

A Written Debate on Divorce and Marriage

Proposition:

“The Scriptures teach that all divorced persons may marry today with God's approval.”

Participants:

Affirmed by Robert Waters
Denied by Howard Denham

Moderators:

Kennon Olson
Olan Hicks

Waters' First Affirmative:

“The Scriptures teach that all divorced persons may marry today with God's approval.”

By divorce(d) I mean, “The legal ending of a marriage.”

By “may marry” I mean the divorced person, being “loosed” and no longer “bound,” has God’s approval to have a spouse, which is accomplished by marriage.

1. That divorce ends a marriage is fundamental.

God’s ideal is that a man and his wife not “put asunder” but be faithful till death. Unfortunately, because we are human, and humans make mistakes, breakups became common. Thus, God gave a directive telling men how to end a marriage (Deut24:1-4). God was not pleased with a mere “departing” or separation. He required that the man give the woman WRITTEN proof that she was free from him. As best as I can figure, because men were allowed to have more than one wife the divorce law was actually intended to benefit the woman. The men who were determined to be rid of a woman were to follow the multi-part directive (Deut24:1-2) to end the marriage God’s way (Mark10:3). Without the required certificate, a man's actions of sending his wife out of the house (“shalach,” the corresponding word Jesus used was “*apoluo*”) would be nothing but a “putting away,” which God hates (Mal 2:16). The certificate enabled the woman to “go be another man’s wife” rather than be cast out on the street, destitute and likely to have no choice but to resort to prostitution.

Secular laws incorporate the idea that divorce ends a marriage. The law of our land reflects Moses’ teachings that require a certificate to be presented before a divorce is legal. Even “legal separations” are not considered a divorce that allows the parties to marry. “Unlawful” marriages, such as incest (“fornication”) are condemned (Mark6:18; 1Cor 5:1).

God confirmed the definition of divorce, contained in the law itself, and expressed that divorce ends a marriage, with the record of his own divorce of Israel (Jer3:8). When we look at Paul’s teachings we will tie a comment he made with the facts of Jeremiah 3:8 and discuss the necessary conclusion.

2. Jesus’ teachings do not contradict the idea that divorce ends a marriage, freeing the divorced to marry.

Jesus did not break his promise (Matt5:17) and teach that divorced persons commit adultery when they marry, but rather that a woman who is “put away” (which is what the text says), but NOT LEGALLY divorced, does indeed commit adultery when she marries another. Jesus was condemning an evil Jewish practice that is tantamount to “forbidding to marry” (it kept women from having a real marriage, as do many religionists today), which Paul classified as “doctrines of devils.”

The “exception clause” is found only in Matthew. Many seem to think that if you read this passage you know everything you need to know on the subject under study. But the fact that it is found nowhere else indicates it does not add anything of great import to what the parallel texts say, as would obviously be the case if Jesus were indeed giving a new law, contrary to Moses’, that stated that a divorced woman is not free unless SHE initiates the divorce for adultery. My opponent applies the phrase to men also. But men living in Jesus' day were allowed to have more than one wife. Thus, when Jesus said the man that does the putting away “committeth adultery against her” he obviously was not referring to sex WITH someone in a new marriage. The man could marry another whether properly divorced or not and it would not be “sexual” adultery.

Here is my paraphrase of the teaching of Jesus, incorporating parallel texts, followed by my comments and supporting versions:

“If you send away (“apoluo”) your wife, except in the case where it is done because of fornication (such as incest, which would be an illegal marriage), and you marry another, you commit adultery against her. Also, the man who marries her commits adultery because she does not have the required divorce papers to free her to marry legally.”

(See: George Lamsa's Translation, New Jerusalem New Testament, New American with Apocrypha, Holman Christian Standard, Wuest Translation.)

3. Jewish men were putting away but not divorcing.

The dowry was brought to the husband from the bride’s father.¹ The deal was that the man would return the dowry if he divorced the woman. This would assure that if he divorced her she would not be immediately destitute. With this change in custom, the Jewish men had a motive to “put away but not divorce.” This practice, though more evil than divorce, was “suffered”; i.e., there was nothing done about it. And why would God put in place a HUMAN magistrate to judge the husband’s actions and punish him for putting away? After all, it is common for couples to separate but get back together. Would it make sense to punish the man for not giving the bill of

divorce, in view of the fact that giving it would doom any possibility of reconciliation, especially if the woman married another (Deut24:4)? Nevertheless, the man's "treacherous" actions were something he will have to account for when he meets God (Mal2:16).

