

What Jesus Really Said:

Putting Away the Mistranslations About Divorce

By Dan Knight

May 24, 2010

Part One - Review of the Basic Christian Positions

The question of divorce and remarriage can be called rightly an ecumenical concern. It has been studied and debated from different Christian positions by a huge variety of scholars, teachers, preachers, and lay leaders with an astonishingly divergent set of results. Some have concluded that the pertinent texts (of which there are very few) are so enmeshed in the culture of the first century that they are irrelevant to any modern discussion of the issue. Others have reached the conclusion that divorce for any reason is tantamount to entering into a perpetual¹ condition of adultery (whether the divorced person remarries or not), and that the divorced couple have sacrificed their eternal salvation by their decision to end their marriage. Most Christian leaders fall somewhere between those two extremes in their understanding.

A valuable presentation of the differences of opinion on this issue can be found in the book, *Divorce and Remarriage: Four Christian Views*, published by Inter-Varsity press. I share here a summary of those four basic, Christian views on divorce and remarriage, using the words of the authors themselves.²

The first author, J. Carl Laney, presents the case for “No Divorce and No Remarriage.” His conclusion contains these eight points:

On the basis of our survey of the major scriptural passages on marriage, divorce and remarriage, we can conclude the following:
(1) the original creative intention and desired will of God is that marriage be permanent until death;

¹ Carroll Osburn puts to rest any possible use of the present indicative in Matthew 19:9 to suggest that one enters into a status of “perpetual” adultery. *Restoration Quarterly*, Vol 24, # 4, 1981.

² Wayne House, the editor of *Divorce and Remarriage*, did an outstanding favor to the Christian Church in putting together these basic stances on the controversial issue. I heartily recommend the book to anyone who is concerned with the biblical basis and the viability of each position. At the conclusion of each section, the author also presents a hypothetical situation with recommendations for resolving the scenario. Likewise, following each author’s argument are responses from the other three writers.

- (2) neither God himself nor God through Moses commanded divorce;
- (3) the explanation the New Testament gives for allowing divorce in the Old Testament is the hardness of the people's hearts – hearts unsubmitted [sic] to the restraints of a high and holy God;
- (4) Paul asserts that the fundamental teachings of Jesus must be followed precisely, that the wife should not leave her husband and that the husband should not divorce his wife;
- (5) remarriage is permissible without sin for a widow or widower, if the marriage is to another believer;
- (6) remarriage following divorce, by either the husband or wife, constitutes an act of adultery;
- (7) marriage to a divorced person constitutes an act of adultery;
- (8) when a divorce does occur, the only two scriptural options for the divorced person are reconciliation or the single life.³

Laney obviously considers divorce itself a sin, for any cause, and logically enough feels that remarriage after divorce only compounds the sin that has taken (or is taking) place.⁴

The second view, "Divorce, But No Remarriage," was written by William Heth, and his conclusion based on his study of the scriptures is the following:

I am sometimes asked, "Where does God's grace enter the picture of your no-remarriage position? Do you expect divorcées to remain single the rest of their lives?" To which I reply, "Does God give grace to Christians to sin?" I cannot think of any instance in Scripture where God gives grace to do that which is contrary to his will. In fact, Paul expresses horror at the thought: "Shall we go on sinning so that grace may increase? By no means! We died to sin; how can we live in it any longer?" (Rom. 6:1-2 NIV). Thus if the Scriptures teach that marriage is only dissolved when one of the covenant kinship partners dies, then remarriage prior to the death of one of the partners involves the grave sin of adultery [sic]. So the question "Where does God's grace enter into your no-remarriage view?" is really framed on the assumption of a view of the marriage relationship other than the one I find portrayed throughout the Scriptures. God's grace is indeed magnified in my no-remarriage understanding of this subject because God's grace is abundantly bestowed on those disciples who desire to be faithful to their Lord's teachings, no matter how difficult they seem to be. In our

³ p. 48

⁴ This position also represents the traditional Roman Catholic position on the indissolubility of marriage.

weakness, God infuses us with the strength of his grace. The church, too, as an instrument of redemption, must be ready when necessary to financially support or help in any way possible the separated or divorced as they seek to honor Christ by obeying him.⁵

Heth comes to the conclusion that there are valid reasons for divorce, but finds no specific, biblical basis for allowing someone to remarry, not even if the partner committed adultery.⁶

Thomas R. Edgar presented “Divorce and Remarriage for Adultery or Desertion.” He starts his chapter by stating, “The opinion that the Bible allows divorce for adultery or desertion with the subsequent right to remarry is sometimes referred to as the standard Protestant view.”⁷ Edgar’s conclusion is presented in a straightforward manner, also.

The Bible specifically states that God intended for marriage to be maintained. Just as specifically, Jesus states that there is only one valid reason for which a person may properly divorce the other and subsequently marry someone else – adultery on the part of the spouse. This is clear and specific. There is no valid basis on which to reject this teaching. First Corinthians 7:15, since it does not specifically mention remarriage, is not as clear. However, the most probable meaning is that if the spouse initiates the separation, the deserted spouse may divorce and remarry.⁸

This view represents the most “open-minded” stance so far among the three presented.

Edgar would still argue that divorce for anything less than adultery or desertion does not allow either party to remarry and still be right with God. (A modified version of this view

⁵ p. 115.

⁶ Interestingly, William Heth has since changed his position. See *Remarriage and Divorce in Today's Church: 3 Views*, (Grand Rapids MI: Zondervan, 2006), p. 59.

⁷ P. 151. This “standard Protestant view” is the view that I have most often encountered in churches of Christ, and sums up, roughly, the position taught by A. Campbell in the *Millennial Harbinger*. For details of Campbell’s view, see “ ” by Stephen Wolfgang.

⁸ Pp. 191-192.

includes addiction problems and abuse as acceptable causes alongside adultery and abandonment.⁹⁾

The final chapter of *Divorce and Remarriage: Four Christian Views* is by Larry Richards, a prolific Christian writer on a variety of subjects, but perhaps less scholarly in his approach than the other three. (His chapter contained two endnotes; Williams Heth's chapter included 106!) Richards' chapter was titled, "Divorce and Remarriage Under a Variety of Circumstances." His conclusion consisted of six propositions (abridged below) for considering the issue:

Principles Guiding Divorce and Remarriage

1. God's goal in marriage is a lifelong union, within which two people love one another and enrich one another's lives. . . .
2. Because human beings are marred by sin, it will not always be possible for a marriage to achieve this ideal. . . .
3. Hard-heartedness may be displayed in a variety of ways, including mental and physical abuse, sexual abuse, repeated adulteries, and emotional and spiritual abandonment of the relationship, even when two persons live in the same home. In such ways, the marriage covenant may be abandoned by one or both parties, whether or not a legal divorce takes place.
4. It is the sole responsibility of the husband and/or wife to determine whether or not the marriage is really over and it is time to divorce. . . .
5. Persons who divorce for any reason do have the right to remarry. . . .
6. Persons who have divorced and are remarried have the right to be fully involved in the life of the local church, without prejudice. . . .¹⁰

Richards' position would undoubtedly make a lot of Christian leaders uncomfortable. It must be noted, however, that many churches officially and doctrinally connect with one the first three positions, but pragmatically they follow, deliberately or by default, the pattern outlined by Richards. The weakness in such an approach, of course, is that we are

⁹ David Instone-Brewer makes the most complete presentation of this view in *Divorce and Remarriage in the Bible: The Social and Literary Context*. Grand Rapids, MI: William B. Eerdmans Publishing Company, 2002.

¹⁰ Pp. 242-243.

in essence saying, “Even though we are aware of what the Bible teaches, we can’t seem to reconcile that teaching with a realistic approach to the human circumstance. Therefore, we will ‘wink’ at Scripture, and move on.” Can this be an acceptable approach?

The motivation for the present study comes from my conviction that we have got to deal with the text. If our dealing with the text is illogical or unreasonable then we need to look at the text again. Or if our approach to the text is unfaithful or heretical, then we need to approach the text another time. Thus, we turn to Part Two with the hope that what we present will have the ring of truth to those with an open heart and mind.

