the best translation is the ancient “marital duty” or “conjugal rights” as found in the LXX and the Targums. The first century reader would have understood these terms to mean “food, clothing, and conjugal rights.”

The husband was obligated to provide each of these three rights to his wife. Failure to supply any of the three resulted in freedom: for the slave, freedom from slavery; and for the free wife, freedom from the marriage without penalty. Both men and women had certain obligations and rights in these three foundational areas.

Most of the divorce cases brought before the rabbinic courts were based upon this exposition of Exodus 21:10-11 and were classified under one of two headings: material or emotional neglect.

Under material obligations, a man was required to provide the essential food

¹³This is the general interpretation of the ancient translations. See *Targum Onqelos*, Jerusalem Targum, Peshitta, and LXX. Durham renders the word her “physical well-being.” John I. Durham, *Exodus*, WBC (Waco: Word Books, 1987), 313.

¹⁴Durham includes the idea of “accommodation” in the sense of “covering” as well. Durham, *Exodus*, 313.

¹⁵Umberto Cassuto, *A Commentary on the Book of Exodus* (Jerusalem: Magnes Press, 1967), 268-69.

¹⁶Durham, *Exodus*, 313.

¹⁷From the Vulgate, which has *pretium pudicitiae*, the gift given on the morning following the wedding night. Instone-Brewer, *Divorce and Remarriage*, 100.

¹⁸Shalom M. Paul, “Exod. 21.10: A Threefold Maintenance Clause,” *JNES* 28 (1969): 48-53.

and material for his wife or at least the money needed to purchase them. The amount of food and clothing required of the husband was defined as what he would pay if someone else were caring for his wife for a period of time.¹⁹ On the other hand, women were required to prepare adequate meals and clothing for the family.²⁰ Stipulations concerning other types of material support expected of the husband and wife as well as issues such as the living standards required of a husband and how far a wife could be taken from her family were included in the rabbinic legislation, which served at times as an aid to a marriage, but also could serve as a hindrance to the vitality of the marriage. Instone-Brewer explains:

Some of these details exhibit sensitivity and care for the well-being of the wife, but others appear to be very insensitive and were clearly not designed for marriage guidance or as a handbook for household management. Any marriage based on legalistic rules, such as the amount to be spent on footwear annually, would not last long. These are the kinds of details that would be recorded as legal definitions that arose from actual applications for divorce based on Exodus 21:10-11, and not as notes for helping failing marriages. The fact that these details were recorded in the Mishnah suggests that such cases were brought, and it is clear from the types of rulings that are given that cases were brought by both men and women, and that they were treated equally.²¹

Legislation regarding issues of emotional obligation for both sexes addressed matters such as: abstinence, conjugal rights, a wide range of cruel behavior, public humiliation, the abrogation or abuse of vows, and intentional malice toward one's spouse. The penalties for violating these conditions varied from financial fines to divorce. If a

¹⁹See *m. Ketub.* 5.8.

²⁰*m. Ketub.* 5.5: "These are the kinds of labor which a woman performs for her husband: she grinds flour, bakes bread, does laundry, prepares meals, feeds her child, makes the bed, works in wool."

²¹Instone-Brewer, *Divorce and Remarriage*, 105.

man or woman succeeded in showing that his or her spouse neglected their emotional needs a fault-free divorce could be granted. Early rabbis seem to be in agreement about the legitimacy of divorce in these matters.

Where the rabbinic schools disagreed regarding divorce was over a new type of divorce introduced by the school of Hillel known as the “any matter” divorce. As we shall discover later in the chapter, this dispute was so contentious that the religious leaders even sought the opinion of Jesus. The Mishnah uncovers the heart of the dispute:

The School of Shammai say: A man should not divorce his wife unless he found in her a matter of indecency (דבר ערוה), as it is said: For he finds in her an indecent matter (ערוה דבר). And the School of Hillel say, Even if she spoiled his dish, since it says: For he finds in her an indecent matter (ערוה דבר).²²

The debate hinges on the meaning of the *‘ervat devar* phrase from Deuteronomy 24:1.

The rabbinic schools differed widely in their interpretation and application of this enigmatic phrase. The Hillelites assumed that the uniqueness of the term implied that a special meaning was behind it.²³ They concluded that the phrase provided two separate grounds for divorce: “indecency” and “a matter.” Thus one could seek a divorce for acts of indecency or for “any matter” which included all other grounds for divorce.

Conversely, the Shammaites understood the phrase to mean “a matter of indecency,” which they interpreted primarily as adultery. They reversed the order of the two words in order to emphasize a “matter of indecency.”²⁴ They did not limit divorce just to matters of adultery. As shown above, they also permitted divorce based upon the

²²*m. Git.* 9.10; cf. *Sifré Deut.* 269; *y. Sota* 1.2, 16b.

²³Instone-Brewer suggests that this was a common interpretive technique in rabbinic exegesis. David Instone-Brewer, *Techniques and Assumptions in Jewish Exegesis before 70 C.E.*, *Texte und Studien zum antiken Judentum* 30 (Tübingen: Mohr, 1992), 20, 74, 131.

²⁴*Ibid.*, 136-38.

obligations of Exodus 21:10-11. In the context of the debate over Deuteronomy 24:1, the Shammaites argued that this particular text only allows divorce for “a matter of indecency.”²⁵ The Hillelites favored divorce for “any matter” or “indecency.”

These two schools also differed on the stages involved in obtaining a divorce. The school of Shammai upheld the belief that once a certificate of divorce was written it could be presented to the wife at any time. They insisted that the whole process of divorce was included in the writing of the certificate and once that happens, the divorce was official (even if the husband never officially gave his wife the certificate).

The Hillelites on the other hand insisted that the certificate was to be written just prior to handing it to one’s spouse. There were also many rules about how it was to be given and the fulfillment of the prearranged conditions attached to the marriage contract.²⁶ The Hillelites interpreted the three phrases that accompany the divorce certificate in Deuteronomy 24:1-4 (“writes here a certificate of divorce,” “puts it in her hand,” and “sends her out of his house”) as three individual acts which were essential for a valid divorce to transpire. Each of these three individual conditions included a large number of attached requirements as well.

The legislation process followed by the Hillelites attempted to slow down the divorce proceedings and to prevent a husband from divorcing his wife for trivial reasons. Since the Hillelites affirmed “any matter” divorces and did not require any substantial grounds for a divorce, this part of the process helped circumvent quick and easy divorces.

²⁵See *m. Git.* 9.10 cited earlier.

²⁶These matters are discussed in detail in *m. Git* 8.1-8 and encapsulated by Amran in *The Jewish Law of Divorce according to Bible and Talmud* (New York: Sepher-Hermon, 1975), 171-86.

Apparently the Hillelite type of divorce was more widespread in the first century B.C.E. and was favored among the common people who often wanted to avoid the difficulties of bringing sufficient evidence to the Shammaite rabbinic courts in order to procure a valid divorce. As a result, the Shammaite position became one of only “theoretical importance.”²⁷

Based upon the evidence, most first-century Jewish divorces could be categorized as “any matter” divorces attained in a Hillelite court. Instone-Brewer avers,

It is unlikely that there were many, if any, successful cases proven against an adulteress, and so for practical purposes it could be said that all divorces brought by men against their wives were “any matter” divorces. The relatively rare cases where women sought to gain a divorce from their husbands could not be based on this ground. They would therefore bring cases based on Exodus 21:10, which could be heard in Hillelite, Shammaite, or a mixed court because all branches of Judaism recognized divorce on these grounds of neglect.²⁸

Because both schools acknowledged the legitimacy of a divorce granted in either court, it became common practice to avoid the Shammaite demands unless there was a clear financial benefit for the husband.

Remarriage was common in the first century and even expected after the divorce or death of a spouse. In a culture where women were often forcefully betrothed

²⁷Instone-Brewer, *Divorce and Remarriage*, 114-17. As Instone-Brewer points out, it is difficult to know how much influence the Shammaites had among the common people because we only know their teachings through the writings of the Hillelites, whose teachings survived the destruction of 70 C.E. The strictness of the Shammaite view prevented the common people from seeking a divorce through a Shammaite judge. Unless one wanted to prove adultery or some other serious neglect issue in order to keep the *ketubah*, they most likely would not go to a Shammaite court where divorce was not allowed for “any matter.”

The “any matter” divorce was also considered to be the more righteous form in that it preserved the shame of dragging the spouse into public court. From all indications, Joseph, the father of Jesus, was planning a Hillelite “any matter” divorce to prevent Mary, whom he deeply loved, from being publicly humiliated. He planned to put her away “privately” (Matt 1:19).

²⁸*Ibid.*, 117.

at age 12 and considered beyond an appropriate age to marry by age 20,²⁹ a divorcée or widow was free to marry whomever she desired. This right is evident from the extant divorce certificates and in the Mishnah traditions, which include the phrase, “You are free to marry any man you wish.”³⁰ In essence, this right to remarry was personal permission from a husband to his wife and was deemed necessary for a wife to be able to remarry after a divorce or death.

Remarriage was considered adulterous only following an invalid divorce. Obviously the leniency of the divorce grounds in the first century prevented most divorces from being categorized invalid. Even “adulterous” marriages included a variety of circumstances where the spouse may or may not have violated the terms of the marriage sexually. What one discovers is defining the rulings of what technically constituted adultery varied between the schools.³¹ What is probable is that most Jews would have assumed that adultery mandated divorce.³²

In essence, divorce in the rabbinic world in which Jesus taught and ministered was based primarily upon the grounds of sexual unfaithfulness, infertility, or material and emotional neglect. The Hillelites permitted groundless divorces by interpreting Deuteronomy 24:1 as “any matter.” The Shammaites taught that “any matter” divorces

²⁹See A. M. Okorie, “Divorce and Remarriage among the Jews in the Time of Jesus,” *DELTAION BIBLIKWN MELETWN* 25 (1996): 64.

³⁰See *m. Git* 9.3; David Instone-Brewer, “Deuteronomy 24.1-4 and the Origin of the Jewish Divorce Certificate,” *JJS* 49 (1998): 230-43; and idem, *Divorce and Remarriage*, 117-25.

³¹Instone-Brewer, *Divorce and Remarriage*, 125-32.

³²The death penalty for adultery was evidently out of practice by the first century. It could be argued that the penalty was not even operative in Hosea’s day. Epstein argues that capital punishment for adultery was a theoretical teaching but was not practiced by the courts. L. M. Epstein, *Sex Laws and Customs in Judaism* (New York: Ktav, 1948), 209. Certainly by the time of the Mishnah, divorce was the required penalty for proven adultery. See *Mishnah Sot.* 5.1 and *Yeb.* 2.8.

were invalid and sought to restrict divorce to the obligations of Deuteronomy 24:1-4 and possibly Exodus 21:10-11. Remarriage following a divorce was accepted aside from cases where the divorce was considered “invalid.” In those instances, remarriage was considered adultery. It is in this cultural matrix that Jesus was questioned regarding divorce and remarriage.³³

There are four places in the Synoptic gospels where Jesus deals specifically with the divorce/remarriage question: Matthew 5:32; 19:1-12; Mark 10:1-12; and Luke 16:18. These four passages will be examined in detail to help elucidate what Jesus seems to be teaching regarding this issue.

The Divorce Question

Mark 10:2: And some Pharisees came up to Him, testing Him, and began to question Him whether it was lawful for a man to divorce a wife.

Καὶ προσελθόντες Φαρισαῖοι ἐπηρώτων αὐτὸν εἰ ἔξεστιν ἀνδρὶ γυναῖκα ἀπολύσαι, πειράζοντες αὐτόν.

Matthew 19:3: And some Pharisees came to Him, testing Him, and saying, “Is it lawful for a man to divorce his wife for any cause at all?”

Καὶ προσῆλθον αὐτῷ Φαρισαῖοι πειράζοντες αὐτόν καὶ λέγοντες. εἰ ἔξεστιν ἀνδρώπῳ ἀπολύσαι τὴν γυναῖκα αὐτοῦ κατὰ πᾶσαν αἰτίαν;

Jesus’ teaching on the subject of divorce and remarriage was given while he was traveling through Transjordan on his way to Jerusalem for what appears to be his final celebration of Passover. In Perea, a Roman province ruled by Herod Antipas, the religious leaders challenged Jesus with this question, “Is it lawful for a man to divorce his

³³We will address some of the other issues regarding the cultural context of Jesus’ day as we look specifically at the Synoptic texts.

wife for any cause at all?” (Matt 19:3). Both Matthew and Mark inform us that the Pharisees are “testing” Jesus with their inquiry. Perhaps they are implying that his teaching contradicts their own interpretation of the Mosaic regulation. Jesus’ earlier teaching may have appeared to some that he was abrogating the Law of Moses (Matt 5:31-32). Or maybe they want to bait Jesus into making a politically dangerous statement about the marital status of Herod Antipas, who was married to his brother’s wife. A similar denunciation had already led to the arrest, imprisonment, and execution of John the Baptist (Matt 14:4-12). So perhaps this interrogation was a Pharisaical scheme by which Herod would indirectly carry out their plot to kill Jesus.³⁴

One significant point to keep in mind when examining this particular Synoptic material is that Jesus’ words are not directed to his disciples only. They were pronounced amidst this hostile dialogue with the Pharisees. Blomberg observes:

The specific historical background that informed this debate, the particular way in which the question is phrased, and the unscrupulous motives behind the Pharisees’ approach all warn us against the notion that Jesus was comprehensively addressing all relevant questions about marriage and divorce.³⁵

In other words, the teachings of Jesus in the Synoptic material are not to be viewed as “objective, referential language of jurisprudence seeking to convey a legal precept” that addresses every situation.³⁶ They must be understood and interpreted within their historical and biblical context.

The main variation in Mark and Matthew’s account is Matthew’s inclusion of

³⁴Craig A. Evans, *Mark 8:27-16:20*, WBC 34b (Nashville: Thomas Nelson, 2001), 82.

³⁵Craig M. Blomberg, *Matthew*, NAC 22 (Nashville: Broadman, 1992), 289-90.

³⁶Stein, “Divorce,” 197.

the “for any cause at all” and “except for indecency” clauses. Based upon the inclusion of these phrases in the Matthean accounts and their absence from Mark and Luke, scholars have concluded that Matthew later added these phrases. Yet as Instone-Brewer points out, even if Matthew added these phrases to the tradition he received, he has fittingly reinserted something that was a part of the original debate.³⁷ It can be credibly argued that these implicit phrases would have been simply assumed by the original audience when the debate was transmitted in oral or written form. Because of the pervasiveness of the “no-fault” divorce, these phrases would have been mentally inserted regardless of whether they were actually included or not.³⁸

As has been demonstrated earlier in the chapter, the phrases “for any matter” and “except indecency” were phrases that summarized the two opposing positions of the Hillel and Shammai rabbinic schools regarding the meaning of the *‘ervat dabar* phrase in Deuteronomy 24:1-4.

The School of Shammai says: A man should not divorce his wife except if he found indecency in her, since it says: For he found in her an indecent matter [Deut 24:1]. And the School of Hillel said: Even if she spoiled his dish, since it says: [Any] matter.³⁹

³⁷Instone-Brewer, *Divorce and Remarriage*, 134.

³⁸Instone-Brewer argues that these legal phrases would have been as well known as common legal phrases today like: “irreconcilable differences,” “decree absolute,” “joint custody,” and “maintenance.” Because of the cultural context described previously in the chapter, first-century Jews would have mentally inserted the “for any matter” phrase into the question whether or not it was literally present. It would be similar to someone referring to the “Second Coming” today. We would naturally assume the phrase “of Jesus Christ” without having to actually include the words. Similarly, if someone asked if a woman should have “equality,” one might assume the phrase “in employment and education.” But if someone were asking the same question a century ago, the phrase “in voting rights” would make better sense. Thus, it makes sense for Matthew to include the phrase “for any matter” for the sake of readers who were no longer acquainted with the debate in rabbinic Judaism. Instone-Brewer, *Divorce and Remarriage*, 135-36.

As far as the omission from Mark and Luke, it is reasonable to conclude that they simply do not include all that Jesus said. They wrote primarily for Gentiles. Their audience shaped what they did and did not include.

³⁹*Sifré Deut.* 269.

These phrases would have been recognized by most of the Jewish population because of their significance in the divorce laws.

The question proposed to Jesus was basically “which side of the debate are you on?”⁴⁰ Conceivably, the Pharisees expected him to denounce the more lenient view, but for Jesus to side with the view of Shammai could invoke a possible death sentence from Herod. But before answering their question, Jesus redirects their attention to God’s original paradigm for marriage.

The Original Framework

Mark 10:6-9: But from the beginning of creation, God made them male and female. For this cause a man shall leave his father and mother, and the two shall become one flesh; consequently they are no longer two, but one flesh. What therefore God has joined together, let no man separate.

ἀπὸ δὲ ἀρχῆς κτίσεως ἄρσεν καὶ θῆλυ ἐποίησεν αὐτούς: ἕνεκεν τούτου καταλείψει ἄνθρωπος τὸν πατέρα αὐτοῦ καὶ τὴν μητέρα [καὶ προσκολληθήσεται πρὸς τὴν γυναῖκα αὐτοῦ], καὶ ἔσονται οἱ δύο εἰς σάρκα μίαν: ὥστε οὐκέτι εἰσὶν δύο ἀλλὰ μία σὰρξ. ὃ οὖν ὁ θεὸς συνέζευξεν ἄνθρωπος μὴ χωρίζετω.

Matthew 19:4-6: And He answered and said, “Have you not read, that He who created them from the beginning made them male and female, and said, ‘For this cause a man shall leave his father and mother, and shall cleave to his wife; and the two shall become one flesh’? Consequently they are no longer two, but one flesh. What therefore God has joined together, let no man separate.”

ὁ δὲ ἀποκριθεὶς εἶπεν, Οὐκ ἀνέγνωτε ὅτι ὁ κτίσας ἀπ’ ἀρχῆς ἄρσεν καὶ θῆλυ ἐποίησεν αὐτούς; καὶ εἶπεν, Ἐνεκα τούτου καταλείψει ἄνθρωπος τὸν πατέρα καὶ τὴν μητέρα καὶ κολληθήσεται τῇ γυναικὶ αὐτοῦ, καὶ ἔσονται οἱ δύο εἰς σάρκα μίαν. ὥστε οὐκέτι εἰσὶν δύο ἀλλὰ σὰρξ μία. ὃ οὖν ὁ θεὸς συνέζευξεν ἄνθρωπος μὴ χωρίζετω.

Instead of dealing specifically with Deuteronomy 24:1-4, Jesus takes the religious leaders back to the “beginning” to demonstrate that the marriage covenant was

⁴⁰C. S. Mann, *Mark: A New Translation with Introduction and Commentary*, AB 27 (Garden City, NY: Doubleday & Company, 1986), 387.

originally intended to be monogamous and lifelong. Jesus returns to the foundations of the marriage covenant.

The first text to which Jesus refers is Genesis 1:27. As was established in the previous chapter, this verse was a standard proof-text within rabbinic Judaism against polygamy and in favor of monogamy.⁴¹ Marriage involves two individuals of the opposite sex and is God's creative plan for procreation. Bruner declares:

If God had supremely intended solitary life, God would have created humans one by one; if God had intended polygamous life, God would have created one man and several women; if God had intended homosexual life God would have made two men or two women; but that God intended monogamous heterosexual life was shown by God's creation of one man and one woman.⁴²

The force of Jesus' argument lies in the fact that in Creation God established the only paradigm for marriage that humans are to follow. His creation was perfect and cannot be improved upon. From the beginning, God's intent for marriage was one man and one woman in a monogamous relationship for a lifetime.

From there, Jesus moves to the pivotal Genesis 2:24, where He reinforces the fact that the marriage covenant is to be lifelong. The marriage covenant contains the indispensable principles of "leave," "cleave," and "one-flesh." It is important to note that Jesus prepares the way for the exceptive clause of Matthew 19:9 by emphasizing these covenant parameters.

When Genesis 1:27 and 2:24 are linked together, it is reasonable to conclude that it is God Himself who approves and sanctions the one-flesh relationship between a

⁴¹See the previous chapter for the discussion on how this passage is tied to Gen 7:9 and 2:24 in rabbinic tradition.

⁴²Frederick Bruner, *Matthew, vol. 2, The Churchbook* (Dallas: Word, 1990), 670-71.

man and woman. This truth is strengthened by Jesus' next words: "What God has joined together, let no man separate." The word "separate" (*χωρίζω*) is a term that means "to divide or separate from someone or something" and is used to convey the idea "to divorce."⁴³ It stems from a similar semantic field as the word *ἀπολύω*, which literally means "to release" and is often used to imply divorce (as can be observed in the word employed by the Pharisees).⁴⁴

The word *χωρίζω* serves as an antonym to the word *συζεύγνυμι*, which means "to join together (especially in marriage)."⁴⁵ As Instone-Brewer indicates, if *ἀπολύω* had been used, the meaning would be something like, "Whom God has bound, let no one release." But the image drawn from Genesis 1:27 is more of God "joining" than "binding." In Genesis 1:27, God is like the parent who finds a spouse for his child and in 1:28, he serves as the divinely-appointed official who blesses them in their union.⁴⁶

It is important to note that God does not bind them together but joins them. The couple binds themselves together through their covenant commitments. God serves as the witness to these vows and, as we discovered in Malachi 2:10-16, is displeased when the vows are broken.

This distinction between "joining" and "binding" is accentuated by the use of the imperative tense (*χωρίζέτω*). Some scholars understand this usage to signify "no one can separate." But Matthew and Mark's use of the imperative implies that it is possible

⁴³Walter Bauer, *A Greek-English Lexicon of the New Testament and other Early Christian Literature*, 3rd ed., rev. and ed. Frederick William Danker (Chicago and London: The University of Chicago Press, 2000), 1095.

⁴⁴*Ibid.*, 118.

⁴⁵*Ibid.*, 954.

⁴⁶Instone-Brewer, *Divorce and Remarriage*, 140.

for a couple to separate, but they are being instructed not to separate. Jesus commands them to maintain the marriage vows by which God has joined them together. Breaking the marriage vows violates the command of Jesus.

So when asked about the permissibility of divorce, Jesus takes his hearer back to God's creational design: one man and one woman in a lifelong commitment to the marriage covenant. But the religious leaders are not satisfied, so they direct his attention back to Moses' teachings on divorce.

The Mosaic Legislation Question

Mark 10:3-5: And He answered and said to them, "What did Moses command you?" And they said, "Moses permitted a man to write a certificate of divorce and send her away." But Jesus said to them, "Because of your hardness of heart he wrote this commandment."

ὁ δὲ ἀποκριθεὶς εἶπεν αὐτοῖς, Τί ὑμῖν ἐνετείλατο Μωϋσῆς; οἱ δὲ εἶπαν, Ἐπέτρεψεν Μωϋσῆς βιβλίον ἀποστασίου γράψαι καὶ ἀπολῦσαι. ὁ δὲ Ἰησοῦς εἶπεν αὐτοῖς, Πρὸς τὴν σκληροκαρδίαν ὑμῶν ἔγραψεν ὑμῖν τὴν ἐντολὴν ταύτην.

Matthew 19:7-8: They said to Him, "Why then did Moses command to give her a certificate of divorce and send her away?" He said to them, "Because of your hardness of heart, Moses permitted you to divorce your wives; but from the beginning it has not been this way."

λέγουσιν αὐτῷ, Τί οὖν Μωϋσῆς ἐνετείλατο δοῦναι βιβλίον ἀποστασίου καὶ ἀπολῦσαι [αὐτήν]; λέγει αὐτοῖς ὅτι Μωϋσῆς πρὸς τὴν σκληροκαρδίαν ὑμῶν ἐπέτρεψεν ὑμῖν ἀπολῦσαι τὰς γυναῖκας ὑμῶν, ἀπ' ἀρχῆς δὲ οὐ γέγονεν οὕτως.

Although Matthew and Mark's accounts are only slightly different, it is important to note the differences in respect to the context of these words. In Matthew, the Pharisees ask Jesus a further question to readdress the question regarding the Mosaic legislation. In Mark, Jesus asks his question in response to the original question. Instone-Brewer mentions two primary reasons why Matthew's account reflects the more complete dialogue:

- a. Mark's account is smoother and more suitable for presentation in a sermon, while Matthew's account is more like a debate, and
- b. Mark's version loses the subtle force of the difference between "command" and "allow."⁴⁷

Mark has Jesus speaking the word "command" and the Pharisees using the word "allow." Matthew has the exact opposite. Mark's rendering necessitates this word order because Jesus is responding specifically to the permissibility question. It would seem incongruous for Jesus to question what Moses "allowed" in light of the command found in the Law. On the other hand, Matthew puts the word "command" on the lips of the Pharisees and Jesus answers that Moses only "allowed" divorce.⁴⁸

As has been demonstrated earlier, based upon Deuteronomy 24:1 the early rabbinic teachings considered divorce mandatory in the case of adultery (although adultery was widely defined). Naturally, the Pharisees introduce the Mosaic legislation to argue against the insinuation that marriage is intended to be lifelong. How can marriage be lifelong if Moses commanded divorce?

Jesus responds that Moses did not "command" divorce, but he "allowed" it. The Pharisees have interpreted Deuteronomy 24:1 as the man "must" divorce his adulterous wife, but Jesus interprets it in terms of he "may" divorce her. In other words, the religious leaders have misinterpreted Deuteronomy 24:1. God's intention was not to require divorce. He was simply regulating what was already occurring. Even in cases of adultery, divorce was never mandatory.

⁴⁷Instone-Brewer, *Divorce and Remarriage*, 142.

⁴⁸Abel Isaksson, *Marriage and Ministry in the New Temple: A Study with Special Reference to Mt. 19.1-12 and 1. Cor. 11.3-16*, trans. Neil Tomkinson and Jean Gray (Lund: Gleerup; Copenhagen: Munksgaard, 1965), 102, 121.

It is important to note here that Jesus concedes that divorce was permitted under the Mosaic legislation. Jesus affirms that “marriages should not be broken but he does not say that they cannot be broken. It makes sense to say that Moses conceded permission for something basically undesirable; it does not make sense to say that Moses conceded permission for something basically impossible.”⁴⁹ As has been previously demonstrated, covenant marriages are contingent on the faithfulness of both involved parties.⁵⁰

Jesus introduces another factor into the discussion when he announces that in effect it was the Jews’ “hardness of heart” that necessitated the Mosaic legislation.⁵¹ This word (*σκληροκαρδία*), often interpreted strictly in terms of sinfulness,⁵² is a combination of the words *σκληρός* (“hard” and “stubborn”) and *καρδία* (“heart”)⁵³ and primarily denotes stubbornness. But what does a stubborn heart signify in this context?

Because the word originates from the Septuagint, it stands to reason that the phrase “hardness of heart” is an allusion to an Old Testament passage.⁵⁴ While there are

⁴⁹M. J. Down, “The Sayings of Jesus about Marriage and Divorce,” *ExpTim* 95 (1984): 332.

⁵⁰Oliver O’Donovan, *Marriage and Permanence* (Bromcote: Grove, 1978), 13-18.

⁵¹Matthew and Mark also place this phrase in different positions. In Mark it is before the Gen 2:24 emphasis and in Matthew it follows Jesus’ return to the marriage paradigm and serves as a summary.

⁵²W. D. Davies and Dale C. Allison, *A Critical and Exegetical Commentary on the Gospel according to Saint Matthew* (Edinburgh: T. & T. Clark, 1988-97), 2:14-15.

⁵³Bauer, *Greek-English Lexicon*, 930, 508-09. The word is also used in Mark 16:14 where it refers to the obstinate unbelief of the disciples and in a few OT texts where it refers to a stubbornness of the heart (Deut 10:16; Jer 4:4; Prov 17:20; Ezek 3:7). The words also appear together in phrases that point to stubbornness (Deut 2:30; 2 Chron 36:13; Ps 95:8; Isa 63:17; Acts 7:51; Rom 2:5; Heb 3:8, 15; 4:7). On the other hand, there is no reference in either testament that indicates the word exclusively means sinfulness. Naturally hard-heartedness is a sinful action. The primary point is that the legislation was permitted because of an obstinate state of sinfulness.

⁵⁴Ps 95:8 speaks of the stubbornness of the Israelites in the desert, but there is no link to the divorce in the specific context.

several Old Testament passages that employ similar terminology, perhaps the most likely reference is Jeremiah 4:4, which has a definite connection to the issue of divorce. The LXX reads: *περιτμήθητε τῷ θεῷ ὑμῶν καὶ περιτέμεσθε τὴν σκληροκαρδίαν* (“Circumcise yourselves to your God and circumcise your hardness of heart”). This verse occurs within the broader context of God warning Judah to avoid the spiritual fate of Israel, whom God divorced because of her spiritual adultery. The entire section begins in 3:1 with an allusion to Deuteronomy 24:1-4 and describes how Israel was divorced because of her unfaithfulness and obstinate refusal to repent.

If Jeremiah 4:4 is the primary Old Testament passage to which Jesus was alluding, this hard-heartedness has to do with the stubborn unwillingness of the unfaithful spouse to repent and turn from one’s sinful and adulterous ways.⁵⁵ This interpretation strengthens the conclusion that Jesus was correcting the Pharisees’ misinterpretation of Deuteronomy 24:1. Moses did not command divorce in cases of adultery but allowed it. The innocent partner had the option to forgive the unfaithful spouse and seek reconciliation over divorce.

Moreover, based upon Jesus’ words that the law was provided due to the hardness of their hearts and his New Testament teachings on forgiveness,⁵⁶ one might conclude that the divorce laws were provided for those who stubbornly refuse to repent and continue in their adulterous ways. Such teaching would be scandalous to a first-

⁵⁵Dwight Small, *The Right to Remarry* (Old Tappan, NJ: Revell, 1975), 106.

⁵⁶Matt 18:21-22: Then Peter came and said to Him, “Lord how often shall my brother sin against me and I forgive him? Up to seven times?” Jesus said to him, “I do not say to you, up to seven times, but up to seventy times seven.”

Luke 17:3-4: “Be on your guard! If your brother sins, rebuke him; and if he repents, forgive him. And if he sins against you seven times a day, and returns to you seven times, saying, ‘I repent,’ forgive him.”

century Jew and evidently provoked a private discussion later in the house between Jesus and his disciples (Mark 10:10-12; Matt 19:10-12).⁵⁷

Invalid Divorce

Mark 10:10-12: And in the house the disciples began questioning Him about this again. And He said to them, “Whoever divorces his wife and marries another woman commit adultery against her; and if she herself divorces her husband and marries another man, she is committing adultery.”

Καὶ εἰς τὴν οἰκίαν πάλιν οἱ μαθηταὶ περὶ τούτου ἐπηρώτων αὐτόν. καὶ λέγει αὐτοῖς, Ὅς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ καὶ γαμήσῃ ἄλλην μοιχᾶται ἐπ’ αὐτήν, καὶ ἂν αὐτὴ ἀπολύσασα τὸν ἄνδρα αὐτῆς γαμήσῃ ἄλλον μοιχᾶται.