When I asked Howard for a passage in which Jesus condemned the sin of putting away but not divorcing, if he did not do it in Matthew 19:9, etc., he could not provide a single passage. He was forced to deny, contrary to common knowledge, that such a sin ever existed or exists.²

4. Paul's teachings harmonize with the idea that divorce ends a marriage and frees the divorced to marry.

The gist of Paul's teaching to the Corinthians (and us) is to HELP those who need help with fornication, a problem noted in chapter 6. In chapter 7, Paul follows up by presenting his answers to questions from Christians regarding marriage. In the following passages Paul gives no hint that there must be some specific "cause" or "reason" for a divorce in order for it to do what divorce does:

- a) he explains the need for a man and a woman to have a spouse "to avoid fornication" (1Cor7:1,2);
- b) he speaks of the "unmarried" (which includes all the divorced) and says "let them marry" (8,9); and
- c) he says those "loosed from a wife" (divorced) do not sin if they marry (27-28).

Paul confirmed that divorce ends a marriage when he said the divorced wife of God (Jer3:8) ("those who know the law") "should be married to another," and Christ was then confirmed as that husband or bridegroom (Rom7:1,4; Rev18:23). Why would God give us this teaching if he did not intend for all to see that a divorced person may marry another? If it is sin for a man today to marry a divorced woman then it was sin for Jesus to take Israel as his bride, which is the church.

Paul says to leave those who have divorced to God's judgment (1Cor7:17-24).

Not only have I proved that divorce ends a marriage, but I have also proved that the divorced may marry another with God's approval.

Sources:

Web search for: JewishVirtualLibrary; rabbis-among-4-charged-fbi-divorce=sting; Jewishwomaninchains.

Robert Waters

Denham's First Negative:

1. Robert asserts the idea that a divorce ends a marriage is fundamental.

Robert must prove all divorces are equally effective in severing the marriage tie that God fashions between two parties. But Herodias was divorced from her husband Philip (*Works of Flavius Josephus*, V:4, III, 285-286), and married Herod (Mark 6:17-18). She was still said to be Philip's wife. So, the civil divorce did not sever the original marriage according to God.

While a civil divorce severs the civil relationship, it doesn't necessarily sever the marriage according to God. The Jewish wife divorced by her husband, in Malachi 2:12-17, was still "his companion and wife by covenant." The final clause of v.14 reads, "...yet she **is** thy companion and wife by covenant." Thus, it is not what civil law says that severs the marriage according to God's law. Surely, Robert does not believe that God sanctions every relationship that civil law calls a "marriage"! Why should he then conclude God sanctions everything civil law calls a "divorce"?

Robert asserts putting away in Malachi 2:16 is not divorce. He states that it should not be translated, "I hate divorce." However, some of the translations he cited in support of his doctrine translate it that way (NAB, CSB). He *assumes* without proof that no bill of divorce (*get*) was issued in Malachi 2. In Israel divorce was carried out *by the act of putting away*. While the *get* initiated the process, **putting away was the means by which the Jews actually divorced**. Even the bill of divorcement evidences this *intent for separation*. The Hebrew word for "divorcement" meant "to cut off." The act that caused that to happen was not the writ, but the actual sending away, which is why the lexicons define the word *shalach* in marriage contexts as "to divorce."

Civil courts in ancient Israel *had nothing to do with the common process*. In Deuteronomy 24:1-2 it is the *husband* who was to write the bill, **not a civil judge**. Women were *not* permitted to initiate the divorce. The bill also was different from our divorce documents. As to Jeremiah 3:8, the order given was actually reversed. Yet, Robert claims that the process in Deuteronomy is "basically the same" as that in U.S. practice!

2. Robert asserts the teaching of Jesus does not contradict the idea that a divorce necessarily ends a marriage.

But Jesus did contradict that idea. He taught that, when a man puts away his wife for any cause other than fornication and marries another woman, he commits adultery (Matt. 19:9). He taught that the man who marries the put away woman commits adultery. The act of divorce or putting away is not the adultery. It is adultery because the original pair is still husband and wife according to the law of God, and adultery occurs when they marry another.

Robert admitted that Jesus taught the same basic thing as Moses, even though Robert woefully misapprehends Moses' teaching. If the teaching of Moses does not contradict the Lord's teaching, then it must be the case that the ground Moses dealt with in the phrase "unseemly thing" (*er'vat dabar*) is the same thing as **fornication which is what the Lord taught.**

Robert asserted that because the exceptive clause ("except for fornication") only appears in Matthew it doesn't add *anything of real importance* to the subject. But, I suspect, those who have had a spouse cheat on them would say otherwise! The expression "born of water and of the Spirit" is found only in John 3:5. Apply Robert's new hermeneutic to that one!

Robert appeals to several versions to justify his "paraphrase" of Matthew 19:9. None of the versions actually support his conclusions. If he wishes to make an argument on them, then he needs to do so. It can be shown they obviously considered these terms as contemplating "divorce." Lamsa's translation is based on the Aramaic Peshitta and not even on the Greek text, as Robert wrongly implies.