Part Two - The *Apoluo* Explanation

Hypothesis: Volumes have been written discussing the question of marriage and divorce (and remarriage). Anyone who declares that the scriptures are easily understood on this subject is unfamiliar with the literature. As we have seen, well-intentioned Christian writers have expressed a variety of opinions, usually concluding that there is one valid interpretation. I would like to offer here a different hypothesis addressing the meaning of one word, *apoluo*, as used in Matthew 19:3-9. (The primary meaning of the Greek word *apoluo* is *set free, release, pardon*; secondarily it can mean *let go, send away, dismiss*. Under this secondary meaning, Bauer, Arndt and Gingrich add the use of the word as *divorce*. Their extra-biblical textual examples are quite weak, however, for translating *apoluo* as divorce.¹¹) If the word means “divorce” (as it has been consistently translated

¹¹ Arndt, William F. and Gingrich, F. Wilbur, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature*, University of Chicago Press, 1952, p. 96. They cite 1 Esdras 9:36; Dt. 24:1ff; Dionys. Hal. 2,25, 7; Hm 4:1, 6; Diod. S. 12, 18,1; and Jos. Ant. 15:259. For a more complete review of these citations see the endnote at the end of this presentation.

into English since 1946¹²) then the text prohibits a Christian from divorcing and subsequently marrying someone else, unless the divorce was caused by marital infidelity. (This corresponds to the third opinion expressed above by Thomas Edgar). If the word, *apoluo*, means “separated (but still married),” then other conclusions can be drawn.¹³

The conclusion I propose¹⁴ is that *apoluo* means “send away” or “put away,” and that it refers to the practice of certain Jews in the first century who were sending their wives away without giving them a certificate of divorce. Let me affirm at this point that I believe that divorce ends a marriage, even before God. In fact, divorce by definition is the opposite of a wedding ceremony. The latter begins a marriage, and the former terminates it.

Clearly, divorce is the result of sin, and contrary to the will of God. However, divorce is not the subject of Matthew 19. Quite the opposite is the case. Jesus does not here condemn divorce; he upholds the teaching of Moses. What he condemns is the “sending away” (as in Malachi 2) without terminating one’s first marriage, and marrying another. We would call this bigamy, which technically is a form of adultery.

¹² Interestingly, the earliest English translation that I have found in which the word *apoluo* is represented by the word “divorce” is *The Living Oracles*. This is a New Testament published in 1826 by Alexander Campbell. Subsequently, the New Testament of *The Rotherham Version*, also known as *The Emphasised Version*, was published by Joseph Bryant Rotherham in 1872. The EV is very literal. In 1854 Rotherham became an evangelist for the Churches of Christ, having previously been a Methodist. The EV also translated the word *apoluo* as “divorce.” Another lesser known translation was published by Helen Barrett Montgomery in 1924 and was called *The Centenary Translation of the New Testament*. Also known as the *Montgomery New Testament*, this Baptist revision of the ASV of 1901 was published to mark the centenary of the American Baptist Publication Society. This revision changed the reading of the ASV in Matthew 19; “put away” became “divorced.”

¹³ According to Wenham and Heth, *Jesus and Divorce*, this translation of *apoluo* was the view of the early church, p. 52. Wenham confirms this in *Remarriage After Divorce: 3 Views*, p. 34.

¹⁴ One other conclusion, which I reject, is called the *non-dissolution approach*. This interpretation suggests that Jesus is saying a man cannot separate from his wife, the divorce notwithstanding, and therefore, no divorced person has a right to remarry. Because he is reacting to this interpretation, Guy Duty, in *Divorce and Remarriage*, highhandedly rejects the possibility that *apoluo* could mean separation in the context of Matthew 19.

The text: Here is the text¹⁵ under consideration in the American Standard Version (chosen for its consistent translation of *apoluo*¹⁶, which is underlined in the passage).

Matthew 19³And there came unto him Pharisees, trying him, and saying, Is it lawful *for a man to put away* his wife for every cause? ⁴And he answered and said, Have you not read, that he who made *them* from the beginning made them male and female, ⁵and said, For this cause shall a man leave his father and mother, and shall cleave to his wife; and the two shall become one flesh? ⁶So that they are no more two, but one flesh. What therefore God has joined together, let not man put asunder. ⁷They say unto him, Why then did Moses command to give a bill of divorcement, and to put her away? ⁸He said unto them, Moses for your hardness of heart suffered you to put away your wives: but from the beginning it has not been so. ⁹And I say unto you, Whosoever shall put away his wife, except for fornication, and shall marry another, commits adultery: and he that marries her when she is put away commits adultery.

In “unpacking” this text, my first point is that the purpose of the Pharisees was to trap Jesus with their question. The nature of the questions asked in this text was intended to pit the Roman legal system against traditional Jewish and Rabbinical teachings. (It is especially significant that at the beginning of the chapter, Jesus crosses the Jordan into the area ruled by Herod Antipas. This is the Herod who, because of his own egomaniacal nature and his consort’s constant prodding, ended John’s life. What was John’s crime? He remonstrated Herod for being “married” to his brother, Philip’s, wife. Herodias is never referred to as the one who *was* Philip’s wife and, in fact, she probably did not separate from him with a certificate of divorce.¹⁷)

¹⁵ For the sake of readability, I have altered the archaic verb endings, and archaic pronouns.

¹⁶ Perhaps it should be noted here that the word *apoluo* appears in the NT 69 times. Fifty-nine of those 69 times (86%) it is translated as dismiss, send away, release or other synonyms. The other ten times (in Matthew 5 & 19, Mark 10 and Luke 16) translators generally use the word divorce, with the notable exception of Matthew 19:7 where the Greek word for divorce actually appears and translations like the NIV use “send her away” for *apoluo*.

¹⁷ Instone-Brewer, p. 161; Josephus, *Antiquities of the Jews*, 18.110-112.

Verse 3 presents a very important element for understanding Jesus' statement. The Pharisees¹⁸ come with a trick question for this new teacher. Matthew's picture of the Pharisees is always negative. He mentions them by name about thirty times. They are introduced as snakes by John the Baptist (chapter 3), they are excoriated by Jesus (chapter 23), they are part of the plot to destroy him (chapter 12), and they are part of the plan to discredit the resurrection (chapter 27).

The emphasis in Matthew 19:3 confirms that the Pharisees often came to test him with questions, and that their aim was to discredit Jesus as a teacher. (Even the word Matthew uses to describe their nefarious scheme (*peirazo*) is the same word used to describe Satan's activity in Matthew 4.) This is seen in chapters 16 and 22, as well as here. As in the question about paying taxes to Caesar, they hope to ask a question with no "correct" answer. In fact, there is evidence that the question about paying taxes is very similar in its contextual situation to the question about putting away one's wife, because of the implications concerning the Roman overlords. If Jesus had said they could not pay taxes, he would have been in trouble with the Romans; if he had said they should pay taxes, he would have been in trouble with the conservative Jewish leaders, especially the zealot faction. Similarly, if he rejected the validity of simply putting away one's wife, without a

¹⁸ A sect that seems to have started after the Jewish exile. In addition to OT books the Pharisees recognized in oral tradition a standard of belief and life. They sought for distinction and praise by outward observance of external rites and by outward forms of piety, and such as ceremonial washings, fastings, prayers, and alms giving; and, comparatively negligent of genuine piety, they prided themselves on their fancied good works. They held strenuously to a belief in the existence of good and evil angels, and to the expectation of a Messiah; and they cherished the hope that the dead, after a preliminary experience either of reward or of penalty in Hades, would be recalled to life by him, and be requited each according to his individual deeds. In opposition to the usurped dominion of the Herods and the rule of the Romans, they stoutly upheld the theocracy and their country's cause, and possessed great influence with the common people. According to Josephus they numbered more than 6000. They were bitter enemies of Jesus and his cause; and were in turn severely rebuked by him for their avarice, ambition, hollow reliance on outward works, and affection of piety in order to gain popularity. (*Bible Works*)

divorce, he was challenging current Roman practice. On the other hand, affirming a man's right to send away his wife with no certificate of divorce would find Jesus opposing the Law of Moses.

My second point is this: The question that the Pharisees asked Jesus in verse three pertained to sending a wife away without a divorce certificate. It was not, as many assume, a question from the heated debate between the schools of Shammai and Hillel.

Schnackenberg supports this point: "The Pharisees' question, which presupposes a knowledge of Jesus' position on the matter, is broadened by the addition over against Mark of 'for any cause.' This is usually understood as a question as to whether one might adhere to the liberal interpretation of Rabbi Hillel (an 'offensive matter' could simply be displeasure with one's wife) or must follow the stricter direction of Shammai (only moral transgressions are to be settled through divorce). But why should this be a trap for Jesus?"¹⁹ Indeed, if Jesus took the side of the Pharisees (who allegedly followed Hillel) or of the Shammaiites (with whom the Sadducees seemed to identify), it would only put him in one Jewish camp or the other. Besides, as we'll see below, the real thrust of his statement is about remarriage after separation – not divorce – which was not a question for Hillel or Shammai.

