

**SESSION THIRTY-THREE SUPPLEMENT**

**A SUMMARY OF  
THE ISSUE OF DIVORCE AND REMARRIAGE**

*By J. Paul Tanner, ThM, PhD*

**INTRODUCTION**

Malachi 2:16 has a rather stinging rebuke for those who fail to take marriage seriously: "'For I hate divorce,' says the LORD, the God of Israel." Anyone who has ever attempted to understand the biblical teaching about divorce will readily admit that the issue is difficult to comprehend. At the same time, there has never been a generation in as much need of a clear-cut answer from God about divorce and remarriage. Divorce has snuffed the life of the American church, and the Christian community needs to once again look deeply into God's Word for guidance.

I do not presume to have the final answer, nor do I want to appear unduly dogmatic on this matter. I desire to be a man of compassion, and I well know that there are many who are in deep emotional pain because of a marriage gone bad. At the same time, I am constrained to be obedient to my Lord and honor His Word. Hopefully, this brief paper will serve to orient the reader to a biblical study of divorce. Needless to say, amidst the plethora of opinions written about divorce, one can easily find a proponent of what one wishes to hear. The question remains, however, as to whether or not one's position is really in keeping with Scripture.

In my earlier days, while a young developing seminary student, I had to write a research paper on divorce and remarriage. My basic conclusion was that divorce was "allowed" (but not commanded) in the case of fornication by one of the partners (primarily meaning that adultery had taken place). Furthermore, I concluded that remarriage was permissible in the case where fornication had occurred or when a believer had been deserted by an unbelieving partner. That satisfied me for a time, until one day I thought through the serious implications of Mt 19:10 regarding the reaction of "shock" that the disciples experienced to the teaching of Jesus on divorce. This observation caused me to reconsider the matter, and subsequently to come to a new position. Though I will culminate this paper by expressing my own personal conclusion, I hope that this paper will nevertheless serve as an orientation for anyone embarking upon this study. Have patience as you journey the road!

**THE BIBLICAL DATA**

The first thing one needs is to know is where to look for information about divorce in the Bible. The following biblical passages serve as our resources:

Primary Passages

Gen 2:18-25

Secondary Passages

Lev 18:1-18

Deut 24:1-5	Ezra 9–10
Malachi 2:10-16	1 Cor 5:1
Mt 5:27-32	1 Cor 7:39
Mt 19:1-12	1 Tim 3:2,12
Mk 10:1-12	Titus 1:6
Lk 16:18	
Rom 7:1-4	
1 Cor 7:10-16	

## SUGGESTED READING

Space does not permit a full bibliography, but I would like to acquaint you with at least a couple of books that I have found to be among the more helpful. Further bibliographical resources can be found in them (as well as the discussion of Mt 19 in D. A. Carson's commentary on "Matthew" in *The Expositor's Bible Commentary*, Vol. 8, ed. by Frank E. Gaebelin, Zondervan).

Representing a "strict" position:

Laney, J. Carl. *The Divorce Myth: A Biblical Examination of Divorce and Remarriage*. Minneapolis, Minnesota: Bethany House Publishers, 1981.

Heth, William A. and Gordon J. Wenham. *Jesus and Divorce: The Problem with the Evangelical Consensus*. Nashville: Thomas Nelson Pub., 1985.

For a dissenting position but with helpful discussion, see:

Feinberg, John S. and Paul D. Feinberg. *Ethics for a Brave New World*. Wheaton, IL: Crossway Books, 1993. [Two chapters are devoted to the issue of divorce & remarriage].

For a survey of differing positions, see:

Engle, Paul E., and Mark L. Strauss, eds. *Remarriage After Divorce in Today's Church: 3 Views*. Grand Rapids, MI: Zondervan, 2006.

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

## SOME OVERALL OBSERVATIONS

1. The question raised by the Pharisees (Mt 19:3) was given to test Jesus. Their question centered around the interpretation of the Mosaic Law ("is it lawful?") in which they hoped to see Him contradict the Law and/or to come in conflict with the current rabbinical opinions regarding divorce. One school of rabbis followed Shammai who taught a strict view that a wife should not be divorced except for unfaithfulness. That of Hillel, on the other hand, taught that a man could put his wife away for almost any senseless excuse. Carson remarks, "Perhaps, too, they hoped that

Jesus would say something that would entangle him in the Herod-Herodias affair so that he might meet the Baptist's fate" (Carson, 411).