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

λέγω δὲ ὑμῖν ὅτι ὅς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ μὴ ἐπὶ πορνείᾳ καὶ γαμήσῃ ἄλλην μοιχᾶται.

Luke 16:18: “Everyone who divorces his wife and marries another commits adultery; and he who marries one who is divorced from a husband commits adultery.”

Πᾶς ὁ ἀπολύων τὴν γυναῖκα αὐτοῦ καὶ γαμῶν ἑτέραν μοιχεύει, καὶ ὁ ἀπολελυμένην ἀπὸ ἀνδρὸς γαμῶν μοιχεύει.

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

Ἐρρέθη δέ, Ὅς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ, δότω αὐτῇ ἀποστάσιον. ἐγὼ δὲ λέγω ὑμῖν ὅτι πᾶς ὁ ἀπολύων τὴν γυναῖκα αὐτοῦ παρεκτός λόγου πορνείας ποιεῖ αὐτὴν μοιχευθῆναι, καὶ ὅς ἂν ἀπολελυμένην γαμήσῃ μοιχᾶται.

At first glance, Jesus’ words in these four accounts seem to explicitly charge a person who divorces their spouse and remarries another with “adultery.” It appears that

⁵⁷As can be seen in the story of Hosea when God instructed him to marry an adulterous woman and to take her back when she is unfaithful to their vows. It is also apparent when Joseph was described as a “righteous” man for wanting to divorce Mary secretly when he thought she had been unfaithful to him (Matt 1:19).

Jesus does not allow for divorce apart from for one possible exception in Matthew's gospel.

However, based upon the previous evidence, it is safe to assume that what Jesus is referring to in these four instances is invalid divorce. If a divorce is invalid, that person is still legally married to their original spouse and consequently a second marriage would constitute adultery.

Instone-Brewer offers four scenarios described in the Synoptic versions of Jesus' answer:

1. A man who marries an invalidly divorced woman commits adultery (Luke 16:18; Matt 5:32).
2. A man who invalidly divorces his wife causes her to commit adultery (Matt 5:32; variants of Matt 19:9).
3. A man who invalidly divorces his wife and marries another commits adultery (Mark 10:11; Matt 19:9; Luke 16:18).⁵⁸
4. A woman who invalidly divorces her husband and marries another commits adultery (Mark 10:12).⁵⁹

Scenario one would be acknowledged by the general populace in the Jewish culture. A woman who marries another man without having been legally divorced from her first husband was considered an adulteress (regardless of whether she was aware of the illegality of the divorce at the time or not).

Scenario two presumes that the woman trapped in an invalid divorce situation would marry again. Scholars suggest that it was almost guaranteed that a woman would

⁵⁸Taylor argues that in Mark's Gospel Jesus is teaching against legalism; therefore, his words against divorce should not be treated as law. Vincent Taylor, *The Gospel According to St. Mark* (New York: St. Martin's Press, 1966), 421.

Crook treats Mark 10:11-12 in terms of Jesus prohibiting divorce for the express purpose of ("for the sake of") remarriage. Roger H. Crook, *An Open Book to the Christian Divorcee* (Nashville: Broadman Press, 1974), 144.

⁵⁹Instone-Brewer, *Divorce and Remarriage*, 150.

remarry for financial reasons. So in effect her prior husband was forcing her to remarry and he was therefore held equally responsible for the adultery. However, following Westbrook's proposal, a divorced woman may wish to remain unmarried. Her *ketubah* would provide her the necessary financial security.⁶⁰ Or some women simply chose to return to their father's home in disgrace and never remarried.⁶¹

Scenario three expresses Jesus' emphasis on both lifelong and monogamous marriage. In a culture where polygamy was practiced (even though it was being discouraged or rejected by many), Jesus states plainly that a man must be validly divorced before he is free to marry another. Polygamy was against God's creative design. In a polygamous society, a man was free to marry more than one wife and therefore could not be accused legally of "adultery." Only a wife could commit adultery against her husband. Jesus addresses this point in Mark's record when it is stated that the man was committing adultery "against her" (Mark 10:11).⁶² One of the results of Jesus' emphasis upon the marriage paradigm as found in God's original design is that the husband and wife were equally accountable to the monogamy principle.

In scenario four, most commentators believe since Jewish women were not permitted to divorce their husbands that Mark was writing to a non-Jewish audience.⁶³

⁶⁰It will also be argued later in the chapter that Matt 5:32 and Luke 16:18 should not be understood in strict legal terms. They are abbreviated statements that must be interpreted in light of the overall biblical evidence.

⁶¹Blomberg, "Marriage, Divorce, Remarriage, and Celibacy," 174.

⁶²Translated accordingly in the RSV. For a defense of this position, see John Nolland, "The Gospel Prohibition of Divorce: Tradition History and Meaning," *JSNT* 58 (1995): 19-35.

⁶³For example, see Mark Molldrem, "A Hermeneutic of Pastoral Care and the Law/Gospel Paradigm Applied to the Divorce Texts of Scripture," *Int* 45 (1991): 48. Molldrem also argues that the divorce texts need to be interpreted in light of the law/gospel paradigm. The law aspect emphasizes the indissolubility and the gospel paradigm considers the "sinful heart" (50-51).

However as was previously shown, there are indications that a Jewish woman could initiate and even demand a divorce. Evidently Jewish practice was influenced by the surrounding culture and did not always adhere strictly to rabbinic teachings.

Scenario four shows that both men and women were prohibited from remarrying following an invalid divorce.

The belief that Jesus is referring to invalid divorces is consistent in each of the four variations found in the Synoptics. What is less clear is what qualifies as an invalid divorce. The answer lies in Matthew's exception clause.

The Exception Clause

Matthew 19:9: except for immorality

μη̄ ἐπὶ πορνείᾳ

Matthew 5:32: except for a matter of indecency

παρεκτὸς λόγου πορνείας

Perhaps no two clauses in the New Testament have generated more scholarly discussion than these two Matthean exception clauses. Witherington has observed that nearly everything about these two exception clauses is disputed.⁶⁴

It was suggested earlier that the phrase “for any matter” in Matthew's gospel was included in order for the question regarding divorce to be clearly stated. If it were omitted, most Jews in Jesus' day would have mentally added it.⁶⁵ The same can be

For an article accentuating the cultural context of Mark's account, see Robert Herron, “Mark's Jesus on Divorce: Mark 10:1-12 Reconsidered,” *JETS* 25 (1982): 273-81.

⁶⁴Ben Witherington, “Matthew 5.32 and 19.9—Exception or Exceptional Situation?” *NTS* 31 (1985): 571.

⁶⁵Instone-Brewer illustrates this point with Matt 5:28: “But I say to you that anyone who looks at a woman lustfully has committed adultery with her in his heart.” We mentally supply the phrase “except

argued in regards to the exception clauses found only in Matthew's gospel, which most scholars believe was written primarily for a Jewish audience who may or may not have been privy to the same mental assumptions as those in Jesus' day. Many critical scholars argue that Matthew included the clauses to elucidate what might have been lost in oral tradition alone.⁶⁶ Yet as Blomberg shows, this view introduces unlikely anomalies into the history of the formation of Matthew's gospel. Either Matthew added a more lenient application of Jesus' words, contrary to his more rigorous attitude to ethics found elsewhere, or he allowed an inauthentic statement ascribed to Jesus, but opposed to his own emphases, to remain in the text even while consistently eliminating awkward or conflicting details in his source material elsewhere.⁶⁷ It is reasonable to conclude that Matthew simply included words spoken by Jesus that Mark and Luke omitted in light of their purpose and audience.

It is not uncommon for Matthew to include clarifying exceptions to parallel material found in Mark's Gospel. For example, in Mark 8:11-12 the Pharisees ask Jesus for a sign and Jesus replies, "Truly I say to you, no sign shall be given to this generation." However, Matthew adds an exception clause to Mark's absolute statement when he adds:

for his wife" when reading this verse. Obviously one cannot commit adultery with his own wife so the added clause is unnecessary. Matthew 5:22 supports this thought as well: "Whoever is angry with his brother is liable to judgment." The mentally supplied phrase "without just cause" was probably not actually in the text (although it is added by D L W Θ X² and others) but the reader understands this exception or Jesus would have violated his own words in the cleansing of the Temple account. Instone-Brewer, *Divorce and Remarriage*, 153.

⁶⁶For an overview of the tradition-critical approach, see David R. Catchpole, "The Synoptic Divorce Material as a Traditio-Historical Problem," *BJRL* 57 (1974-75): 92-127, and Josef Zmijewski, "Neutestamentliche Weisungen für Ehe und Familie," *SNTU* 9 (1984): 34-69.

⁶⁷Blomberg, "Marriage, Divorce, Remarriage, and Celibacy," 175-76.

“No sign shall be given but (*εἰ μὴ*) the sign of Jonah the prophet” (Matt 12:39). Matthew clarifies Mark’s otherwise absolute statement.⁶⁸

As has been shown, the standard Hillelite procedure for divorce did not require valid grounds for a divorce. Divorce was allowed “for any reason.” Hence when a first-century Jew heard the question “Is it lawful to divorce your wife?” they would have instinctively supplied the “for any reason” clause. And when they heard the response “whoever divorces his wife,” the clause “except for valid grounds” would have been mentally assumed. Both clauses would have been understood within the cultural situation. Therefore there was no need to spell out in detail the implicit clauses. The questioner, those questioned, and the listeners would have shared a common knowledge regarding the validity of divorces.

Grammatical Structure

The grammatical structure of the exception clause (“whoever does D [divorces], except in the case of P [*porneia*], and does R [remarries] is guilty of A [adultery]”) has also been a subject of much debate. Three primary interpretations have been suggested:

1. whoever does D and R, let alone P, is guilty of A;
2. whoever does D, which is impossible except in cases of P, and does R is guilty of A; and
3. whoever does D and R, and does not fit in the class of P, is guilty of A.⁶⁹

⁶⁸Guenther argues that the *μὴ ἐπι* clause in 19:9 should be translated “apart from,” meaning aside from or excluding the subject of *πορνεία*. On the other hand, *παρεκτός* does follow a syntactic pattern that has an exceptive meaning. Allen Guenther, “The Exception Phrases: Except Porneia, including Porneia or Excluding Porneia? (Matthew 5:32; 19:9),” *TynBul* 53 (2002): 83-96.

⁶⁹Adopted from Instone-Brewer, *Divorce and Remarriage*, 155.

The first position, put forth by Augustine and often referred to as the “preteritive” or “no comment” view, contends that Jesus was not even discussing *porneia* here.⁷⁰ The exception clause is not to be considered an exception clause at all. The translation is best understood as “completely apart from the question of unchastity” rather than “except in the case of unchastity.” Jesus denounces both divorce and remarriage as adultery and simply does not want to talk about the issue of unchastity. Vawter defended this position at one point but later conceded that the grammatical syntax does not support it.⁷¹ Most scholars have rejected this position because the syntax simply does not confirm it. It is unnatural to translate *μη̄ ἐπι* in the preteritive sense.⁷²

Popularized by Jacques Dupont and more recently Gordon Wenham, a second interpretation follows strictly the Greek word order and maintains that the exception clause allows divorce on valid grounds but remarriage is always tantamount to adultery.⁷³ Wenham establishes his argument on the claim that in Matthew’s gospel when there are two conditions, both are considered to be essential.⁷⁴ One advantage of this view is that it places Jesus in extreme opposition to the Pharisees and explains the disciples’ strong

⁷⁰Thomas Fleming, “Christ and Divorce,” *TS* 24 (1963): 106-20. For an overview of this position, see Wenham and Heth, *Jesus and Divorce*, 179-89.

⁷¹His original position can be found in Bruce Vawter, “The Divorce Clause of Mt 5,32 and 19,9,” *CBQ* 16 (1954): 155-67, and his later position is found in Bruce Vawter, “Divorce and the New Testament,” *CBQ* 39 (1977): 528-42.

⁷²Robert Stein, “Divorce,” in *Dictionary of Jesus and the Gospels*, ed. Joel B. Green, Scot McKnight, and I. Howard Marshall (Downers Grove, IL: InterVarsity, 1992), 194.

⁷³J. Dupont, *Mariage et divorce dans l’évangile*, 143-57; G. J. Wenham, “The Syntax of Matthew 19.9,” *JSNT* 28 (1986): 17-23; and Heth and Wenham, *Jesus and Divorce*, 113-16. Other proponents include J. J. Kilgallen, “To What are the Matthean Exception-Texts an Exception?” *Biblica* 61 (1980): 102-05, and Lövestam, “Divorce and Remarriage,” 9-27.

⁷⁴Wenham, “The Syntax of Matthew 19.9,” 17-23.

reaction to Jesus' words. According to Wenham, if Jesus does not forbid remarriage he simply agrees with the Shammaite position, which he has just condemned.⁷⁵ While Wenham admits that his interpretation is "without parallel in the Gospels," he suggests that this reading is the one that makes the most sense in light of the overall context.⁷⁶

Wenham's failure to locate in the Gospels or any other ancient literature an example of two relative conditionals in a single protasis makes his position improbable.⁷⁷ If Matthew had meant to say that remarriage under any circumstance results in adultery, he would have simply said so. The most obvious way to understand the exception clause is to say that remarriage that is preceded by an illegitimate divorce (not caused by *πορνεία*) is adulterous. The exception clauses are exceptions to what otherwise is a prohibition against divorce. As Janzen asserts, "There is no compelling reason to take Matthew as prohibiting remarriage absolutely, especially as in both of the texts . . . the question centers around divorce, not remarriage."⁷⁸

The third view, which contends that Jesus labels invalid divorce as adulterous, is the most common among interpreters and is supported by the context. Similar

⁷⁵Ibid.

⁷⁶Ibid. Wenham maintains that Matt 19:9 is best understood as a "reaffirmation and abbreviation of Jesus' earlier teaching about adultery in 5.27-32." There Jesus offers a much broader definition of adultery than first-century Jews were accustomed to when he condemns lust as heart adultery and implies that divorce except for *porneia* is a breach of the seventh command. Thus, 19.9 is to be read as a "terse, epigrammatic summary of two of the propositions enunciated in ch. 5: A. To divorce except for *porneia* is adulterous, and B. To divorce and remarry is adulterous" (18).

⁷⁷Phillip Wiebe argues strictly from the English translations against Heth and Wenham's structure. He attempts to show logically how both divorce and remarriage must be included in the clause. Phillip Wiebe, "Jesus' Divorce Exception," *JETS* 32 (1989): 327-33.

Stanley Porter criticizes Wiebe's attempt to resolve the grammatical structure issue strictly from the logic of the English translations. According to Porter, the only genuine means to understand the grammatical structure involves context, usage in the original, and its relation to the other gospels. Stanley Porter, "On the Logical Structure of Matt 19:9," *JETS* 34 (1991): 335-39.

⁷⁸Janzen, "The Meaning of Porneia in Matthew 5.32 and 19.9," 71.

constructs can also be observed in rabbinic literature. For example, R. Eliezer said

If a man divorced his wife, saying to her, You are hereby permitted to any man except so-and-so, and she went and married some other man and was widowed or divorced, then she is permitted to marry the man to whom she had been forbidden.⁷⁹

This third interpretation seems the most appropriate in light of the context and other evidence. On one hand, some scholars have overstated the case in arguing the exception clause must absolutely modify both verbs,⁸⁰ but on the other hand, the suggestion that the exception modifies only one of the verbs is highly unlikely. Grammatical usage favors the first option. Also the fact that remarriage was considered a fundamental right by practically all first-century Jews (*m. Git.* 9:3) and Matthew does not use two distinct clauses to say “all remarriage is wrong even if the divorce is valid” indicates that the exception applies to both verbs. With the existing evidence Jesus seems to consider invalid divorce and remarriage adulterous.

The Meaning of *πορνεία*

One of the most debatable issues in this discussion is the meaning of *πορνεία* in the exception clause. From its use in the New Testament and LXX *πορνεία* apparently has a wide range of meaning and connotations and can refer to a number of unlawful sexual acts. It can refer to adultery (Jer 3:9), incest (1 Cor 5:1; possibly Acts 15:20, 29; 21:25), prostitution (Matt 21:31-32; Luke 15:30; 1 Cor 6:13-18), sexual misconduct in general (Mark 7:21-22; 1 Cor 6:9-11; 7:2), and even idolatry (Rev 17:1-5, 15-16).⁸¹

⁷⁹*b. Git.* 83a

⁸⁰E.g., Murray, *Divorce*, 40-41; Edgar, “Divorce and Remarriage,” 156-62; and Bruner, *Matthew*, 683.

⁸¹For an article on the variety of the use of *porneia*, see Bruce Malina, “Does *Porneia* Mean Fornication?” *NovT* 14 (1972): 10-17. Malina argues that *porneia* means “unlawful sexual conduct or unlawful conduct in general . . . that is prohibited by the Torah written and/or oral” (17). Malina suggests

While some interpret *πορνεία* to simply mean adultery,⁸² it is difficult to limit *πορνεία* to just “adultery” for a couple of reasons. One, there is a more precise New Testament word for adultery (*μοιχεία*) which Matthew employs in 15:19.⁸³ Also Hebrews 13:4 makes plain that *πορνεία* means more than adultery: “Let marriage be held in honor among all, and let the marriage bed be undefiled; for fornicators (*πόρνοις*) and adulterers (*μοιχοῦς*) God will judge.” In this verse the fornicators (*πόρνοις*) are clearly distinguished from the adulterers (*μοιχοῦς*).

Two, the school of Shammai considered adultery on the part of the woman as the only required cause for divorce.⁸⁴ It seems doubtful that Jesus would be simply agreeing with the Shammaites, especially in light of the antitheses in Matthew’s gospel that place Jesus in stark contrast to the religious leaders of his time. Jesus calls his followers to a higher moral standard than the Pharisees (5:20), so it would be strange for Jesus to suddenly require a standard that is only equal to the Pharisees.⁸⁵

that *porneia* does not refer to “pre-betrothal, pre-marital, non-commercial sexual intercourse between a man and a woman” (17). Malina’s position denounces the betrothal view covered below. For a response to Malina, see Joseph Jensen, “Does Porneia Mean Fornication: a Critique of Bruce Malina,” *NovT* 20 (1978): 161-84.

⁸²Allison limits *πορνεία* to adultery based on Matt 1:18-25 where Joseph is going to put away his fiancée Mary and is labeled “just.” Dale Allison, “Divorce, Celibacy, and Joseph (Matthew 1:18-25 and 19:1-12),” *JSNT* 49 (1993): 3-10.

Others who interpret it as adultery are M. D. Goulder, *Midrash and Lection in Matthew* (London: SPCK, 1974), 18, and T. V. Fleming, “Christ and Divorce,” *TS* 24 (1963): 109.

⁸³For an excellent summary of the differences between the two words, see Evald Lövestam, “Divorce and Remarriage in the New Testament,” in *The Jewish Annual*, vol. 4, ed. B. S. Jackson (Leiden: Brill, 1981), 47-65.

⁸⁴It was pointed out earlier that Instone-Brewer argues that the school of Shammai also allowed divorce in cases where the obligations of Exod 21:10-11 were violated (material and emotional requirements). However, adultery was the only grounds where divorce was mandated.

⁸⁵John P. Meier, *Law and History in Matthew’s Gospel*, AnBib 71 (Rome: Biblical Institute Press, 1976), 146.

In response to this argument, Janzen suggests that the mishnaic passages describing the Shammaites’ position on divorce is ambiguous and therefore one cannot conclude with any level of

Some interpreters attempt to broaden the meaning of *πορνεία* to include other things such as physical, emotional, or psychological abuse. However, no biblical precedent exists for these meanings within the biblical context.⁸⁶ Others want to limit the meaning of the word to one type of immorality, such as incest. Joseph Bonsirven first proposed this idea and others have been persuaded by his arguments.⁸⁷ Thus this view needs to be examined in greater detail.

Labeled the “rabbinic” view by some, this interpretation traces *πορνεία* in the Matthew exception clauses to the Hebrew word זנות, which, according to Heth and Wenham, “in the context of the divorce sayings refers to illegitimate marriages within the prohibited degrees of consanguinity and affinity found in Leviticus 18:6-18.”⁸⁸ Joseph Fitzmyer notes that the Septuagint translates זנות with *πορνεία* and that the Damascus

certainty whether Jesus was in agreement with them or not (regardless of how one translates *porneia*). David Janzen, “The Meaning of *Porneia* in Matthew 5.32 and 19.9: An Approach from the Study of Ancient Near Eastern Culture,” *JSNT* 80 (2000): 68.

⁸⁶For examples of those who expand the meaning to these areas, see Ken Crispin, *Divorce, The Forgivable Sin?* (London: Hodder & Stoughton, 1988); Jay Adams, *Marriage, Divorce, and Remarriage in the Bible* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1980); and Larry Richards, “Divorce & Remarriage under a Variety of Circumstances,” in *Divorce and Remarriage: Four Christian Views*, ed. H. Wayne House (Downers Grove, IL: InterVarsity, 1990), 215-48.

⁸⁷Joseph Bonsirven, *Le divorce dans le Nouveau Testament* (Paris: Société de S. Jean l’Evangéliste, Desclée & Die, 1948), 46-60. Bonsirven’s view was refined and expanded by Baltensweiler in “Die Ehebruchsklauseln bei Matthäus zu Matth. 5:32; 19:9,” *TZ* 15 (1959): 340-56.

Other examples include James R. Mueller, “The Temple Scroll and the Gospel Divorce Texts,” *Revue de Qumran* 10 (1980): 247-56; Tord Fornberg, *Jewish-Christian Dialogue and Biblical Exegesis*, *Studia Missionalia Upsaliensia* 47 (Uppsala: s.n., 1988), 17-18; Augustine Stock, “Matthean Divorce Texts,” *BTB* 8 (1978): 24-33; and Jack Dean Kingsbury, *Matthew* (Philadelphia: Fortress, 1977), 83-84.

Joseph Fitzmyer’s suggestion that Qumran evidence strengthened this view helped garner support for this viewpoint. J. A. Fitzmyer, “The Matthean Divorce Texts and Some New Palestinian Evidence,” *TS* 37 (1976): 197-226.

⁸⁸Heth and Wenham, *Jesus and Divorce*, 154.

Document uses זנות to refer to illicit kinship unions. According to Fitzmyer, Matthew employs a similar use here.⁸⁹

Scholars of this persuasion also find New Testament support in 1 Corinthians 5:1, Acts 15:20, 29 and 21:25, all of which can be interpreted in the sense of incestuous or illegitimate marriages.

However, restricting a broad term such as *πορνεία* to a single lexical nuance seems inappropriate without obvious contextual support. As Blomberg observes, since one expects *πορνεία* to translate the Hebrew זנות this argument is weakened by the fact זנות nowhere appears in the Leviticus 18 verses dealing with incestuous marriages.⁹⁰ Furthermore, while the Septuagint does translate *porn-* words from this Hebrew root, the verb and its related nouns refer to acting as a prostitute, and never (in the Bible) to incestuous marriages.⁹¹

Not only is the contextual support for this interpretation lacking, but also one discovers it is difficult to limit *πορνεία* to incest even in the more specific passages cited by proponents of this point of view. For example, the context of 1 Corinthians 5:1 suggests that Paul is dealing with a case of incest, but there is no evidence to imply that he is talking specifically about incestuous marriage. It is even more difficult to confine *πορνεία* to a single meaning in Acts 15 and 21. Each of these references are found in the context of the Jerusalem Council, where Gentiles are instructed to avoid *πορνεία*. While illegitimate marriages appear to be one of the prohibitions rendered, there is no reason to

⁸⁹Fitzmyer, "The Matthean Divorce Texts," 94-97.

⁹⁰Blomberg, "Marriage, Divorce, Remarriage, and Celibacy," 177.

⁹¹Janzen, "The Meaning of *Porneia* in Matthew 5.32 and 19.9," 70. The only other evidence of this usage is one occurrence from Qumran.

believe it may not also refer to other acts of sexual impropriety as well.⁹² Therefore, *πορνεία* can imply illegitimate or incestuous marriages, but the term should not be restricted to that meaning. The philological evidence does not support this restricted meaning. More importantly, the immediate contextual evidence does not support this meaning. In order to embrace such a restrictive meaning, one would need strong contextual evidence to specify this meaning. Such evidence does not exist.

And even if such a narrow meaning of *πορνεία* were acceptable, such usage does not fit the Matthean context. Jesus is speaking with regard to the divorce certificate (Deut 24:1-4), where divorce is allowed in cases of *πορνεία*. In cases of incest, there is no reason for a divorce certificate.⁹³ The marriage was considered by the rabbinic courts invalid from the onset.⁹⁴

A second view that limits the meaning of *πορνεία* is the “betrothal” view.⁹⁵ This position starts with a proper understanding of the word “betrothed” in the Jewish

⁹²Even Fitzmyer’s arguments from Qumran are weakened when one considers that the “divorce” passages of Qumran deal primarily with polygamy, not divorce. Instone-Brewer, *Divorce and Remarriage*, 158.

⁹³In an article opposing the Heth and Wenham position, Holwerda reasons that if the incestuous marriage view is correct divorce would alter the nature of the kinship relation so that a woman who was once wife by covenant is now like a sister or close relative. That being the case, a renewed sexual relationship with a former spouse would constitute incest. David Holwerda, “Jesus on Divorce: An Assessment of a New Proposal,” *Calvin Theological Journal* 22 (1987): 114-20.

⁹⁴Philip Sigal, *The Halakah of Jesus of Nazareth according to the Gospel of Matthew* (New York: University Press of America, 1986), 100-01.

⁹⁵One of the strongest defenders of this view is Isaksson, *Marriage and Ministry in the New Temple*, 166-52. Isaksson draws a parallel between Matt 19:9 and Lev 21:7, where Old Testament priests were forbidden to marry any woman but a virgin. Isaksson applies this teaching to New Testament believers and suggests that divorce is only permitted if a woman is unfaithful prior to marriage. The difficulty of this view is that Jesus is not talking about sex prior to marriage, nor is it reasonable to conclude that Old Testament Levitical law is applicable for modern Christians. And as Edgar points out, Isaksson’s position leaves Jesus more concerned about faithfulness before marriage than during it. Edgar, “Divorce and Remarriage for Adultery or Desertion,” 173.

law. The betrothal period differed from the modern engagement period in that a betrothed couple were considered “husband” and “wife” (Gen 29:21; Deut 22:23-24; 2 Sam 3:14; Matt 1:18-25). Neufeld explains, “From the time of betrothal and the presentation of gifts and the payment of the purchase price, the woman was called ‘wife’ and the man a ‘husband’ and a mutual obligation of marriage was then in existence.”⁹⁶ The betrothal period was a time of consecration, purification, and authenticity and could not be broken without a formal divorce. “Betrothal was a formal act by which the woman became legally the man’s wife; unfaithfulness on her part was adultery and punishable as such; if the relation was dissolved a bill of divorce was required.”⁹⁷

Proponents of this view maintain that *πορνεία* refers to unlawful sexual acts that would violate the betrothal obligations and result in the legitimate “divorce” of the betrothed couple. Matthew includes the exception because of his dominant Jewish audience. Jesus’ reference to Genesis 2:24 suggests that He is providing the biblical grounds for a proper marriage to be consummated (the one-flesh union) and the exception clause is merely included to address situations of betrothal violations.⁹⁸

Once again the difficulty of this interpretation lies in its limitation of the word *πορνεία*. No compelling evidence exists to suggest that Jesus was speaking strictly in

See also Mark Geldard, “Jesus’ Teaching on Divorce: Thoughts on the Meaning of *Porneia* in Matthew 5:32 and 19:9,” *Churchman* 92 (1978): 134-43.

⁹⁶E. Neufeld, *Ancient Hebrew Marriage Laws* (London: Longman’s Green & Co., 1944) 142-43. For an extensive treatment of this subject, see B. Cohen, “On the Theme of Betrothal in Jewish and Roman Law,” *Proceedings of the American Academy for Jewish Research* 18 (1948): 67-135.

⁹⁷G. F. Moore, *Judaism in the First Centuries of the Christian Era* (New York: Schocken, 1971), 2:121.

⁹⁸For an overview of this position, see Heth and Wenham, *Jesus and Divorce*, 169-78.

terms of the betrothal period. With no specific contextual indicators that Jesus was using such a restrictive interpretation, it is not reasonable to conclude that Matthew's readers would have understood the exception referred exclusively to the betrothal period.

Perhaps the most probable reason for Matthew employing the word *πορνεία* is that this is the most accurate translation of ערוֹת דבר ("indecent matter") in Deuteronomy 24:1. Considering the context of the Hillel-Shammai debate and the Deuteronomy 24:1 discussion, the broader sexual connotations of *πορνεία* make sense. Jesus is not restricting the exception to a certain form of adultery and neither is he approving of the multiple reasons the Hillel school allowed for legitimate divorce. The exception clause occurs within the context of Jesus defining marriage in terms of Genesis 2:24 and the marriage covenant terms of leave, cleave, and one-flesh.

The term *πορνεία* is to be understood as an immoral act that violates the covenant vows, particularly the one-flesh aspect of the covenant. Jesus chooses a word that denotes unchastity that is marked by destructive sexual behavior. It is the antithesis of the one-flesh commitment. While *πορνεία* should not be limited strictly to sex with someone other than one's spouse, the one-flesh relationship is consummated with sex. Because of this, sexual infidelity is a radical violation of the sacred covenant. A covenant is intended to be lasting. For that reason alone, the covenant partners are bound by the covenant terms, and when the covenant parameters are violated, the covenant itself is threatened. As Blomberg observes, "Infidelity does not, in and of itself, dissolve the marriage covenant, but it does introduce so serious a threat that sometimes relationships

prove irreparable.”⁹⁹ Cases of such sexual misconduct can render ineffective or void the sacred marriage bond.¹⁰⁰

Jesus also refers to a stubbornness of heart, which is to be understood in terms of obstinate unrepentance. For this reason, the faithful spouse is to seek reconciliation even when the covenant has been violated. However, if the unfaithful spouse continues in a state of stubborn immorality, violating the foundational concept of the one-flesh relationship, the faithful partner has the right to divorce. He or she is not mandated to divorce the unfaithful spouse, but he or she is allowed to divorce.

First-century Judaism had distorted the intent of the Mosaic legislation in Deuteronomy 24 to the point that a husband was forbidden to return to his wife if she had sexual relations in any form with another man (and the wife was forbidden to return to her husband).¹⁰¹ Jesus counters this notion by allowing divorce for immorality but not commanding it. The forgiveness requirements of Matthew 18:21-35 indicate that Jesus may have encouraged offended spouses to forgive their unfaithful covenant partners. This view would have shocked first-century hearers and demonstrated the radical love of a God who pursues wayward mates.

⁹⁹Blomberg, “Marriage, Divorce, Remarriage, and Celibacy,” 181-82.