The social (and political) context of the Pharisee's question in verse 3 has generated much research and more speculation. Instone-Brewer does a thorough job in discussing the context from a variety of viewpoints.²⁰ Most important to our discussion are the points where Instone-Brewer hints at the conclusion we have reached, but for some reason he

¹⁹ P. 183.

²⁰ Instone-Brewer, David. *Divorce and Remarriage in the Bible*. Grand Rapids, MI: Eerdmans, 2002.

does not deal at any place with a possible alternative translation for *apoluo*. Consider the following comments from Instone-Brewer. (I present five of his statements here as a representative example of what much evangelical scholarship has written on this subject. In brackets are my responses to his statements.)

The divorce certificate was therefore both a disincentive to divorce as well as a benefit to a divorced woman. Without the law of the certificate of divorce a man could simply dismiss his wife from the house and then change his mind on a future occasion. The certificate made this dismissal a more significant event and gave the woman legal rights.²¹

[Comment: For this reason the writing and giving of the divorce certificate was a crucial issue for the first century Jews. The Romans, rulers at the time over Judea, did not require a certificate of divorce. The word, *apoluo*, came to mean "divorce"²² for them, because all a man had to do to be divorced was send his wife away.]

The many changes in divorce law during the Intertestamental period added up to greater rights for women but also greater instability of marriage. Divorce became more common, and both men and women started to be able to demand a divorce. The reforms of Simeon ben Shetah tried to discourage divorce among Jews, but they also resulted in greater financial security for divorced women, and so divorce was no longer perceived as calamitous or cruel. All these changes form the background for the debate in Judaism concerning the grounds for divorce.²³

[Comment: Again, we see that the central motive of the trick question brought to Jesus was the financial aspect of divorce – the repayment of the dowry and the ketubah – and perhaps this is why Luke places the discussion in the context of Jesus' teachings about unrighteous riches. If a man did not present his wife with a certificate of divorce, he did not have to pay her the money that was her due.²⁴ Also, she had no legal recourse for demanding the money *sans* her certificate.]

²¹ *Ibid.*, p. 33

²² In an e-mail I received from Dr. Carroll Osburn, he observed: The Greek term can mean either "put away" or "divorce." The answer will not come from Greek lexicography, but from the ancient culture using the term. In Roman culture, one did not have to have official approval to marry or to divorce. If he "walked out" (*apoluo*) or sent her out (*apoluo*), all that was involved was "separation," but that culture viewed it as divorce and remarriage could take place. They just did not have the same cultural approach to either that we do. In Matt 19, 1 Cor 7, etc., *apoluo* means "to leave", and for them, that was "divorce."

²³ *Op cit.*, p. 84.

²⁴ David Amram, *The Jewish Law of Divorce*, New York, NY: Hermon Press, 1968, p.47 - 48.

Therefore, [according to the Jewish leaders] a woman who had remarried and whose divorce was discovered to have been invalid could not continue to be married to either husband, and any children she had by them since the time of the “adultery” were considered as illegitimate.²⁵

[Comment: Although the author is applying this issue of an invalid divorce to other situations, it stands to reason that a “divorce Roman style” of just sending one’s wife away, would be condemned as an invalid divorce, also. This then is gist of Jesus’ comment and sides with neither Shammai or Hillel. They were concerned with grounds for a valid divorce or, put another way, grounds that validated a divorce and remarriage. Jesus distinguishes *apولو* as a separation that cannot be justified as a divorce by either camp.]

Or does it suggest that the Israelites were stubbornly demanding that Moses allow them to divorce, or that they were stubbornly refusing to give divorce certificates to their former wives? The only one of these for which there is any evidence is the last.²⁶ Moses stopped the Israelite men from abandoning their wives without giving them a certificate of divorce, and thereby he allowed them to remarry.²⁷

[Comment: Instone-Brewer builds a strong case that the conflict Moses dealt with in the Deuteronomy 24 text was concerning the divorce certificate; this fully supports the idea that Jesus was dealing with the same conflict, since that is the text to which he and the Pharisees refer. Even in the time of Moses, women were being treated unjustly by their covenant mates, and such injustice God does not tolerate. In this same light, Malachi 2 must be read because the context of that 5th century prophet concerned the men of Israel dismissing the wives of their youth, without benefit of a divorce certificate.]

In contrast, accounts of the Hillelite-Shammaite debate omit a matter that is emphasized in the Gospels. It is not mentioned in any version of that debate that Shammaites allowed **remarriage** even after a Hillelite “any matter” divorce. They decided that if a legal court had granted a divorce, they would not countermand the court’s decision even though it was counter to what they could have decided. Jesus, however, refused to recognize the validity of this type of divorce.²⁸

[Comment: More accurately, Jesus refused to recognize this behavior of sending one’s wife away as a valid divorce. The easiest and most obvious way to understand

²⁵ *Ibid.*, p. 129.

²⁶ *Ibid.*, p. 144.

²⁷ *Ibid.*, p. 258.

²⁸ *Ibid.*, p. 167.

Jesus teaching is to remove him from the “divorce debate” and let him speak clearly: If you are not legally divorced, you cannot remarry. Even non-believers recognize that fact!]

One thing that Instone-Brewer makes clear in his study of Jesus’ setting when the Pharisees posed their question was the difference between the rabbinical schools of Hillel and Shammai. The former favored divorce on the basis of any cause; the latter limited it to a few circumstances approved of in the Law of Moses. It becomes obvious, then, that the trick question could not have been about the legality of divorce. Both schools of thought agreed that divorce was lawful. It was putting or sending away one’s wife without a bill of divorcement (a position that neither Rabbi Hillel nor Shammai would support) that was the point of contention.²⁹ The Pharisees wanted to know: Could a man send away his wife without the certificate, and be free to remarry? As Keener puts it, “*If the divorce is valid, so is the remarriage*; Jesus calls remarriage after an invalid divorce adulterous only because the divorce was invalid, due to insufficient grounds. Early Jewish law also judged the validity of the remarriage entirely on the validity of the divorce.”³⁰

Now we can understand the trickiness inherent in the question of the Pharisees in verse three, and the line of thought is consistent with the rest of the conversation. They ask Jesus about the legality of putting away one’s wife. They expect him to answer as he does.

²⁹ This conclusion is also validated by the absence in Mark’s account of this conversation of the phrase, “for any cause.” 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 *apoluo* a wife.” NASB As NT scholar David Young writes in *Extreme Discipleship: Following Jesus from the Gospel of Mark* (166) “The NIV paraphrases the question the Pharisees raise, for the Pharisees actually do not ask about divorce, but about putting away (which is how the King James and American Standard Versions rightly translate the Greek term *apoluein*). It is possible that the Pharisees are not asking about whether one could divorce his wife (which the Law clearly permitted; cf., Deut. 24:1-4; Ezra 10), but about whether one could abandon his wife without divorcing her. In other words, the question may involve a man who doesn’t want to divorce his wife legally, but merely wants to abandon her (remember that divorce was expensive in antiquity, too).”

³⁰ Craig Keener, *And Marries Another*, p. 44.

When he points out the theology of creation, they pounce. Notice that up to verse seven, divorce is not actually mentioned.³¹ But the Pharisees capitalize on Moses' Law about divorce by saying that therein is a command to put away one's wife.

My third point is that Jesus finally responds to the Pharisee's true question (lurking behind their voiced question) in verse nine. Significantly, Jesus does not use the word "divorce" in verse nine, so he is actually answering the Pharisees' original question from verse three.

First, however, let me comment on a conundrum encountered in Jesus' answer. If we are correct that the trap they were laying was that Jesus might condemn Roman divorce³² (*apoluo* or "send away without a certificate") and thus end up in the same inauspicious circumstance of John the Baptist, then Jesus, with this statement fell right into their trap!! What was he thinking? Fortunately, Mark's gospel clarifies this issue.

When they were in the house again, the disciples asked Jesus about this. He answered, "Anyone who sends away his wife and marries another woman commits adultery against her. And if she sends away her husband and marries another man, she commits adultery." (Mark 10:10 – 12 TNIV)

Those diabolical Pharisees were not privy to this conversation.

We can now turn to the 9th verse of Matthew 19 in which Jesus makes the famous statement with the nearly infamous "exception" clause.

³¹ It is certainly worth noting that most versions translate the word *apoluo* in verse seven as "send away." Why? Because the word *apostasian*, which means "divorce" is used in that verse. The NIV is extremely redundant in this regard in Matthew 5:32.