2. Matthew's gospel mentions an "exception clause" (5:32; 19:9), while Luke and Mark make no mention of an exception clause (Mk 10:11; Lk 16:18).
3. The apostle Paul, claiming to be reiterating the teaching of Jesus (1 Cor 7:10-11), makes no allowance for an exception clause. If there was a "legitimate" exception to the divorce prohibition, it seems rather strange that Paul did not say so.
4. Both Romans 7:2-3 and 1 Cor 7:39 straightforwardly assert that marriage to another is permissible only when the death of one of the partners has occurred. Rom 7:3 states that the wife is an adulteress, if she joins herself to another man while her husband is living (not just while the two are married).
5. Deut 24:1-4, to which the Pharisees appealed for an excuse to divorce, in no way commends divorce, institutes divorce, or even suggests this as the proper course of action. This prohibition was aimed at protecting the wife who might be casually discarded by the husband and to prohibit a return to the first husband when a second marriage had intervened. The issue is defilement because of an intervening marriage, not the *legitimacy of divorce*.
6. If Jesus were simply allowing for divorce in the case of adultery (or some such sexual sin), then He would have been essentially agreeing with the school of Shammai, and it is doubtful that such a position would have caused the reaction of shock that it did with the disciples (Mt 19:10).
7. Though an "exception" to the divorce prohibition is mentioned in Matthew, this does not seem to be the *emphasis* of Scripture. Imagine that you were a Gentile receiving Luke's gospel or a Roman receiving Mark's gospel, or even a Corinthian receiving Paul's epistle—the issue would be very clear: NO DIVORCE!
8. Since Matthew's gospel is admittedly Jewish (i.e., the original recipients were those of the Jewish community), then it may be possible that the "exception clause" (which only Matthew records) has something to do with Jewish customs in particular.
9. Mark (writing to a Roman audience) mentions the case of a woman divorcing her husband (Mk 10:12), but Matthew (writing to a Jewish audience) does not, since women in Israel were not permitted to divorce their husbands by Jewish law (see Mt 19:9).

## A CLOSER LOOK AT THE "EXCEPTION CLAUSE"

### 1. Statement of the Problem

The unique contribution of Matthew's gospel is the exception clause of 5:32 and 19:9 which teaches that divorce and remarriage "except for fornication" (Greek = *porneia*) is tantamount to adultery. Most scholars admit that Jesus taught the permanence of marriage (Mt 19:6), but the *crux interpretum* is the determination of what He meant by "porneia" and exactly what kind of an exception He had in mind.

## 2. Various Views

### a. The exception pertains to adultery or unlawful sexual intercourse

According to this interpretation, Jesus is making an allowance for divorce in the case of a marriage where adultery or some similar grievous sexual sin has taken place. Proponents of this view correctly argue that *porneia* does have a broad range of meaning in reference to sexual offenses, including adultery. Those who understand *porneia* this way, however, do not all take the same view regarding remarriage. Some would say that both divorce and remarriage are permitted in the case of adultery; others would say that divorce is permitted but not remarriage (cf. Heth and Wenham who demonstrate that the latter case represents the position of the early church throughout the first five centuries).

Objections:

- (1) This view contradicts Mk 10:1-12 and Lk 16:18.
- (2) This view is in conflict with Mt 19:6 where Jesus had just made the point that there must be no separation.
- (3) This interpretation would be nothing more than the position held by those Pharisees who followed the teaching of Rabbi Shammai.
- (4) This view conflicts with 1 Cor 7:1-11 where Paul claimed to be giving the Lord's instructions (Paul makes no mention of an exception!).
- (5) Jesus uses the word *porneia* when making mention of an exceptional situation. If Jesus had in mind adultery, why did He not use the more specific term for adultery (Greek = *moicheia*)?

### b. The exception pertains to unfaithfulness during the betrothal period

Proponents of this view seek to relate the exception to a Jewish situation (in light of Matthew's gospel), and bring out the unique nature of Jewish marriage. In Jewish culture, the act of consummation of the marriage by sexual union was preceded by a lengthy betrothal period. This betrothal period was a formal arrangement requiring a divorce to terminate (cf. Mt 1:19 for the case of Joseph who considered "putting away" Mary after the discovery of her pregnancy). Hence, this view argues that the exception clause pertains to a unique Jewish situation in the case of "unfaithfulness" during the betrothal period. In such a case, the husband could call for a bill of divorce and subsequently remarry, since the marriage had never been consummated by sexual union.