¹⁰⁰Léopold Sabourin, “Divorce Clauses, Mt 5:32, 19:9,” *BTB* 2 (1972): 80-86.

¹⁰¹This mandate stems from a pre-Rabbinic tradition and included victims of rape crimes. M. Bockmuehl, “Matthew 5.32; 19.9 in the Light of Pre-Rabbinic Halakah,” *NTS* 38 (1989): 291-95.

Warren demonstrates through a syntactic analysis of Deut 24 how easy it would have been to confuse the Mosaic legislation. He argues that Jesus corrects the faulty exegesis of the Pharisees, who missed the point of the Deuteronomy passage, which was intended to be permissive and not obligatory. Andrew Warren, “Did Moses Permit Divorce? Modal *wegatal* as Key to New Testament Readings of Deuteronomy 24:1-4,” *TynBul* 49 (1998): 39-56.

The Synoptic Parallels

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

Πᾶς ὁ ἀπολύων τὴν γυναῖκα αὐτοῦ καὶ γαμῶν ἑτέραν μοιχεύει, καὶ ὁ ἀπολελυμένην ἀπὸ ἀνδρὸς γαμῶν μοιχεύει.

This verse provides the only words of Jesus recorded by Luke regarding divorce and remarriage. They are cast from the Old Testament perspective where the man initiates a divorce. What is new in this passage in light of the first century is Jesus branding the man's actions adulterous.¹⁰²

The words of Jesus here might give the impression Jesus forbids divorce and/or remarriage altogether and indeed those scholars who believe Jesus offers some valid grounds for divorce but provides no legitimate grounds for remarriage often point to this passage in support of their view. Heth writes,

There is absolutely nothing in the divorce sayings in Mark or Luke which suggest that Jesus permitted divorce and remarriage (that is, remarriage after divorce) for one exception or another. Both Mark and Luke do, however, leave open the possibility that Jesus might have conceded the possibility of a separation or legal divorce that was not followed by remarriage.¹⁰³

The introductory phrase “everyone who divorces” (*πᾶς ὁ ἀπολύων*) utilizes a legal ordinance form similar to Old Testament casuistic law.¹⁰⁴ In essence, Jesus provides here the standard by which his followers are to live. Remarriage is not an option even if a valid divorce occurs.

¹⁰²Augustine Stock, “Matthean Divorce Texts,” *BTB* 8 (1978): 24-33.

¹⁰³William Heth, “Divorce, but No Remarriage,” in *Divorce and Remarriage: Four Christian Views*, ed. H. Wayne House (Downers Grove, IL: InterVarsity Press, 1990), 108.

¹⁰⁴J. A. Fitzmyer, *Luke X—XXIV*, AB 28a (New York: Doubleday, 1985), 1120.

On the other hand, some scholars advocate that Luke is radicalizing the law. Admittedly, the verse offers no exceptions, but the casuistic form is employed for the purpose of emphasis or exaggeration.¹⁰⁵ Jesus' words appear in the middle of two parables about money and serve as a "summons to radical commitment, both in money and in the rest of one's life."¹⁰⁶ Jesus presents an ideal, a moral exhortation by which his followers are to abide. He is not even addressing the permissibility of divorce and remarriage question. He simply wants to shock his hearers into recognizing moral truth.¹⁰⁷ Davies and Allison remark:

Jesus' saying about divorce was, when first delivered, probably intended to be more haggadic than halakhic; that is, its purpose was not to lay down the law but to reassert an ideal and make divorce a sin, thereby disturbing then current complacency (a complacency well reflected in Hillel's view that a woman could be divorced even for burning food: m. Git. 9.10). Jesus was not, to judge by the synoptic evidence, a legislator. His concern was not with legal definitions but with moral exhortation.¹⁰⁸

Similar to understanding this text in terms of an exaggeration is the idea that Jesus is simply speaking in general terms and does not contemplate all of the possible exceptions. Blomberg contends that generalizations admit "certain exceptions." Mark and

¹⁰⁵See Stein, "Divorce," 192-99; Craig S. Keener, *And Marries Another: Divorce and Remarriage in the Teaching of the New Testament* (Peabody, MA: Hendrickson Publishers, 1991), 26; G. F. Hawthorne, "Marriage and Divorce, Adultery and Incest," in *Dictionary of Paul and His Letters*, ed. G. F. Hawthorne and R. P. Martin (Downers Grove, IL: InterVarsity, 1993): 594-601; and R. F. Collins, *Divorce in the New Testament*, GNS 38 (Collegeville, MN: Liturgical Press, 1992), 175-80.

¹⁰⁶Keener, *And Marries Another*, 26.

¹⁰⁷M. J. Down, "The Sayings of Jesus about Marriage and Divorce," *ExpTim* 95 (1984): 332-34.

¹⁰⁸W. D. Davies and D. C. Allison, Jr., *The Gospel According to Saint Matthew*, ICC (Edinburgh: T. & T. Clark, 1988-95), 1:532. I would say that Davies and Allison go too far in their assessment. I agree with William Heth that it is precarious to maintain that Jesus always spoke in this manner. The natural implication of Davies and Allison's view is that Matthew misunderstood Jesus when he included the exception clause because it "betrays a halakhic interpretation: it turns the Lord's logion into a community regulation." (532). William Heth, "Jesus on Divorce: How My Mind has Changed," *SBTJ* (2002): 25. Cf. Heth and Wenham, *Jesus and Divorce*, 218-19.

Luke do not spell any of these out.¹⁰⁹ Barclay adds, “The form of these sayings makes them general rules and principles.”¹¹⁰ Coiner concludes:

Jesus is not laying down a set of legal prescriptions by which a marriage may be terminated and another consummated. He is confronting man with the ultimate significance of the marriage relationship as it exists according to God’s creative and redemptive purposes, in terms of which the putting away of a spouse finds no justification. Jesus discloses the absolute standards that are relevant when the kingdom of God is upon man.¹¹¹

Jesus simply lays down a general principle for kingdom living. His words in this particular passage offer no help in determining his literal view on divorce and remarriage.¹¹²

Others maintain that Luke employs this saying as an allegorical statement affirming the indissolubility of the Law proclaimed by Jesus in the previous verse.¹¹³ In other words, the one who annuls part of the Law in favor of another custom is compared to a man who divorces his wife for another woman. Both practices are equally invalid.

Others argue that Luke’s intention is to preserve the value of the Law and the Prophets while instructing his hearers that the Law and the Prophets must be understood in light of Jesus’ teachings. I. Howard Marshall writes, “The saying is included by Luke

¹⁰⁹ Craig Blomberg, “Marriage, Divorce, Remarriage, and Celibacy: An Exegesis of Matthew 19:3-12,” *TJ* 11 (1990): 162.

¹¹⁰W. Barclay, *Introduction to the First Three Gospels* (Philadelphia: Westminster, 1975), 63.

¹¹¹Harry Coiner, “Those Divorce and Remarriage Passages,” *CTM* 39 (1968): 383.

¹¹²Blomberg, “Marriage, Divorce, Remarriage, and Celibacy,” 162.

¹¹³Kilgallen argues that Luke intends this verse to be understood figuratively, along the lines of a parable. He is not teaching about divorce but speaking of a lesson to be learned from the irrevocability of marriage. John J. Kilgallen, “The Purpose of Luke’s Divorce Text,” *Biblica* 76 (1995): 229-38.

at this point in order to illustrate the continuing validity of the Law but in the new form given it by Jesus.”¹¹⁴ The teachings of Jesus raise the standard.

William Luck suggests that the wording of the Lukan version must be interpreted in the context of the social situation involving the Pharisees and Herod Antipas.¹¹⁵ Herod Antipas divorced his wife in order to marry Herodias, who divorced her husband Philip to marry Herod.¹¹⁶ Jesus is addressing the invalidity of Herod’s divorce and remarriage and attacking the Pharisees’ failure to denounce this adulterous relationship. If this situation stands behind Jesus’ words, one must assume that Jesus is forbidding invalid remarriages (such as Herod’s).¹¹⁷

Still another option is that Luke is simply abbreviating the teachings of Jesus, which is a common practice in rabbinic literature.¹¹⁸ In the areas where Jesus’ teachings did not differ from the common teachings of rabbinic Judaism, there was no need for Luke to articulate fully Jesus’ overall stance on every matter. There was no reason for him to enunciate in detail Jesus’ view on divorce and remarriage. Furthermore, because of the extensive teaching ministry of Jesus, most of his teachings were abbreviated when recorded by the Synoptic writers. Luke simply provides the most fundamental statement

¹¹⁴I. Howard Marshall, *The Gospel of Luke* (Exeter: Paternoster Press, 1978), 631. See also J. Nolland, *Luke 9:21-18:34*, WBC 35B (Dallas: Word, 1993), 8-22; and W. Manson, *The Gospel of Luke* (New York: Richard R. Smith, 1930), 188.

¹¹⁵This position was first suggested by F. Crawford Burkitt, *The Gospel History and Its Transmission*, 2nd ed. (Edinburgh: T. & T. Clark, 1907) and articulated more fully by William F. Luck, *Divorce and Remarriage: Recovering the Biblical View* (San Francisco: Harper and Row, 1987), 123-29.

¹¹⁶Josephus, *Ant.* 18.110-12.

¹¹⁷Luck takes the voice in the second clause to be middle—“implicating the woman as the divorcer, while stressing the complicity of the second husband in the first divorce by centering the saying upon him.” Luck, *Divorce and Remarriage*, 128-29.

¹¹⁸See Instone-Brewer, *Divorce and Remarriage*, 161-67.

regarding this subject and assumes that his reader will understand that he is referring to invalid divorces.

Regardless of which position one takes, it seems clear that Luke 16:18 must be interpreted in light of the overall biblical evidence. The abbreviated account or generalization views, which are very similar in nature, make sense when considering the tendency of the Gospel writers to make available only the basic teachings of Jesus on many matters. The Gospel writers did not provide Jesus' view on other issues related to the divorce-remarriage debate (such as whether Exod 21:10-11 provided grounds for divorce or whether remarriage after the death of a spouse is permissible), so one must assume that all of the accounts must be considered together. Jesus speaks against invalid divorces.

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

Ἐρρέθη δέ, Ὅς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ, δότω αὐτῇ ἀποστάσιον. ἐγὼ δὲ λέγω ὑμῖν ὅτι πᾶς ὁ ἀπολύων τὴν γυναῖκα αὐτοῦ παρεκτὸς λόγου πορνείας ποιεῖ αὐτὴν μοιχευθῆναι, καὶ ὃς ἂν ἀπολελυμένην γαμήσῃ μοιχᾷται.

Matthew offers an abbreviated form of Jesus' teaching as well (although he does include the exception clause). Here the exception clause qualifies Jesus' prophetic prohibition against divorce. The words of Jesus are an example of a common wisdom saying. These wisdom sayings often included statements of hyperbole or exaggeration in order to grab the readers' attention. This method was common in rabbinic literature and in the Synoptic gospels. For example, when talking about the difficulty of a rich person entering heaven, Jesus spoke in the exaggerated terms of a camel going through the eye of a needle (Matt 19:16-26). In the immediate context of this particular passage, when

Jesus warned against lust and sinful actions that might hinder one from entering heaven, he spoke of gouging out one's eye or severing one's limb to avoid hell (Matt 5:27-30). Using such hyperbolic methods forced his hearer to grapple with the moral truths that demanded such radical demands.

In Matthew's gospel alone, Jesus identifies himself as a prophet (Matt 13:15), taught as a sage (Matt 12:38-42), and publicly admonished the hypocrisy of the religious leaders (Matt 23). In the midst of such antagonism, it is reasonable to conclude that Jesus spoke in heightened terms to emphasize a particular point.¹¹⁹

Wisdom sayings were not intended to exhaust all that could be said regarding a certain subject matter (as so many Proverbs so beautifully illustrate). They are succinct statements that communicate a general principle, a principle that may need to be qualified when applied to specific situations.¹²⁰ Jesus summons his followers to an ideal (much like the preceding statements concerning anger and lust). As we have seen, God's ideal is a one man-one woman covenant relationship that lasts a lifetime. His purpose is not to present an exhaustive theology of marriage or to define all the proper grounds for divorce and/or remarriage. He is making a generalized statement in order to convey a biblical truth.

Blomberg gives adultery a metaphorical meaning in this passage. The Old Testament often employs adultery terminology to represent spiritual idolatry and in the more immediate context of Matthew 5:28, Jesus has utilized the verb *μοιχεύω* to refer to actions other than sexual ones: "every man who looks at a woman so as to lust after her

¹¹⁹Stein, "Divorce," 197.

¹²⁰For a good overview of this perspective, see Keener, *And Marries Another*, 22-28.

has already committed adultery with her in his heart.” Verse 32 follows an almost identical structure as 5:28 and can be interpreted in a similar fashion: “divorce itself, except when it is for sexual sin, is metaphorical adultery—faithlessness to the person to whom one promised permanent loyalty, with lust after another lifestyle and/or set of commitments.”¹²¹ If Blomberg’s argument is correct, it dissolves the debate over whether a second marriage, following an invalid divorce, is permanently adulterous or involves an initial act of adultery. Neither is true. The adultery happens at the time of the divorce and not at the time of the remarriage.

Whether one takes Jesus’ words as an abbreviated wisdom saying or a metaphorical warning against covenant unfaithfulness, the primary point remains the same: the exception clause, reflecting the language of Deuteronomy 24:1, refers to a valid divorce, which by definition for first-century hearers included the right to remarry.

The abbreviated Synoptic parallels support the argument that what Jesus condemns are invalid divorces. These abbreviated accounts should not be interpreted outside of their broader biblical context. They are not intended to serve as absolute statements. They represent an ideal.

A Further Explanation

Mark 10:11-12: And He said to them, “Whoever divorces his wife and marries another woman commits adultery against her; and if she herself divorces her husband and marries another man, she is committing adultery.”

καὶ λέγει αὐτοῖς, Ὅς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ καὶ γαμήσῃ ἄλλην μοιχᾶται ἐπ’ αὐτήν, καὶ ἐὰν αὐτὴ ἀπολύσασα τὸν ἄνδρα αὐτῆς γαμήσῃ ἄλλον μοιχᾶται.

Matthew 19:10-12: The disciples said to Him, “If the relationship of the man with his wife is like this, it is better not to marry.” But He said to them, “Not all men can

¹²¹Blomberg, “Marriage, Divorce, Remarriage, and Celibacy,” 175.

accept this statement, but only those to whom it has been given. For there are eunuchs who were born that way from their mother's womb; and there are eunuchs who were made eunuchs by men; and there are also eunuchs who made themselves eunuchs for the sake of the kingdom of heaven. He who is able to accept this, let him accept it."

λέγουσιν αὐτῷ οἱ μαθηταὶ [αὐτοῦ], Εἰ οὕτως ἐστὶν ἡ αἰτία τοῦ ἀνθρώπου μετὰ τῆς γυναικός, οὐ συμφέρει γαμῆσαι. ὁ δὲ εἶπεν αὐτοῖς, Οὐ πάντες χωροῦσιν τὸν λόγον [τοῦτον], ἀλλ' οἷς δέδοται. εἰσὶν γὰρ εὐνοῦχοι οἵτινες ἐκ κοιλίας μητρὸς ἐγεννήθησαν οὕτως, καὶ εἰσὶν εὐνοῦχοι οἵτινες εὐνουχίσθησαν ὑπὸ τῶν ἀνθρώπων, καὶ εἰσὶν εὐνοῦχοι οἵτινες εὐνούχισαν ἑαυτοὺς διὰ τὴν βασιλείαν τῶν οὐρανῶν. ὁ δυνάμενος χωρεῖν χωρεῖτω.

Both Matthew and Mark include a clarifying dialogue between Jesus and his disciples that occurred later "in the house." Admittedly, the content of the conversation differs slightly in each Gospel. Mark has Jesus providing further explanation of his earlier adultery statements and Matthew introduces a conversation where Jesus declares that marriage is not mandatory. Given that Matthew and Mark are writing to different audiences and for different purposes, each of the accounts could be an accurate summary of what happened. Again, the gospel writers are not required to record an exhaustive account of each event. Their accounts are not contradictory. They simply contain different content. Obviously the authors included what was relevant to their own audience.

Knowing whether Matthew or Mark's version came first is debatable.¹²²

Mark's material seems more suitable for use in teaching or in a sermon. The Pharisees set the stage by summarizing their position and questioning Jesus regarding his stance (2-4). This questioning is followed by the teachings of Jesus (5-12) directed first to the Jews (5-9) and then to the disciples/church (10-12). Mark's version lends itself more naturally to public teaching than Matthew's record.

¹²²Instone-Brewer offers an excellent summary of the "which version came first" debate. Ibid., 171-75.

On the other hand, Matthew's rendering seems to reflect an actual rabbinic debate. Questions, answers, exegesis, corrections, these techniques are all used within rabbinic dialogue.¹²³ Matthew's approach makes sense in light of his larger Jewish audience.

While it is unclear which version came first, it does seem that perhaps Matthew included the "for any matter" and "a matter of indecency" phrases summarizing the Hillel-Shammai debate in order to clarify for his Jewish audience the context of Jesus' words. If the exception clauses were a part of Jesus' original teaching, Matthew included them in light of his Jewish audience. On the other hand, one can argue that Mark edited out the debate structure (and assumed exception clauses) in order to make it more usable for teaching and sermons.¹²⁴

Jesus probably addressed further both of these matters in the house with his disciples and Matthew and Mark only recorded what they believed to be relevant to their

¹²³Instone-Brewer points out that Matthew's account differs from a traditional record of a rabbinic debate in that normally a question would be followed by an answer, and then a further question from the original or a counter question would be offered. A degree of balance was also presented in the rabbinic records, but in Matthew's gospel, the Pharisees' point of view is presented as inadequate. Instone-Brewer, *Divorce and Remarriage*, 173.

One primary difference between Matthew's gospel and a typical rabbinic record is Matthew had a definite agenda in his writing: to prove the Messiahship of Jesus. He was not merely recording the facts. He was writing for a purpose. This objective influenced how he recorded the event.

¹²⁴Nolland argues that each of the Gospel forms of the tradition of Jesus' words prohibiting divorce stems from a single original form which (1) lacked the exception clause (which probably arose in a Jewish Christian context where adultery was understood as causing the total destruction of a marriage, and which in any case represents a re-formulation of the moral vision of Jesus for practical implementation as a rule of life); (2) included the man's remarriage as an essential part of the action being criticized (this is where adultery against the former wife takes place); and (3) contained a form of the second clause about marrying a divorced woman which is to be understood as referring to a woman who has deliberately precipitated a divorce from her husband in order to contract a more desirable liason. According to Nolland, this original is traced to the historical Jesus. John Nolland, "The Gospel Prohibition of Divorce: Tradition History and Meaning," *JSNT* 58 (1995): 19-35. I disagree with Nolland regarding the absence of the exception clauses from Jesus' original words. There is no concrete evidence to conclude that the exception clauses were not a part of the original sayings.

audience. Since Jesus' statement in Mark was dealt with earlier, we will now focus attention upon Matthew's record of the eunuch statements.

The Disciples' Reaction

Matthew records the only reaction by the disciples to Jesus' words: "If the relationship of the man with his wife is like this, it is better not to marry" (Matt 19:10). Many commentators agree that the reaction of the disciples must indicate that Jesus' teaching is stricter than what they were accustomed to hearing. Laney concludes that the teaching of Jesus must not have allowed for any divorce.¹²⁵ But it has been demonstrated that Jesus did allow for divorce in cases of *πορνεία* so Laney's position is unsupported by the overall context.

What seems clear from the disciples' astonished reaction is that what Jesus says is different, but what appears to make it different is that Jesus does not mandate divorce.¹²⁶ He permits it in cases where the marriage covenant has been violated. Divorcing a spouse simply out of a desire to be with someone else is unjustifiable and constitutes the sin of adultery.¹²⁷ No rabbi held this view. Even the stricter Shammai, who allowed a man to divorce his wife if she has committed an act equivalent to adultery, does not refer to divorce without such grounds as adultery. And if adultery is committed,

¹²⁵J. Carl Laney, *The Divorce Myth* (Minneapolis: Bethany House, 1981), 65. Laney's position stems from his belief that the exception clause represents illicit, incestuous marriages. As has been demonstrated above, the term *porneia* includes more than incest and should not be restricted to a single nuance.

¹²⁶Dupont contends that the disciples' reaction shows that Jesus rejected all remarriage. Those who divorce must "make themselves a eunuch." Dupont, "Mariage et divorce dans l'évangile," 466-67. However Kodell demonstrates that this argument does not take into account the fact that Jesus is speaking positively. They are eunuchs for the sake of the Kingdom. It is not an inability to get married to prevent adultery, but a choice not to marry for the sake of the Kingdom. Jerome Kodell, "Celibacy Logion in Matthew 19.12," *BTB* 8 (1978): 19-23.

¹²⁷Luck, *Divorce and Remarriage*, 149.

divorce is required. Here Jesus allows divorce but in no way mandates it. Broken marriages may still be restored. This pronouncement would be shocking to a first-century hearer.¹²⁸

“This Statement”

The exact meaning of Jesus’ response to the disciples has generated a lot of debate: “Not all men can accept this statement, but only those to whom it has been given” (Matt 19:11). Two primary questions surface: to what “statement” does Jesus refer? And who are those to whom it has been given?

Most scholars find two possible identifications of the “statement” (τὸν λόγον [τοῦτον]). Either the phrase refers to Jesus’ teaching in vv. 4-9 or to the disciples’ remark in v. 10.¹²⁹ Carson favors the latter position suggesting that the former makes Jesus contradict himself. Carson argues, “After a strong prohibition, it is highly unlikely that Jesus’ moral teaching dwindles into a pathetic ‘But of course, not everyone can accept this.’”¹³⁰ Instead, Jesus responds to the disciples’ remark about the difficulty of abstaining from marriage.

Heth and Wenham prefer the first option arguing that the term “this statement” in Matthew’s gospel often refers to the words of Jesus which He has just finished

¹²⁸Instone-Brewer, *Divorce and Remarriage*, 168.

¹²⁹As Carson points out, the phrase is literally “this word” regardless of whether τοῦτον is original or not since τὸν can be a mild demonstrative. D. A. Carson, *Matthew*, in vol. 8 of *The Expositor’s Bible Commentary*, ed. Frank E. Gaebelein (Grand Rapids: Zondervan, 1984), 419.

¹³⁰Ibid. See also Francis Wright Beare, *The Gospel According to Matthew: A Commentary* (Oxford: Basil Blackwell, 1981), 390-91.

delivering.¹³¹ They also object on the grounds that if it refers to the previous verse Jesus' teachings on divorce and remarriage would be directed to two classes of disciples: "not all" and "only those."¹³² Instead the contrast is between the disciples and the outsiders (Pharisees). According to Heth, the argument that Jesus begins in verse 11 is designed to show the disciples that they have acted like unbelievers when they object so strongly to Jesus' teachings of the permanence of marriage.¹³³

A third option, which takes into account both of these possibilities, is that "this statement" may refer directly to the disciples' reaction (its immediate antecedent) and indirectly to Jesus' previous words.¹³⁴ Jesus' teachings are extraneous to those who choose the life of celibacy. Divorce and remarriage is not an issue to those who do not marry. However, since few men choose celibacy, they place themselves under the obligations prescribed earlier by Jesus. This third view seems the most reasonable in light of the disciples' reaction and Jesus' earlier words.

The Eunuch Statements

At least four major interpretations of the eunuch sayings are in verse 12. The

¹³¹Wenham and Heth, *Jesus and Divorce*, 55-56. See also P. Levertoff and H. L. Goudge, "The Gospel According to St. Matthew," in *A New Commentary on Holy Scripture*, ed. C. Gore, H. L. Goudge, and A. Guillaume (New York: Macmillan, 1928), 175; P. Ketter, "'Nicht alle fassen dieses Wort:' Bemerkungen zu Mt 19.10-12," *Pastor Bonus* 49 (1938-39): 319; P. Bonnard, *L'évangile selon Saint Matthieu*, Commentaire du Nouveau Testament 1 (Paris: Delachaux et Niestlé, 1963), 284; T. V. Fleming, "Christ and Divorce," *TS* 24 (1963): 113; and T. Matura, "Le célibat dans le Nouveau Testament d'après l'exégèse récente," *NRT* 97 (1975): 493.

¹³²Wenham and Heth, *Jesus and Divorce*, 56. See also Gundry, *Matthew*, 381-83.

¹³³Heth, "Divorce, but No Remarriage," 106.

¹³⁴Willoughby C. Allen, *A Critical and Exegetical Commentary on the Gospel According to S. Matthew*, ICC 26 (Edinburgh: T. & T. Clark, 1985), 205-06. Allen suggests that the whole passage "suffers from inconsistency of thought due to literary revision and complication" (205).

first view, labeled the “traditional” view by Heth and Wenham, advocates the renunciation of marriage by celibacy for the sake of the kingdom of heaven.¹³⁵

According to this position, Jesus issues an appeal for celibacy to those who are not called to marry (cf. 1 Cor 7:7, 25-38). Marriage is not intended for those who have the gift of celibacy.¹³⁶

Heth and Wenham object to this position on three primary grounds: (1) Jesus rarely agrees with the disciples in the Gospels; (2) Matthew omits apparent denunciations of marriage found in the other Gospels; and (3) Paul’s elevation of his own celibacy proves that Jesus had not previously taught celibacy is preferred. Paul declares, “I have no commandment from the Lord” prior to his discussion of the celibate state.¹³⁷ Luck avoids this interpretation as well based upon the understanding of celibacy as a “gift.” Celibacy is portrayed as “imposed by hereditary deficiency, by mutilation by others, and by one’s own choice.”¹³⁸

The second view maintains that this verse refers to the husband who has put away his wife and is required to devote himself to a celibate life (at least until his former wife dies). Proponents of this perspective understand the “not all” who receive the saying

¹³⁵See W. D. Davies, *The Setting of the Sermon on the Mount* (Cambridge: Cambridge University Press, 1964), 393, and D. R. Catchpole, “The Synoptic Divorce Material as a Traditio-Historical Problem,” *BJRL* 57 (1974): 95.

¹³⁶Geoffrey Bromiley, *God and Marriage* (Grand Rapids: Eerdmans, 1980), 40.

¹³⁷Heth and Wenham, *Jesus and Divorce*, 62-64. Proposed earlier in Q. Quesnell, “‘Made for Themselves Eunuchs for the Kingdom of Heaven’ (Mt. 19, 12),” *CBQ* 30 (1968): 335-58.

¹³⁸Luck, *Divorce and Remarriage*, 151.

as the Pharisees who reject the teachings of Jesus. In contrast, “those to whom it has been given” are the disciples.¹³⁹

Support for this position is drawn from the story of the rich young ruler that follows this passage. The rich man turns away from Jesus when he hears the troubling statement that it is difficult for rich people to enter heaven. The disciples respond in astonishment, “Who then can be saved?” To which Jesus replies: “With men this is impossible, but with God all things are possible.” The “this” refers to the “hard teaching” not to the response of the disciples. Thus the two groups distinguished in both accounts are unbelievers and disciples.¹⁴⁰

In response to this perspective, Luck calls attention to the fact that the pattern found in the story of the rich young ruler does not necessitate the same pattern for the earlier text.¹⁴¹ The “sayings” in the stories are entirely different. One has to do with divorce legislation and the other has to do with the necessity of God to act in salvation. Also *τοῦτο* in 19:26 does not as naturally refer back to the disciples’ words because they ask a question rather than make a statement. But in 19:10, the disciples make a statement and so verse 11 naturally refers back to it.¹⁴²

Furthermore, proponents of this second view bifurcate humanity in such a way that ethical lines of marriage are blurred for the disciple and the unbeliever. In other

¹³⁹Proponents include Quesnell, “Made for Themselves Eunuchs,” 341-42; Jacques Dupont, *Mariage et divorce dans l'évangile, Matthieu 19, 3-12 et parallèles* (Abbaye de Sant-Andre : Desclee de Brouwer, 1959), 161-220; and Heth and Wenham, *Jesus and Divorce*, 53-68.

¹⁴⁰Heth and Wenham, *Jesus and Divorce*, 58-61.

¹⁴¹Luck, *Divorce and Remarriage*, 152.

¹⁴²Blomberg, “Marriage, Divorce, Remarriage, and Celibacy,” 184.

words, God requires one set of rules for his disciples (indissoluble marriage with no possibility for remarriage) and another for outsiders. The validity of such a distinction is questionable. As Blomberg points out, many non-Christians do believe in and practice lifelong faithfulness to their spouses.¹⁴³ Carson adds, “Jesus’ appeal has been to the creation ordinance, not to kingdom morality.”¹⁴⁴

A third view insists that the saying instructs the disciples that Jesus’ words regarding marriage are intended for those who get married. According to this opinion, Jesus refers back to his own earlier words as the normal practice and then refers to celibacy, which is to be understood as the exception and not the standard. Jesus simply informs his disciples that his teaching regarding the indissolubility of marriage outside of the covenant breach of adultery does not apply to those who are by “birth, force or choice” celibate.¹⁴⁵ His instructions are for those who are married.

A final option is the idea that Jesus makes his most surprising announcement in this subsequent dialogue when he informs his disciples that not all men are expected to marry. In the context of the first-century Judaism with its 613 commands from the Torah, “go and multiply” was a decree given by God. The obligation of every Jewish man was to marry and have children.¹⁴⁶ Jesus’ intimation that remaining single was a viable option was shocking to a first-century Jew. Jesus mentions three possible reasons why a

¹⁴³Ibid., 183.

¹⁴⁴Carson, *Matthew*, 419.

¹⁴⁵Luck, *Divorce and Remarriage*, 153.

¹⁴⁶This command was so elemental in Judaism that some scholars have argued that even Jesus and Paul were married at one time. See William Phipps, “Is Paul’s Attitude toward Sexual Relations Contained in 1 Cor. 7.1?” *NTS* 28 (1982): 125-31, and idem, *Was Jesus Married? The Distortion of*

man might be a eunuch. The first two (eunuchs by birth and the actions of others) were legitimate possibilities recognized by the rabbis.¹⁴⁷ However, Jesus introduces a third option: celibacy by choice.¹⁴⁸ Jesus commends life without marriage “for the sake of the kingdom of heaven” which confers a pious motivation to what most Jews would have considered a violation of God’s command to marry and reproduce.¹⁴⁹ He renounces the normal Jewish prejudice against celibacy and affirms a more stringent faithfulness to one’s spouse than Judaism acknowledged.

This final view is the most reasonable in that it takes into account both the historical context (marriage is mandatory) and Jesus’ elevation of marriage. Jesus gave permission for his followers to remain unmarried for virtuous reasons. However, celibacy is an exceptional situation, as signified by Jesus’ words that his words on celibacy are to the one who is “able to accept it.”