3. Robert also asserts Jewish men were putting away but not actually divorcing.

Putting away was the means by which they divorced. As to Robert's first paragraph under this point, it is *non sequitur*. The bill of divorce was only to be given in the case where one's spouse was guilty of fornication. **That precludes all other causes.**

Whether with or without a bill of divorce being given, *if the cause of the divorce was not fornication*, then the action was **bogus** according to God's Word. Quibbling about the injustice over the dowry is a red herring. The Jews wrongly concluded they could divorce for any cause, and that occasioned the problem of failure to give the writ of

divorce in some cases. Jesus addressed the real problem – divorcing without Divine authority.

Robert misrepresents my answer to his question. I was not “forced to deny” anything. I answered:

“There is no text in the New Testament. All texts dealing with putting away in a marriage context in *both* the Old and New Testaments refer to one of the prevalent processes in the ancient world, including Judaism. The problem postulated in the question, as far as God’s law was concerned even under the Law of Moses, did *not* really exist, as it is the case that God only ever allowed (and allows) divorce on one ground – fornication.”

Jewish men divorced **for every cause**. The Lord’s implicit answer to it was for them to abide by the limitation God gave.

4. Robert asserts Paul’s teachings harmonize with Robert’s view that divorce always ends a marriage and frees the partners to marry.

But he does not address Paul’s commands to married women not to divorce their husbands and the husbands not to divorce their wives, and the *imperatives* that the woman remain “unmarried or else be reconciled to her husband,” if she has divorced. **She did not have the freedom to remarry. She still had a husband with whom she was to reconcile.** (1 Cor. 7:10-11). Those “loosed” in vs. 27-28 *therefore* refer to those loosed *with God’s approval* and not just any divorced couple.

In Romans 7:1-4 it is the church – not national Israel – who married Christ. Robert’s quibble implies Premillennialism. Also, in marrying Jesus, if Israel did so, she would be remarrying God, not another.

I asked Robert whether it was true or false that the physical nation of Israel, after God divorced her, had the right to marry the false deity, Baal, with whom she committed adultery. He answered:

“The question is absurd being obviously false, but this does not mean she could not marry at all.”

But his position necessitates that it be true! His proposition entails that **all parties in a divorce are free to marry another person**. Robert admits that Israel was free to

marry again. Robert is the one who has drawn the parallel by his own teaching, but he doesn't seem to grasp its implication.

Robert implied in his answer to another question God would sanction the marriage of a man who cruelly divorces his invalid wife just so he could marry another to have sex, though, Robert admits, the "divorce can be sinful."

No, friends, Robert has not proven his case!

Waters' Second Affirmative

Howard asserts that I must prove that all divorces end a marriage, but I affirm that only divorce as defined by God does that. In my first paragraph I wrote:

“God gave a directive telling men how to end a marriage (Deut24:1-4). God was not pleased with a mere “departing” or separation. He required that the man give the woman WRITTEN proof that she was free from him.”

Biblical divorce (done God’s way) ends a marriage. Failure to do so was the reason the Jewish husband was accused of treachery (Mal2). I asked Howard,

“Please provide biblical evidence that, under the Law of Moses, a woman given a certificate of divorce was not free to marry.”

Howard cited Mal2:12-17. But the passage does not answer the question because this woman was not divorced and did not marry another. The text says the couple was still married. This is the very reason Jesus said a woman sent away would commit adultery.

Howard endeavored to prove a divorce does not end a marriage with the example of **Herod and Herodias**. The circumstance was that the marriage was “not lawful” based on the fact that Herod had married his brother’s wife while his brother was still living (Lev20: 21; Deut25:7). I do not contend that the laws of “all civil courts” regarding divorce are in accordance with God’s laws. Herod’s marriage was not in accordance with the Law of God. Howard agrees with me on this point. He said, “Those ‘loosed’ in vs. 27-28 *therefore* refer to those loosed *with God’s approval*.” But what Howard denies here is that when Paul says someone is *loosed*, IT IS WITH GOD’S APPROVAL. Thus, we should agree that those who do not do anything more than separate have not met God’s approval and are **not** “loosed” (divorced).

Man has devised many ways to end a marriage. In some cultures it’s by saying “I divorce you.” Others make it official by “jumping over a broom stick.” But God regulates divorce, and only those ignorant of God’s law or rebellious toward it do not follow it. Clearly three parts are spelled out in the Law. Howard says the last part is the divorce. But the mere sending away, while failing to present the certificate, was the source of the problem resulting in the charge that the man committed “adultery against her” or dealt treacherously (Mal2; Mark 10:11; Mat19:9).

In answering a question, Howard denied that Jewish men were putting away but not divorcing. Yet in his rebuttal he said “some were doing it.” Thus, he confirmed what I noted as being the very problem God condemns. In addition, Howard said no New Testament text deals with this problem. So, we are supposed to believe that men “in some cases” did not divorce according to the Law, yet Moses, Jesus nor Paul dealt with the sin. I contend that Jesus DID deal with it. He called it “adultery against her.”

Howard said the “unseemly thing” is the same as “fornication.” Yet since he believes that adultery is THE act that must happen before a divorce can be lawful, he has a problem because adultery required the death penalty. Incidentally, fornication and adultery are very different terms.