³² David Amram, *The Jewish Law of Divorce*, New York, NY: Hermon Press, 1968, p.138.

⁹And I say unto you, Whosoever shall send away his wife, except for fornication, and shall marry another, commits adultery: and he that marries her when she is sent away commits adultery.

One interpretive problem that this verse has generated concerns the word “fornication.” Many versions now read “marital unfaithfulness,” “sexual immorality,” or “adultery.” The last one is hard to justify since Jesus uses the word for “adultery” a few words later. (One author has suggested that Jesus just didn’t want to repeat himself!) “Sexual immorality” is a weakness of the NIV translation, but it was chosen to suggest that the word meaning “fornication” can be applied to a variety of sexual sins. The weakness is in the fact that other texts which might read “fornication” read “sexual immorality” and my experience has been that modern couples who are sleeping together without benefit of marriage dismiss such passages because they are not doing anything immoral.

The Greek for “fornication,” *porneia*, definitely can be translated a variety of ways; often it is defined as a category that includes most illicit sexual behavior. However, a general rule of translation is to go with the more common meaning (which is what I’m proposing regarding *apoluo* as well) when the context permits. In the American Standard Version, the thirty times *porneia* appears it is always translated “fornication.” The problem this word seems to cause in Jesus’ statement is that he is talking about a married person, separating from his mate, because of a sexual sin and usually when a married person is involved the term used is adultery. Why did Jesus make an exception – an exception that permits sending away without a divorce – for fornication? Deuteronomy 22 holds the answer. The context is a series of miscellaneous laws. Below are verses 13-21 in the New American Standard Bible.

[13] "If any man takes a wife and goes in to her and then turns against her, [14] and charges her with shameful deeds and publicly defames her, and says, 'I took this woman, but when I came near her, I did not find her a virgin,' [15] then the girl's father and her mother shall take and bring out the evidence of the girl's virginity to the elders of the city at the gate. [16] "And the girl's father shall say to the elders, 'I gave my daughter to this man for a wife, but he turned against her; [17] and behold, he has charged her with shameful deeds, saying, "I did not find your daughter a virgin." But this is the evidence of my daughter's virginity.' And they shall spread the garment before the elders of the city. [18] "So the elders of that city shall take the man and chastise him, [19] and they shall fine him a hundred shekels of silver and give it to the girl's father, because he publicly defamed a virgin of Israel. And she shall remain his wife; he cannot divorce her all his days.

[20] "But if this charge is true, that the girl was not found a virgin, [21] then they shall bring out the girl to the doorway of her father's house, and the men of her city shall stone her to death because she has committed an act of folly in Israel, by playing the harlot in her father's house; thus you shall purge the evil from among you."

What is happening in the incident described is that a husband is accusing his wife of fornication. He claims that she is guilty of premarital sexual activity. Interestingly, if he is proven wrong by her parents, he forfeits his right to send her away (Hebrew *shalach*) forever. If he is right, she is to be stoned.

By the first century, however, the Jews had ceased to practice stoning as a general rule for such an offense.³³ (In part, this may have been because under Roman domination they did not have the right to impose capital punishment. Even biblical examples of stoning during this period represent a mob reaction, and not a legal process open to them.) An intriguing question is whether Jesus was aware of a situation in which a man had a right to have his wife, or his betrothed, turned over to the law for stoning and did not exercise that right? Of course, one comes to mind that must have had great significance for the Lord.

That incident culminates in one verse.

³³ David Amram, *The Jewish Law of Divorce*, New York, NY: Hermon Press, 1968, p. 96.

And Joseph her husband, being a righteous man, and not wanting to disgrace her, desired to put her away secretly. Matthew 1:19

I must hasten to add that this is Matthew's first use of the word *apoluo*. Although many, but not all translations render the word "divorce" in this verse, it doesn't make a whole lot of sense to do so. They are not married. Joseph had the right "to send her away" without a divorce certificate. In the same way, however, had they already gotten married, according to what Jesus was saying in Matthew 19:9, Joseph had the right to send her away without a writ of divorce. Why? Fornication. The proof? She was pregnant.

It is interesting that in the evolution of the mistranslation of the word *apoluo* to mean "divorce," Matthew 1:19 was about a generation behind the change in other biblical texts. That is, when the word "divorce" began to appear in Matthew 19:3, 6, and 9, (and the parallel texts), Joseph's action was still represented as "putting away" or "sending away." However, over the years the myth that, in the first century, betrothal was tantamount to marriage and that the breaking of a betrothal required a divorce, crept into the text. The process was a subtle one and can best be understood by looking at another biblical situation as described by Instone-Brewer.

In Genesis 21:14 we read, "Early the next morning Abraham took some food and a skin of water and gave them to Hagar. He set them on her shoulders and then sent her off with the boy. She went on her way and wandered in the Desert of Beersheba." (The phrase "sent her off" is the Hebrew *shalach* and is rendered in the LXX, *apestello*, a synonym of *apoluo*.) Instone-Brewer calls this the first biblical divorce and explains, "In the text, Abraham simply dismisses Hagar, but later Jewish tradition says that he also gave her a

certificate of divorce. (Yalkut Shimoni Gen. Sec. 95)³⁴ In other words, rabbinical teaching at least a thousand years after Christ, was apparently uncomfortable, because of how they understood the meaning of *shalach*, with their ancestor Abraham sending off a woman without a certificate (earlier Jews had a similar discomfort whenever they encountered a patriarch marrying a non-believer, and they often rewrote that history as well, as in the story of *Joseph and Asenath*).

Fast-forwarding to the modern times, we see a similar phenomenon taking place in the story of Mary and Joseph. Professor Peter Zaas clarifies what must have happened.

While biblical law makes no provision for divorce in the case of a broken betrothal, rabbinic law famously does. The Mishna, for example, so unselfconsciously assumes that a betrothal constitutes a marriage, so far as divorce is concerned, that contemporary scholars who get the point at all [Zaas references Keener, Brown, and Davies and Allison here] generally read the rabbinic legal situation back into the biblical one, and conclude that biblical law requires a *get*³⁵ to dissolve a betrothal as well.³⁶

Zaas further comments on the writing of Michael Satlow in this regard:

Recently Michael Satlow, in his 2001 volume *Jewish Marriage in Antiquity*, notes that Matthew reflects a rabbinic, rather than a biblical view of Jewish law in this matter. Specifying examples from the Hebrew Bible and from the Elephantine papyri, Satlow concludes that, while financial damages may be assessed when a betrothed woman is acquired by someone else, the law does not obligate a divorce:

...during the entire Second Temple period, (most?) Jews neither customarily “betrothed’ (in the biblical sense) nor did they even have a firm understanding of what such a betrothal would mean.

³⁴ P. 23, fn. 7.

³⁵ Simply put, a *get* is a Jewish divorce certificate.

³⁶ Unpublished article, <http://www.biblicallaw.net/2007/zaas.pdf>

The law does not mandate a divorce to terminate a betrothal, nor is a divorce possible, if we extend Satlow's conclusion to its logical conclusion, when there is no marriage.³⁷

In other words, translating the word *apoluo* as "divorce" in Matthew 1:19 is anachronistic. This case of "fornication" brings us back to the text of Matthew 19 and the so-called "exception clause" of Jesus' statement. Joseph, even if he had married Mary, would have been within the law of Deuteronomy 22 in sending away his "woman" without a divorce certificate. Likewise, any man, abiding by the permission Moses granted in Deuteronomy 22 (except for the stoning), may send away his wife and is free to remarry because his first marriage has essentially been annulled. This was the biblical law in the time of Matthew, and the rabbinical teachings of two or more centuries later should not influence our understanding of what Jesus said.

Abel Isaksson reached this same conclusion about fornication. "Linguistically speaking, the most probable use of πορνεία when used in a statement of a legal nature about a married woman's crime, is undoubtedly premarital unchastity."³⁸ With this realization, the rest of Matthew 19:9 is far more understandable and easily applied. If a man does not divorce his wife (instead just sends her away), and remarries another woman, he commits adultery. Also, the man's first (and only legitimate) wife is still married to him. Therefore, marrying her constitutes adultery as well. Isaksson goes on to explain why the word "divorce" is used in this case (he is referring to *apoluo*, of course).