Objections:

This view is possible, but Laney points out that it is unlikely on the basis that Jesus and the Pharisees were not discussing betrothal but marriage (note the references to Gen 2:24 and Deut 24:1-4). In other words, the context does seem to point to situations where the marriage had been consummated by sexual union.

- c. The exception clause pertains to unlawful marriage with Gentile idolaters

Proponents of this view suggest that Jesus was saying that a marriage contract could be annulled when a backslidden Jew married a Gentile. The purpose of the divorce would then be to preserve the Jewish people and their faith (see Ezra 9–10; Mal 2:11; Neh 13:23-31).

Objection:

Where this did occur historically, it was a unique instance. Paul specifically teaches that a believer is not to divorce an unbelieving partner (1 Cor 7:12-23).

- d. The exception clause pertains to the *prohibited relationships* of Leviticus 18 and Deut 7

According to this view, the exception clause is found in Matthew, because Jesus was thinking in accordance with the OT Law which prohibited a marital relationship with family members and near relatives (note that Lev 18:18 suggests that marriage may at times be involved). Also, intermarriage with non-Jews was not allowed according to Deut 7. This interpretation would then mean that divorce was appropriate for these forbidden relationships (because they were in violation of Jewish Law and illegitimate to begin with). For all other situations, divorce was not allowed.

Objection:

This interpretation depends on giving the term *porneia* a restricted meaning in the case of Mt 5:32 and 19:9, whereas the term often has a broader meaning.

Support:

- (1) Although it must be admitted that *porneia* does have a broader range of meaning in general, it is nevertheless true that it can have a more restricted meaning in a given context. *Porneia* does refer to "incest" or "incestuous marriage" in 1 Cor 5:1. This situation may even involve marriage, since the phrase "to have someone" is used in Mk 6:17-18 of marriage (it is used there of Herod's incestuous marriage to his brother's wife). John the Baptist had condemned Herod's marriage as being "unlawful."
- (2) There is an interesting use of *porneia* in Acts 15:20,29 involving the counsel to the Gentiles who had come to faith in Christ. The Gentiles are advised to avoid three specific sins, one of which is *porneia*. Why these three? If the apostles have Lev 17:10–19:4 in mind (as Laney contends in his book, p 73ff.), then the counsel to the Gentiles to avoid *porneia* was really a concern for the forbidden relationships of Lev 18:6-18—a matter which would have been particularly offensive to Jewish believers and thus a stumbling block to Jew-Gentile fellowship.
- (3) This view of *porneia* explains why the other NT authors, writing to non-Jewish audiences, did not include the "exception clause." Most notably, it explains why Paul did not refer to this when addressing the Corinthians, though he specifically claims to be passing on to them what the Lord Himself had taught in His earthly ministry (1 Cor 7:10-11).

## CONCLUSION

Although the fourth view above takes a restrictive interpretation of *porneia* (i.e., it assumes that *porneia* is being used in Mt 5:32 and 19:9 in a narrow way rather than in a broad sense of sexual sin), this view is preferable to the others, because it *best harmonizes* all the divorce passages and accounts for the limited reference to an "exception" in Matthew's gospel. Admittedly, the "exception clause" is not easy to account for, but the interpretation that best harmonizes all the data seems to point to an exception related to incestuous marriage as forbidden by the Old Testament and as illustrated by the marriage of Herod to his brother's wife. Hence, the evidence tends to favor the position that believers should never divorce, even in the situation where one's partner has committed adultery. When a lawful marriage has taken place (not violating Lev 18), divorce is not permitted nor is remarriage. To do so is to disobey God's will for marriage and even to enter into an adulterous relationship.

The practical implications of this conclusion cannot be dealt with here in so short a space, but I would like to direct the reader to Laney's book which has some helpful chapters in this regard. Though this position cuts across the grain of our contemporary culture (including the Christian community!), we have a responsibility to speak where God has spoken. This is true whether or not people want to hear. For those who want God's best for their life, we must remember that obedience to the revealed will of God is always the pathway to blessing. Disobedience, at least in the long run, is painful and destructive.