I asked, “In the Old Testament, when a man divorced a woman, was he questioned by anyone regarding whether the ‘reason’ was for fornication?”

No scripture given.

The phrase “born of water,” if left out of the Bible, would not leave anyone in the dark regarding the necessity of baptism. But the phrase “except it be for fornication,” which Howard teaches is required before a divorce meets God’s approval, would indeed leave the reader of Mark, Luke, and John in the dark if Howard’s position were true.

Paul makes it clear that the husband is to love his wife and that the wife is to honor her husband (Col3:18-19). Destroying a covenant by divorce to marry another is sinful. But Jesus dealt with a worse sin—sending away but not divorcing, which would cause the woman to sin.

Regarding 1 Corinthians 7:11, Howard wrote:

“She did not have the freedom to remarry. She still had a husband with whom she was to reconcile.”

The above is true, which is one reason we must conclude that “remain unmarried” means only that she must remain in that separated state, or “as she is” rather than marry another. [See: Weymouth, Montgomery, New Life Bible, Barnes, JFB, Bloomfield, Robertson's Word Pictures and Strong on the meaning of *chorizo*.] This text is not applicable to divorced couples.

Howard had little to say regarding Romans 7:4. He said “it is the church – not national Israel – who married Christ.” But we are not talking about “national Israel” here; we are talking about “spiritual Israel,” the church—the people whom Paul said married Christ. It was another “person,” Jesus, who married the divorced wife of God.

Howard said my “proposition entails that **all parties in a divorce are free to marry another person,**” implying Israel could marry Baal. But failure to depart from the false gods was the reason for God’s divorcing Israel.

Passages that support Paul’s teaching that Israel married Christ:

Acts13:23; Acts13:24; Acts28:20; Rom9:27; Rom10:1; Rom10:21; Rom11:26; “all Israel shall be saved: as it is written, There shall come out of Sion the Deliverer.” Compare this to “the Lord added to the church daily such as should be saved.” Israel is the church. Gal6:16; Heb8:8-10; Rev21:12; “twelve tribes of the children of Israel.”

Jesus promised not to make changes to the Law before the cross (Matt5:17-18). To get around this, Howard asserted that Moses taught that a divorce had to be because of fornication, but he failed to prove it and he will not. He asserted that *shâlach* (send out) means divorce. But **Strong** nowhere mentions divorce in his definition. Howard insists that the putting away Jesus talked about is THE divorce. But how can that be true in view of the definition of *apostasion*, which both **Strong** and **Thayer** define as divorce. Obviously, Howard isn’t differentiating between *separation* and *divorce*. His idea of divorce lacks a key ingredient. Separations among couples are common. They either get back together (reconcile) or get a divorce.

In a world where men were allowed more than one wife, and divorce was all that ended a marriage, it is obvious that it was evil to send the woman out (*shâlach*, *apoluo*) but not give her the divorce (get) so she “may go be another man’s wife.” Howard could not show where this sin was dealt with in the Bible.

“Is it just punishment to require celibacy of a woman who did no sin but was divorced against her will?”

Howard sees the problem with his position, but instead of attributing the injustice to his doctrine and giving it up, in answering the question he wrote, “We are in no position to sit in judgment of God.” While this is true **we CAN judge doctrines to be false that are hermeneutically unsound.** If it is from God it’s GOOD. But if it’s BAD, it’s not from God. Who gains from punishing young innocent Christians with celibacy? Only Satan (1Cor7:1,2; 1Tim4:1-3).

Denham's Second Negative

1. Robert disavows any obligation to prove all divorces end a marriage. But his proposition claims: “*all divorced persons* may marry today with God’s approval.” He defined the term “divorce(d)” as, “The legal ending of a marriage.” His definition obligates him!

Whether a broom is jumped, or a judge adjudicates the process, each form is **legal** *in the culture where utilized*. The Mosaic pattern is not followed by anyone today. Let Robert prove that it is! Herodias divorced her husband *under Roman law*. It was a **legal** divorce under that law, though God considered her still bound to Phillip.

Concerning the divorcing of the invalid wife, Robert said that the divorce “can be sinful.” He then implied God honored it anyway! So, it is just *a matter of degree as to its sinfulness* as to whether God sanctions it. Failing to give a writ must be a *mortal sin* with Robert!

2. In Malachi 2 the women were divorced. I used three versions Robert introduced. He ignored that fact. Thus, *they had to have received a bill of divorce as per Robert*. Yet they could not marry another, because they were still married to their treacherous husbands.

Jack P. Lewis has noted, *shalach* is used of the wife whose virginity is slandered (Deuteronomy 22:19) and the woman seduced prior to marriage (v.29). *Divorce* is contemplated. The doctrine that putting away was not divorce is a case of “a man’s creating a definition that supports a distinction congenial to his case and then proceeding to chase his own tail by assuming he has established his contention” (*Gospel Advocate*, 1986:665-666). So, Robert commits *circular reasoning*!