Conclusion

Even with the exception clause, Jesus’ position is more radical than the more lenient school of Shammai. Jesus permitted divorce for *πορνεία* but did not demand it. The radical love of God pursues forgiveness and reconciliation. A marriage may still be kept together even in cases where *πορνεία* occurs. Surprised by this position in light of Jesus’ strong words regarding the permanence of marriage, the disciples object that it is

Sexuality in the Christian Tradition (New York: Harper & Row, 1970). Of course, such a suggestion is mere speculation, and the biblical evidence suggests otherwise.

¹⁴⁷*m. Yebam.* 8.4, and *b. Yebam.* 75a, 79b. Even these situations carried a stigma that prevented a man from leading in temple worship.

¹⁴⁸Ulrich Luz, *Matthew 8-20*, IBC, trans. James E. Crouch (Minneapolis: Fortress Press, 2001), 502.

¹⁴⁹Jerome Kodell, “The Celibacy Logion in Matthew 19.12,” *BTB* 8 (1978): 19-23.

better “not to marry” (19:10). To this concern, Jesus states that God enables some to remain celibate for the sake of the Kingdom (19:12). Marriage is not mandatory.

Conclusion

The teachings of Jesus regarding divorce and remarriage have several important implications and consequences for both his world and the present discussion regarding divorce and remarriage. These points will be considered in conclusion.

One, God’s ideal standard for marriage is a monogamous, lifelong covenant relationship. In a culture where polygamy was still practiced and accepted, Jesus spoke of a monogamous relationship between one man and one woman. To affirm this position, he takes his hearers back to the beginning where God created one man and one woman for each other. Monogamy is grounded in God’s creative act.

Furthermore, marriage is intended to be lifelong and it is against God’s design for a marriage covenant to be broken. What God joins together, no one is to separate. Divorce violates God’s intent. At the same time, marriage is a covenant that requires faithfulness and endurance. The covenantal parameters of leave, cleave, and one-flesh imply continued existence. While first-century rabbis spoke of lifelong marriage, the frequency and convenience of divorce “for any matter” contradicted God’s creative intent. John Murray pronounces,

Marriage is grounded in this male and female constitution: as to its nature it implies that the man and woman are united in one flesh; as to its sanction it is divine; and as to its continuance it is permanent. The import of all this is that marriage from its very nature and from the divine nature by which it is constituted is ideally indissoluble. It is not a contract of temporary convenience and not a union that may be dissolved at will.¹⁵⁰

¹⁵⁰Murray, *Divorce*, 29.

Jesus took the marriage covenant seriously and allowed divorce only when the covenant parameters were being obstinately violated to the point the covenant itself was irreparable.

Two, Jesus taught that divorce is permitted but not mandated. Divorce is not compulsory even in cases of *πορνεία*. This new teaching stood in contrast to the rabbinic teaching that divorce was required after a spouse had been unfaithful. Divorce was permitted when the covenant was irremediably breached, but the radical love demonstrated by God with His wayward people and exhibited and taught by Jesus for his followers encourages forgiveness and restoration when possible. As Stein states, “Divorce will always be seen as an evil. In some cases it may be the lesser to two evils, but it will be an evil nonetheless, for it reveals a failure of God’s intended purpose.”¹⁵¹

Three, divorce is permitted in cases of obstinate unrepentance. If the sexual transgressor refuses to repent and abandon his/her lifestyle, divorce is permissible. While this point is based upon the idea that Jesus is referring to the hardness of heart found in Old Testament texts such as Jeremiah 4:4, it makes sense in light of Jesus’ insistence on the permanence of marriage and his words on repetitive forgiveness.

Four, divorce for “any matter” is invalid and therefore remarriage after an invalid divorce is adulterous. From the evidence, divorce was treated lightly in Jesus’ day, so this teaching would have put Jesus at odds with the common practice. Jesus denounced “any matter” divorces as adulterous and affirmed the covenantal components of marriage.

¹⁵¹Robert H. Stein, *Luke*, NAC 24 (Nashville: Broadman & Holman, 1992), 420.

Five, Jesus teaches that *πορνεία* is a preeminent violation of the marriage covenant. If the “one-flesh” parameter of the marriage covenant is the culminating act of covenant ratification, *πορνεία* violates the most foundational of the covenant boundaries.

Carson explains:

Sexual sin has a peculiar relation to Jesus’ treatment of Genesis 1:27; 2:24 (in Matt 19:4-6), because the indissolubility of marriage he defends by appealing to those verses from the creation accounts is predicated on sexual union (“one flesh”). Sexual promiscuity is therefore a de facto exception. It may not necessitate divorce; but permission for divorce and remarriage under such circumstances, far from being inconsistent with Jesus’ thought, is in perfect harmony with it.¹⁵²

Sexual sin strikes at the heart of the covenant relationship. As Hugenberger points out, “The Old Testament appears to presuppose a general moral consciousness in man, shared even by pagans, which acknowledges adultery as a heinous wrong committed not only against the injured husband, but also against God.”¹⁵³ Sexual sin (*πορνεία*) is a direct violation of a covenant marriage. Heth concludes,

The Genesis 2:24 “one flesh” relationship that results from the covenant of marriage ratified by sexual consummation is not an indissoluble union, just one that should preeminently not be dissolved, and a sexual sin like adultery is the preeminent violation of the marriage covenant.¹⁵⁴

The exception clauses of Matthew permit divorce with just cause, a legitimate divorce would dissolve the marriage covenant and naturally allow for remarriage to occur. Jesus limits that reasonable cause to the supreme violation of the covenant marriage: *πορνεία*.

Based upon the Genesis 2:24 model, a covenant marriage is based on three primary commitments: leaving one’s previous home, cleaving to one’s spouse, and the

¹⁵²Carson, *Matthew*, 417.

¹⁵³Hugenberger, *Marriage as a Covenant*, 291. Hugenberger illustrates his point by listing a number of Old Testament passages that demonstrate the seriousness of this sin in the eyes of God.

¹⁵⁴Heth, “Jesus on Divorce,” 19.

one-flesh consummation. When questioned regarding the validity of divorce and remarriage, Jesus first advances God's original intent: one man and one woman in a lifelong monogamous relationship. He then identifies at least one exception that can breach the marriage covenant: *πορνεία*, the preeminent violation of the one-flesh covenant commitment. But what about the other covenant commitments of leave and cleave, does the New Testament address these parameters? We will seek to answer this question in the next chapter.

CHAPTER 5

THE TEACHINGS OF PAUL

It was established in the previous chapter that when asked regarding the validity of divorce and remarriage, Jesus elevated God's ideal for marriage: one man and one woman in a monogamous relationship for a lifetime. It was also proposed that Jesus permitted divorce in cases where the one-flesh covenant condition was breached. He did not mandate divorce, but He allowed it. This chapter will seek to accentuate the Apostle Paul's contribution to the New Testament teachings on divorce and remarriage, the majority of which is found in 1 Corinthians 7. Once again it is important to consider first the cultural context in which Paul was writing

Divorce in the Greco-Roman World

Previously a Greek city-state, Corinth was destroyed by the Roman consul Lucius Mummius in 146 B.C.E. and then reconstructed by Julius Caesar as a Roman colony in 44 B.C.E.¹ Because of its strategic location and Rome's overpopulation, the reestablished Corinth advanced numerically, economically, socially, philosophically and culturally. Corinth quickly experienced a great influx of people from both the West and East, with the advantages and drawbacks of such rampant growth. The Romans dominated the metropolis and brought with them their laws, culture, and religions. At the same time, the Roman world had been thoroughly Hellenized and Corinth maintained

¹Jerome Murphy-O'Connor, *1 Corinthians* (Wilmington, DE: M. Glazier, 1979), 5.

portions of its Greek heritage as well. From the East came the mystery cults and practices of Asia and Egypt as well as the Jews with their monotheistic beliefs. Corruption and religious diversity flourished together making Corinth a city of excessive sin² and assorted belief systems.³

Evidence from Paul's epistle to the Corinthian and Roman churches as well as the Acts 18:1-8 account indicates that the Corinthian church reflected the problems and diversity of the city itself.⁴ And although some Jewish influence was present in the community, the primary influence upon the Corinthians seems to be Hellenistic.⁵ This context is important in understanding Paul's words regarding divorce and remarriage.

Divorce in the Greco-Roman world was so common that the Roman historian Seneca is said to have remarked that some women divorce in order to remarry and remarry in order to divorce.⁶ Men and women could divorce their spouse by mutual

²Aristophanes coined the term *korinthiazō* which means "to act like a Corinthian," i.e., "to commit fornication." Gordon D. Fee, *The First Epistle to the Corinthians*, NICNT (Grand Rapids: Eerdmans, 1987), 2-3.

³Pausanias identifies at least 26 sacred places devoted to the many "gods" and "lords" of Corinth. Paul makes reference to this diversity as well in 1 Cor 8:5. Ibid.

⁴In 1 Cor 12:13, Paul accentuates the diversity of the many members who have become one body: Jews, Greeks, freedmen, and slaves. This diversity is also demonstrated in the people who are named in the Acts account and epistles. At least three are Jews who bear Latin names (Aquila [16:19, Acts 18:1-8]; Priscilla [16:19, Acts 18:1-8]; Crispus [1:14]). Three or possibly four others have Latin names and appear to be Romans (Fortunatus [16:17]; Quartus [Rom 16:23], Gaius [1:14], Titius Justus [Acts 18:7]), and at least one or two seem wealthy (Gaius [1:14, Rom 16:23], Titius Justus [Acts 18:7]). Three others have Greek names (Stephanas [1:16, 16:15, 17]; Achaicus [16:17]; Erastus [Rom 16:23]). According to 1:26, few came from the wealthier class and 7:20-24 may even suggest some were slaves. Ibid.

⁵This is not to suggest that there was no Jewish influence upon the church of Corinth. It does seem however that the Jewish presence was heavily influenced by the surrounding culture. Hurley argues that Paul's words regarding divorce and remarriage are primarily directed to a Jewish-Christian audience that is influenced by the ideas of the dominant Greco-Roman culture but is governed by the laws of Jewish history. Robert Hurley, "To Marry or Not to Marry: The Interpretation of 1 Cor 7:36-38," *Estudios Biblicos* 58 (2000): 7-31.

⁶Seneca, *De beneficiis* 3.16.2. See Jérôme Carcopino, *Daily Life in Ancient Rome: The People and the City at the Height of the Empire*, ed. Henry T. Rowell, trans. E. O. Lorimer (New Haven: Yale

agreement or unilateral separation. The owner of the house could simply tell his or her partner to leave or a spouse could just move out of the house with no real explanation. Neither spouse had to give the other prior notice of intent and neither had the power to prevent such actions. Nor was there a real demand to provide grounds for a divorce. When the grounds are historically preserved, the reasons were as trivial as a person going blind in one eye or a spouse growing old and unattractive.⁷ By this period, a woman could obtain a divorce as easily as a man.⁸

While it is difficult to pinpoint exact statistics from this era, the extant evidence insinuates that most marriages ended before the death of one of the spouses. One funeral inscription dated from the late first century B. C. E. reads: “Uncommon are marriages which last so long, brought to an end by death, not broken apart by divorce; for it was our happy lot that it should be prolonged to the 41st year without estrangement.”⁹ Greco-Roman marriage certificates were written as though marriages were expected to end in divorce rather than death. They contain far more details about what should happen in the case of a divorce than what to do if one’s spouse dies.¹⁰

University Press, 1940), 95-100, and William Baird, *The Corinthian Church—A Biblical Approach to Urban Culture* (New York: Abingdon, 1964), 64.

⁷Pieter Willem Pestman, *Marriage and Matrimonial Property in Ancient Egypt: A Contribution to Establishing the Legal Position of the Woman*, *Papyrologica Lugduno—Batava* 9 (Leiden: Brill, 1961), 75.

⁸The exact time this right was granted is disputed. See Myles McDonnell, “Divorce Initiated by Women in Rome: The Evidence of Plautus,” *American Journal of Ancient History* 8 (1983): 54-80. Most scholars agree that women could initiate divorces by the time of the Roman imperial period, the time of the New Testament. William L. Lane, *The Gospel According to Mark*, NICNT (Grand Rapids: Eerdmans, 1974), 358.

⁹G. H. R. Horsley, ed., *New Documents Illustrating Early Christianity* (North Ryde: The Ancient History Documentary Research Center, Macquarie University, 1983), 3:33-36.

¹⁰David Instone-Brewer, “1 Corinthians 7 in the Light of the Graeco-Roman Marriage and Divorce Papyri,” *TynBul* 52 (2001): 101-16.

Divorce was common enough to dominate the preserved writings of ancient satirists and scandalous divorce was a notorious phenomenon in the first-century Roman world.¹¹ Plutarch, a writer of that period, declares that a man who fails to seek a divorce when he has a “bad” wife is craven: “Yet it is not difficult for a man to get rid of a bad wife if he be a real man and not a slave.”¹² Because of the hackneyed attitude the Greco-Roman culture had toward divorce, the practice involved no social stigma. A dying or divorcing spouse might even arrange a new marriage for his former spouse.¹³

As we observed in the previous chapter, this Greco-Roman way of life stands in stark contrast with the Jewish customs of the day. In ancient Judaism, only a man could initiate a divorce except under extreme circumstances when a court could force a man to divorce his wife. As time lapsed, Jewish marriages were based on a contractual concept of “bondage—both husband and wife were bound to keep the obligations outlined in their marriage contract, and a divorce required a certificate of freedom for the wife.”¹⁴

Even with the later influence of the school of Hillel, when “any matter” divorces became popular in Judaism, divorces, though similar to those under Greco-Roman law, maintained at least two major distinctions. First, in Judaism “no-fault”

¹¹Craig S. Keener, *And Marries Another* (Peabody, MA: Hendrickson, 1991), 51.

¹²*Virt. Vice 2, Mor.* 100E (Loeb 2:96-97).

¹³Sarah B. Pomeroy, *Goddesses, Whores, Wives, & Slaves: Women in Classical Antiquity* (New York: Schocken Books, 1975), 64.

¹⁴David Instone-Brewer, *Divorce and Remarriage in the Bible: The Social and Literary Context* (Grand Rapids: Eerdmans, 2002), 191.

divorces were only available to men, and second, the man still had to grant his wife a divorce certificate.¹⁵

Jewish marriage certificates assumed that marriages would end with the death of a spouse. They placed less emphasis upon what happens in the case of a divorce. Even so, divorce certificates outlined clearly the marital obligations, which entailed the right to divorce if those obligations were not fulfilled.¹⁶

Even though mutual consent or unilateral separation were sufficient grounds for divorce in Greco-Roman society, particular actions, such as adultery, mandated divorce. Other issues provided sufficient grounds for divorce but did not require it. As was discussed earlier, “fault” was important in a divorce in that one needed “grounds” in order to benefit financially. A wife might not receive her full dowry if her behavior led to the divorce and a man may suffer financial loss if there were not sufficient grounds for a valid divorce.¹⁷ However, with the leniency of the Roman law concerning what constituted legitimate grounds for a divorce, there was very little security for a person being divorced on spurious grounds.¹⁸

From all indications, Jewish practice regarding divorce was heavily influenced by the surrounding Greco-Roman culture.¹⁹ It has already been noted how lenient divorce

¹⁵Ibid.

¹⁶David Instone-Brewer, “1 Corinthians 7 in the Light of the Jewish Greek and Aramaic Marriage and Divorce Papyri,” *TynBul* 52 (2001): 225-43.

¹⁷*Quint.* 7.4.11

¹⁸Beryl Rawson, “The Roman Family,” In *The Family in Ancient Rome: New Perspectives*, ed. Beryl Rawson (Ithaca, NY: Cornell University Press, 1986), 32.

¹⁹A deed of divorce dating to March 10, 13 B.C.E., in which at least one party was Jewish, is “couched in terms typical of Hellenistic deeds of this kind. No trace of the influence of the Jewish law of divorce is to be seen in it.” *CPJ* 2:10-12, as quoted in Keener, *And Marries Another*, 166. Instone-Brewer’s articles based on the divorce papyri found in Greco-Roman society and later Jewish sources demonstrate a

became particularly among Jewish men. Divorcing a woman for simply being hard to get along with was acceptable. As a pre-Christian Jewish sage observed: “If she (your wife) does not go as your hand directs, then cut her off from your flesh.”²⁰ Divorces were common and acceptable for almost any reason.²¹ For this reason, Paul confronted this problem in his churches and specifically addressed it in his letter to the Corinthian church.

The Context of 1 Corinthians 7

Paul had been informed by members of the house of Chloe of the problems of the church at Corinth (1 Cor 1:11; 5:1; 11:18). The apostle may have also been updated of the church difficulties when visited by Stephanas, who was accompanied by Fortunatus and Achaicus (1 Cor 16:17). Paul also received a letter regarding the particular issues the church was facing (1 Cor 7:1).

In response to these oral reports and the letter he received from Corinth, Paul wrote “First Corinthians,” one of his longest epistles. In this rejoinder, Paul addresses the topics of concern that have been brought to his attention. Paul’s first epistle to the Corinthians can be described as an epideictic rhetorical letter, i.e., he criticizes when

balance between the influence of the prevalent Hellenistic culture among the Corinthians and the Jewish heritage behind Paul’s words. Instone-Brewer, “1 Corinthians 7 in the Light of the Graeco-Roman Marriage and Divorce Papyri,” 101-16, and idem, “1 Corinthians 7 in the Light of the Jewish Greek and Aramaic Marriage and Divorce Papyri,” 225-43.

²⁰Sirach 25:26. Lane deems that the “flesh” here reflects the Gen 2:24 “one flesh” parameter. Lane, *Mark*, 355.

²¹Much like modern society, the frequency and acceptance of divorce did not make divorce a pleasant matter. Seneca, who many believe to have been a contemporary of Paul, remarked that “anger brings to a father grief, to a husband divorce, to a magistrate hatred, to a candidate defeat.” *Dial.* 5.4.4 (Loeb 1:264-65). Rabbi Eliezer, an early second century Jewish teacher, said, “For him who divorces the first wife, the very altar sheds tears.” *B. Sahn.* 22a. C. G. Montefiore and Herbert Loewe, *A Rabbinic Anthology* (New York: Schocken Books, 1974), 509.

necessary and praises when possible for the purpose of getting his audience to reaffirm a proper practice or belief.²²

From all indications, Paul had written a previous letter in which he warned the Corinthians to separate from immoral people (1 Cor 5:9); therefore, the epistle labeled First Corinthians in the canonized text is actually part of an ongoing exchange between the apostle and the Corinthians.²³ Given that Stephanas and his company were with Paul for a period of time before returning to Corinth, they could have been the ones who delivered this present epistle to the church. Most scholars date the letter somewhere between 53 and 57 B.C.E.²⁴

Paul's letter is very intentional and addresses specific problems within the Corinthian church. In the first six chapters, Paul seems to respond to the oral reports he has heard, and beginning in chapter 7, Paul responds to the specific problems raised in the letter he has received. His use of *περι δὲ* in this latter section concentrates on real

²²Piet Farla, "'The Two shall become One Flesh:' Gen. 1.27 and 2.24 in the New Testament Marriage Texts," in *Intertextuality in Biblical Writings: Essays in Honor of Bas van Iersel*, ed. S. Draisma (Kampen, Kok, 1989), 75. Aristotle's rhetorical theory differentiates between the epideictic, forensic, and deliberative genres of rhetoric. The forensic is used to persuade an audience to make a judgment regarding the past. The deliberative moves an audience to a particular course of action in the future. And the epideictic is employed when a speaker wants to convince a hearer to maintain or reaffirm a perspective held in the present. See Aristotle, *Rhetoric*, 3.1.1358a.

²³There appears to have been more correspondence that occurred between our present 1 Corinthians and 2 Corinthians. Paul refers to additional communication in 2 Cor 2:9 and 7:12.

²⁴Suggestions include 52-58 BCE: A. J. M. Wedderburn, "Keeping Up with Recent Studies, 8: Some Recent Pauline Chronologies," *ExpTim* 92 (1980): 107; 53-54 BCE: C. K. Barrett, *A Commentary on the First Letter to the Corinthians*, HNTC (New York: Harper & Row, 1968), 8; the spring of 54 BCE: Murphy-O'Connor, "The First Letter to the Corinthians," 799; 56 BCE: Hans Conzelmann, *A Commentary on the First Epistle to the Corinthians*, Hermeneia (Philadelphia: Fortress, 1975), 120; and spring of 57 BCE: Donald Guthrie, *New Testament Introduction*, 4th rev. ed. (Downers Grove, IL: Intervarsity, 1990), 458.

problems and situations, which Paul confronts directly.²⁵ Within this context Paul deals with the issues of sex and marriage.

These two themes tie together most of 1 Corinthians 5-7. In 1 Corinthians 5, Paul deals specifically with an incestuous relationship within the congregation and urges the church to exercise church discipline and remove the offender from their midst. In 6:1-11, Paul admonishes certain members of the church for trying to settle petty legal affairs before secular courts and consequently giving the church a bad reputation. Given the surrounding context, these lawsuits possibly involved sexual affairs, one of the few categories of that day tried by jury courts.²⁶

In 6:12-20, Paul speaks to the Corinthians' immoral practice of visiting prostitutes. The Corinthians seem to have adopted the slogan "all things are permissible to me" to justify their sinful actions in the name of Christian liberty, but Paul refutes the Corinthians' use of this motto to validate patronizing prostitutes.²⁷ Some of the freethinking Corinthians evidently adopted the common mindset of that day that believed being people of the Spirit, they were unaffected by their external behavior, which has to do with one's body and not one's soul. Paul denounces this distorted view of freedom and of the body.

²⁵Cf. 1 Cor 7:1, 25; 8:1, 4; 12:1; 16:1, 12. Ernst Baasland, "Die *perî*-Formel und die Argumentation (situation) des Paulus," *Studia Theologica* 42 (1988): 69-87.

²⁶Peter Richardson, "Judgment in Sexual Matters in 1 Corinthians 6:1-11," *NovT* 25 (1983): 37-58, and John E. Stambaugh and David L. Balch, *The New Testament in Its Social Environment*, Library of Early Christianity 2 (Philadelphia: Westminster Press, 1986), 32. Obviously Paul's words should not be limited to matters of sexual impropriety, but the context suggests that it could have been such matters that triggered Paul's admonition for allowing those "outside" the church to judge those "inside."

²⁷The origin of this mindset is not relevant. The Corinthians could have misconstrued Paul's teachings or espoused a motto of the Cynics, Stoics, or incipient Gnostics. M. Parsons, "Being Precedes Act: Indicative and Imperative in Paul's Writing," *EvQ* 60 (1988): 99-127; J. Dupont, *Gnosis: la connaissance religieuse dans les Épîtres de Saint Paul* (Louvain: E. Nauwlaerts, 1960), 298-308; and Conzelmann, *1 Corinthians*, 108-10.

The apostle's rebuke is threefold: (1) in verses 12-14, he corrects their erroneous view of Christian freedom and the nature of the body. The heart of Paul's argument is found in verse 13: "The body is not for immorality, but for the Lord; and the Lord is for the body." (2) In verses 15-17 he argues specifically against prostitution on the theological basis that the believer is a member of Christ's body. The physical body of the Christian is God's and to give oneself to a prostitute is a violation of this sacred spiritual union. To be united with Christ and united with a prostitute are mutually exclusive categories. (3) In verses 18-20, Paul condemns all sexual immorality on the theological basis that our bodies have been purchased by and belong to God.²⁸

It is important to note Paul's allusion to Genesis 2:24 in his line of reasoning. In contrast to the Corinthian suggestion that one is free to do with their body as they please, Paul teaches that a Christian's spirit and body are one with Christ. If a believer has sexual relations with a prostitute, he is violating the sacred one-flesh relationship reserved for a husband and his wife. He is also defying the relationship between Christ and His body.

Paul employs covenant "cleave" language here when he writes: "Do you not know that the one who cleaves (*κολλώμενος*) to a prostitute is one body (with her)? For He

²⁸Fee, *1 Corinthians*, 251. The meaning of Paul's enigmatic "every other sin a man commits is outside his body" in v. 18 has generated a lot of debate. Scholars basically fall into one of two camps: either this part of the verse is a Corinthian slogan or a statement Paul has written. Scholars in the first camp include C. F. D. Moule, *An Idiom Book of New Testament Greek* (Cambridge: University Press, 1959), 196, and Jerome Murphy-O'Connor, "Corinthian Slogans in 1 Corinthians 6:12-20," *CBQ* 40 (1978): 391-96. Those who hold the latter view include Robert Gundry, *Sōma in Biblical Theology: With Emphasis on Pauline Anthropology* (Grand Rapids: Zondervan, 1987), 70-75; F. W. Grosheide, *Commentary on the First Epistle to the Corinthians: The English Text with Introduction, Exposition, and Notes*, NICNT (Grand Rapids: Eerdmans, 1953), 151; and Simon Kistemaker, *1 Corinthians*, NTC (Grand Rapids: Baker, 1993), 201. In light of the immediate context, the second view appears more probable.

says, ‘The two shall become one flesh.’”²⁹ Paul’s citation indicates the apostle’s familiarity and acceptance of the Genesis 2:24 paradigm for marriage. In the Genesis context, to cleave refers to far more than the physical act of sex.³⁰ It includes a bonding element that is exclusively reserved for the covenant of marriage. In this context, Paul seems to focus primarily upon the physical aspect of a one-flesh relationship. To be involved sexually with a prostitute is to violate the most sacred of relationships: marriage. It is a breach of the covenant both with one’s spouse and with God. It is the literal joining of one’s body with that of another.

Paul then contrasts this illicit union with cleaving to the Lord: “the one who cleaves to the Lord is one spirit with Him.” Just as a male and female are made one physically through sex, the believer’s spirit is joined to Christ through the Holy Spirit. Paul’s point is clear: a Christian should not engage in sexual relations with a prostitute because a believer’s body and spirit belong to the Lord. To become one flesh with a prostitute is to defile one’s body, which is the temple of the Holy Spirit. Paul’s use of Genesis 2:24 in this context demonstrates the foundational strength of this verse in light of Paul’s discussion regarding sex and marriage.³¹

²⁹Paul is citing the LXX. The verb in Gen 2:24 is *προσκολλησθαι*. Since the non-compound form does not typically imply sexual imagery, some scholars have suggested that Paul takes the sexual implications away in this verse. See J. I. Miller, “A Fresh Look at I Corinthians 5.16f.,” *NTS* 27 (1980): 127. However, the non-compounded form is used in Sir 19:2 to refer to a similar sexual encounter with a harlot and as Fee points out, this choice of verb can go either way and is predicated on the second sentence, the relationship with Christ, where the verb from Genesis would be less appropriate. Fee, *I Corinthians*, 259.

³⁰R. Batey, “The ΜΙΑ ΣΑΡΞ Union of Christ and the Church,” *NTS* 13 (1966/67): 270-81, and W. J. Bartling, “Sexuality, Marriage, and Divorce in 1 Corinthians 6:12-7:16: A Practical Exercise in Hermeneutics,” *CTM* 39 (1968): 362.

³¹In support of the idea that Paul builds upon Gen 2:24 as a foundational text for his beliefs regarding marriage, the apostle appeals directly to this passage in Eph 5:31, where he is speaking specifically about marriage.

It is reasonable to conclude from Paul's arguments that some of the married members of the Corinthian church reacted to the pervasive immorality around them and perhaps Paul's previous instruction to avoid immorality by abstaining from sex completely. Such extreme asceticism would make sense in light of the "body is intrinsically evil" mentality prevalent in that culture. It would also account for Paul's admonition against visiting prostitutes in order to have one's unfulfilled sexual needs met.³² There also seems to be an over-realized eschatology among the Corinthians that has led some of them to believe that perhaps they should not be married or should leave their unbelieving spouses. Thiselton describes this zealotry as a "spiritual enthusiasm which devoured the delicate balance of the Pauline 'already/not yet.'"³³ Within this context Paul turns his attention to the specific issues raised in the Corinthians' letter.

1 Corinthians 7:1-7

The meaning of this section depends largely on the enigmatic phrase "it is good for a man not to touch a woman."³⁴ This saying contains either the apostle's teaching or a motto embraced by some of the Corinthians. Traditionally the phrase was interpreted at face value as the apostle's own position, which would stand contrary to his own Jewish heritage and promote basically an ascetic stance regarding sex and marriage.

³²It might also explain his denouncement of Christians taking one another to court. As previously mentioned, one of the common areas of court litigation involved sexual matters. One might take their partner to court for refusing to have sex with him. Paul opposes both extreme reactions to asceticism: the temptation to have one's needs fulfilled by a prostitute or trying to force one's partner to have sex by taking them to court. Admittedly this proposition is a bit of a stretch within the context.

³³A. C. Thiselton, "Realized Eschatology at Corinth," *NTS* 24 (1977): 512.

³⁴The NIV translation is regrettable: "It is good for a man not to marry." The phrase is anti-sex, not anti-marriage. The NRSV and REB use quotation marks while the KJV/AV have no marks. For an excellent article on the mistranslation of this verse, see Gordon Fee, "1 Cor 7:1 in the NIV," *JETS* 23 (1980): 307-14.

Based upon these words, some scholars have suggested that Paul had a negative attitude toward sex and marriage. This view was common among early interpreters. For example, Tertullian believed that Paul implies it is evil to have contact with a woman, “for nothing is contrary to good except evil.”³⁵ Ambrose warned that Christians, especially clergy, were to keep themselves untainted by sex.³⁶ And Jerome embraced a similar view.³⁷

Some modern scholars have adopted this position as well. Marshall avers that Paul promotes complete abstinence.³⁸ Weiss argues that Paul views sex as leading a man away from God.³⁹ Davies maintains that Paul gives a “grudging approval of marriage” and admits “sex is in itself an evil and undesirable thing.”⁴⁰ Bornkamm goes so far as to contend that one cannot find anything positive in 1 Corinthians 7 concerning love and marriage.⁴¹ In support of this view, the language of the slogan has similarities to vv. 8 and 26. And Conzelmann argues that the use of *καλόν* with the dative in these verses establishes a “Pauline style.”⁴²

There are some major difficulties with this interpretation. One of the problems

³⁵Tertullian, *On Monogamy*, 3.

³⁶Ambrose, *Duties of the Clergy 1*, 184, 258.

³⁷Jerome, *Against Jovinian*, 1.7.

³⁸L. H. Marshall, *The Challenge of New Testament Ethics* (New York: St. Martin’s Press, 1947), 336.

³⁹J. Weiss, *Earliest Christianity* (New York: Harper, 1937), 582.

⁴⁰R. E. Davies, *Studies in 1 Corinthians* (London: Epworth Press, 1962), 53, 58.

⁴¹G. Bornkamm, *Paul*, trans. D. M. G. Stalker (New York: Harper & Row, 1971), 207-08.