The word divorce is used even when a man divorces his wife because of her premarital unchastity. Actually he does not divorce his wife but is himself relieved by a court order of the need to fulfil his obligations under the

³⁷ *Ibid.*

³⁸ *Marriage and Ministry in the New Temple*. Copenhagen: Lund, 1965, p. 140

marriage contract, since it has been established that the other party has deceived him. . . .In reality, however, what was annulled was the marriage contract , which had not been fulfilled by the other party.³⁹

Isaksson builds his case on his understanding of Deuteronomy 22:20 – 21. What is interesting, also, is that Isaksson rejects the hypothesis of B. K Diderichsen who proposes that the “verb *apoluein* in this verse means only the forsaking of the wife (without divorce) for the sake of following Jesus and being his disciple. The original intent” of the saying, according to Diderichsen, “was to forewarn against abusing the status of discipleship: he who (for the sake of being Jesus’ disciple) leaves his wife (without divorcing her) may not marry another woman.”⁴⁰ At least Diderichsen understood the correct meaning of *apoluo* in this text, even if his explanation may miss the mark a bit.

Joseph Fitzmyer also comments on Diderichsen’s proposition concerning the Lucan form of the saying, and he agrees with Isaksson that Diderichsen’s hypothesis should be rejected, but notice how Fitzmyer phrases his objection.

Thus Lk 16:18 would mean nothing more than “He who would [for the sake of being Jesus’ disciple] leave his wife [without divorcing her] and marries another commits adultery.” It is then maintained that this sense of the logion was lost in time and that it was subsequently interpreted as a saying against divorce itself.⁴¹

Fitzmyer then gives evidence of a document from the Qumran scrolls that presents the word *apoluein* as meaning “divorce.” However, in the example he cites it is the same as in Matthew 19 and elsewhere in the New Testament – it could obviously go either way, meaning “send away” or “divorce” depending on one’s predilection. Therefore the

³⁹ *Ibid*, pp. 140 -141.

⁴⁰ Isaksson, p. 94.

⁴¹ Fitzmyer, “The Matthean Divorce Texts and Some New Palestinian Evidence,” p. 212.

testimony of some scholarship is that *apoluo* probably meant “sent away”⁴² but they prefer to render it “divorce” because of the testimony of the later rabbinical writings.

Unfortunately, this translation has been the bane of churches in the modern era, and scholarship has produced thousands of pages trying to explain why Jesus would say that a divorced person cannot remarry. As Instone-Brewer comments, “The meaning of the answer that Jesus gave has been the subject of much debate, mainly because it is inherently difficult. ... It appears to be illogical because it charges a person who remarries with the very specific crime of “adultery,” which a remarried person is not guilty of in any known legal system.”⁴³ This is another interesting point reached by the author, an apparent conundrum, which is answered quite easily by agreeing that Jesus was not addressing *divorce* and remarriage, but *separation* and remarriage. Instone-Brewer is correct in asserting that one who has been divorced in a manner acceptable to his cultural/religious heritage is not accused thereafter of adultery for remarriage. Among Jews in Jesus’ day, the person with the invalid divorce, or in this case, with no real divorce at all, was not in a position to remarry.

The most common objection that I have met from various scholars⁴⁴ is that *apoluo* is a technical term for divorce. The corresponding Hebrew word *shalach* is viewed the same

⁴² Gordon Wenham makes the point that this is also true even in the early church fathers. “[T]he early church is free from this problem, for, in that view, when Jesus uses the word *apolyein*, it always means ‘separate from.’” *Remarriage After Divorce in Today’s Church*, p. 55, note 21. Mark Strauss, Editor. (Wenham’s section is entitled, “No Remarriage After Divorce”)

⁴³ *Ibid.*, p. 148.

⁴⁴ This includes Instone-Brewer, Craig Keener, and Richard France, to name but a few.

way, and is generally considered the equivalent of *apoluo*.⁴⁵ Isaiah poses a rhetorical question about the relationship of Judah to their God in Isaiah 50:1.

“Where is your mother’s certificate of divorce with which I sent her away?”

The context indicates the rhetorical nature of the question. Judah, in exile, felt lost and abandoned. They were saying, in essence, “God has divorced us.” God, through Isaiah responds that, “Yes, I sent you away (*shalach*), but I did not give you a certificate of divorce. So, we are not legally divorced.”

Instone-Brewer’s take on this passage is interesting.

Isaiah argues that God has not divorced Judah but has put her away because of her sins (50:1). This is a small distinction because the word (JIC, *shalach*) “put away” is normally a technical term for divorce. Isaiah appears to be saying that although God has sent her away, this is not a legal divorce because he has not given her a divorce certificate.⁴⁶

In essence, Instone-Brewer’s interpretation is that Isaiah had the same understanding that I have presented here, which is that sending away without a divorce certificate is not a divorce. Perhaps, in post-New Testament writings, the words *apoluo* and *shalach* came to be understood as terms meaning someone has been divorced, but there is no evidence biblically that the writers ever acknowledged that equivalence.

One other objection might be, “If *apoluo* does not mean divorce, why was it translated in that way?” As I mentioned earlier, the first time it appeared in English in America was about the mid-nineteenth century. Another origin may relate to this

⁴⁵ In the LXX, however, *apistello*, is the consistent translation of *shalach*.

⁴⁶ Instone-Brewer, p. 50.

explanation from Wenham and Heth. Note carefully what they conclude from the “Erasmian” viewpoint.

In contrast, the Erasmian interpretation makes Jesus use the word ‘put away’ (*apolyō*) in two different senses. This makes Jesus enunciate two propositions in one sentence: (1) Putting away for unchastity plus remarriage does not equal adultery; (2) Putting away for other reasons plus remarriage equals adultery. In the first case, since remarriage does not constitute adultery, putting away obviously dissolves the marriage completely as traditional Jewish divorce always did. But in the second case ‘putting away’ cannot have this significance, for the marriage bond must still exist since remarriage involves adultery. The result is semantic confusion about the meaning of ‘put away’ when the Erasmian view is adopted.⁴⁷

Without realizing it, the authors have actually summed up what we have been asserting about *apoluo*. But what does the Erasmian view have to do with the word being translated divorce. Compare these two texts. The one on the left is *The Vulgate* and the other is Erasmus’ improvement on *The Vulgate* in the 16th century.

THE VULGATE – Matthew 5:32

Dico autem uobis: quia
quicumque dimiserit uxorem
suam nisi ob fornicationem: &

ERASMUS’ VERSION – Matt 5:32

Dico autem uobis, quod
quicumque repudiauerit uxorem
suam, nisi ob sturprum, & aliam

⁴⁷ *Jesus and Divorce*, p. 52.

Erasmus apparently changed the word *dimiserit*, “dismiss or send away” to read *repudiauerit*” which Instone-Brewer explains at the Latin phrase for a certificate of divorce.⁴⁸ Interestingly, Erasmus also substituted *sturpum* (a variety of sexual sins) for *fornicationem*, which means simply “fornication.” Somehow, Erasmus was able to do in his translation work what English-speaking translators accomplished three hundred years later. It is still, however, a mistranslation.

Conclusion.

First, I emphasize that reading *apoluo* as “sending away” simplifies so many issues regarding this text. History makes it clear that the church’s interpretation of Matthew 19 (and parallel texts) as a passage about divorce and remarriage has been disastrous! The reading that I propose here even removes the alleged contradiction between Jesus and Paul found in 1 Corinthians 7. (In other words, what Paul has to say about divorce stands alone because Jesus was not dealing with it.)

Second, I emphasize, lest anyone accuse me of making the text more complicated with a convoluted argument, that the convolution appears when one tries to explain the reasons for translating *apoluo* as “divorce” instead of “sending away.” (This explains why the majority of versions in translating Matthew 1:19 choose not to use the word “divorce.” It takes too much explanation to justify saying that Joseph divorced someone to whom he was not married.) Divorce would have to be treated like other “issues” that don’t have this particular, “Thus says the Lord” attached to them. (For example, many think it is wrong for a believer to marry an unbeliever. But does that belief cause anyone to reject the

⁴⁸ P. 89, fn. 12.

legitimacy of someone's marriage? I have not heard anyone teach that. The church's approach to such a situation is dependent usually on the circumstances involved.)

Third, church policy toward a divorced person is fairer and more consistently applied with a proper understanding of Matthew 19:9 and *apoluo*. The church should challenge the person living with someone to whom he or she is not married, especially if one or both of them is married to someone else! In fact, if we do not understand that Jesus is addressing the situation of men abandoning their wives and living with another woman, then we find Jesus to be almost completely silent on the subject. When I have explained to people that Jesus is saying, "To live with a woman who is not your wife is adultery," I have never had anyone fail to understand that logic, be they Christian or not. Remember, God's major concern throughout scripture (the Deuteronomic laws and Malachi 2 and 3, for example) has been the fair treatment of the broken hearted and downtrodden. May that be our first concern, also.