3. Robert misrepresents me concerning his theory of women put away but supposedly not divorced. He left out *my explanation* of the point. He ought to have posted it all.

I *never* categorically *denied* that the practice happened. That was clearly not my intent. I said that *as far as God’s law was concerned it never existed, because* God treated the matter as a *non-issue* addressing instead the heart of the matter. Robert commits the *special pleading* fallacy.

4. Robert said Jesus **taught the same thing Moses taught**. But both taught that there was one ground that God authorized. Jesus called it “fornication,” while Moses called it “an unseemly thing.” Robert cannot have it both ways: affirming that Jesus taught something differently here than Moses, **while using Deuteronomy 24:1-4 for his distinction between putting away and divorce** on both texts. We will not allow him to take away with one hand what he granted with the other.

Robert said I hold that adultery is the only ground. I never affirmed that. *Porneia* refers to more than just adultery (e.g. homosexuality, Jude 7), though adultery is one of kind of *porneia* authorizing divorce. *Er’vat dabar* is a synonym for *porneia* (Colin Hemer, *Divorce and the Bible*, 2006:58; Phillip Sigal, *The Halakah of Jesus of Nazareth*, 2007:118).

Robert quibbles adultery was excluded, due to its punishment by death. That, however, applied only to where a woman was proven not to be a virgin by the husband (Deut. 22:20-21) and where parties were caught in the act of adultery (Deut. 22:22-24). Two witnesses were also required (Num. 35:30; Deut. 17:6). The woman discovered by the jealousy challenge was not executed (Num. 5).

5. Robert states I didn’t give a passage where a man was questioned concerning the reason for divorcing. I said *by implication* they were **authorized to do so**. We do not have to have an example for something to be authorized.

Robert implies leaving the teaching of the new birth out of the Bible is insignificant, just to avoid the obvious absurdity of his teaching. How many times does God have to say something to make it so?

6. Robert asserts, without documentation, some sources support him on 1 Corinthians 7:10-11. He needs to make an argument on them.

He cites A.T. Robertson’s *Word Pictures*. However, Robertson, citing the texts of Matthew 5:31; 19:3-9; Mark 10:9-12; Luke 16:18, states: “The Master had spoken plain words about divorce. Paul re-enforces his own inspired command by the command of Jesus.” Robertson applies these and 1 Corinthians 7:10-11 to divorce (IV:126).

Waters ignores the ones addressed in the latter text were those “who are married” (v. 10). The woman in some sense was still both “married” (v. 10), and yet “unmarried” (v. 11).

7. In Mark 10:11, the husband commits adultery “against her” (his rightful wife) because he is still married to her despite the divorce, as Robertson observes, “Mere formal divorce does not annul actual marriage” (I:349). So, Robertson again impeaches Robert’s position.

8. Robert admitted the church married Christ according to Romans 7:1-4, Robert destroys his own argument on Jeremiah 3:8. He must have **national Israel** marrying Jesus. *The church was never divorced by God!*

Robert repudiates his teaching on Jeremiah 3, when he admits that national Israel *had no authority upon divorce to marry any one with whom she committed spiritual adultery*, and yet implies a man may commit adultery with a woman, divorce his wife, and marry the woman with whom he committed the adultery with God’s sanction.

9. *Strong’s* gives *apoluo* “divorce” as one of its meanings (#630). Thayer states that *apoluo* is “used of divorce” in the following texts Matt. 1:19; 5:31-32; 19:3, 7-9; Mark 10:2,4,11-12; etc. (*Greek-English Lexicon of the New Testament*, 1974:66). So, Robert is not correct on either Strong or Thayer. *Shalach* does contemplate divorce in some texts (S.Lee, *A Lexicon, Hebrew, Chaldee, and English*, 1840:599-60).

10. Robert appeals to polygamy to justify his doctrine, but that is a bigger problem for him. Jesus clearly says that the man who puts away his wife and marries another commits adultery. The text contemplates monogamy.

11. I asked: “Joe commits adultery with Debbie who has never been married, and then divorces his wife. Joe is thus authorized by virtue of the divorce to marry Debbie with God’s approval. True or False.”

Robert said: “This is between Joe and God—certainly not for preachers to seek to unravel or correct. You speak of “authorized” as if you are talking about “church action” that requires authorization. Divorce (done as God prescribes) ends a marriage. It always has and it always will, regardless of who is right or wrong or

what took place leading up to it. Was Joe a Christian? Does Joe care what Howard thinks, or even what the Bible thinks?”

So, Robert implies that Joe’s action is authorized by God. It will be noted that I modified the term “authorized” by the prepositional phrase “by virtue of the divorce.” I was not referring to some “church action.” He said a legal divorce “ends a marriage.” If not a “church action,” then God authorizes it, he implies. So, he has God sanctioning two sinful actions so as to produce a marriage in which He joins the two evil doers together in matrimony! Yet to another question Robert said it is false that God authorized the Jews to divorce for any and every cause provided they gave a bill of divorce. He is caught in a self-contradiction.