⁴²Conzelmann, *1 Corinthians*, 115. As Thiselton argues, “This phrase is too short and too readily taken up from widespread discussion in the Greco-Roman world to be considered a specific or exclusive indicator of Paul’s style.” A. Thiselton, *The First Epistle to the Corinthians: A Commentary on the Greek Text*, NIGTC (Grand Rapids: Eerdmans, 2000), 499.

is the fact that Paul is not an ascetic.⁴³ In other epistles, he condemns asceticism (Col 2:20-23; 1 Tim 4:1-5) and promotes a high view of marriage (Eph 5:25-33).⁴⁴ Second, the context and structure insinuate that Paul is refuting specific questions raised by the Corinthians in their letter. The chapter opens with the *περὶ δὲ* construct that is found in other new sections of the epistle and is employed to introduce a new subject matter (7:25; 8:1; 12:1; 16:1; 16:12). Third, the phrase “it is not good for a man to touch a woman”

⁴³This is particularly evident considering his attitude toward food and drink (1 Cor 9:19-23; 10:25-26, 29-30; Rom 14).

⁴⁴This work will not address in detail the discussion regarding the Stoic-Cynic marriage debate. Deming relates Paul’s arguments to those of the Stoics, who viewed marriage positively. The Stoics believed marriage contributed to the welfare and stability of society. On the other hand, the Cynics promoted an individualism that denounced the social structure of marriage. Deming finds in Paul a parallel to this debate and proposes that Paul’s words to the Corinthians must be understood in light of this debate. See W. Deming, *Paul on Marriage and Celibacy: The Hellenistic Background of 1 Corinthians 7*, SNTSMS 83 (Cambridge: Cambridge University Press, 1995).

Wimbush’s middle-of-the-road perspective allows for Stoic influence on Paul’s words and contrasts the ascetic alienation from the world by some at Corinth and Paul’s insistence that while the “things of the Lord” are to be given priority, that does not involve a completely ascetic lifestyle. V. L. Wimbush, *Paul, the Worldly Ascetic: Response to the Word and Self-Understanding according to 1 Cor. 7* (Macon, GA: Mercer, 1987).

Yarbrough makes allowances for the Stoic traditions with more emphasis upon the Intertestamental writings and Rabbinic Judaism. Yarbrough also accentuates a “call to holiness” by Paul in this passage that is similar to his formulation in 1 Thess 4:2-8. O. L. Yarbrough, *Not Like the Gentiles: Marriage Rules in the Letters of Paul*, SBLDS 80 (Atlanta: Scholars Press, 1985).

Witherington gives special attention to the sociohistorical factors of the Greco-Roman world. He also writes concerning the role of women in the Roman world in relation to Paul’s words on mutuality. Witherington argues that Paul attempts to “reform the patriarchal approach to marriage and singleness.” B. Witherington, *Women in the Earliest Churches*, SNTSMS 59 (Cambridge: Cambridge University Press, 1988/1991), 24-42, and idem, *Conflict and Community in Corinth* (Grand Rapids: Eerdmans, 1995), 170-85.

Rosner holds that Paul relies more upon the Old Testament tradition than the Stoic-Cynic debate. Rosner builds his case upon Paul’s emphasis on “contentment in one’s life situation” and his positive view of the body. B. Rosner, *Paul, Scripture and Ethics: A Study of 1 Corinthians 5-7*, *Arbeiten zur Geschichte des antiken Judentums und des Urchristentums* 22 (Leiden: Brill, 1994), 147-76.

Other scholars maintain that Paul’s view of marriage must be understood as addressing the specific issues at Corinth. Paul is not attempting to construct a theology of marriage or singleness per se, but the apostle is dealing with the questions and life situation of his audience. W. Schrage, *The Ethics of the NT* (Edinburgh: T. & T. Clark, 1988), 91-98; idem, “Zur Frontstellung der paulinischen Ehebewertung in 1 Kor 7:1-7,” *ZNW* 67 (1976): 214-34; and C. Brown, “Separate: Divorce, Separation and Remarriage,” in *New International Dictionary of New Testament Theology*, ed. C. Brown (Grand Rapids: Zondervan, 1978), 535-43.

This work embraces the idea that Paul is primarily addressing the questions and life situation of the Corinthians. Obviously he is writing in relation to the influence of the surrounding culture and in light of his own Jewish upbringing.

bears resemblance to Greek or Jewish ascetic philosophy. If Paul has already countered one common philosophical statement from his day in 6:12, it is reasonable to conclude he is doing something similar here. In light of these considerations, this phrase is a slogan put forth by the Corinthians and refuted by Paul.⁴⁵

Based on the linguistic evidence and the early church's interpretation, the phrase "to touch a woman" is to be taken as a euphemism for sexual intercourse. This idiom occurs nine times in Greek antiquity, spanning six centuries and a variety of writers, and each time without exception it refers to sexual intercourse.⁴⁶ This view also supports the proposal that Paul is denouncing those married persons who have taken an illegitimate stance for complete abstinence.

Paul's view is the opposite of the ascetics. Paul declares that married men and women are obligated to take part in sexual intimacy with their partners. He utilizes very strong language when he speaks of the obligation in terms of a debt or robbery (*ἀποστερέω*) and submission to authority (*ἐξουσιάζω*). The language here is of a master who owns and controls the body of his slave.⁴⁷ Paul uses this language of obligation to

⁴⁵For a general overview of the major strengths of this argument, see J. C. Hurd, *The Origin of 1 Corinthians* (London: SPCK, 1965), 82, and R. Collins, "The Unity of Paul's Paraenesis in 1 Thess 4:3-8 and 1 Cor 7:1-7," *NTS* 29 (1983): 420-29.

⁴⁶Plato, *leg.* 8.840a; Aristot., *Pol.* 7.14.12; Gen 20:6 (LXX); Ruth 2:9 (LXX); Prov 6:29 (LXX); Plutarch, *Alex.M.* 21.4; Jos., *Ant.* 1.163; Marc. Aur. *Ant.* 1.17.6. See Fee, "1 Corinthians 7 in the NIV," 308.

⁴⁷Instone-Brewer suggests that Paul's reply is based on Exod 21:10-11, regarding the rights of the slave wife who had the right to expect love from her husband. As was pointed out in the earlier chapter, this passage was used by the rabbis to suggest that a free wife had the same right to expect love, food, and clothing. Instone-Brewer, *Divorce and Remarriage*, 193. Other scholars who make this connection from this passage include R. J. Rushdoony, *The Institutes of Biblical Law* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1973), 403; Luck, *Divorce and Remarriage*, 34-35; Otto Piper, *The Biblical View of Sex and Marriage* (London: James Misbit & Co., Ltd., 1960), 31-32; Rosner, *Paul, Scripture and Ethics*, 159; and Peter J. Tomson, *Paul and the Jewish Law: Halakha in the Letter of the Apostle to the Gentiles*, *Compendia Rerum Judaicarum ad Novum Testamentum* III.1 (Minneapolis: Fortress, 1990), 107.

suggest that the partner owes his or her spouse this right to intimacy. He does not say that a spouse can demand this right. It is an obligation granted out of love.⁴⁸

In light of Paul's earlier reference to Genesis 2:24, it might be suggested that Paul is accentuating the "one-flesh" element of the marriage covenant.⁴⁹ Since a covenant has certain stipulations and demands including the consummating act of the covenant, the one-flesh relationship, Paul instructs the Corinthians to fulfill this covenant obligation. To withhold this right is to neglect the covenant terms. Intimacy within the marital covenant is God's answer to satisfying one's sexual passions.

Paul does make allowance for a period of sexual abstinence based on three conditions: it should be for a limited period; it should be for the purpose of spending time in prayer; and it should be by mutual consent.⁵⁰ While Paul did not specify a certain time limit for such abstinence, he did allow this provision for this one particular motive.⁵¹

Although the apostle himself preferred to remain unmarried (7:7), Paul recognized the biblical norm is for men and women to marry. Marriage helps one avoid sexual temptation (7:5). A spouse abstaining from sex for ascetic purposes, as was evidently occurring in the Corinthian church, contradicts the covenant relationship.

⁴⁸W. Schrage, *Der erste Brief an die Korinther*, EKKNT 7 (Neukirchen-Vluyn: Neukirchener Verlag, 1995), 64.

⁴⁹Rosner places Paul's words in v. 2 advocating a "full conjugal life" in conjunction with the backdrop of Gen 2:18 and the Decalogue. Rosner, *Paul, Scripture, and Ethics*, 149-61.

⁵⁰The written Law did not cover this issue, but rabbinic tradition did deal with it. The schools of Hillel and Shammai both allowed a period of abstinence, but they disagreed on the time limit. Shammai allowed two weeks and Hillel permitted one week (*m. Ketub. 5:6*).

⁵¹Poirier and Frankovic contend that Paul allowed for vv. 5-7 a period of ritual purity, which they suggest would have provided common ground for both the Jews and Gentiles in the Corinthian church. They also deduce from these verses that celibacy was not considered a charism by Paul and that the apostle's own celibacy was to strengthen his prophetic office. John C. Poirier and Joseph Frankovic, "Celibacy and Charism in 1 Cor 7:5-7," *HTR* 89 (1996): 1-18.

1 Corinthians 7:8-9

Two primary questions arise from these verses: (1) who are the “unmarried” (*ἀγάμοις*) and (2) what does Paul mean when he says it is better to marry than to burn (*πυροῦσθαι*)?

Fee offers four reasons why *ἀγάμοις* should be understood as widowers.⁵² One, since being a “widow” during this era created difficulties for women, most cultures had a specific word for widows but did not always have a different word for the male counterpart. While Greek does have such a word, it appears to have been seldom used and never in the *koine* period. Two, since Paul deals mutually with husbands and wives in this section (at least 12 times), it seems logical that he continues the same pattern here. If *ἀγάμοις* refers to all unmarried persons, why specify widows? Three, the word appears again in verse 11 for a woman separated from her husband and in verse 34 in contrast to the virgin (one who was never married), indicating that Paul is referring not to the “unmarried” but the “de-married.” Four, it fits well in the context, where all of the cases in verses 1-16 concern those presently or formerly married and verses 25-38 speak to those never-before married.

Citing numerous ancient sources, Roussesse shows that in Roman society “a widow was expected to remarry within a year . . . a divorcee within six months.” The pressures for men and women to remarry included four factors: issues about acquiring property; the procreation of at least three children; the importance of marriage to enhance one’s status; and the low life expectancy of women, especially connected with deaths during childbirth. These issues demonstrate that remarriage for widows and widowers

⁵² Fee, *1 Corinthians*, 287-88. Cf. J. M. Ford, *A Trilogy on Wisdom and Celibacy* (South Bend, IN: Notre Dame Press, 1967), 82-84, and Orr, “Treatment,” 12-14.

was a more widespread concern than it is today.⁵³ No doubt the church of Corinth faced these concerns as well. Paul's advice directed to widows and widowers makes sense in light of this social context.

The traditional understanding of this term is that Paul is referring to "those who have never been married and those who have been married and are now unmarried."⁵⁴ Paul's mention of the widows merely reflects the special status of widows in the early church. The difficulty with the traditional view is explaining why Paul would encourage the unmarried to marry in verse 2 and then not pick up this theme again until verses 25-38. Considering the overall context and development of Paul's thought, it seems reasonable that *ἀγάμοις* stands for widowers. The weakness of this view is limiting the term to such an exclusive group.

What about Paul's controversial "it is better to marry than to burn?" Talmudic rabbis along with scholars from the third century to the present have interpreted this verb (*πυροῦσθαι*) to mean burning in hell.⁵⁵ They understand it as God's righteous judgment on the sinner who perpetually violates God's design. Arguing against the idea that Paul is addressing sexual passion, these proponents question whether Paul would make such an allowance for those who simply cannot remain continent.

⁵³A. Rousselle, "Body Politics in Ancient Rome," in *A History of Women in the West, vol. 1, From Ancient Goddess to Christian Saints*, ed. Pauline Pantel (Cambridge, MA: Harvard University Press, 1992): 296-336.

⁵⁴Brown, "Separate: Divorce, Separation, and Remarriage," 536-37.

⁵⁵*m. Abot.* 1:5: "He that talks much with womankind brings evil upon himself . . . and at last will inherit Gehenna." See F. F. Bruce, *1 and 2 Corinthians*, NCB (London: Oliphants, 1971), 68; Michael L. Barré, "To Marry or To Burn: *πυροῦσθαι* in 1 Cor. 7:9," *CBQ* 36 (1974): 193-202; and Graydon F. Snyder, *First Corinthians: A Faith Community Commentary* (Macon, GA: Mercer University Press, 1992), 96-97.

The second option is that Paul is referring to sexual desire.⁵⁶ This view seems to be the most appropriate for a couple of reasons. One, Paul does not say, “if they *cannot* control themselves.” Rather he states, “if they do not or are not practicing self-control.”⁵⁷ The connotation is that some in this group are involved in sexual immorality, possibly going to prostitutes. Paul’s solution to this dilemma is to get married (*γαμέω*). Two, the context suggests that Paul is speaking metaphorically regarding one’s inner passion.⁵⁸ Paul seems to be instructing those who are committing sexual sins to marry so that they are not consumed by their own sinful passions, which could also imply facing the judgment of God.

If we are correct regarding the *ἀγάμοις* and widows, Paul’s advice in this verse concerns more those who are already consumed by sexual desire and sinning rather than suggesting marriage as the solution for quenching the fire of youthful, pre-marital passion.

In these two verses, the apostle urges the formerly married to remain single. He will continue this thought in verses 39-40. At the same time, Paul recognizes that his advice is only “good” for those who can live in continence. For those who are unable to control their sexual passions, it is better to marry than to be consumed by their sin.

⁵⁶Early evidence from Jewish sources exists for this view as well. See Sir. 23:16 (LXX 23:17): “The soul heated like a burning fire will not be quenched until it is consumed; a man who commits fornication with his near of kin will never cease until the fire burns him up.”

⁵⁷The conditional clause here (*εἰ* with the present indicative) is present participle, emphasizing the reality of the assumption. Barrett, *A Commentary on the First Epistle to the Corinthians*, 161; Barré, “To Marry or To Burn,” 193-202; and K. C. Russell, “That Embarrassing Verse in First Corinthians!” *Bible Today* 18 (1980): 338-41.

⁵⁸A similar use is found in 2 Cor 11:29, where Paul refers metaphorically to his inner passion (*πυροῦμαι*).

1 Corinthians 7:10-11

In this section, Paul offers advice for married believers.⁵⁹ His instructions are simple: Christian wives and husbands should not divorce one another. These two verses must be taken together since the command is given for both the wife and husband. To make complete sense of Paul's words, the middle clause needs to be understood as a parenthesis. Without the parenthesis, one might conclude that Paul contradicts the words of Jesus.⁶⁰ D. L. Dungan writes, "Paul – in the midst of quoting a command of the Lord – applies it in such a way as flatly to contradict it! The Lord's command is: no divorce. But Paul's ruling is: let the woman divorce and remain single Something is taking place beneath the surface of the text."⁶¹ When commenting specifically on these two verses, he acknowledges that between the two clauses "there is a parenthesis."⁶²

Paul attributes his statement regarding the permanence of marriage to the Lord's command, which is simple: *γυναῖκα ἀπὸ ἀνδρός μὴ χωρισθῆναι . . . καὶ ἄνδρα γυναῖκα μὴ ἀφιέναι.*⁶³ As was shown in the previous chapter, Jesus' words in the Synoptics emphasize the permanence of marriage. Paul's use of Jesus' words reflects the Gospel

⁵⁹The use of the dative plural perfect active participle (*γεγαμηκόσιν*: those who are married) leaves no doubt that the apostle is addressing the married. Furthermore, he refers to "the rest" beginning in v. 12, who are undoubtedly believers married to unbelievers. Hence, these words of instruction are for married believers.

⁶⁰Murphy-O'Connor indicates that Paul is clearly contradictory here. J. Murphy-O'Connor, "The Divorced Woman in 1 Cor. 7.10-11," *JBL* 100 (1981): 601-06.

⁶¹D. L. Dungan, *The Sayings of Jesus in the Churches of Paul* (Philadelphia: Fortress Press, 1971), 82.

⁶²*Ibid.*, 89.

⁶³I concur with Fee that it is irrelevant to the discussion to pursue the precise origin of the tradition cited by Paul here. Fee, *First Corinthians*, 292. Allison traces Paul's use to certain blocks of Synoptic tradition. D. C. Allison, "The Pauline Epistles and the Synoptic Gospels: The Pattern of the Parallels," *NTS* 28 (1982): 1-32.

tradition and his reliance upon the prescribed marriage paradigm. Paul's intent is not to address the "exceptions" in Jesus' command. He merely accentuates the emphasis of Jesus: Christian husbands and wives are not to seek divorce. Marriage, from the beginning, is intended to be lifelong.

Two different verbs are employed in Paul's command. The wife is instructed not to *χωρίζω* her husband. If this aorist passive infinitive carries the force of a middle voice of personal involvement or reflexive action, the meaning is "should not *separate* from."⁶⁴ In most contexts, *χωρίζω* means "to separate" and *ἀφίημι* ("to send away") implies "to divorce in a legal context."⁶⁵

This verb variation can be explained in terms of Paul's Jewish background and the sensibilities and the differences in gender within his cultural context. In a society where quick and easy divorces instigated by the man were commonplace, Paul states the husband is not to divorce his wife. Scholars such as Witherington differentiate between *ἀφιέναι* and *χωρίζω*, but other scholars such as Schrage and Wire find very little difference between the terms.⁶⁶ Due to the fact there seems to be no difference in the legal or practical aspect of the action described and the fact Paul interchanges the verbs later (vv. 13, 15), we can assume Paul was not speaking to the modern practice of legal separation versus divorce.⁶⁷

⁶⁴Conzelmann, *1 Corinthians*, 119, and Fee, *1 Corinthians*, 290.

⁶⁵Thiselton, *The First Epistle to the Corinthians*, 520.

⁶⁶Witherington, *Women in the Earliest Churches*, 31-32; Schrage, *Der erste Brief*, 99; and A. G. Wire, *The Corinthian Women Prophets* (Minneapolis: Fortress, 1990), 84.

⁶⁷Richard B. Hays, *First Corinthians*, Interpretation (Louisville: John Knox Press, 1997), 120. Instone-Brewer notes that there were more than fifty words used for "divorce" in Greek marriage and divorce contracts. It was common to use several in a single document. Instone-Brewer, "1 Corinthians 7 in

Given the situation at Corinth, Paul includes an exception to his words. He first states the ideal (“no divorce”), and then he provides in a parenthesis another possibility that is introduced by the conditional $\delta\epsilon$ and represents what is permissible but not ideal (“separation without remarriage”).⁶⁸ The reality is divorce occurs even among believers. And if a believing husband or wife divorces their believing spouse, Paul’s instructions are clear: “stay as you are.” Reconciliation or remaining unmarried are the only viable options for the believer who separates from another believer.

Cornes rejects the idea that verse 11a is to be understood as parenthetical and contends that Paul continues to quote Jesus in verse 11a. “The exception comes just as much directly from Christ’s teaching as the command not to divorce. . . . It is not until 12 that we revert to teaching from Paul and leave his quotation of Christ.”⁶⁹ Cornes contends that Paul includes Jesus’ marital infidelity exception by “relaying Christ’s teaching about the right marital state after the one exception Christ allowed: divorce for adultery. The only difference is that Christ put it negatively (to remarry is to commit adultery) whereas Paul puts Christ’s teaching positively (after divorce, you must remain single or be reconciled).”⁷⁰

However, Paul’s use of the conditional $\delta\epsilon$ seems to indicate that Paul is

the Light of the Graeco-Roman Marriage and Divorce Papyri,” 101-16. One of the contracts analyzed by Instone-Brewer, p. Ryl. 154 of 66 C. E., uses six different words for divorce in one papyrus.

Elliott argues that the two words indicate two different acts: separation and divorce. J. K. Elliott, “Paul’s Teaching on Marriage in 1 Corinthians: Some Problems Reconsidered,” *NTS* 19 (1972-73): 224.

⁶⁸Fee, *First Corinthians*, 295.

⁶⁹Andrew Cornes, *Divorce and Remarriage: Biblical Principle and Pastoral Practice* (London: Hodder & Stoughton, 1993), 242.

⁷⁰*Ibid.*, 243.

speaking of an exception outside of the ideal. Furthermore, if Cornes is correct, Paul is still addressing “valid” divorce in verses 10-11, viz., divorce because of adultery. What he deals with beginning in the next section is another exception: a violation of the leave and cleave principle.

Instone-Brewer argues that Paul is speaking directly to Greco-Roman “divorce by separation” here. He states:

The verbs used for divorce in this passage are particularly apt for divorce by separation. The house owner would “dismiss” (ἀφίημι) his or her partner from the house, whereas the non-owner would “separate” (χωρίζω) himself or herself from the household. Paul mostly spoke of “separation” as the wife’s action and “dismissal” as the husband’s, which reflects the normal situation where the man owns the house.⁷¹

Paul employs the standard term for the Greco-Roman “divorce by separation” (χωρίζω) and concludes that if divorce by separation has occurred, believers are obligated to seek reconciliation or remain unmarried. This understanding makes sense in light of the Greco-Roman context. If the apostle was referring to simple separation, as defined from a Jewish perspective, the woman would not have the right to remarry and neither spouse would be considered unmarried (ἄγαμος).

As was the case with Jesus in the Gospels, Paul is addressing here a particular type of divorce. Jesus condemned the “no-fault” Hillel divorces of his day and only allowed for divorce if the one-flesh covenant parameter has been broken. Paul, on the other hand, condemns the “divorce by separation” practice of the Greco-Roman society. Both Jesus and Paul allow divorce on valid grounds only, which is the subject of Paul’s next section.

⁷¹Instone-Brewer, *Divorce and Remarriage*, 199.

1 Corinthians 7:12-16

Paul now directs his attention to “the rest” who from the context are believers married to unbelievers.⁷² Since the teachings of Jesus regarding this particular life situation are not preserved or known, the apostle makes it clear that he is speaking based upon his own pastoral and apostolic authority. Paul’s previous instructions were based upon the teachings of Jesus.⁷³ He is building upon that tradition, which would include Jesus’ emphasis on Genesis 2:24, to address a specific situation (perhaps raised by the Corinthians in their letter to Paul).⁷⁴

While Jesus was addressing primarily a Jewish audience in which both husband and wife were a part of the covenant people, Paul is speaking to a congregation of both Jews and Gentiles, where it was probably common for a husband or wife to become a Christian while their spouse did not. In a church where there were almost certainly couples with one believing spouse and one unbeliever, the ascetic tendencies of some of the Corinthians might have caused them to question whether a believer should even remain married to an unbeliever. In such a marriage, “the believer is defiled by

⁷²That Paul is addressing believers married to unbelievers is the common position among commentators. Paul’s regular use of *ἄπιστος* to refer to non-Christians supports this view. Conzelmann, *1 Corinthians*, 121, and Fee, *First Corinthians*, 298.

⁷³Paul is not contrasting his own teachings with the Lord’s as much as he is simply addressing a subject matter beyond the direct teachings of Jesus. Thiselton, *The First Epistle to the Corinthians*, 526. As Barrett reveals, these words do not indicate Paul believed his words to be less authoritative than the teachings of Jesus. Barrett, *First Corinthians*, 163.

⁷⁴Hurd believes that this section represents a fourth “question” raised by the Corinthians and answered by Paul: (1) the married asked about physical intimacy; (2) the unmarried asked about celibacy; (3) Christian couples asked about separation; and (4) those married to unbelievers asked for pastoral advice on how to handle their situation. Hurd, *Origin of 1 Corinthians*, 157-69.

sexual contact with the pagan unbeliever who lives in the realm of darkness and lawlessness.”⁷⁵ Paul eliminates such thinking immediately.

Based upon Paul’s preceding teachings, his reference to the teachings of Jesus (which we have discovered were based on the covenant marriage concept) and his allusion to the Genesis 2:24 paradigm, one can conclude that Paul is developing further the covenantal demands of marriage within his cultural context. Jesus addressed the “one-flesh” aspect of the marriage covenant when he permitted divorce strictly on grounds of *πορνεία*. Now Paul builds on this same creation foundation and addresses the other essential component of the covenant marriage: the “leave” and “cleave” principles of marriage.⁷⁶ Obviously the Genesis 2:24 paradigm transcends social and cultural issues and serves as the foundation for the marriage relationship.

In verses 12-13, Paul’s advice to the married believer living with an unbelieving spouse is the same as in previous instances: believers are not to initiate divorce. Since *ἀφίετω* is the present active imperative third singular of *ἀφίημι*, it is best translated “divorce” in both verses.⁷⁷ In other contexts, it means literally “to send away.” But in a marital context, it connotes divorce.⁷⁸ The Christian spouse is to remain with his/her unbelieving partner as long as he or she consents.

At the same time, Paul anticipates in these two verses the later exception of

⁷⁵Hays, *First Corinthians*, 121.

⁷⁶Neiryck argues that Paul in 1 Cor 7:10 refers to Jesus’ prohibition of divorce and that this command of the Lord is still on Paul’s mind when he formulates his thoughts on mixed marriages. F. Neiryck, “The Sayings of Jesus in 1 Corinthians,” in *The Corinthian Correspondence*, ed. R. Bieringer (Leuven: University Press, 1996), 141-76.

⁷⁷NRSV, REB, NIV, and NJB. The NAS translates the word “send away.”

⁷⁸Thiselton, *The First Epistle to the Corinthians*, 527.

verse 15 where he refers to the spouse's "consent to live with her." The verb *συνευδοκεῖ* implies more than "being willing" in a passive sense. It entails the active component of "agreeing with" or "consenting to" live with the spouse.⁷⁹ If the marriage is to be dissolved, the unbelieving spouse must take the initiative.

Paul's words in 7:14 have generated a lot of discussion among scholars. Continuing his thought from verses 12-13, the apostle offers an explanation as to "why" (*γὰρ*) the believing spouse should remain married to a willing unbeliever: *ἡγιάσται (γὰρ) ὁ ἀνὴρ ὁ ἄπιστος ἐν τῇ γυναικί, καὶ ἡγιάσται ἡ γυνὴ ἡ ἄπιστος ἐν τῷ ἀδελφῷ*. The language and argument of Paul in this verse are unique.⁸⁰ The primary difficulty rests in Paul's use of the word "sanctified" (*ἡγιάσται*),⁸¹ which normally carries moral, ethical, or salvific connotations for the apostle.⁸² However, verse 16 eliminates the possibility that Paul is referring to the believer's faith somehow affecting the unbeliever's eternal status before God. So what is Paul talking about? Several options have been proposed.

Daube argues that the entire passage reflects the rabbinic belief that in spiritual conversion a proselyte is as a newborn child; hence, all previous relationships are dissolved. The Corinthian concern has to do with continuing this dissolved relationship, which would result in sexual immorality. Since in the rabbinic writings, the verb *qiddeš*

⁷⁹Fee, *First Corinthians*, 298.

⁸⁰Conzelmann asserts that the explanations given for Paul's enigmatic language and argument in this verse are "almost without exception unsatisfactory." Conzelmann, *First Corinthians*, 122.

⁸¹The difficulty in understanding Paul's meaning here can be demonstrated in the variety of translations offered for this word: is made holy (NRSV); has been sanctified (NIV); is sanctified (NJB; AV/KJV); is consecrated (Moffatt); belongs to God (REB); is made one with the saints (JB); and has become associated with Christ's people (TCNT). Part of the difficulty consists of translating the perfect passive indicative into proper English. Arguably, "is made holy" or "is sanctified" employs the notion of a past event that has emphasis upon a present state. This translation also helps highlight the present influence of the believing spouse upon the unbelieving spouse.

⁸²Paul has already used the word in 1:30 and 6:11 to symbolize salvation itself.

(“to consecrate”) was sometimes understood as consecrating a wife through marriage and since one of the ways such a consecration occurred was through sexual intercourse (*m. Qidd.* 1.1; *m. Ketub.* 4.4), Daube proposes that Paul’s argument goes like this: even though the marriage was dissolved at conversion, one should continue to live with his/her spouse in hope of the unbelieving spouse’s conversion. Through intercourse, one “consecrates” the new marriage. Otherwise one’s children would be “unclean” (illegitimate).⁸³ The difficulty with this view is that it presumes a Jewish perspective by the Corinthians and Paul, a perspective that is difficult to establish.

Murphy-O’Connor contends that “sanctified” is to be interpreted in light of Paul’s normal usage, which he then argues means to be set apart from the world by a divine call as demonstrated in one’s behavior. Murphy-O’Connor explains that what makes the unbeliever “holy” is his or her “willingness . . . to continue the relationship which has had a decisive influence on his or her behavior.”⁸⁴ By choosing to remain with the believer, the unbeliever has initiated a behavioral pattern that is “holy” and will eventually result in his/her actual salvation. This view is difficult to sustain in light of the overall context. Paul’s description of salvation in passages such as 6:11 indicate that salvation is a completed act (washed, justified, sanctified) that has ongoing effects in the present and future (hence his use of the perfect tense modified by the preposition *ἐν*). Even in his opening words, the apostle refers to the Corinthians as those who have been “sanctified” in Christ Jesus. O’Connor’s proposal is incompatible with the apostle’s overall teachings.

⁸³David Daube, “Pauline Contributions to a Pluralistic Culture: Re-Creation and Beyond,” in *Jesus and Man’s Hope* (Pittsburgh: Pittsburgh Theological Seminary, 1971), 2:223-45.

⁸⁴J. Murphy-O’Connor, “Works Without Faith in I Cor., VII, 14,” *RB* 84 (1977): 358.

Schweitzer and later J. A. T. Robinson suggest that Paul is referring to a quasi-physical union with Christ where the unbelieving spouse is sanctified in the believing spouse in some sort of contagion relationship. Schweitzer states that being in Christ is “a relation of corporeal union. . . . Paul assumes a similar projection of the being-in-Christ, thought of as quasi-physical, into the natural corporeal union of one human being with another when he asserts that the unbelieving husband is sanctified in the ‘believing wife.’”⁸⁵ Whiteley refutes this approach when he demonstrates that the body of Christ imagery includes (a) the body of Christ in his earthly life, (b) his resurrection body, (c) the church, and (d) body in eucharistic contexts. These images maintain semantic boundaries that can become somewhat indistinct at times but never fully merge.⁸⁶

Bruce views this verse as “an interesting extension of the Old Testament principle of holiness by association.”⁸⁷ To the question, “Is not the believing partner defiled by such close association with an unbeliever?” the answer is “no, contrariwise the unbeliever is to this degree in a state of sanctification through association with the believer.”⁸⁸ However, Bruce does not believe the unbeliever is sanctified to the degree described in 1:2 and 6:11. Barrett takes it a step further in what he defines as “uxorial sanctification.” Barrett writes, “The object of the believer is to make the marriage happy

⁸⁵A. Schweitzer, *The Mysticism of Paul the Apostle*, trans. W. Montgomery (Baltimore: Johns Hopkins University Press, 1998), 285. Schweitzer attempts to support his view by citing the use of *κολλησθαι*, to cleave, in 1 Cor 6:16-17 (cf. Gen 2:24) and the puzzling “baptism for the dead” (15:29), which he explains on the same principle as 7:14. Robinson replicates Schweitzer’s view later when he argues that Paul’s words on the baptism for the dead are based on the same presupposition found in 7:12-14. J. A. T. Robinson, *The Body: A Study in Pauline Theology* (Chicago: Regnery, 1952), 51-54.