Fourth, churches would also be called on to recognize that failed marriages do not mean failed Christians. I have alluded more than once to the fact that "God hates divorce" is also an inadequate translation of the text. Even if it were not, the statement out of its context and pronounced on the lips of self-righteous Christians comes across to the person in the pew as, "God hates me, because I got a divorce." No longer will divorced people have to suffer the humiliation of being treated as second-class citizens (or worse) in the kingdom.

Fifth, if we are free from the mistranslation of Jesus' words concerning "sending away" one's wife, we could begin to minister, in all good conscience, to the people who go

through one of life's most devastating circumstances. When my friend, Suzy Brown, who wrote the book *Radical Recovery*, went through her divorce, she said to me, "It's like becoming a widow, except no one sends you any flowers."

Finally, and most importantly, if we teach that *apoluo* means "send away" and not "divorce" we will actually be teaching people what Jesus said and taught.

I close with this thought: When I shared this understanding of Matthew 19:1 – 9, with the explanation I have presented here with Dr. Instone-Brewer, he replied, "If the facts were on your side, yours would be a very neat solution." The basic facts he refers to are that translation of *apoluo* as simply "put away" rather than "divorce" and that the first century Pharisees were wanting to dismiss their wives without a divorce certificate. However, he graciously admits this approach constitutes a very neat solution.

Bibliography

- Adams, Jay Edward. *Marriage, Divorce, and Remarriage in the Bible*. Phillipsburg, NJ: Presbyterian and Reformed Pub. Co.; Grand Rapids, MI: Ministry Resources Library, 1980.
- Amram, David Werner. *The Jewish Law of Divorce according to the Bible and Talmud with Some Reference to its Development in Post-Talmudic Times*. New York, NY: Harmon Press, 1968.
- Bassett, Jerry F. *Rethinking Marriage, Divorce & Remarriage*. Eugene, OR: Western Printers: J & MB, 1991.
- Basch, Norma. *Framing American Divorce*. Berkeley, CA: University of California Press, 2001.
- Binford, Hugh, & Helaina Binford. *Single? Single Again?: A Handbook for Living!* Belleair, FL: Joshua I. Ministries, 1986.
- Bontrager, G. Edwin. *Divorce and the Faithful Church*. Scottsdale, PA: Herald Press, 1978.
- Bradley, Keith R. *Discovering the Roman Family*. New York, NY: Oxford University Press, 1991.
- Bristow, John Temple. *What The Bible Really Says About Love, Marriage, And Family*. St. Louis, MO: Chalice Press, 1994.
- Brown, Suzy. *Radical Recovery*. Abilene, TX: Leafwood Publishers, 2007.
- Burggraeve, Roger, et. al, editors. *Marriage – Divorce – Remarriage: Challenges and Perspectives for Christians*. Dudley, MA: Peeters, 2007. [“Marriage and Divorce in the New Testament” Raymond F. Collins. Pp. 71 -86.]
- Bustanoby, André. *But I Didn't Want A Divorce: Putting Your Life Back Together*. Grand Rapids: Zondervan, 1978.
- Callison, Walter L. *Divorce, the Law, and Jesus*. Unpublished article, June, 1986.
- Campbell, Ken M., editor. *Marriage and Family in the Biblical World*. Downers Grove, IL: IVP, 2003.
- Collins, Raymond F. *Divorce in the New Testament*. Collegeville, MN: Liturgical Press, 1992.
- Connally, Andrew M. *The Connally--Hicks Debate On Divorce And Remarriage: A Four-Night Oral Debate Held In Springtown, Texas, November 28-December 1, 1977*. Jonesboro, AR: National Christian Press 1979.
- Cornes, Andrew. *Divorce And Remarriage: Biblical Principles And Pastoral Practice*. Grand Rapids, MI: W.B. Eerdmans, 1993.
- Deasley, Alex R. G. *Marriage And Divorce In The Bible And The Church*. Kansas City, MO: Beacon Hill Press of Kansas City, 2000.
- Dobson, Ed. *What The Bible Really Says About Marriage, Divorce, And Remarriage*. Old Tappan, NJ: Revell, 1986.
- Duty, Guy. *Divorce & Remarriage*. Minneapolis: Bethany Fellowship, 1967.
- Efird, James M. *Marriage And Divorce: What The Bible Says*. Nashville: Abingdon Press, 1985.

- Ellison, Stanley. *Divorce and Remarriage in the Church*. Grand Rapids, MI: Zondervan, 1980.
- Emerson, James G. *Divorce, the Church, and Remarriage*. Philadelphia, PA: The Westminster Press, 1961.
- Evans, William. *The Right and Wrong in Divorce and Remarriage*. Grand Rapids, MI: Zondervan Publishing House, 1946.
- Ewald, George R. *Jesus and Divorce: A Biblical Guide for Ministry to Divorced Persons*. Waterloo, Ont.; Scottdale, PA: Herald Press, 1991.
- Heth, William A., & Gordon J. Wenham. *Jesus And Divorce: The Problem With The Evangelical Consensus*. Nashville, TN: T. Nelson, 1985.
- Hamer, Colin. *Divorce and the Bible*. Bloomington, IN: AuthorHouse, 2006.
- Harrell, Pat Edwin. *Divorce and Remarriage in the Early Church: A History of Divorce and Remarriage in the Ante-Nicene Church*. Austin, TX: R. B. Sweet Company, Inc. 1967.
- Hicks, Olan L. *What The Bible Says About Marriage, Divorce, And Remarriage*. Joplin, MO: College Press Pub. Co., 1987.
- Hosier, Helen Kooiman. *The Other Side Of Divorce*. New York: Hawthorn Books, 1975; Nashville: Abingdon, 1978. .
- House, H. Wayne, editor. *Divorce and Remarriage: Four Christian Views*. Downers Grove, Illinois: IVP, 1990.
- Ide, Arthur Frederick. *Marriage, Divorce, Remarriage, Woman & The Bible*. Foreword by Decherd Turner. Garland, TX: Tangelwüld Press, 1995.
- Instone-Brewer, David. *Divorce and Remarriage in the Bible: The Social and Literary Context*. Grand Rapids, MI: Wm. B. Eerdmans, 2002.
- Isaksson, Abel. *Marriage and Ministry in the New Temple: A Study with Special Reference to Mt. 19:3-12 and 1. Cor. 11:3 – 16*. Ejnar Munksgaard, Copenhagen: C. W. K. Gleerup Lund, 1965.
- Keener, Craig S. *And Marries Another: Divorce And Remarriage In The Teaching Of The New Testament*. Peabody, MA: Hendrickson, 1991.
- Kysar, Myrna, & Robert Kysar. *The Asundered: Biblical Teachings On Divorce And Remarriage*. Atlanta: John Knox Press, 1978.
- Luck, William F. *Divorce And Remarriage: Recovering The Biblical View*. San Francisco: Harper & Row, 1987.
- Lusk, Maurice W. *Marriage, Divorce, And Remarriage In The Teachings Of Jesus And Paul: A Collection Of Exegetical Essays*. Atlanta, GA: Guild of Scribes, 1982.
- MacArthur, John. *Guidelines For Singleness And Marriage*. Chicago: Moody Press, 1986.
- MacArthur, John. *On Divorce*. Chicago: Moody Press, 1985. .
- Mackin, Theodore. *Divorce and Remarriage*. New York, NY: Paulist Press, 1984.
- Martin, Norma, & Zola Levitt. *Divorce, A Christian Dilemma*. Scottdale, PA: Herald Press, 1977.
- Maxey, Al. *Down, But Not Out*. Baltimore: PublishAmerica, 2005.
- McGee, John Vernon. *Marriage & Divorce*. Nashville: T. Nelson, 1998.
- McLuhan, M. G. *Marriage And Divorce: God's Call, God's Compassion*. Wheaton, IL: Tyndale House Publishers, 1991.