Robert still has not established his proposition!

Waters' Third Affirmative

In his second affirmative, Howard wrote:

Robert disavows any obligation to prove all divorces end a marriage. But his proposition claims: “*all divorced persons* may marry today with God’s approval.” He defined the term “divorce(d)” as, “The legal ending of a marriage.” His definition obligates him!

Clearly, my opponent has misrepresented me and my position by asserting I am obligated to affirm that ANY legal divorce ends a marriage. He used up much space on this instead of dealing with what I have actually affirmed. My proposition says, “**The Scriptures teach.**” Thus, this debate is about what the BIBLE says, or what is scriptural—**not what MAN says divorce is, means and does or doesn’t do.** Men’s rebellion against God (what he has said) is the problem, resulting in “divorce” not doing what God intended it to do. **A divorce MUST have the basic characteristics of divorce as prescribed by God.** Our dispute is simply about whether or not “all unmarried persons are authorized by God to marry.” This I have affirmed using Paul’s clear teachings (1Cor7:1-2,8-9,27-28; Rom7:1,4).

1. God’s definition of divorce, and His example for us, is clear (Deut24:1-2; Jer3:8), but Howard says,

“...No society (not even Judaism) has followed that explicit process for many centuries. That fact implies that no one today could divorce and marry another with God’s sanctioning the new marriage.”

Even if it were true that no one follows God’s design and command for divorce, it would not affect the truth of my proposition. While I accept what God says regarding the fact that divorce ends a marriage (Deut.24:1,2; Jer3:8), Howard has a problem with it. He tries to refute this observation by asserting that no society follows God’s teaching regarding the definition of divorce anymore. He insists that **the “sending away” is the divorce** but cannot deal with the fact that **one can send away but not divorce**, which **does not** end the marriage. If Moses does not give a clear definition of divorce, applicable for all time, it behooves Howard to cite a passage from the New Testament that does; but he cannot. Insisting that Jesus taught that a marriage continues to exist if one who puts away does not do it for a certain reason is not a definition at all. Also, Howard is still in a quandary because of having said no society

follows the Jewish Law regarding divorce, especially in view of the fact his broad statement hammers his own teaching.

2. The primary meaning of both *shâlach* and *apoluo*, as used in Deut24:1 and Matt19:9, is to “send away.” One might say to his spouse, “**GET OUT!**” She leaves. Are they divorced, Howard?

3. Jesus taught the same thing as Moses, but Howard perverts both their teachings when he says “**an unseemly thing**” is the same thing as “fornication.” Howard’s assertion regarding Moses’ teaching is contrary to the writings of many great scholars. **Barnes** (Matt5:32) wrote,

“...The husband exercised this right at pleasure; that he was judge in the case, and dismissed his wife when and for what cause he chose.”

Gil wrote,

“This word "uncleanness" does not signify adultery, or any of the uncleannesses forbidden in Lev_18:6.”

Clark wrote, “**Some uncleanness** - Any cause of dislike.”

This does not mean God approved of the decision and justified the man in his actions. Nevertheless, the divorce set the woman free, which is a biblical and historical fact.

4. “Let him write^{H3789} her a bill^{H5612} of divorcement,^{H3748} and give^{H5414} it in her hand,^{H3027} and send^{H7971} her out of his house.”

The order of the command is:

First, “write the divorce statement” (or have it written); **second**, “give it in her hand” (see that she gets it); **third**, “send her out” (dismiss, repudiate). Friends, you can believe Howard, who says the “sending” is the divorce and fornication must first be proven; or you can believe what God says is divorce.

5. **Strong’s Concordance** from **E-Sword**, on the word “shâ lach,” does not mention divorce. Admittedly, scholars generally include *divorce* in their definition, way down toward the bottom. But even Howard admitted no society has followed God’s marriage law for many centuries; thus, we should understand that these key words,

though “used of divorce,” were, and are, simply used **WRONGLY**—contrary to God’s definition. In Jesus’ day if a man determined to be rid of a woman, but did nothing more than *shâlach* (Hebrew) or *apoluo* (Greek), he disobeyed God (Mal2:16; Mk10:3) and was guilty of “**adultery against her**” (Mk10:11)—causing her and the man she married to commit adultery (Matt5:31-32). Forbidding marriage was prophesied to be practiced by the apostate church, which came to pass, and involves more than forbidding “priests” to marry. Many preachers today are in the same boat in preaching this doctrine that Paul calls “forbidding to marry,” which he put into the category of “doctrines of demons.”