⁸⁶D. E. H. Whiteley, *The Theology of St. Paul* (Philadelphia: Fortress Press, 1964), 192-98. James Barr refers to this type of approach as “illegitimate totality transfer.” J. Barr, *The Semantics of Biblical Language* (Oxford: Oxford University Press, 1961), 218, 233.

⁸⁷Bruce, *1 & 2 Corinthians*, 69.

⁸⁸*Ibid.*

for the unbeliever. The close contact produces a corporal unity between the two so that the unbelieving member actually is made holy by the faith of the believer.”⁸⁹

Nevertheless, Barrett is not clear as to what extent the sanctification process eliminates the individual accountability of the unbeliever. Collins also seems to include salvation in the process when he observes that the non-Christian husband “participates in God’s covenanted people through her.”⁹⁰

In light of the broader theological context regarding salvation and sanctification, the apostle seems to be arguing that as long as the marriage remains intact, the potential for the unbeliever’s salvation remains. In other words, the believer’s impact and influence upon the unbeliever may result in his or her salvation. To that degree the unbelieving spouse is “sanctified” in the believing spouse.⁹¹ Paul rejects the assumption that the pure partner is defiled by contact with the unclean spouse. Instead, holiness is “contagious” in that God is able to work through the believing spouse to influence and convert the unbeliever.⁹² Paul’s logic here is opposite of the defilement he described earlier with a prostitute (6:15-17) and his assertion that bad leaven spoils the whole lump (5:6). Within the covenant relationship, holiness is more powerful than impurity.

⁸⁹Barrett, *I Corinthians*, 213.

⁹⁰Collins, *First Corinthians*, 271.

⁹¹Fee points out that such a usage is similar to Paul’s analogy in Rom 11:16: “If the part of the dough offered as firstfruits is holy, then the whole batch is holy; if the root is holy, so are the branches.” While Paul’s words in this passage are not entirely clear, the analogy is plain. The “consecration” of the part, in the sense it has been set apart for God, “sanctifies” the whole. Israel, in Paul’s day, is not yet converted, but her firstfruits/roots were holy, set apart for God; therefore, they are set apart in a special sense (although they continue in unbelief). Paul hopes for actual salvation to occur one day. The same analogy can be used here. If the husband/wife is “holy,” the unbelieving spouse is also set apart in a special way in hopes that one day it will lead to his/her salvation. Fee, *First Corinthians*, 300-01.

⁹²Hays, *First Corinthians*, 121.

The second part of the verse fits into this framework when Paul indicates that through the believer, children are made holy. Again it appears that Paul is engaged in a dialogue with the Corinthians who would have argued that the believer must forsake his/her relationship with the unbeliever in order to remain pure. Paul suggests that such reasoning leads to the defilement of the child. On the other hand, if the believer maintains the marital relationship with his/her spouse and children, the children are also understood to be holy in that the child is more likely to follow Christ. “If the spouse falls under the influence of the Christian partner’s faith, lifestyle, prayer, and living out of the gospel, how much more shall not the children?”⁹³ Robertson and Plummer note the *a fortiori* logic expressed here by ἐπειὶ ἄρα (“since it would then follow”)⁹⁴ and Lightfoot draws attention to the argumentative ἐπειὶ (since otherwise) which is strengthened by a logical and perhaps also temporal νῦν δὲ ἅγια (but, as it is, they are holy).⁹⁵ Even with the influence of one believing parent, a child is shaped toward holiness, being set apart from the world to God.

The “Pauline Privilege”

With a contrastive δὲ Paul turns his attention in verse 15 to an exception to his previous command for believers to maintain the marriage. In essence, the apostle’s directive is that the believer may not pursue a divorce, “but if” the unbelieving spouse initiates the divorce, let him or her do so. That is, if the unbeliever pursues the

⁹³Thiselton, *The First Epistle to the Corinthians*, 530.

⁹⁴A. Robertson and A. Plummer, *A Critical and Exegetical Commentary on the First Epistle of St Paul to the Corinthians*, 2nd ed., ICC (Edinburgh: T. & T. Clark, 1911), 142.

⁹⁵J. B. Lightfoot, *Notes on the Epistles of St. Paul* (Peabody, MA: Hendrickson, 1995), 226.

dissolution of the marriage, divorce is allowed. In this verse, Paul employs first the present indicative middle form *χωρίζεται*, which has the force of “separates himself/herself,” signifying that the subject of the verb takes the initiative in the separation.⁹⁶ The present middle imperative third singular *χωρίζέσθω* insinuates a little more than the English “to separate.” Thiselton translates the word “let the separation take place,” implying an overtone of continuance.⁹⁷ The divorce is initiated by the unbeliever and consented to by the believer who is being divorced.

Most scholars concur with this basic understanding of the first portion of the verse. The differences begin with Paul’s controversial *οὐ δεδούλωται ὁ ἀδελφὸς ἢ ἡ ἀδελφή ἐν τοῖς τοιοῦτοις* (“the brother or sister is not bound in such circumstances”). The most crucial words for interpreting Paul’s meaning here are *οὐ δεδούλωται* (perfect passive of *δουλόω*).⁹⁸ Does the apostle mean “not in bondage to stay with the former spouse” (free to separate and remain separate without seeking reconciliation) or “not in bondage to the marriage tie which would inhibit the freedom to remarry” (free to divorce and remarry)? This latter view has been labeled the “Pauline privilege.”

Fee argues against the Pauline privilege on four primary grounds. (1) Paul is not even addressing the remarriage issue. Since the focus of the chapter is against remarriage, it makes no sense for Paul to address the issue in such circuitous fashion. (2) Paul’s use of *δουλόω* is not his usual one for the binding character of marriage (cf. 7:39; Rom 7:2). In 7:39, the apostle makes it clear that only death can break the marriage bond.

⁹⁶Thiselton, *The First Epistle to the Corinthians*, 534.

⁹⁷Ibid.

⁹⁸Literally translated, “to enslave.” Paul uses the word figuratively in 9:19; Rom 6:18, 22; Gal 4:3; and Titus 2:3.

(3) Remarriage is explicitly disallowed in verse 11. And (4) the general thrust of the chapter has to do with *not* seeking a change of status. The exceptions in each case do not permit a change in partners but in status alone, either from single to married or vice versa, but not both. Fee warrants that Paul does not disallow remarriage. The apostle simply does not speak to the issue at all. “Thus this text offers little help for this very real contemporary concern.”⁹⁹ Witherington assents cautiously to this view when he writes, “It is doubtful that there is a ‘Pauline privilege.’”¹⁰⁰

Conzelmann espouses the opposite view: “The Christian is not subjected to any constraint because of the pagan’s behavior. He can marry again.”¹⁰¹ Héring agrees, “If the pagan leaves the Christian partner the marriage is regarded as having been nullified, and the Christian can marry again.”¹⁰² Stein believes that Paul anticipates Matthew’s record of Jesus’ words and diminishes the absoluteness of Mark’s record.¹⁰³

Keener argues that remarriage was the normal course sought after a divorce. Rabbinical law assumes remarriage would be the normal course of action. The Jewish legal passage *m. Git. 9.3* reads:

The essential formula in the bill of divorce is, “Lo, thou art free to marry any man.” R. Judah says: “Let this be from me thy writ of divorce and letter of dismissal and deed of liberation, that thou mayest marry whatsoever man thou wilt.” The essential

⁹⁹Fee, *The First Epistle to the Corinthians*, 302-03.

¹⁰⁰Witherington, *Women in the Earliest Churches*, 32. For other scholars who support the “no remarriage” view in this text, see J. C. Laney, “Paul and the Permanence of Marriage in 1 Corinthians 7,” *JETS* 25 (1982): 283-94; J. Zateski, “Problem ‘wyatku’ w 1 Kor 7, 15-16 (Le Problème de ‘l’exception’ en 1 Cor 7:15-16),” *Collectanea Theologica* 53 (1983): 43-63.

¹⁰¹Conzelmann, *1 Corinthians*, 123.

¹⁰²J. Héring, *The First Epistle of St Paul to the Corinthians* (London: Epworth, 1962), 53. Héring’s view is prefaced by his understanding of “in peace” as equivalent to the Hebrew *shalom*, which means not merely the absence of strife with a former spouse, but “complete peace, outward and inward.”

¹⁰³R. H. Stein, “Is It Lawful for a Man to Divorce His Wife?” *JETS* 22 (1979): 115-21.

formula in a writ of emancipation is, "Lo, thou art a freedwoman: lo, thou belongest to thyself."

Keener adds that the ancient Jewish marriage contracts found agree: "in the context of divorce, 'free' meant precisely that the woman was free to remarry, and meant nothing else than this."¹⁰⁴ If Paul meant that remarriage was not allowed, he said the exact opposite of what he meant.

Instone-Brewer examines Paul's words in light of the Greco-Roman context and concludes that "the only freedom that makes any sense in this context is the freedom to remarry."¹⁰⁵ His reasons are simple. One, if an unbelieving partner has initiated the separation, it is meaningless to suggest that the believer is free to remain separated. It is also meaningless to say that the believer is free to divorce because if separation has already occurred, the couple has already completed the divorce procedure under Greco-Roman law. Nothing was needed to complete a divorce other than to separate. Instone-Brewer contends that Paul's language would have been very clear to a first century reader: remarriage is allowed after a divorce. Similar phraseology is found in a large number of ancient divorce certificates, which often contain the words "you are free to marry any man you wish." These words were so vital that the rabbis decided they were the only words essential to a Jewish writ of divorce.¹⁰⁶ To the first century reader,

¹⁰⁴Keener, *And Marries Another*, 61.

¹⁰⁵Instone-Brewer, *Divorce and Remarriage*, 202.

¹⁰⁶Instone-Brewer cites examples from rabbinic sources from the first century C. E. and back to the Aramaic contracts from the Elephantine community of the fifth century B. C. E. He mentions non-Jewish sources in Greco-Roman and Demotic papyri from the fourth century C. E. to 548 B. C. E. He refers to divorce stipulations in marriage contracts of Babylon in the seventh to the third century B. C. E., the laws of Charondas in sixth century B. C. E., and possibly the Middle Assyrian laws of 1400 B. C. E. See Instone-Brewer, *Divorce and Remarriage*, 202-03; idem, "1 Corinthians 7 in the Light of the Greco-Roman Marriage and Divorce Papyri," 101-16; and idem, "Deuteronomy 24.1-4 and the Origin of the Jewish Divorce Certificate," *JJS* 49 (1998): 230-43.

whether Jewish or Greco-Roman, Paul's exception would have naturally included the right to remarry. This explanation also fits the immediate context, where Paul speaks of an unbeliever abandoning a believer against his or her will. The natural question in this context is whether or not this person is permitted to remarry. Paul's words "the brother or sister is not bound" in this situation answers that question.¹⁰⁷

Heth and Wenham offer seven reasons why they believe the "Pauline privilege" view is wrong.¹⁰⁸ First, the nature of marriage itself: it is a creation ordinance binding on all irrespective of one's faith. According to Jesus, it is indissoluble. However it has been argued in the previous chapter that Jesus' words were not intended to be absolute statements of binding permanence. Jesus was speaking the ideal of God's design. Marriage is intended to be lifelong, but that ideal does not mean that marriage in and of itself is indissoluble.

Second, Paul's admonition in verses 10-16 revolves around the central premise that a believer must not divorce. They agree with Plummer and Robertson who contend: "all that *ou dedoulōtai* clearly means is that he or she need not feel so bound by Christ's prohibition of divorce as to be afraid to depart when the heathen partner insists on separation."¹⁰⁹ As was shown above, this interpretation is difficult to sustain in light of the first-century context of Paul's words. A reader would have naturally assumed

¹⁰⁷Instone-Brewer, *Divorce and Remarriage*, 202-03.

¹⁰⁸Heth and Wenham, *Jesus and Divorce*, 140-44.

¹⁰⁹Robertson and Plummer, *A Critical and Exegetical Commentary on the First Epistle of St Paul to the Corinthians*, 143. Others who espouse that marriage is not in Paul's scope here include K. Lake, "The Earliest Christian Teaching on Divorce," *ExpTim* 10 (1910): 416-17; P. Dulau, "The Pauline Privilege: Is It Promulgated in the First Epistle to the Corinthians?" *CBQ* 13 (1951): 146-52; R. L. Roberts, "The Meaning of *Chorizo* and *Douloo* in I Corinthians 7:10-17," *RestQ* 8 (1965): 179-84; and C. K. Barrett, *A Commentary on the First Epistle to the Corinthians*, 167.

remarriage is permitted. Also for Paul to say that the abandoned spouse is free to remain unmarried makes no sense in light of the fact he/she would automatically be considered divorced.

Third, Paul uses in verse 15 the same word for divorce he uses in verse 11, where he clearly states that separation does not include the right to remarry. But as Luck points out, Paul's instruction in verse 11 is intended for believers and two separated believers are to always seek reconciliation or to remain unmarried. The scenario in verse 15 is entirely different: Paul's concern is a believer who has been abandoned by an unbeliever.¹¹⁰

Fourth, Heth and Wenham view the freedom to remarry as contrary to the "hope of conversion" found in verse 16. Taking the position of the Early Church Fathers, they connect verse 16 with verse 13 and denounce most modern commentators who link verse 16 with verse 15. The point is that the relation of verses 13 and 16 includes the hope that the wayward spouse will be reconciled to the innocent partner who remains unmarried. The difficulty of this position is its contextual congruence. Lenski demonstrates that the "for" (*γὰρ*) points neither to the subordinate clause of verse 15 (the matter of peace) nor to the sanctification of the spouse in verse 14. Instead it points to the major thrust of verse 15: the believer is not bound. Lenski considers the connection with verses 13-14 or a subordinate clause in 15 to be unsatisfactory.¹¹¹

Fifth, Paul's use of the word "bondage" in verse 15 (*δουλόω*) differs from his word choice in 7:27, 39 and Romans 7:2 (*δέω*). According to Heth and Wenham, the

¹¹⁰Luck, *Divorce and Remarriage*, 171-72.

¹¹¹R. C. H. Lenski, *The Interpretation of I and II Corinthians* (Minneapolis: Augsburg, 1937), 296-97. This verse will be discussed further below.

former is never employed by Paul in regard to the legal aspect of marriage. Paul uses *δέω* for that purpose. And even if the same word were used, Paul merely “exempts the Christian from the responsibility for the divorce which an unbelieving partner brings about.”¹¹² Heth and Wenham’s distinction between the legal use of these two words seems forced. Although Paul may not employ *δουλόω* to address the legal bonds of marriage, he does use it to refer to the bondage of slavery. And in Galatians 4:3, he employs the word to refer to being in bondage to the “elemental things of the world” as parallel to being “under the Law” (Gal 4:5). To imply that *δουλόω* does not refer to the legal bond of marriage is to overestimate Paul’s use. And to suggest that the word represents some type of freedom to remain unmarried seems to stretch the context.

Sixth, Heth and Wenham appeal to the testimony of the Early Church, which appears to have forbidden remarriage. It is not until the fourth century that a Latin Church Father (Ambrosiaster) permitted a deserted spouse to remarry.¹¹³ While Heth and Wenham do have the Early Church Fathers on their side in this debate, it must be pointed out that exegesis must take precedence over historical proof-texting. Most of the Church Fathers did not even address this issue. Many of those who did were ascetically minded Fathers of later centuries. Paul must be allowed to speak for himself in his own context.

Finally, Heth and Wenham argue that verses 17-24 emphasize Paul’s instruction for believers to maintain their status. The principle is this: “Believers should remain in the same situation in life in which they were when they became Christians because Christ demands of his ‘slaves’ sole obedience to Him not a shared allegiance

¹¹²Heth and Wenham, *Jesus and Divorce*, 142-43.

¹¹³*Ibid.*, 143.

with other masters.”¹¹⁴ However, Heth and Wenham fail to take into account the fact that the forsaken believer is no longer in his/her previous state. Their status has already changed. While Paul does emphasize “remain as you are,” he does not instruct believers to remain unmarried when they have been abandoned. Instead, the forsaken spouse is no longer “under bondage” which naturally implies a freedom to remarry.

Based on the contextual, cultural, and grammatical evidence, it is reasonable to conclude that Paul allowed for remarriage when a spouse has been forsaken by an unbeliever. The believer is not under obligation to remain unmarried. The “leave and cleave” covenant parameters have been violated. While Paul does not address the subject of remarriage directly, he defines abandonment in these circumstances as “a state of what amounted to widowhood Presumably remarriage would not be completely excluded for the believer.”¹¹⁵ While the general thrust of the chapter discourages remarriage, Paul (like Jesus) provides an exception to the ideal. Paul was a pastor who applied principles to life situations. In this instance (a believer abandoned by an unbeliever), Paul applies the general principles of covenant marriage to a specific situation, i.e., a breach of the leave and cleave parameter.

“God Has Called Us to Peace”

As evidenced in Paul’s words, God calls believers to live “in peace” (*ἐν εἰρήνῃ*), an objective state of harmony or reconciliation that transcends the mere absence of strife or subjective feelings of tranquility. God calls (*κέκληκεν*: perfect active indicative) the

¹¹⁴Ibid.

¹¹⁵Bruce, *1 and 2 Corinthians*, 70.

believer to a state of peace that has continuing effects into the present, the peace that stands guard over our hearts and minds (cf. Phil 4:7).¹¹⁶

The question is whether this “call to peace” refers to the dissolution of marriage found in verse 15 or to the preservation of marriage in verses 12-14. Does all of 7:15-16 deal with the exception? The clause can be interpreted as a further explanation of the two preceding sentences, meaning that the one being divorced should not oppose the divorce because God has called us to live in peace.¹¹⁷ That means living in peace “would not be possible if the unbelieving partner were forced to live with the believer,”¹¹⁸ or that the one being divorced should allow the process to occur in a peaceful manner, “without recrimination or anger.”¹¹⁹ For those who hold a “pessimistic” view of verse 16, this is the necessary position.

Fee points out two problems with this position: (1) it tends to distort Paul’s ordinary use of conjunctions, and (2) it neglects the Jewish background to Paul’s use of the “call to peace.”¹²⁰ In regard to the first problem, Paul normally uses $\delta\epsilon$ with adversative or consecutive force, but neither of these uses makes sense in this view. For that reason, $\delta\epsilon$ is often left untranslated, which cannot be sustained in light of the fact this view requires a causal nuance. Without the “call to live in peace” being the cause of the

¹¹⁶Thiselton, *The First Epistle to the Corinthians*, 537.

¹¹⁷The NIV adds the words “to live” in peace.

¹¹⁸Mare, “1 Corinthians,” 231. Cf. H. L. Goudge, *The First Epistle to the Corinthians* (London: Methuen & Co., 1926), 57, and Héring, *The First Epistle of St Paul to the Corinthians*, 53.

¹¹⁹William F. Orr and James A. Walther, *1 Corinthians* (Garden City, NJ: Doubleday, 1976), 212.

¹²⁰Fee, *The First Epistle to the Corinthians*, 304.

instruction not to challenge the divorce, the phrase makes no sense. As Fee contends, $\delta\epsilon$ will not support that nuance. The structure of the paragraph should read:

The ideal:	Do not divorce a pagan spouse (vv. 12-13)
The reason:	$\gamma\alpha\rho$ (“for”) They are sanctified in you (v. 14)
The exception:	$\delta\epsilon$ (“but”) If they choose to leave let it be so (v. 15ab)
The reason (again):	$\delta\epsilon$ (“rather” than the exception) God has called us to peace (15c) $\gamma\alpha\rho$ (“for”) Perhaps you will yet save your spouse (v. 16). ¹²¹

This structure maintains the force of the conjunctives and fits the context, which focuses upon not divorcing unbelieving spouses versus making peace if the marriage ends.

While we should not read every nuance of the Hebrew *shalom* into Paul’s Greek use of the phrase “in peace,”¹²² it does reflect the apostle’s Jewish upbringing, which emphasized doing good deeds toward the less favored or even toward Gentiles “for the sake of peace.”¹²³ With similar words, Paul instructs believers in Romans 12:18 to leave peaceably with all people.

Instone-Brewer builds on Fee’s arguments and accentuates rabbinic Judaism’s practice of a “pragmatic solution” that did not always conform with the strict interpretation of the law. For example, an imbecile could not be prosecuted for stealing,

¹²¹Ibid.

¹²²Héring seems to make this mistake. Héring, *The First Epistle of St Paul to the Corinthians*, 53.

¹²³Fee, *The First Epistle to the Corinthians*, 304-05. *m. Git.* 5:8-9: “They do not try to prevent the poor among the Gentiles from gathering gleanings . . . in the interests of peace . . . moreover greetings (*shalom*) may be offered to Gentiles in the interests of peace.” See Daube, “Contributions,” 234-35.

but nevertheless, stolen goods were confiscated from him and returned to their rightful owner “for the sake of peace.”¹²⁴ In such cases, pragmatism superseded a strict application of the law in order to maintain a peaceful society. Applied to the divorce-remarriage discussion, Instone-Brewer argues that Paul is bypassing the legal difficulties of his day for obtaining divorce on the grounds of desertion, which was not one of the scriptural grounds for divorce. A man who was abandoned could simply write out a certificate of divorce citing “any matter” as his grounds. A woman, however, was trapped unless she could convince her former husband to write out a divorce certificate for her. Paul offers the pragmatic solution for those who have been abandoned against their will and who can do nothing to reverse it. He argues that an abandoned spouse is free to divorce and subsequently free to remarry.¹²⁵

Paul is concerned with the preservation of the marriage covenant. His words in verse 16, like the teachings of Jesus, remind us of his continual emphasis upon restoration and the instruction for believers married to unbelievers to maintain the marriage covenant.¹²⁶ While verse 15 offers an exception to this ideal (abandonment), the overall

¹²⁴Instone-Brewer, *Divorce and Remarriage*, 203. Cf. idem, *Techniques and Assumptions in Jewish Exegesis before 70 CE*, *Texte und Studien zum antiken Judentum* 30 (Tübingen: J. C. B. Mohr, 1992), 21, 37, 82, 144-45.

¹²⁵Instone-Brewer, *Divorce and Remarriage*, 204.

¹²⁶A lot has been written regarding v. 16 and whether Paul anticipates a positive or negative response to his questions. That is, is Paul offering believers hope that if they maintain the marriage their unbelieving spouse might be saved or is he directing them not to oppose the separation because they have no assurance the unbelieving spouse will ever be saved?

The “optimistic” view is defended by Jeremias, who argues that this position corresponds with Paul’s missionary zeal. J. Jeremias, “Die missionarische Aufgabe in der Mischehe (1 Kor 7:16),” in *Neutestamentliche Studien für Rudolf Bultmann*, ed. W. Eltester (Berlin: A. Töpelmann, 1954), 255-60. See also C. Burchard, “Ei nach einem Ausdruck des Wissens oder Nichtwissens Joh 9:25, Act 19:2, I Kor 1:16, 7:16,” *ZNW* 52 (1961): 73-82. Commentators who hold this view include Charles Hodge, *1 Corinthians* (Wheaton, Ill: Crossway, 1995), 120; C. Findlay, *The Expositor’s Greek Testament* (New York: Hodder and Stoughton, 1912), 2:827-28; Lightfoot, *Notes*, 227; and James Moffatt, *The First Epistle of Paul to the Corinthians* (New York: Harper and Brothers Publishers, 1900), 84.

concern of the chapter is on the preservation of the marriage covenant. In essence, Paul applies the Genesis 2:24 paradigm to a particular life situation. The believer is to “leave” and “cleave” to his/her spouse (regardless of their faith or lack thereof). If a separation occurs between believers, he/she is to seek reconciliation or remain unmarried. But if the covenant is violated by an unbeliever who abandons his/her believing spouse, the forsaken spouse is not under obligation to maintain the broken marriage covenant and is subsequently free to remarry.

1 Corinthians 7:17-24

Paul now returns to a guiding principle behind his words on marriage. His content changes but his focus remains the same. Three times in this short section he advises his readers to remain in the condition in which they were called, i.e., their status in life at the time they first accepted the gospel. As was noted earlier, some of the Corinthian believers were contemplating changing their marital status under the rubric, “It is not good to have sexual relations with a woman.” The ascetic implication of this line of reasoning was leading some believers to practice abstinence in their marriages or even to seek a divorce from their unbelieving spouses. Yet, Paul makes it clear that God’s

In response to Jeremias, Kubo demonstrates how the verse may have an optimistic sense at times, but it is largely ambiguous. Kubo suggests that the context must ultimately decide the nature of the questions and in light of the context, he prefers the “pessimistic” view. S. Kubo, “I Corinthians 7:16: Optimistic or Pessimistic?” *NTS* (1978): 539-44. See also A. P. Stanley, *The Epistles of St. Paul to the Corinthians: with Critical Notes and Dissertations* (Minneapolis: Klock & Klock Christian Publishers, 1981), 112.

Both views obviously have strengths and weaknesses. Perhaps it is best to recognize that the statements are ambiguous and do not require a positive or negative response. Fee contends that the questions are “purposely left indefinite, for Paul makes no promises that maintaining the marriage will turn out in their favor.” Fee, *First Epistle to the Corinthians*, 305. I concur with Thiselton who concludes that Paul’s words reflect the limitations of human knowledge and the apostle’s firm belief that everything is in the hands of God. Pessimism presumes un-Christian despair and optimism leads to un-Christian presumption. The right attitude, Paul advises, regardless of what happens is to leave it with God in peace. Thiselton, *The First Epistle to the Corinthians*, 540. Cf. J. Moltmann, *Theology of Hope* (London: SCM, 1967), 23.

call to be in Christ “transcends such settings so as to make them essentially irrelevant. . . the call to Christ has created such a change in one’s essential relationship (with God) that one does not need to seek change in other relationships (with people).”¹²⁷

In between this three-layered maxim (vv. 17, 20, 24), Paul offers two illustrative analogies, comparing the married-unmarried relationship to the circumcised-uncircumcised (vv. 18-19)¹²⁸ and the slave-free (vv. 21-23). Each of these life situations is inconsequential pertaining to one’s status before God. Paul uses these illustrations to bolster his advice that the Corinthians should not seek to change their marital status, but should seek to obey God within their present condition.¹²⁹ Fee traces the argument as follows:

V. 17 sets forth the basic principle: They are to live out their Christian lives in the situation where God called them. Vv. 18-19 apply this to ethno-religious life (being Jew or Gentile), which now counts for nothing. There are no exceptions here: let each one remain in his/her calling (v. 20). The principle is next applied to the slave and the free person (vv. 21-24). However, this case is unlike the others in that the slave may not freely choose change of status. So the structure of the argument alters slightly, even though the point remains the same. Paul begins by addressing the slave (v. 21a), but as in each of the preceding marital situations, there is an exception (v. 21b). He never does address the free person directly; rather, in vv. 22-23 he returns to the illustration by showing how one’s calling in Christ makes irrelevant being either slave or free, and concludes once again with the statement of the principle (v. 24).¹³⁰

¹²⁷Fee, *The First Epistle to the Corinthians*, 307.

¹²⁸Unlike Paul’s words regarding circumcision in Galatians, the apostle focuses primarily upon the social status of being circumcised or uncircumcised. His concern is sociological first and religious second.

¹²⁹It does not appear to be coincidental that Paul employs the same elements here as he does in Gal 3:28: “There is no longer Jew or Greek” (cf. 1 Cor 7:18-19); “there is no longer slave or free” (cf. 1 Cor 7:21-23); “there is no longer male and female” (cf. the rest of 1 Cor 7). Hays writes, “These binary polarities provide the basic categories for Paul’s perception of the human condition, but even such basic markers of human identity have been rendered meaningless in light of the gospel. First Corinthians 7 can be read, therefore, as Paul’s own explication of Galatians 3:28.” Being a Christian male or female married to an unbeliever does not obligate the Corinthians to give up sex but frees the believer to express fully their identity in Christ. Hays, *First Corinthians*, 123.

¹³⁰Fee, *The First Epistle to the Corinthians*, 308.

Paul's emphasis upon God's call reminds the Corinthians that God has summoned them to follow Him within their existing status.¹³¹

The charge to remain in that status in which they were called is Paul's way of challenging the Corinthians to bloom where they have been planted without focusing upon one's social or ethnic standing. Abandoning one's marital commitment does not lead to greater spiritual fulfillment or a higher plane of spiritual achievement. Instead, one's spiritual growth occurs within their existing life situations. What matters is not ethnic boundaries such as circumcision or uncircumcision. What matters is a heart of obedience. What matters is not one's social standing in society (slave or freedman). What matters is one's service to God.¹³²

Married believers should not discard their marriages, nor should unmarried believers be seeking earnestly to get married. Paul's basic advice is simple: wherever you find yourself, remain with God (7:24). Do not get focused on your status.

This section is linked back to verse 15, where Paul speaks of the abandoned believer not being "bound" to the covenant relationship.¹³³ Again change of marital status is the exception, not the rule. And the exception takes place only when the covenant parameters have been violated. Otherwise, remain in the state in which you were called.

¹³¹The verb *καλέω* is used eight times in this section, and the noun *κλησις* appears once. The calling language dominates the section.

¹³²It is outside of the purpose of this work to discuss Paul's remarks regarding the legitimacy or illegitimacy of slavery.

¹³³The Greek conjunction *εἰ μὴ* refers back to the exception of v. 15. Thiselton translates the conjunction "at all events." Other translations reflect this elliptical, contrastive condition as well: "only" (NAS, RSV, RV); "however that may be" (NRSV, REB), "anyway" (NJB). The NIV's "nevertheless" and the AV's "but" seem a bit abrupt in relation to the previous section. It is nearer to *πλὴν* than to *ἀλλά*. Thiselton, *The First Epistle to the Corinthians*, 548.

1 Corinthians 7:25-38

The exact meaning of these verses is difficult to determine. Murphy-O'Connor suggests, "This is probably the most difficult and controverted section of the letter."¹³⁴ Orr offers his interpretation of this section with "trembling hesitation"¹³⁵ and Fee proceeds with the "proper degree of hesitation due such difficult texts."¹³⁶ The difficulties are primarily four-fold: (1) the meaning of the term *παρθένος*; (2) the structure of Paul's argument, particularly related to verses 36-38; (3) the intent and meaning of the center verses 29-35; and (4) how this section relates to the Corinthian situation.

At least six major interpretations relate specifically to the meaning of *παρθένος* and subsequently to the other issues as well. J. K. Elliott proposes that 7:25-38 concerns engaged couples, and that the term *παρθένος* refers in this immediate context to betrothed women.¹³⁷ Paul's advice in verse 27 is clear: "Are you bound to a wife (i.e., betrothed to be married)? Do not seek to be released (from the engagement). Are you released from a wife (i.e., single)? Do not seek to marry." Heth and Wenham also embrace this view and argue that *παρθένος* refers to engaged couples who are questioning whether they should fulfill their promise of marriage in light of the "present distress." Paul is speaking to those who are engaged and more specifically to the engaged female. To support their

¹³⁴Murphy-O'Connor, *1 Corinthians*, 171.