- Montefiore, Hugh. *Remarriage And Mixed Marriage: A Plea For Dual Reform*. London: S.P.C.K., 1967.
- Moritz, Pamela. *Set Free to Remarry*. Unpublished, 2007.
- Murray, John. *Divorce*. Philadelphia, PA: Orthodox Presbyterian Church, 1953.
- Olsen, Viggo Norskov. *The New Testament Logia On Divorce. A Study Of Their Interpretation From Erasmus To Milton*. Tübingen: Mohr Siebeck, 1971.
- Phillips, Roderick. *Untying the Knot: A Short History of Divorce*. New York, NY: Cambridge University Press, 1991.
- Redding, Mary Lou. *Breaking & Mending: Divorce And God's Grace*. Nashville: Upper Room Books, 1998.
- Richards, Larry. *Remarriage: A Healing Gift from God*. Waco: Word, 1981.
- Satlow, Michael L. *Jewish Marriage in Antiquity*. Princeton, NJ: Princeton University Press, 2001.
- Shaner, Donald W. *A Christian View Of Divorce. According To The Teachings Of The New Testament*. Leiden: E. J. Brill, 1969.
- Shelly, Rubel. *Divorce & Remarriage: A Redemptive Theology*. Abilene: Leafwood Publishers, 2007.
- Sigal, Phillip. *The Halakah of Jesus of Nazareth According to the Gospel of Matthew*. Lanham, MO: University Press of America, 1986.
- Small, Dwight Hervey. *The Right To Remarry*. Old Tappan, NJ: F. H. Revell Co., 1975.
- Strauss, Mark, editor. *Remarriage After Divorce in Today's Church: 3 Views*. Grand Rapids, MI: Zondervan, 2006.
- _____. *Remarriage and God's Renewing Grace*. Grand Rapids, MI: Baker Book House, 1986.
- Tertullian. *Treatises on Marriage and Remarriage*. Translated by William P. Le Saint. Westminster, MD: The Newman Press, 1951.
- Thompson, Mervin E. *Starting Over Single*. Burnsville, MN: Prince of Peace Pub., 1985.
- Williams, John. *For Every Cause?: The Question Of Divorce*. Exeter, England: Paternoster Press; Neptune, NJ: Loizeaux, 1982.

Appendix 1.

Recommended Policy Concerning Divorce
Draft 1.2 May 24, 2004

Part I. Pro-active in promoting and supporting successful marriages.

1. We will promote marriage exclusively between one man and one woman for life as the ideal relationship that God had in mind since the Creation. (However, we will not send the message to the single Christian that he or she is less than a whole person.)
2. We will teach the importance of honoring the marriage relationship through the LINKS, ABS and LIFE Groups, and we will encourage the coordination of special events and seminars to promote healthy marriages.
3. We will develop a biblical theology of marriage and a curriculum that honors marriage and family, based on our conviction that faithfulness, integrity, and other virtues begin in the home. Their development on the home front is the key to bringing about change in our community.
4. We will require each couple married by a member of our leadership team (elders, deacons or ministers) to participate in no less than four sessions of premarital preparation. We will reserve the right to recommend further counseling if the situation merits it.
5. We will teach sexual purity and encourage unmarried couples to practice sexual abstinence.

Part II. Pro-active on Behalf of Troubled Marriages.

1. We will encourage couples not to be ashamed to seek help for their marital difficulties. Staff will be prepared to refer couples to professional counselors when the need arises.
2. We will encourage couples to seek help, before the situation becomes irreparable, by bringing their marriage to concerned church leaders.
3. We will not recommend divorce as a solution, but always seek to guide a struggling couple toward reconciliation.
4. We will not recommend that a person remain in an abusive situation. We will assist anyone caught in an abusive situation to seek and find a safer environment.

Part III. Reactive to the Divorced Person.

1. We will not condemn divorce as the unforgivable sin.
2. We will recognize divorce as the end of the marriage. Even though the covenant has been broken, and this is not God's will for a marriage, we will recognize that some marriages end in divorce.
3. We will recognize the right of either party, when a marriage is over, to remarry. However, we will encourage a divorced person to wait at least a year before entering into a new relationship.
4. We will not treat divorced individuals as second-class Christians. They will be as eligible for teaching, leading, serving, etc. in our church as anyone else, based on their giftedness and commitment.
5. We will teach the truth regarding adultery, that it is a sin. Anyone guilty of such a sin must repent and ask forgiveness. If a marriage partner commits adultery, the marriage is not automatically ended. The one who has not committed adultery is not required to divorce his or her partner.
6. We will not seek to pass judgment on the "scripturalness" of individual divorces. We will not sanction a marriage, if either partner is still bound to a previous partner.
7. We will establish and encourage divorce recovery programs to help those who are struggling with the issues resulting from a divorce.

Appendix 2. Notes concerning citations of the use of *apoluo* in *Bauer, Arndt & Ginrich*.

The first one, 1 Esdras 9:36 reads *pa, ntej ou-toi sunw, |kisan gunai/kaj allogeneij kai. apelusan autaj sun teknoij*

Translating *apoluo* as divorced it means "he divorced her with her children." I don't think that makes as much sense as "he sent her away with her children."

The second reference, Dt. 24:1ff, is odd, and would definitely be considered a "weak" testimony, because *apoluo* does not appear in Dt. 24.

The third reference is Dionysius of Halicarnassus (who lived the century before Christ and wrote on Roman History) 2,25, 7. I don't have it in Greek, but the word "divorce" is apparently *apoluo* according to BAG: 7 And both these offences continued for a long time to be punished by the Romans with merciless severity. The wisdom of this law concerning wives is attested by the length of time it was in force; for it is agreed that during the space of five hundred and twenty years no marriage was ever dissolved at Rome. But it is said that in the one hundred and thirty-seventh Olympiad, in the consulship of Marcus Pomponius and Gaius Papirius,³⁸ Spurius Carvilius, a man of distinction, was the first to divorce his wife,³⁹ and that he was obliged by the censors to swear that he had married for the purpose of having children (his wife, it seems, was barren); yet because of his action, though it was based on necessity, he was ever afterwards hated by the people.

The fourth reference is from the church father, Hermas, iv.1.6-7, which reads, "What then," said I, "sir, shall the husband do if the wife remain in this disposition?" "Let him put her away," [apolusato] he said, "and let the husband remain by himself." "If then," said I, 'sir, after the wife be put away [apoluthenai] she repent, and wish to return to her own husband, shall she not be received?" Then in verse 8, "Therefore, for the sake of repentance the husband ought not to marry." What's interesting is that the footnote at the end of these three verses in this edition (Loeb Classical Library, Apostolic Fathers II) reads, "Hermas and other writers always maintained that his was not strictly divorce, as the innocent party was not free to remarry in order to give the other the opportunity of repenting and of returning." (p. 81) So, *apoluo* is not really divorce.

I could not find the fifth reference from Diodorus Siculus.

And the final one, from Josephus' *Antiquities*, 15:259 is of special interest for a couple of reasons. First, because Instone-Brewer mistranslates it on his website, but goes with the traditional translation in his book. Secondly, because *apoluo* does not mean divorce in that quotation. [259] Chronou de dielthontos episunebê tèn Salômên stiasai pros ton Kostobaron, kai pempei men euthus autôi grammation *apoluomenê* ton gamon ou kata tous Ioudaiôn nomous: andri men gar exestin par' hêmin touto poiein, gunaiki de oude diachôristheisêi kath' hautên gamêthênai mê tou proteron andros ephientos. Some translate grammation *apoluomene* as "Certificate of divorce" but "*apoluomene*" is actually attached to the "ton gamon" (otherwise the latter phrase doesn't fit anywhere) and means

"*setting herself free* of the marriage." Of course, this process, according to Josephus, is unacceptable because Salome is a woman, and Jewish women didn't do this.

Appendix 3. Added research on the Hebrew *shalach*.

Dr. David Instone-Brewer wrote, “Isaiah argues that God has not divorced Judah but has put her away because of her sins (50:1). This is a small distinction because the word (שָׁלַח, *shalach*) ‘put away’ is normally a technical term for divorce. Isaiah appears to be saying that although God has sent her away, this is not a legal divorce because he has not given her a divorce certificate.”⁴⁹

The question that this paper will pursue concerns the accuracy of Instone-Brewer’s assertion that שָׁלַח normally, or technically, means “divorce.” The evidence of the Old Testament seems to confirm Isaiah’s inspired usage of the word, *contra* Instone-Brewer.

שָׁלַח appears in the Old Testament 848 times in 791 verses. The word can be found in 28 of the 39 Old Testament books. According to Holladay, שָׁלַח appears in the *qal* verbal stem 562 times and in the *piel* 265 times.⁵⁰ These two stems account for 97.5 percent of all the uses of שָׁלַח. The word appears in the *pual* stem ten times⁵¹

The first appearance of שָׁלַח in the Bible is found in Genesis 3:22, 23. The usage in these two verses is rather ironic. God says, speaking to himself (but in the plural which makes this a favorite statement among Trinitarians),

⁴⁹ *Divorce and Remarriage in the Bible*, Grand Rapids, MI: William B. Eerdmans, 2002, p. 50.