6. The texts my opponent asserts teach that only the innocent, who divorced for fornication, may marry, are the only texts in the New Testament that teach against the sin of **putting away but not divorcing**. Howard has admitted that the sin exists but now has a real problem. He wrote, “God treated the matter as a *non-issue* addressing instead the heart of the matter.” But this does not answer the conundrum: “Does God wink at this sin?” We are discussing a terrible sin that still exists (which I contend Jesus justly and clearly condemned); yet Howard cannot provide a New Testament passage that denounces it because he uses the **APPLICABLE** texts to teach that those *APOLUO*ed are actually divorced.

7. Since Howard thinks scholars’ writings disprove my position it is important that I deal with this matter. I asked,

“Do you think scholars are inspired and therefore not subject to errant conclusions and self-contradictions like others are?”

“No” would have been sufficient, but what he said seems to indicate he believes scholars **ARE** inspired—you judge. He wrote,

“You sought to use several reference sources from scholars in this debate. Your question implicitly impeaches your own reference sources.”

Really? How so?

We put a lot of stock in the best and most trusted literal versions--the **ASV**, **YLT** and other good versions that **never** translated either the word *shâlach* or *apoluo* as divorce. Should we trust these versions, or what Howard says all scholars believe?

Perhaps my opponent needs to hear Paul who says not to think **“of men above that which is written”** (1Cor4:6). I realize scholars are mere men but I do not think that all are in agreement. They are not. Contrary to Howard’s assertions some scholars support my position on various points. Maybe the ones I quote don’t agree with my overall view, but they said what they said, and it is ludicrous to charge me with misusing the source on the grounds that they could not have believed, or meant, what I quoted because it would contradict something they said elsewhere. Inconsistency can be due to not understanding the subject well. Only truth is consistent. Since only Bible writers were inspired the main evidence Howard thinks defeats my affirmative is faulty, but my evidence is based on Scripture and is very strong.

Denham's Third Negative

1. Robert accuses me of misrepresenting him. Rather he has misrepresented himself. He said *in defining his proposition* “legal” divorce severs a marriage. In Samoa a “legal” divorce is simply sending one’s wife away. The same was true in ancient Judaism, Greece, and Rome. The writ of divorce in Israel initiated the process, but sending away was the *means* of divorce.

Robert admitted implicitly a man writing his own writ of divorce, giving it to his wife, and sending her away would **not** constitute “legal” divorce today. He admits court action could even be involved, but there is **no mention of any courts in Deut. 24 or Mark 10**, which he cited as proof of his position. **Hence no divine authorization per his view!** He thus implicitly forfeits his position. No NT text binds Deut. 24 on Gentile nations!

2. Robert’s proposition is indeed controverted in that **no society has observed the Deut. 24 pattern for centuries**. His affirmation is that *legal* divorce frees both parties to remarry today. If the pattern, which he asserts must be followed, **is not followed** today **then** the legal divorce practices of today **do not free both parties to remarry**. He is also wrong in his assumption that Deut. 24 is a pattern for divorce for anyone beyond ancient Israel.

The process in Deut. 24:1-2 entailed the one ground of *er’vat dabar*, the husband writing the bill of divorce, giving it into his wife’s hand, and sending her away. She could not even initiate the process. The process in U.S. Law, however, has *no fault divorce in all 50 states*, civil judges adjudicating the case and writing a divorce decree binding on both parties, lengthy hearings, multiple court documents with special service, no writing of writ by husband; the wife often keeping the home instead of being sent out, and even able to initiate the process, etc.

So, the two processes are obviously not anywhere near the same!

Also, if it is the case that Jesus taught the same thing Moses taught on divorce, and Jesus taught fornication is the only ground sanctioned by God, then Moses taught by his use of *er’vat dabar* that fornication is the only ground Divinely authorized. Robert admitted the truth of that Moses taught the same thing as Jesus. I have established the fact that fornication was taught by Jesus as the only ground. Thus, the conclusion follows, and Robert’s proposition falls!

3. Robert's doctrine *implicitly* encourages people to try to dissolve at will unions God sanctioned, if there is "written proof." This in essence is the basic position of the Pharisees (Matt. 19:3,7).

4. While the "primary meaning" of *shalach* and *apoluo*, according to Robert, is "send away," such is not their **exclusive** meaning. Robert has admitted there are other meanings by his use of "primary." One meaning is *divorce*, as the historians, linguists, and legal scholars show! Notice:

Scholars on *shalach*:

Young – *shalach* "is a technical term for divorce" (*Isaiah*, III:296); Zakovitch – *shalach* is a key divorce term "in the divorce terminology in the Old Testament" (*Jewish Law Annual*, 1981, IV:31); Brin translates Malachi 2:16 "I hate divorce" and says it refers to *divorce* in Isaiah 50:1 (*Legal Texts*, 233); Raywer – "...in the Bible the verb for 'to divorce' was *shile-ah* [*shalach*] 'to send away' or 'dismiss'..." (*Gender Issues in Jewish Law*, 36); translates Malachi 2:16 as "God hates divorce"; Jackson – "...divorce was originally effected by sending away (and what more natural method can there be?) and that language retained this notion after the method itself changed" (*Essays in Jewish and Comparative Legal History*, 235); Collins – *shalach* is part of "the Biblical dictionary of divorce terms" (*Divorce in the NT*, 191).