¹³⁵Orr, "Treatment," 17.

¹³⁶Fee, *The First Epistle to the Corinthians*, 322.

¹³⁷J. K. Elliott, "Paul's Teaching on Marriage in 1 Cor: Some Problems Reconsidered," *NTS* 19 (1973): 219-25.

view, Heth and Wenham cite other New Testament uses of the term “virgin” to signify a betrothed girl.¹³⁸

A few problems with this view are worth noting. One, while it is true that the other New Testament passages cited refer to betrothed virgins, that fact is only made clear by the surrounding contexts. The word itself does not demand the term be translated “betrothed virgin.” Context becomes the determining factor. Two, these scholars maintain that verses 36-38 imply the man who is being addressed may marry the virgin. Verse 36 asserts, “Let them marry.” Yet other parts of the section portray a different scenario. Verse 38 may be translated, “He that gives the virgin in marriage does well.” As Luck points out, “A fiance does not give the woman away.”¹³⁹ Three, this view fails to take into account the seriousness of betrothal in the first century context. Betrothal was tantamount to the marriage itself. It even included vows and legal intent to marry. Would Paul take so lightly such a commitment and recommend the breaking of the betrothal vows?¹⁴⁰

J. F. Bound embraces a similar interpretation of verses 26-29, but holds that *παρθένης* in verses 25-28 means virgin man or single, celibate male.¹⁴¹ The obvious weakness of this view is *ἡ παρθένης* in verse 28 is feminine. Bound suggests that the feminine article is a corrupt MS reading for *ὁ*. Or, it could be argued that Paul follows his

¹³⁸Luke 1:27; Matt 1:18, 23; 25:1-13; and 2 Cor 11:2. Heth and Wenham, *Jesus and Divorce*, 147.

¹³⁹Luck, *Divorce and Remarriage*, 179.

¹⁴⁰*Ibid.*, 179-80. While the betrothal period is considered this serious in the Jewish context, it is uncertain the Greco-Roman world held the same view.

¹⁴¹J. F. Bound, “Who Are the ‘Virgins’ Discussed in 1 Cor 7:25-38?” *Evangelical Journal* 2 (1984): 3-15. Bound follows the thoughts of M. Black, *The Scrolls and Christian Origins* (London: SCM, 1961), 85.

usual pattern of addressing both males and females and speaks to men up to verse 28a, where he turns to females. Yet such a suggestion is mere speculation and finds little textual support.¹⁴²

A third view is that Paul is referring to “spiritual marriages.”¹⁴³ In other words, a couple lives together for economic or social reasons but have agreed to live and maintain celibate lives. Two points favor this position: (1) the term virgin is used figuratively of pure men in Revelation 14:4, and (2) as has been shown above, it does appear that some ascetic believers in Corinth wished to live both married and celibate. But both of these points have serious weaknesses. First, the figurative use of virgins in Revelation refers to a group of pure single persons and not to couples. And the language is perhaps best understood as symbolic.¹⁴⁴ Also the term almost always refers to females who have not had sexual relations with a man or to unmarried women.¹⁴⁵ Second, if a couple chose not to consummate the marriage covenant with the “one flesh” aspect of the covenant, it seems Paul would have condemned them for living with the appearance of fornication. Paul has already warned the Corinthians to “flee immorality” (6:18) and for married couples to avoid abstinence for extended periods of time in order to circumvent unnecessary temptation (7:1-7). Does it not stand to reason that Paul would denounce a

¹⁴²Scholars who reject this interpretation include J. A. Bengel, *Gnomon of the New Testament* (Edinburgh: T. & T. Clark, 1860), 630; J. Weiss, *Der erste Korintherbrief* (Göttingen: Vandenhoeck u. Ruprecht, 1910), 194; and W. Schrage, *Der erste Brief an die Korinther* (Zürich: Benziger Verlag, 1991), 2:156.

¹⁴³This view was originally proposed in a detailed study by H. Achelis, *Virgines Subintroductae: ein Beitrag zum VII. Kapitel des I. Korintherbriefs* (Leipzig: J. C. Hinrichs, 1902). It has been expanded by other scholars since that time. E.g., see R. H. A. Sebolt, “Spiritual Marriage in the Early Church: A Suggested Interpretation of 1 Cor. 7:36-38,” *CTM* 30 (1959): 103-19, 176-89.

¹⁴⁴See Robert H. Mounce, *The Book of Revelation*, NICNT (Grand Rapids: Eerdmans, 1977), 270.

¹⁴⁵Matt 1:18, 23; 25:1, 7, 11; 2 Cor 11:2; Luke 1:27; Acts 21:9.

relationship where two people live together under the rubric of marriage yet remain outside of the marriage covenant and practice total abstinence?¹⁴⁶

Hurd favors the “spiritual marriage” position as opposed to the engaged couples proposal which he views as too complex.¹⁴⁷ Yet as Thiselton observes, the three steps of becoming engaged; becoming converted to an ascetic viewpoint; and instead of dissolving the relationship, establishing it on a non-intimate basis are far more complicated than the engaged couple theory.¹⁴⁸ A lack of evidence and the fact that Paul opposes asceticism in 7:2-6 makes this position improbable.

The traditional view regarding *παρθένος* is that Paul is addressing a specific situation in Corinth where “the Corinthians consulted him about the special case of giving virgin daughters in marriage; whereupon Paul generalized, first stating the guiding principle (v. 27), then applying it to both sexes (vv. 28-35), and finally dealing with the special point which the Corinthians had put to him (vv. 36-38).”¹⁴⁹ As Fee demonstrates, this position rests on the premise that the man addressed in verses 36-38 has a jurisdictional relationship to the one deemed “his virgin.”¹⁵⁰ Also crucial to this stance is a variant found in verse 36: *γαμείτωσαν* (let them marry) instead of *γαμείτω* (let him marry).¹⁵¹ And there is a change of verb in verse 38 from *γαμέω* to *γαμίζων*. These

¹⁴⁶Luck, *Divorce and Remarriage*, 179.

¹⁴⁷Hurd, *Origin of 1 Corinthians*, 177.

¹⁴⁸Thiselton, *The First Epistle to the Corinthians*, 569.

¹⁴⁹Lightfoot, 231.

¹⁵⁰Fee, *The First Epistle to the Corinthians*, 326.

¹⁵¹The majority of texts support the former. The latter is found in D F G and a few other sources.

differences are subtle and are based on a distinction not found in contemporary Greek, so it seems precarious to rest on this distinction alone.¹⁵² Also outside of the change of verbs in verse 38, nothing within the overall context indicates that Paul is speaking to fathers or guardians giving their virgin daughters in marriage. There is no specific reference in the text to a father or guardian, nor is there any known evidence for a father-daughter relationship being understood in terms of her being “his virgin.” For these reasons, the traditional view has lost popularity in recent years. Despite its long history, this theory needs stronger evidence to make it acceptable.

A fifth position accepted by a growing number of scholars is that *παρθένος* refers to individual unmarried men and women who have become engaged.¹⁵³ While this position has several nuances, the basic thought is that young betrothed women and their fiances were being “pressured by the pneumatics and were now themselves wondering whether to go through with the marriage.”¹⁵⁴ Wimbush deems Paul is again emphasizing “the relative unimportance of the celibate life as far as status with God is concerned: one who has been single but desires to marry does not sin (v. 28).”¹⁵⁵ Fee believes Paul was addressing primarily a man who was wondering about whether or not to marry his

¹⁵²In classical Greek, there is sometimes a distinction between *γαμέω* (to marry) and *γαμίζω* (to give in marriage). This distinction is more difficult to support in *koine* Greek of the New Testament period. Fee, *First Epistle to the Corinthians*, 354.

¹⁵³V. L. Wimbush, *Paul the Worldly Ascetic* (Macon, GA: Mercer, 1987), 14-24; Schrage, *Der erste Brief*, 2:155-56; Fee, *The First Epistle to the Corinthians*, 326-27; Deming, *Paul on Marriage*, 173-77; C. Senft, *La Première Epître de Saint-Paul aux Corinthiens* (Neuchâtel: Delachaux & Niestlé, 1979), 98-99; and Wolff, *Der erste Brief*, 155. The application to both male and female separates this view from Elliott's.

¹⁵⁴Fee, *The First Epistle to the Corinthians*, 327.

¹⁵⁵Wimbush, *Paul the Worldly Ascetic*, 20.

betrothed.¹⁵⁶ This view has the benefit of understanding both verses 27-28 and 36-38 as being directed to the same man, without having to change topics or addressees. The weakness of this view concerns verses 36-38 where Paul appears to allude to a second subcategory of people, whose ascetic tendencies seem to have become attractive to some of the Corinthians.

The final view is articulated by J. M. Ford, who contends that *παρθένοι* refers to young widows and widowers who have been married not more than once.¹⁵⁷ This levirate marriage position has garnered little support among scholars. Furthermore, there is no indication that the levirate law was even practiced in Corinth; thus, this position must be rejected as indefensible.

In the end, it makes little difference which position is correct as far as the general purpose of this work is concerned. Position five (i.e., Paul is addressing betrothed men and women considering breaking their engagement) makes sense in light of the context and appears to have less contextual problems. The question that has been posed is whether young people who are betrothed should proceed with their marriages or should they now remain unmarried. Paul's answer is consistent with the rest of the chapter: it is better for them to remain as they are (unmarried), but if they choose to marry (an exception), they are not sinning. Paul's conclusion in verse 38 sums up his position well: the one who marries does well; the one who remains unmarried does better. Ultimately

¹⁵⁶Fee, *The First Epistle to the Corinthians*, 327. Fee's position assumes the influence of the Roman culture upon Paul's audience, when it would have been common for a man to act alone without the father acting *patria potestas* as in earlier days. See J. V. P. D. Balsdon, *Roman Women: Their History and Habits* (New York: John Day, 1963), 177-79.

¹⁵⁷J. M. Ford, "Levirate Marriage in St Paul (1 Cor vii)," *NTS* 10 (1964): 361-65.

the decision is left to the involved parties, with encouragement from the apostle to remain unmarried if they choose to do so freely (v. 37).¹⁵⁸

Some of the complications of this passage are eliminated when 7:2 is understood as a refutation given to married couples against those who are promoting abstinence among married couples. Paul does not even address the never before married until verse 25, which is marked by the *περὶ δὲ* construct.

Instone-Brewer suggests that one should not limit Paul's words strictly to those who have never been married. In verse 27, Paul appears to advise those who have been released from their marriages that they should not seek to marry again because of the present distress.¹⁵⁹ The question is whether Paul's words were intended for those who have broken a betrothal period or those who have been married and divorced. If it is the latter group, Paul clearly allows for remarriage. The apostle makes plain that it would not be sinful for this person to marry (v. 28).¹⁶⁰ It seems plausible that Paul was addressing divorced persons in verse 27 and advising them not to remarry but allowing it if they desired to do so. Those who reject the idea that Paul allowed for remarriage after divorce argue that Paul meant to give this permission only to those who have been released from a betrothal. This limited application is possible, but is it likely? As we have observed, Paul rarely restricts his teaching to such a specific group of persons.

¹⁵⁸Paul does seem to discuss the issue in vv. 36-38 from a male perspective, and the decision of whether to marry is offered as the man's unilateral decision. Admittedly, these verses are more difficult to harmonize with the remainder of the section.

¹⁵⁹For a discussion regarding the meaning of the phrase "present distress" (*ἐνεστῶσαν ἀνάγκην*), see Hays, *1 Corinthians*, 127-29.

¹⁶⁰Instone-Brewer, *Divorce and Remarriage*, 206.

The overall context appears to address the betrothed, but it is also possible that Paul's advice includes those who have been divorced. Luck believes that Paul is addressing singleness as a whole and not only virginity and goes to great lengths to demonstrate how Paul is referring to divorced persons as well as virgins.¹⁶¹ The term translated "released" (*λύσιν*) in verse 27 is used to represent release from any type of contract, including a marriage contract.¹⁶² Paul seems to be addressing the "yet to be married" in this context, but it is also plausible in light of the earlier discussion regarding the unmarried that his arguments can be applied to divorced persons as well. However one should be cautious in making such a broad application in this instance.

The reason Paul advises in this section the unmarried to remain as they are is two-fold: (1) "the appointed time has grown short" (v. 29a). Paul anticipates the Lord's return at any moment. Believers are to live their lives as if the end is imminent (vv. 29b-31a), not investing in the temporal matters of this fading world. (2) "Those who marry will experience distress in the flesh." What Paul means here is unclear, but it seems that he is encouraging the unmarried to avoid things, such as marriage, that will bring unnecessary complications, responsibilities, and distractions into their lives. Marriage may hinder the Christian from concentrating singlemindedly on pleasing God (vv. 32-

¹⁶¹For a more detailed treatment of Luck's interpretation of these verses referring to divorced persons as well as the unmarried, see Luck, *Divorce and Remarriage*, 181-85.

¹⁶²Instone-Brewer, *Divorce and Remarriage*, 207. It occurs in P.Oxy. XII.1473=GM201, a marriage contract that begins with a reference to a previous marriage that is a "discharged contract" (*συνγραφή ἐλύθη*). It is regularly employed to refer to release from a financial or social contract. Cf. James Moulton and George Milligan, *The Vocabulary of the Greek Testament: Illustrated from the Papyri and Other Non-literary Sources* (London: Hodder and Stoughton, 1930).

Heth and Wenham make note of Paul's word choice here and draw a distinction between *λύσιν* and his use of *χωρίζω* and *ἀφιέναι* earlier. They do not elaborate upon the difference of the words but use the distinction to support their contention that Paul is not speaking about divorce and remarriage. Heth and Wenham, *Jesus and Divorce*, 147.

35).¹⁶³ Paul's somewhat radical advice is not to "restrain" the Corinthians but to encourage their undivided attention to the Lord's service. "It is this concern about freedom for mission that motivates Paul's hesitation about the advisability of marriage."¹⁶⁴

Again, Paul's advice is for the believer to remain in their present state. His primary purpose in this section is not to address the divorce and remarriage question. His intent is to emphasize the importance of maximizing one's service to the Lord. Because of the uncertainty regarding Paul's exact meaning in these verses, it is unwise to draw a conclusion regarding the apostle's teachings on divorce and remarriage from this section alone.

1 Corinthians 7:39-40

This section is almost certainly directed to widows.¹⁶⁵ As Fee has argued, the obvious implication of this section is that a Christian widow is not bound by the levirate

¹⁶³Paul's advice in this section has been compared to that of the Stoics who believed that one should be free from distraction, which meant marriage was profitable for some but distracting for others. See David Balch, "1 Cor 7:32-35 and Stoic Debates about Marriage, Anxiety, and Distraction," *JBL* 102 (1983): 429-39. However, Paul differed from them in making Jesus Christ the only appropriate object of one's undivided attention.

¹⁶⁴Hays, *1 Corinthians*, 129.

¹⁶⁵Some have argued that it is for women whose betrothed partners have died. E.g., Stephen Clark, *Putting Asunder: Divorce and Remarriage in Biblical and Pastoral Perspective* (Bridgend, Wales: Brynterion, 1999). The only support for this view is the presumed structure of the chapter by those who hold this position. Paul addresses the married and unmarried (vv. 1-16), betrothed men (vv. 25-38), and then betrothed women (vv. 39-40). However, Paul is clear regarding to whom these final verses are directed: wives whose husbands die. Even if betrothed widows are included in Paul's words here, there is no doubt he is primarily addressing widows.

Others contend that Paul's words regarding death are equivalent to divorce. A divorced spouse is spiritually dead, thus remarriage is permitted. The Westminster Confession accentuates that the adulterer is to be viewed "as if he were dead."

marriage customs of the Old Testament.¹⁶⁶ Paul's words run so counter to Jewish interpretation and custom in that day that his teaching must reflect the Lord's influence (cf. 7:10). In essence, Paul protected the sanctity of the marriage covenant as intended to be lifelong, but if death occurs, a Christian widow could marry (or not marry) whomever she wished (in the Lord).¹⁶⁷

One interesting aspect of this section is that Paul quotes from a standard Jewish divorce certificate when he states, "You are free to marry any Jewish man you wish."¹⁶⁸ Paul alters the certificate slightly by requiring the widow to marry a man who is "in the Lord" instead of a "Jewish man." However, Paul cites the most important portion of the divorce certificate, which were the only words necessary for a legitimate certificate. Greco-Roman certificates were similar, but omitted any reference to a person's religion. Why would Paul cite a Jewish divorce certificate? Instone-Brewer suggests that the explanation can be found from a very similar passage from later rabbinic writings. When R. Ashi wanted to argue that levirate marriage was unwarranted, he used similar reasoning as Paul's.¹⁶⁹ Ashi attempted to show that a widow was free to marry whomever she wanted, even if she was childless when her first husband died. He reasoned that if

¹⁶⁶The Old Testament law stated that a Jewish woman whose husband died childless had to marry her brother-in-law until she bore a child. This practice was still followed in the first century, though it was becoming less common. Hillel was responsible for this trend in the first century B. C. E, as illustrated in *m. Yebam.* 13.1.

¹⁶⁷Instone-Brewer articulates why levirate marriage became an unnecessary suffering for the widow that was impossible after the Roman occupation and unnecessary for the Christian widow because she was outside the inheritance of Old Testament Israel. Instone-Brewer, *Divorce and Remarriage*, 208.

¹⁶⁸In the Mishnah at *m. Git.* 9.3 and in a certificate found at Masada, dated 72 C. E. See Pierre Benoit, Jozef T. Milik, and Roland de Vaux, *Discoveries in the Judaean Desert, II: Les grottes de Murabba'at* (Oxford: Clarendon, 1961), 19.

¹⁶⁹Instone-Brewer, *Divorce and Remarriage*, 208-09.

divorce gave a woman the freedom to marry whomever she desired, then obviously widowhood granted the same freedom.¹⁷⁰ Paul's reasoning is very similar.

If Instone-Brewer is correct, to conclude from these verses that Paul is saying the marriage covenant can only end with death is to miss Paul's primary point. For Paul it was more apparent that a divorcee could marry anyone she desired than it was for a widow. Yet if a divorce granted this freedom, then no doubt widowhood did too.

It should also be noted that Paul emphasizes the necessity of marrying "in the Lord." Paul's previous advice given to a believer married to an unbeliever was to remain married as long as the unbeliever is willing to remain in the covenant. Yet the apostle makes it clear to the unmarried and/or widowed that when considering a possible spouse, he/she must be a believer. Obviously this instruction eliminates the difficulties that arise when a believer is married to an unbeliever and it also accentuates the covenant relationship instigated and confirmed by God himself.

Once again, the apostle believes that remaining single is the better option, but the one whose spouse has died does have the freedom to remarry if he/she desires.

Conclusion

Based on Paul's words in 1 Corinthians 7, three basic conclusions can be drawn regarding divorce and remarriage. First, Paul permits Christians who are partners in a mixed marriage to be divorced if the unbeliever initiates it. Separated believers

¹⁷⁰Instone-Brewer makes note that if Ashi had provided the reasoning in full for his argument, he would have linked the divorcee and widow with an a fortiori statement, which is labeled *gezerah shavah* in rabbinic exegesis, that is, a statement like "if this major point is true, then this minor one is certainly true." Instone-Brewer, *Techniques and Assumptions*, 17-18.

In other words, if the divorcee is free from the obligations of the marriage contract when her original husband is still alive, then a widow is certainly free from the same obligations. Instone-Brewer, *Divorce and Remarriage*, 209.

married to another believer are to always seek reconciliation or remain unmarried.¹⁷¹ However, a believer who is abandoned by an unbeliever has grounds to accept a divorce. Second, a believer who has been abandoned by an unbeliever is not under bondage and is therefore free to remarry. Third, Paul's words regarding abandonment are based upon his own apostolic authority and based upon the Genesis 2:24 marriage paradigm and the emphasis of Jesus upon the lasting nature of the marriage covenant. Paul is building upon the foundation Jesus prescribed. For Paul, divorce is the exception and not the rule. He has a high regard for the marriage covenant and encourages both married and single persons to serve God in their present life status.

The marriage covenant entails God-ordained parameters. Essential to the covenant is the promise to leave one's parents and cleave to one's spouse. Abandonment violates this essential component of the marriage covenant and threatens the covenant itself.

Romans 7:1-4

While some have attempted to use these verses to support a particular view of divorce and remarriage,¹⁷² it should be stated upfront that this passage cannot settle this

¹⁷¹While Paul only allows for remarriage if a believer is abandoned by an unbeliever, one must not be dogmatic about the application of this truth. In these verses, Paul makes no distinction regarding the validity of a marriage between two believers and a mixed marriage. If a professing believer abandons another believer, one might argue for the validity of remarriage in these instances as well. My personal opinion is that a believer abandoned by another professed believer should remain unmarried as long as his/her former spouse is unmarried. This allows for the possibility of reconciliation and remarriage. However if the one who initiated the divorce gets remarried, that provides grounds for the abandoned spouse to remarry because there is no longer grounds for reconciliation. One must also take into account the role of church discipline in this instance. If a professing believer abandons his/her spouse (contrary to the New Testament grounds for leaving) and refuses to respond and repent, they are no longer considered a believer (Matt 18:17), and as a result the innocent partner is free to remarry.

¹⁷²E.g., Laney maintains that Paul's illustration in Romans 7:2-3 reflects Paul's view on the indissolubility of marriage and inappropriateness of divorce and remarriage as expounded in 1 Corinthians

issue.¹⁷³ Paul's intent is not to offer a particular view of divorce and remarriage in this passage. Instead, Paul employs a generalization regarding Jewish marriage for the sake of illustration. Proper hermeneutics inhibits doctrine from being based solely upon analogy or illustration. One must consider Paul's purpose in employing the marriage illustration when considering this text.

Paul uses the marriage analogy to illustrate that the law rules over a person as long as he or she lives (7:1). Verses 2-3 illustrate this truth by referring to the Jewish wife's responsibility to remain married to her husband as long as he lives. Only if he dies is she free from the marriage covenant and subsequently free to marry another man. Paul then concludes that believers die to the law through the death of Jesus Christ. Therefore, they have been set free from the law and are free to marry Christ and subsequently bear fruit (v. 4).¹⁷⁴

Paul employs the marriage covenant to illustrate for his readers how one must be free from another (in this case the law) in order to be joined to another (Christ). As has been demonstrated, Jewish law prohibited a woman from divorcing her husband (as long as he maintained the marital obligations). A woman was only completely free from the marriage covenant if her husband died. If he violated the terms of the marriage contract, she could seek a divorce but was largely dependent upon the compliance of the husband.

7. J. Carl Laney, "No Divorce & No Remarriage," in *Divorce and Remarriage: Four Christian Views*, ed. H. Wayne House (Downers Grove, IL: InterVarsity Press, 1990), 48.

¹⁷³See Luck's treatment of this passage. Luck, *Divorce and Remarriage*, 190-94.

¹⁷⁴See T. Schreiner, *Romans*, Baker Exegetical Commentary on the New Testament (Grand Rapids: Baker Books, 1998), 345. It is beyond the scope of this work to deal with all of the interpretive issues concerning this text. The primary point to be raised here is that Paul is not providing his comprehensive view of divorce and remarriage. He is simply illustrating a broader theological truth. For a detailed summary of the primary views of this text, see D. Moo, *The Epistle to the Romans*, NICNT (Grand Rapids: Eerdmans, 1996), 410-23.

In Greco-Roman culture, divorce was commonplace for both men and women. Yet polyandry was not a practice accommodated even in Roman society. The general rule was that a woman was to remain faithful to her husband as long as they both were married and alive.¹⁷⁵ Any sexual relation outside the bonds of marriage was considered adultery.

Paul does not focus upon all the details of marital laws. It is not his purpose. He simply wants to illustrate the point that one must be free from the law in order to belong to Christ. Verse 5 explains verse 4 in greater detail as Paul teaches the law in the unbeliever does not result in righteousness, but sinful passions are aroused by the law. And as a result, the death sentence is passed upon the unbeliever. In verse 6, the apostle presents a contrast (*vvvi δέ*) in which believers are now released from the power of the law and have died to its bondage. They no longer live under the dominion of the law but serve in the newness of the Spirit. The believer has died to the law and is joined to Christ.¹⁷⁶

Instone-Brewer summarizes Paul's intent:

¹⁷⁵Dunn suggests in Roman law a woman was not freed from the law of husband even upon his death because she was obligated to mourn his death and remain unmarried for twelve months. Otherwise, she would forfeit everything which he gave her. James D. G. Dunn, *Romans 1-8*, WBC 38 (Dallas: Word Books, 1988), 360. Cf. P. E. Corbett, *The Roman Law of Marriage* (Oxford: Clarendon, 1930), 249.

¹⁷⁶Again, it is not the focus of this work to deal with the complexities of these verses. Sanday and Headlam identify the wife as the true self, the husband as the old self, and the law as that which condemned the old self. The new marriage is union with Christ. W. Sanday and A. C. Headlam, *A Critical and Exegetical Commentary on the Epistle to the Romans*, ICC (Edinburgh: Clark, 1902), 172. Hafemann believes the husband is the flesh, and Longenecker identifies it with the old Adam. S. J. Hafemann, *Paul, Moses, and the History of Israel: The Letter/Spirit Contrast and the Argument from Scripture in 2 Corinthians 3*, Wissenschaftliche Untersuchungen zum Neuen Testament (Tübingen: Mohr, 1995), 177, and B. W. Longenecker, *Eschatology and the Covenant: A Comparison of 4 Ezra and Romans 1-11*, Journal for the Study of the New Testament Supplement Series 57 (Sheffield: JSOT Press, 1991), 232. Bruce recognizes the wife as a believer and the husband as the law. F. F. Bruce, *The Letter of Paul the Apostle to the Romans: And Introduction and Commentary*, 2nd ed, TNTC (Grand Rapids: Eerdmans, 1985), 137. Most scholars conclude that v. 4 is linked to v. 1 and that v. 4 draws an inference from vv. 1-3. See J. Murray, *The Epistle to the Romans*, NICNT (Grand Rapids: Eerdmans, 1959), 241-43; C. E. B. Cranfield, *A Critical and Exegetical Commentary on the Epistle to the Romans: Introduction and Commentary on Romans I-VIII*, ICC (Edinburgh: Clark, 1975), 335; E. Käsemann, *Commentary on Romans*, trans. and ed. G. W. Bromiley (Grand Rapids: Eerdmans, 1980), 187; and Dunn, *Romans*, 361. Schreiner agrees with Earnshaw who maintains that the majority position is likely but "questionable" as to

In Romans 7 Paul is demonstrating that we were servants of the Law before Christ rescued us. He begins with an illustration in which we are married to the Law but we want to be married to Christ instead. The only way we can be released from our marriage to the Law is if the Law divorces us (which he will not do) or if the Law breaks the marriage contract so that we can force a divorce. The Law is law-abiding by nature, so he is not likely to give us cause for a divorce, and our only hope is that the marriage will end by death, though of course the Law will not die. Paul says that Christ releases us by his death, which we share. Our marriage to the Law ends when we die in Christ and are raised with him, so we are alive and able to marry Christ, our beloved. Therefore, the whole passage is an illustration by which Paul describes how Christ has released us from the Law. This illustration is not meant to teach us about divorce or remarriage. It is meant to teach us about the way we have died to the Law and been raised to new life in Christ.¹⁷⁷

The fact that this passage and 1 Corinthians 7:39 both talk about death ending a marriage without any mention of divorce should not cause us to conclude that divorce for a valid reason does not also end a marriage. In both instances, the context provides satisfactory reasons for excluding any reference to divorce. Here Paul uses marriage as an illustration of a larger theological point. In 1 Corinthians 7:39, Paul speaks about remarriage after widowhood. Neither context demands that Paul address the divorce-remarriage question. It would be improper, based on the apostle's silence, to conclude Paul disallowed remarriage after divorce.¹⁷⁸

whether it applies strictly to this one aspect. Schreiner, *Romans*, 349, and J. D. Earnshaw, "Reconsidering Paul's Marriage Analogy in Romans 7.1-4," *NTS* 40 (1994): 68-88. The complexities involved in interpreting these verses affirm the difficulty in building a theological position on divorce and remarriage from Paul's analogy.

¹⁷⁷Instone-Brewer, *Divorce and Remarriage*, 210.

¹⁷⁸Instone-Brewer demonstrates how divorce could also be omitted in a carefully crafted Greco-Roman legal document without denying the right of divorce and remarriage. He cites a marriage certificate from 92 B. C. E. which states: "And it shall not be lawful for Philiscus to bring in any other wife but Apollonia, nor to keep a concubine or boy, nor to have children by another woman while Apollonia lives" (P.Tebt. I.104, lines 19-20 = GM92). One might conclude from this contract that the husband was not allowed to remarry during his wife's lifetime. Yet this would be completely contrary to what one finds in extant Greco-Roman marriage contracts, where either partner had the right to divorce and remarry. It would be implausible to deduce that the absence of a reference to divorce in this instance prohibited one from remarriage. This right was so accepted in Greco-Roman culture that there was no need to mention it. It was appropriate to state that a husband may not have a mistress or children by another woman. Adultery was an offense, but sexual relations with slaves were allowed. This particular contract makes clear that the wife would not tolerate such behavior. *Ibid.*, 210-11.

The right to remarry after a divorce was an indispensable part of the Jewish divorce certificate as well as Greco-Roman marriage and divorce laws. It would have been difficult for Paul to persuade the Romans (and Corinthians) that they no longer had the right to remarry after a valid divorce. And it seems farcical to presume he would expect his reader to conclude from his silence when discussing widowhood or illustrating a theological point that remarriage after divorce was unacceptable.¹⁷⁹

Conclusion

Paul spoke to several moral issues tied to marriage, divorce, and remarriage faced by believers living in the context of the Greco-Roman world and the nascent churches of that culture. He reminded them of the lifelong intent of the marriage covenant as defined in the words of Jesus and the Genesis 2:24 foundation. He emphasized the protection of marriage against divorce and the responsibility of believers to remain faithful to their covenant obligations. He encouraged believers to maintain their ethnic, social, and marital status and to serve God within their life situation.

There were occasions when the marriage covenant would be violated. Jesus addressed the “one flesh” aspect of the marriage covenant and now Paul alludes to the “leave” and “cleave” principles. If an unbeliever abandoned a believer, the believer was no longer bound to the marriage covenant because the Genesis 2:24 parameter had been violated. When an unbeliever forsakes a believer, the covenant is breached.

The apostle’s lack of clear teaching regarding the permissibility of remarriage following a divorce is not surprising considering his context. He implies the right to remarry in 1 Corinthians 7:15 and perhaps in verses 27 and 39. While the modern

¹⁷⁹Ibid., 212.

interpreter struggles with the meaning of “not bound” in verse 15, a first-century reader would have assumed Paul meant the right to “remarry.” It was an established right and custom in Paul’s era.