⁵⁰ William Holladay, *A Concise Hebrew and Aramaic Lexicon of the Old Testament*, (Grand Rapids, MI: William B. Eerdmans, 1988), p. 371.

⁵¹ Gen 44:3; Job 18:8; Prov 29:15; Oba 1; Prov 17:11; Dan 10:11; Isa 50:1; Isa 16:2; 27:10; Jud 5:15. Holladay, p. 372.

Behold, the man is become as one of us, to know good and evil; and now, lest he put forth his hand, and take also of the tree of life, and eat, and live forever - therefore Jehovah God sent him forth from the garden of Eden, to till the ground from whence he was taken. (ASV)

The phrase “shall put forth” (j l { c y) referring to man’s potential action is the same word as “and sends him forth” (Wh j l v y w) used in verse 23 with God as the subject. The imagery is that the man will “send his hand away” from himself to grasp the fruit, but God circumvents this action with his own “sending forth.” This consanguinity of word meaning is confirmed in *The Theological Dictionary of the Old Testament* (quoting Delcor and Jenni, p. 1331):

In all the usages of the verb v l j an obj. is set in motion away from the actor. If the obj. remains linked to the actor, the meaning can be rendered in Eng. (a) “to extend (one’s hand/staff)”; chief meaning “to send, dispatch,” which implies a complete separation, can differentiate between the dispatch (b) of an obj. perceived as a passive and (c) of a (usually per.) obj. that actively executes a mission.⁵²

In the 848 appearances of שָׁלַח in the King James version of the Old Testament, it is translated by 41 phrases containing the word, “sent” (such as sent away) for a total of 562⁵³ times (or 66/% of the total usage). Other significant translations include “let go” (55), “reached out” (10) or “stretched out” (10). Although the KJV (and the ASV) never translate the word as “divorce” it appears in the NIV as “divorce/divorced/divorces” a total of six times (or 0.7 % of the total usage). All six times it is in the Piel stem. (This is not grammatically significant since it appears another 247 times in the Piel stem and is usually translated “send” or “send away”.)

⁵² Volume 15, G. Johannes Botterweck, Grand Rapids, MI: William B. Eerdmans, English Translation 2004, p. 50.

⁵³ This number coincidentally corresponds exactly to the number of times *shalach* is in the qal verb stem, but that is not significant.

Some exegetes see a special theological significance in the way the Old Testament uses שלח. They understand it as the primary catchword for the commissioning of the prophet.⁵⁴ They bolster this understanding by pointing out that שלח is translated in the Septuagint primarily by the Greek ἀποστέλλω which appears in the New Testament as a verb, but also as the cognate of ἀποστέλλω. Interestingly, when Jesus refers to the teaching of Deuteronomy 24 in the Sermon on the Mount, he (or Matthew) uses the Greek word ἀποστέλλω which, like שלח, means simply, “send away.” (Matthew 5:31 - 32)

Another significant Old Testament usage of שלח occurs in Genesis 21:9 - 14. This is the situation when Abraham sends away Hagar, the mother of Ishmael, because Sarah, Abraham’s legitimate wife, resented their presence in the household.

The narrator is careful to record that God did not tell Abraham to “divorce” Hagar. God rather uses the circumlocution “whatever Sarah says to you, do as she tells you.” Thus, although in Abraham’s terms he had divorced - “cast out” (Gʹr^v) and “sent away” (v^l^j) - Hagar, there had never been a valid marriage in God’s eyes, and so there was really no divorce, only the dissolving of an illegitimate polygamous relationship. God had condescended to bear with Abram during this time but also gently led him to realize the divine ideal for marriage.⁵⁵

The scope of this brief paper cannot include an examination of every Old Testament use of שלח. The focus from this point will be on passages where שלח appears and the NIV chose “divorce” as the translation: Deut. 22:19, 29; 24:4; 1 Chronicles 8:8; Jeremiah 3:1; and Malachi 2:16.

⁵⁴TDOT, p. 64.

⁵⁵Davidson builds on this concept by asserting that the usual terms for divorce are not used in later contexts when the Israelites sent away their foreign wives. p. 417. Cf. Ezra 10:14 -16 “to separate” =לִּדְּוֹ Richard Davidson, *Flame of Yahweh: Sexuality in the Old Testament* (Peabody MA: Hendrickson Publishers, 2007) p. 388 - 389.

Deu 22:19 They shall fine him a hundred shekels of silver and give them to the girl's father, because this man has given an Israelite virgin a bad name. She shall continue to be his wife; he must not divorce לֵךְ לָהּ her as long as he lives.

Deu 22:28 - 29 If a man happens to meet a virgin who is not pledged to be married and rapes her and they are discovered, he shall pay the girl's father fifty shekels of silver. He must marry the girl, for he has violated her. He can never divorce לֵךְ לָהּ her as long as he lives.

Deu 24:4 then her first husband, who divorced לֵךְ לָהּ her, is not allowed to marry her again after she has been defiled. That would be detestable in the eyes of the LORD. Do not bring sin upon the land the LORD your God is giving you as an inheritance.

1Ch 8:8 Sons were born to Shaharaim in Moab after he had divorced לֵךְ לָהּ his wives Hushim and Baara.

Jer 3:1 "If a man divorces לֵךְ לָהּ his wife and she leaves him and marries another man, should he return to her again? Would not the land be completely defiled? But you have lived as a prostitute with many lovers— would you now return to me?" declares the LORD.

Mal 2:16 "I hate divorce לֵךְ לָהּ ," says the LORD God of Israel, "and I hate a man's covering himself with violence as well as with his garment," says the LORD Almighty. So guard yourself in your spirit, and do not break faith.

If the word לֵךְ לָהּ is translated, legitimately, as “send away” (or in some similar form) hundreds of times in the Old Testament, what can justify it being translated “divorce” on these few occasions? It seems obvious in Deut 24:4 and Jer 3:1, that the woman mentioned has been divorced through the three-step process outlined in Deut 24, and that לֵךְ לָהּ , or “send away,” represents in these contexts the entire process.⁵⁶ But, surely, this is a metonymical usage of לֵךְ לָהּ and does not change the meaning of the word.

⁵⁶ Jeremiah 3:1 is parallel to Isaiah 50:1 in that God is talking about divorcing his people. What some do not realize is that Israel, per Jeremiah, is divorced, and Israel (a name in Isaiah that

However, in Deut 22, the prohibition against the unjust men is stronger than merely proscribing divorce. In fact, in the first case, if the woman were guilty of premarital fornication she would be a candidate for stoning. If she were guilty, and not stoned, she would be sent away without a divorce. If she is proven innocent, the man can never send her away (with or without a divorce).

1 Chron 8:8 has absolutely no context, and does not apply to either translation. It is possible that the situation is referring to a “sending away” of foreign wives.

Finally, Malachi 2:16 makes more sense if God is angry with men for sending away their wives and robbing them of the privilege of a legitimate divorce. A legitimate divorce always included permission for the woman to be married again, and for the return of her dowry and her ketubbah.⁵⁷

Therefore, the conclusion of the matter is not a question of justifying the translating of שֶׁלַּח as “send away.” The onus of such a justification is on those who unnecessarily and inaccurately insist on inserting the word “divorce” as the meaning שֶׁלַּח.

refers to the remnant of Judah) is not divorced, although she was sent away. Cf. *The Eerdmans Bible Dictionary*, Grand Rapids, MI: 1987, p. 288.

⁵⁷ Instone-Brewer, p. 117.

Sources

Davidson, Richard. *Flame of Yahweh: Sexuality in the Old Testament*. Peabody MA: Hendrickson Publishers, 2007.

The Eerdmans Bible Dictionary, Grand Rapids, MI: 1987.

Holladay, William. *A Concise Hebrew and Aramaic Lexicon of the Old Testament*. Grand Rapids, MI: William B. Eerdmans, 1988.

Instone-Brewer, David. *Divorce and Remarriage in the Bible*. Grand Rapids, MI: William B. Eerdmans, 2002.

Kohlenberger, III, John R. and James A Swanson. *The Hebrew-English Concordance to the Old Testament with the New International Version*. Grand Rapids, MI: Zondervan Publishing House, 1998.

Theological Dictionary of the Old Testament. Edited By: G. Johannes Botterweck, Helmer Ringgren, Heinz-Josef Fabry. Grand Rapids, MI: William B. Eerdmans, 2004.