Paul exalts marriage. He promotes fidelity, reconciliation, forgiveness, and the marriage covenant ideal taught by Jesus Christ. At the same time, he acknowledges that there are exceptions to the ideal. The marriage covenant includes central obligations, and when one of those tenets is violated, the covenant itself is threatened. While a believer should never cause a divorce either by separating from his or her marriage partner or by neglecting the covenant obligations, if a marriage ends despite these efforts, he or she is entitled to a valid divorce and is free to remarry.

CHAPTER 6

CONCLUSION

As stated in the introduction, this work has sought to accomplish four primary goals: (1) offer a biblical theology of marriage based upon the biblical framework of covenant as defined in Genesis 2:24; (2) examine the relevant Old Testament texts on divorce and remarriage in light of the covenant framework; (3) consider the primary Synoptic and Pauline passages on divorce and remarriage, taking into consideration their context and the overall biblical paradigm of covenant; and (4) present a reasonable and biblical defense for the permissibility of divorce (and subsequent remarriage) based upon the violation of the Genesis 2:24 covenant paradigm. With these goals in mind, a brief overview is in order to demonstrate how these objectives were accomplished.

Overview

The introduction considers the urgency of this subject matter in light of the ever-rising divorce rate in both culture and in the church as well as the devastating long-range effects of divorce upon the family and society. It was proposed that a biblical perspective of divorce and remarriage is needed in order to address this issue and its many facets of interpretation. The church cannot remain silent on this issue. A brief overview was provided of the major interpretations regarding divorce and remarriage and the goals of this work were stated.

Chapter 2 offers a biblical theology of marriage based upon the Genesis 2:24 model and the biblical framework of covenant. Because of the predominant role covenant takes in the biblical witness for understanding human-to-human and God-to-human relationships, it makes natural sense that covenant serves as a primary framework for understanding creation's most fundamental human relationship: marriage. Furthermore, it has been demonstrated that the marriage relationship contains the same necessary components as the biblical concept of covenant.¹ Evidence was also provided that the marriage covenant can be rightly compared to God's relationship with His covenant people.² Marriage is to be defined principally within this covenant framework.

It was also argued in chapter two that Genesis 2:24 serves as the normative covenant paradigm for understanding biblical marriage as a whole (as evidenced by Jesus and Paul's reliance upon this text). From this verse, one discovers three essential components of the marriage covenant: a man and woman are to "leave" his/her parents; "cleave" to his/her spouse; and be united in a "one flesh" relationship.

From the biblical and theological evidence, the following working definition of a covenant marriage was proposed: covenant marriage is a willful commitment of one man and woman to one another in an exclusive relationship of moral fidelity that is intended to be permanent. It is to be patterned after God's relationship with His people in the Old Testament and Christ's relationship with His church in the New. The marriage

¹A covenant is a relationship of choice (elected). A covenant is confirmed and ratified by a vow of fidelity. A covenant presumes faithfulness between the consenting parties. And a covenant provides the involved parties a level of security and confidence. A covenant involves consenting parties, prescribed conditions, direct results of fidelity, and the security of faithfulness.

²The primary comparison points include the initiative of love that invites a response and establishes a relationship; the vows of authenticity that ratify the covenant; the conditions that maintain the

covenant involves leaving one's family and cleaving to one's mate. It creates a bondedness that is expressed in a new family unit that is recognized in public society and is consummated privately by sexual intimacy. It is recognized and affirmed by God as creation's most fundamental expression of covenant relationship.

Chapter 3 examines the crucial Old Testament texts that help shape this discussion. Founded on the Creation account of Genesis 1-2 (quoted specifically by Jesus in the Synoptics), it can be argued that marriage is composed of two people (male and female) who are joined together by God in a one-flesh relationship that has creative purposes: the creation of a new family unit and the procreation of children. The marriage covenant is intended to be lifelong and permanent, but as with any human-to-human relationship, there are necessary conditions to the covenant. A violation of these conditions threatens the covenant itself.

The sometimes perplexing Deuteronomy 24:1-4 (also quoted in the Synoptic tradition) is best understood as a descriptive passage legislating what was already occurring within the Jewish cultural context. This legislative passage does not deal specifically with the legitimacy or illegitimacy of divorce and remarriage but regulates an already existing practice. Likewise Malachi 2:10-16 does not represent God's attitude toward all divorce, but it expresses God's displeasure with those who break the marriage covenant for invalid reasons.

Other Old Testament passages also point to marriage as a covenant and indicate that God's relationship with Israel is best understood in marital terms. God takes marriage seriously as well as its covenant demands. For that reason, marriage in the

covenant; the promise of blessing to those who are faithful to the covenant; and the sacrifice required to preserve the covenant relationship.

scriptures is often defined in indissoluble terms. God disparages divorce. It is outside of his original design. Yet he has made allowances for those occasions when covenant parties are unfaithful to their covenant obligations.

Chapter 4 turns to the teachings of Jesus on divorce and remarriage. The culture in which Jesus spoke concerning this issue was one where divorce was based primarily upon the grounds of sexual unfaithfulness, infertility, or material and emotional neglect.³ The two rabbinic schools of that day differed on what constituted legitimate grounds for divorce. The Hillelites allowed groundless divorces by freely interpreting Deuteronomy 24:1 as “any matter.” The Shammaites taught that “any matter” divorces were invalid and sought to restrict divorce to the obligations of Deuteronomy 24:1-4 and possibly Exodus 21:10-11. Remarriage following a divorce was accepted and almost expected aside from cases where the divorce was considered “invalid.” In those instances, remarriage was considered adultery. In this cultural context Jesus was questioned by the religious leaders regarding divorce and remarriage.

Based on Jesus’ words in the Synoptics, this work reached five conclusions:

(1) God’s ideal standard for marriage is a monogamous, lifelong covenant relationship; therefore, divorce violates God’s original intent. (2) Jesus taught that divorce is allowed (but not required) in cases where the covenant is violated. Specifically, Jesus addressed

³These grounds are defended by Instone-Brewer, who argues that there are four grounds for divorce affirmed in the New Testament: adultery, desertion, emotional neglect and material neglect. As demonstrated in chapter 4, these latter two grounds stem from Exod 21:10-11, which states that a husband must give a wife food, clothing, and love. These instructions became the basis for the vows in Jewish marriage contracts. They are alluded to by Paul in 1 Cor 7:3-5, 32-34 and Eph 5:28-29. David Instone-Brewer, *Divorce and Remarriage in the Bible: The Social and Literary Context* (Grand Rapids: Eerdmans, 2002), 275.

While Instone-Brewer’s arguments are convincing and well-grounded in first century historical context, I do not fully embrace his arguments for the other two grounds (emotional and material neglect). I

cases of *πορνεία* which violate the “one-flesh” aspect of the covenant. (3) Jesus allows for divorce in cases of *πορνεία* where the guilty refuses to repent and turn from his/her sin. Jesus emphasizes the permanence of marriage and radical forgiveness, but in cases of obstinate unrepentance for sexual sins, divorce is permitted. (4) Divorce for “any matter” is invalid and therefore remarriage after an invalid divorce is considered adulterous. (5) Jesus teaches that *πορνεία* is the supreme violation of the one-flesh marriage covenant and strikes at the heart of the covenant itself. Cases of *πορνεία* violate the covenant in such a way that the covenant itself is threatened, and if a valid divorce occurs as a result of the damage, remarriage is allowed for the divorced party. Jesus addresses one primary aspect of the Genesis 2:24 paradigm: one flesh. To violate this parameter is to violate the covenant terms. Jesus advances God’s intent for lifelong marriage, but He does allow for one exception: *πορνεία*.

Chapter 5 addresses the teachings of the apostle Paul, particularly 1 Corinthians 7 where Paul deals specifically with questions regarding marriage, divorce, and remarriage. Paul writes his letter to a church living in an ascetically-charged, immoral culture that allows for quick and easy divorces. Some in the Corinthian church responded to these tendencies by either completely abstaining from sexual intimacy with their spouses or divorcing their unbelieving spouses. Paul confronts these erroneous beliefs and practices in his correspondence with the Corinthians.

Based on Paul’s words in 1 Corinthians 7, this work concluded that Paul, like Jesus, emphasizes the permanent ideal of marriage. Yet he also provides an exception: Christian partners in a mixed marriage can allow divorce to occur if the unbeliever

do believe that these two issues are linked to the leave and cleave principles of the marriage covenant, but I do not believe they are as clear in the teachings of Paul as Instone-Brewer proposes.

initiates it. A believer separated from another believer is to seek reconciliation or remain unmarried, but believers who are abandoned and divorced by an unbeliever are free to remarry. Paul's words regarding divorce and remarriage are based upon his own apostolic authority and the Genesis 2:24 paradigm. Paul builds upon the foundation that Christ previously laid and addresses the other Genesis 2:24 parameters of leave and cleave. As evidenced by the apostle's plea for believers to remain in their present status, divorce is the exception for Paul and not the rule.

Conclusion

Based upon the previous chapters, some basic conclusions can be drawn from this study. One, lifetime, monogamous, covenant marriage is God's ideal. Without exception, the Scriptures repeatedly affirm the marriage ideal. Divorce is only an issue because of the obstinate sinfulness of humans. It is outside of God's design and brings devastating and long-term consequences.

Two, marriage should be understood first and foremost as a covenant. Understanding marriage in terms of a covenant is the driving force behind this work. As a covenant, marriage has specific demands. Based on Genesis 2:24, we discover that those demands include the instructions to leave one's parents, cleave to one's spouse, and be united in a one-flesh relationship.

Three, the New Testament allows, but does not demand, divorce in cases where the covenant conditions of a marriage have been violated. Jesus addresses the "one-flesh" aspect of the marriage covenant and permits divorce in cases of *πορνεία*. Paul speaks to the "leave" and "cleave" aspects of the marriage covenant and permits divorce in cases where a believing spouse is abandoned by an unbeliever.

Four, in cases of valid divorce, freedom to remarry is granted. There is no strong contextual or historical evidence to suggest otherwise. As a matter of fact, Paul employs “freedom” language to indicate that remarriage is permissible. In a culture where remarriage would be assumed, the silence of the biblical authors would indicate they allowed for remarriage.

Pastoral Implications

With these conclusions in mind, this work will end by addressing some of the primary implications of these teachings for the life of the local church. As stated in the beginning of the work, divorce and remarriage are vital topics in the life of the church. It is crucial that what is learned through exegetical and theological study is applied within the local church setting. Below are some important pastoral implications and questions that must be considered.

First, marriage itself and the permanent intent of marriage must be celebrated and advanced in the church. Marriage is a God-given gift. It is intended to complete and fulfill an individual; therefore, marriage should be celebrated and promoted. As the writer of Hebrews proclaims,

Let marriage be held in honor among all, and let the marriage bed be undefiled; for fornicators and adulterers God will judge. (Heb 13:4)

God’s ideal should be the standard for the believer. For that reason alone, monogamous, lifelong, covenant marriage should be held in high regard. When a Christian couple is preparing for marriage, the indissoluble intent of the marriage covenant must be emphasized and taught. And as Hebrews 13:4 indicates, couples should be made aware of the divine consequences of violating the marriage covenant.

Second, the covenantal nature of marriage should be celebrated and taught in the life of the local church. Defining marriage in terms of covenant is a starting point for helping abate the divorce crisis in the average church. Couples should be made aware of the Genesis 2:24 vows of marriage. Pre-marital counseling should be required for all couples planning to get married, and the counseling should help elucidate clearly what constitutes a covenant marriage. When couples begin to understand and apply the biblical prescription for a healthy marriage, marriages will be strengthened and divorce will become a last resort. The solution for solving the divorce epidemic begins before the actual marriage takes place. It begins with preventive measures that teach God's ideal and emphasize the covenantal nature of this most sacred of human relationships.

Third, the divorce and remarriage teachings of the Bible must be understood within their historical and cultural context. I agree with Instone-Brewer in that these passages must be interpreted following three basic hermeneutical principles:

- (1) Scripture should be read through the filters of the language and culture to which it was first addressed.
- (2) The morals and laws of Scripture should be compared with those of the cultures for which Scripture was written.
- (3) The primary meaning of Scripture is the plain sense, as it would be understood by an ordinary person in the culture for which it was written.⁴

These principles are especially important when considering a subject such as divorce and remarriage. Each passage was written to a particular people living within a particular culture and life situation. To try and interpret each passage equally outside of its historical context is a mistake. The Mosaic legislation is addressed to a nomadic people influenced by the surrounding ancient Near Eastern cultures, where it was virtually impossible for women to divorce and remarry. The prophets speak to a people who had

⁴Instone-Brewer, *Divorce and Remarriage*, 294-96.

committed spiritual idolatry with the deities of the pagans around them, and as a result of their unfaithfulness, God spoke of spiritual divorce and the need for restoration. The Synoptics summarize the arguments given by Jesus within the context of the rabbinic debates of his day. Paul's letter to the Corinthians confronts the ascetic tendencies of Greco-Roman society that would have ended marriages or hindered the conjugal rights of husbands and wives.

In each of these cases, it is important to understand the historical context in order to grasp the full picture behind the biblical principle. In some cases, one runs the risk of completely misinterpreting the text if he or she does not understand at least a portion of its historical background. This is not to suggest that the foundational biblical principles of these texts cannot be understood at a basic level. One can read these passages outside of their historical contexts and understand that God takes marriage seriously and that marriage is intended to be permanent. One can also gather from reading these texts at face value that there seem to be some exceptions to the general rule. These basic biblical principles can be grasped without intensive historical and exegetical study. However, to understand fully the life situation of each passage, to understand why the principles were given, and to whom they were written, one must study the historical context of the relevant passages. For that reason, exegetical and historical study is a must for comprehending the whole picture and seeking to construct a biblically, historically, and contextually informed position.

Whether one can create a systematic theology on divorce and remarriage is debatable. As Instone-Brewer argues, "It seems unlikely that we will be able to produce systematic teaching on divorce simply from the scriptural passages. Even if we assume

that the Holy Spirit preserved exactly those texts that would, through careful interpretation, yield every detail that we need, it is still unlikely that we will come to a simple consensus about how to reconstruct those clues.”⁵ I agree with Instone-Brewer’s basic conclusion that the best we can do is to establish a set of general biblical principles regarding divorce and remarriage. And what we learn from the biblical data is that God emphasizes the permanence of marriage and allows divorce on those grounds that violate the Genesis 2:24 paradigm of marriage.

Fourth, the church must attempt to answer the question, “what is the main message of the Bible regarding divorce?” I believe the Bible teaches divorce should be avoided if at all possible and is restricted to biblical grounds.⁶ Jesus and Paul emphasized that believers should seek to keep the marriage intact even if that requires personal sacrifice. Even in cases of infidelity and unfaithfulness, the Christian is to seek to forgive. Divorce is permitted, but only if the one who commits adultery remains hard-hearted (i.e., refuses to repent and turn from their sinful actions). Paul encouraged the Corinthian believers to remain married even if their spouse is not a believer. Paul encouraged reconciliation and even commanded believers who had separated from other believers to seek reconciliation or remain unmarried.

The New Testament does not emphasize the permissibility of divorce. It merely implies that divorce is sometimes allowed when the covenant of marriage has been violated. On the other hand, the New Testament does stress that the marriage vows

⁵Ibid., 296.

⁶This position stands in contrast to the sacramental stance of the Roman Catholic Church, which allows for separation in cases of adultery or desertion by an unbeliever, but prohibits divorce. Of course the Roman Catholic Church has its own struggles with this position by allowing the rather flexible “annulment” of marriages.

are to be kept by the believer and the believer should attempt to forgive the spouse who violates those vows. However, if someone breaks the vows and refuses to repent and turn from his/her sin, divorce is allowed.⁷ But it should be made clear that the overall emphasis of the New Testament calls believers to a high view of marriage.

Fifth, we must seek to understand the biblical grounds for divorce. As we have observed, there are a variety of answers to the question “what are the biblical grounds for divorce?” The traditional view states that there are two grounds: adultery and desertion by a nonbeliever. The actual meaning of these two grounds is debatable and will be discussed further below.⁸

Other scholars maintain that Jesus and Paul offered no grounds for divorce. Three approaches reach this similar conclusion. The first implies that the early church added grounds for divorce for pragmatic reasons.⁹ A second approach maintains that the

⁷If the guilty spouse does repent, the innocent party should exercise forgiveness. If a spouse perpetually violates the vows, there is apparently no indication of sincere repentance.

⁸Erasmus does seem to be one of the first to speak directly about these two grounds. It can be argued that the earlier Church Fathers simply ignored the grounds of desertion as irrelevant. They generally allowed remarriage only following the death of a spouse, so “divorce” simply meant separation for them. Thus, Paul’s exception had no affect upon their view. Erasmus allowed remarriage after divorce and before the spouse had died. His view became popular and is followed by the majority of evangelical scholars. John Murray helped articulate this view in modern times. John Murray, *Divorce* (Philadelphia: Presbyterian and Reformed Publishing Co., 1961).

⁹R. H. Charles, *The Teaching of the New Testament on Divorce* (London: Williams & Norgate, 1921). Charles sought to harmonize Matthew, Mark, and Paul by examining the situation of the time. Charles argues that the death penalty for adultery may have been in use in Jesus’ time but was eliminated soon afterwards. He suggests that Mark recorded Jesus accurately, and that Jesus made no exceptions for adultery. Matthew however was written after Mark and added the exception clause because there was no longer a danger of the death penalty. Matthew reflects the spirit of Jesus. Paul agreed with Matthew and allowed divorce also when the one-flesh relationship is violated (1 Cor 6:16).

Charles’s interpretation is flawed by a misunderstanding of the Jewish background and a lack of evidence that the death penalty was eliminated post-Mark, pre-Matthew, and before Paul. It is more likely that the Jews lost the power to execute criminals when Judea fell under Roman rule. See Lester L. Grabbe, *Judaism from Cyrus to Hadrian* (Minneapolis: Fortress, 1992), 2:392-95.

exceptions allow for divorces that were mandated in New Testament times.¹⁰ The third position redefines *πορνεία* so that Jesus' exception was not really an exception.¹¹ Each of these positions were dealt with earlier in the work and were found deficient for various reasons.

By widening the meanings of the two traditional exceptions, other scholars contend that there are multiple grounds in the Bible for divorce. Luck attempts to apply the legislative principles of divorce and remarriage in the Old Testament laws to the church,¹² and Rushdoony seeks to reinstate the whole Old Testament legislation into the modern Church.¹³ Both of these views have a flawed view of the relationship between the Old and New Testaments.¹⁴

Still other scholars contend that the grounds for divorce vary with each society and culture. The moral laws in the Bible alter from one period to the next and one should not limit the exceptions of Jesus and Paul's era to today. For example, Oppenheimer argues that Jesus moved away from legalism and we should not seek to establish a new

¹⁰E. Lövestam, "Divorce and Remarriage in the New Testament," in *The Jewish Law Annual*, ed. B. S. Jackson (Leiden: Brill, 1981), 4:47-65; M. Bockmuehl, "Matthew 5.32; 19.9 in the Light of Pre-Rabbinic Halakhah," *NTS* 35 (1989): 291-95; W. Heth and G. Wenham, *Jesus and Divorce: The Problem with the Evangelical Consensus* (Nashville: Thomas Nelson, 1984); and Andrew Cornes, *Divorce and Remarriage: Biblical Principles and Pastoral Practice* (London: Hodder & Soughton, 1993).

¹¹Bonsirven interprets *πορνεία* to mean illegitimate marriages. Joseph Bonsirven, *Le divorce dans le Nouveau Testament* (Paris: Société de S. Jean L'Évangéliste, Desclée et Die, 1948). Isaksson argues that *πορνεία* refers to premarital sex. A. Isaksson, *Marriage and Ministry in the New Temple: A Study with Special Reference to M.19.3-12 and I. Cor. 11.3-16*, trans. Neil Tomkinson and Jean Gray, *Acta Seminarii Neotestamentici Upsaliensis* 24 (Lund: Gleerup, 1965).

¹²William F. Luck, *Divorce and Remarriage: Recovering the Biblical View* (San Francisco: Harper and Row, 1987).

¹³R. J. Rushdoony, *The Institutes of Biblical Law* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1973).

¹⁴It is beyond the scope of this paper to address the relationship between the Old and New Testaments. It is sufficient at this point to suggest that the Old Testament moral laws affirmed in the New Testament are those considered binding upon the church.

set of legalistic legislation based on the limited words of Jesus on divorce found in the Synoptics.¹⁵ Christians are to be ruled by principles of love and justice and the ideals of lifelong marriage and forgiveness. Blomberg points out that the New Testament itself varies in its teaching on divorce. Jesus talks of a single exception, yet Paul offers a second exception. Both exceptions were mandated by the different social settings Jesus and Paul addressed. Blomberg argues that Paul, under the guidance of the Holy Spirit, would not have felt free to introduce a second exception unless he recognized Jesus' decree was not absolute.¹⁶ In a similar fashion, Keener accentuates the different social contexts of Jesus and Paul. He treats Paul's statements on desertion as equivalent to common divorce in the Greco-Roman culture and the loss of the dowry in Judaism.¹⁷

The difficulty with this view is whether we are free to change biblical morals from culture to culture and age to age. While there are obvious times the New Testament is dealing with cultural issues where only the principle behind the issue is relevant (such as the rules for covering one's head in 1 Cor 11:10-15), there are still unchanging moral principles behind these cultural applications. When one begins to broaden the application of the principle regarding an issue such as divorce and remarriage, he or she runs the risk of violating the intent of the principle. There is also the danger of widening the application to the point that the principle itself is broken.

Instone-Brewer suggests there are four grounds for divorce affirmed in the New Testament: the traditional grounds of adultery and desertion by an unbeliever, and

¹⁵L. H. Oppenheimer, "Divorce and Christian Teaching," *Theology* 60 (1957): 311-19.

¹⁶Craig Blomberg, "Marriage, Divorce, Remarriage, and Celibacy: An Exegesis of Matthew 19.3-12," *TJ* (1990): 161-96.

¹⁷Craig S. Keener, *And Marries Another: Divorce and Remarriage in the Teaching of the New Testament* (Peabody, MA: Hendrickson, 1991).

two other Old Testament grounds alluded to by Paul and Church tradition: emotional and material neglect. These last two grounds are derived from Exodus 21:10-11, which states that a husband must give a wife food, clothing, and love.¹⁸ The difficulty with this view is a lack of strong New Testament evidence and a lack of clarity as to what constitutes material and emotional neglect.

So what are the biblical grounds for divorce? To answer that question, I believe that one must return to the biblical exceptions provided by Jesus and Paul and based upon the Genesis 2:24 paradigm. If Jesus and Paul are emphasizing the covenantal nature of marriage and the conditions prescribed therein, then we must allow for some flexibility in understanding how one might violate the basic principles of leave, cleave and one-flesh. Obviously the one-flesh principle is violated through *πορνεία* and the leave and cleave principle is violated when an unbeliever deserts his/her believing spouse. But what about other situations such as physical abuse or neglect? Does the Genesis 2:24 paradigm include these matters? I would concur with those who maintain that the biblical principles of love and justice must be taken into consideration in these circumstances. It appears to me that abuse is an obvious violation of the Genesis 2:24 mandate to “cleave” to one’s spouse. Abuse violates that core covenant principle. Again, what must be emphasized and maintained are the prescribed covenant vows. That being the case, it is difficult to restrict dogmatically the exceptions to merely cases of adultery and desertion by an unbeliever. These two violations desecrate the foundational principles of marriage, but we must not be quick to suggest that they are the only two actions that violate the covenant. Other life situations may arise that violate the nature of the marriage covenant

¹⁸Instone-Brewer, *Divorce and Remarriage*, 275.

to the point that the covenant itself is destroyed. At the same time, it must be emphasized that the only two grounds clearly defined in the New Testament are *πορνεία* and abandonment by an unbeliever. Yet we must also take into consideration the biblical principles behind the specific application in Jesus and Paul's instruction.

I would concur with Instone-Brewer that emotional and material neglect seem to be other grounds given in the Old Testament and at least alluded to in the New Testament, but I would differ slightly from his position by suggesting that emotional and material neglect must be understood and interpreted in the context of the Genesis 2:24 paradigm. What is essential is that a man and woman leave their parents, cleave to one another, and be united as one flesh. When these principles are perpetually and willfully violated, there are legitimate grounds for a divorce.

When one considers Paul's instructions in Ephesians 5:22-33 and his citation of the Genesis 2:24 paradigm (Eph 5:31), a case can be made that loving one's spouse is a part of the covenant conditions. In other words, a husband's self-sacrificing, Christ-like love for his spouse is evidence that he is leaving, cleaving, and united in a one-flesh relationship. A proper love for one's spouse as evidenced by his/her actions (cf. 1 Cor 13) is an indication that the vows are being upheld. Again we must examine the overall biblical picture regarding marriage, and we discover that the Genesis 2:24 principles regulate how the covenant is fulfilled. If these principles are broken, the covenant itself is threatened.

In relation to this position, what about Paul's instructions for a believer separated from another believer to remain unmarried or be reconciled? Based upon this study, I believe that a believer separated from another believer should remain unmarried

as long as reconciliation is a possibility. Paul's words seem plain on this matter. Yet if one of the separated spouses remarries, I believe the other spouse is then free to remarry.¹⁹ Reconciliation is no longer a possibility; therefore, the spouse is outside of the covenant parameters. While I cannot be dogmatic on this position, it seems to make sense in light of the covenant paradigm for marriage and the tone of Paul's instructions in 1 Corinthians 7. If there comes a time when reconciliation is no longer possible, remarriage is a valid option.

When two believers separate, Jesus' instructions in Matthew 18:15-17 must be taken into account. If the church follows the biblical prescription for reconciliation and/or church discipline defined in these verses, divorce is not an option for believers. However, Jesus also makes it clear in Matthew 18:17 that if one party refuses to listen and repent, then he or she is to be treated as an unbeliever. This teaching would seem to relate to the willful, obstinate refusal to repent discussed previously. Again the ideal for a believer who has been abandoned by another believer is reconciliation or remain unmarried. Yet if one party stubbornly and continually refuses to repent when confronted biblically, he/she is to be treated as an unbeliever.

Remarriage is a difficult issue for the church to address. The New Testament does not deal specifically with this topic. When a divorcee comes to be remarried, should the minister inquire regarding his/her previous marriage? I personally have chosen to question the divorcee regarding his/her previous marriage. The reason I have chosen to do this is to help those preparing for a new marriage to understand the covenant nature of

¹⁹In my opinion, if one of the separated spouse divorces his/her original spouse and marries another without proper biblical grounds, he or she is committing adultery. Yet the innocent party is free to remarry without committing adultery because reconciliation is not possible.

marriage itself. While it is impossible to know all the rights and wrongs of previous marriages, it is wise for a minister to inquire regarding the life patterns of one who professes to be a believer in Jesus Christ. If remarriage without proper grounds constitutes adultery, a pastor should avoid being a part of these situations. Every remarriage is different, so it is wise for a pastor to address these situations case by case.

Another question that often arises in this discussion concerns divorces that occur prior to salvation. Does one's spiritual status have any bearing on his/her right to divorce or remarry? It is clear from Paul's teachings that believers who are married to unbelievers should remain married as long as the unbeliever is willing. But what about a case where an unbeliever is involved in an invalid divorce and later becomes a believer? Again, I believe we must abide by the covenant concepts of marriage. We must encourage persons to maintain the biblical principles of leave, cleave, and one-flesh. If reconciliation is still a possibility and the covenant itself has not been violated, I believe the Christian should seek forgiveness and reconciliation. However if reconciliation is not an option, remarriage to a believer is allowable.²⁰ It is important to remember adultery is a sin, but it is a forgivable sin. Just as I would not prohibit a repentant murderer from becoming a part of the church, I would not discourage a repentant adulterer from remarrying if reconciliation is no longer an option.

A final difficult issue concerns whether a divorced church leader should remain in or assume a position of leadership in the church. Paul clearly indicates that

²⁰This question becomes complicated when different life situations are considered. If two unbelievers divorce on invalid grounds and one partner then becomes a Christian, should he/she seek reconciliation with an unbeliever? Paul's words are for a believer to remain married to an unbeliever, yet if a believer, based on a valid divorce, seeks remarriage, he/she should only marry a believer. Obviously these situations bring complication to the issue.

elders and deacons must be trustworthy and able to care for their own household (1 Tim 3:1-10). Does divorce disqualify a person from church leadership? Personally, I believe each case must be considered individually. It is possible that a minister can be completely innocent in a divorce. The sin of divorce occurs in the breach of the covenant, not in the divorce itself per se. That being the case, a minister may be divorced by his wife and be completely innocent (although a one-sided divorce is rare). Ultimately the decision whether to hire or dismiss a divorced minister is the decision of the local church. In my personal opinion, a pastor who experiences a divorce while in leadership would be wise to step down from that position while he seeks reconciliation and healing. While there is no direct biblical prohibition against divorce or remarriage for church leaders,²¹ there is the biblical principle of trustworthiness and managing one's house that may temporarily or permanently disqualify one from leadership.

Obviously every life situation cannot be dealt with in this work, so what must be said in closing is that God values marriage. It was His first human ordinance, and the paradigm that He prescribed for Adam and Eve in Genesis 2:24 provides the basic framework for all marriages throughout time. At the same time, because we are sinful humans, divorce is a reality the church must confront biblically. And because the biblical passages on divorce and remarriage are limited and somewhat inexact, we must exercise grace and wisdom in our application of them. God's overall principle is clear: marriage is intended for one man and one woman for a lifetime, but the application of this principle into life situations is not always so clear. For that reason, may God give us the wisdom to

²¹I do not take the description of the church leader as "man of one woman" (1 Tim 3:2; 5:9) to prohibit remarriage. I believe it implies faithfulness to one's partner.

study this subject matter exegetically, historically, contextually, and theologically, and may He grant us the grace to advance His ideal for the marriage covenant.

For this reason a man shall leave his father and his mother, and shall cleave to his wife; they shall become one flesh. (Gen 2:24)

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EDUCATIONAL

Diploma, Liberty Christian Academy, Guin, AL, 1989
B.A., Southeastern College, Wendell, NC, 1993
M.Div., Southeastern Baptist Theological Seminary, 1996
Th.M., The Southern Baptist Theological Seminary, 1999

MINISTERIAL

Pastor, Brown's Baptist Church, Norlina, NC, 1994-1996
Pastor, Elk Creek Baptist Church, Taylorsville, KY, 1997-2001
Pastor, Calvary Baptist Church, Madison, IN, 2001-2004
Pastor, Grace Point Church, Las Vegas, NV, 2004-

ACADEMIC

Nanny Bruce New Testament Award Recipient, 1996
Who's Who among American Colleges and Universities, 1993/1996/1999
Garrett Fellow, Theology Department, 1995-2003