Scholars on *apoluo* and *choridzomai*:

Gehring says "the legal act of divorce indicated by the Greek verb *apoluo* as a term of acquittal" (*Biblical "One-Flesh" Theology*, 287). Also, *er'vat dabar* was a synonym for the *porneia* of Matt. 5:32; 19:9 (60); Robertson of *choridzomai* in 1 Cor. 7 states: "Here used of divorce by the wife, which, though unusual then, yet did happen as in the case of Salome...and of Herodias...Jesus also spoke of it (Mark 10:12)" (*Word Pictures*, IV:126); Moulton & Milligan concerning *choridzomai* state: "The word has become a technical term in connexion with divorce as in 1 Cor. 7:10,11,15" (*Vocabulary of Greek Testament*, 695-696); Garland, "In the context of Greco-Roman practice, the verb [*choridzomai*] means to divorce and is synonymous with the verb *aphienai* in 7:11b..." (*1 Cor.*, 281). Lockwood (*1 Cor.*, 237); Naylor (*1 Cor.*, 168-170); Renn (*Expository Dictionary of Bible Words*, 876). [Renn gives "divorce" as definition for *apoluo* in the NT (770).]

Robert accused me of implying sending away constitutes divorce today under U.S. law, which I have not. But it was the form of divorce *in ancient times*, and, though it

does not follow that I must therefore believe it is the form today, it still is the form in **some** legal systems.

5. Robert said “the order of the command” is to write the bill of divorce, give it to the woman, and then send her away. But God sent Israel away and then wrote the bill of divorce (Jer. 3:8). Under U.S. law the divorce decree comes **after** the two parties have already been separated. The pattern does not hold.

6. The situation of the *agunah* woman also is not the big deal Robert makes of it. If Israel had abided by the one ground, there would be no such state. Jesus pointed out that the man who unscripturally divorces his wife is complicit in her adultery, if she remarries (Matt. 5:32). So, how does my position imply that God is winking at sin as Robert charges? It is a red herring.

7. One will note Robert cites some scholars (without documentation) supposedly supporting his view, while charging me that I must believe that scholars are inspired because I cite them (with documentation no less). Who is more qualified to deal with the original languages, one with a lot of training or one with little or no training in them?

8. I asked if the NT church was divorced in Jeremiah 3. He wrote:

“When Paul said, “that ye should be married to another, even to him who is raised from the dead,” he was speaking to God’s people, Israel— “Them that know the Law” (Rom 7:1). God’s people were divorced according to the Law, and Paul tells us another person in the Godhead (Jesus) married God’s people—those who would repent and obey.”

But Robert’s doctrine implies that for the NT church (spiritual Israel) to be the one who remarries in Rom. 7, it must be the *same entity* that was divorced in Jer. 3. However, the NT church was established **several hundred years after Jeremiah!**

9. Robert implied in answering my 3rd question the NT church and the church in the wilderness described in Acts 7:37-39 were **one in the same**. The NT church did not even exist in Moses’ day! Is he not aware, “For they are not all Israel who are of Israel” (Rom. 9:6)? Robert’s doctrine *implies* the physical nation of Israel is actually the Bride of Christ.

Waters' Rejoinder

I presented four points to establish that **“The Scriptures teach that all divorced persons may marry today with God's approval”**:

1. That divorce ends a marriage is fundamental.

From the beginning my opponent proceeded with the idea that I was saying ANY divorce ends a marriage. He said:

“Robert must prove all divorces are equally effective in severing the marriage tie...” But I immediately explained that the proposition contains the phrase **“the Scriptures teach”** and that I would deny that all divorces end a marriage. Some preachers assert that separation is divorce. Howard wrote, “While the *get* initiated the process, **putting away was the means by which the Jews actually divorced.**” The putting away is the final PART of the whole divorce process defined by God himself, which Howard disregards (Deut24:1,2; Jer3:8). Obviously, one can be “put away but not divorced.”

2. Jesus' teachings do not contradict the idea that divorce ends a marriage, freeing the divorced to marry.

Howard replied, **“But Jesus did contradict that idea.”** Yet the passage he quoted (Matt19:9) does not support his assertion unless mere putting away, without fully following God's definition of divorce, ends a marriage.

3. Jewish men were putting away but not divorcing.

This Howard didn't deny, yet he was unable to show where God condemned the sin because he misuses applicable texts to “prove” that Jesus was teaching that divorce is not divorce unless for fornication.

4. Paul's teachings harmonize with the idea that divorce ends a marriage and frees the divorced to marry.

I showed that Paul, speaking of the "unmarried" (divorced), commanded preachers to "let them marry" and noted the reason he gave--"to avoid fornication." I also noted Paul's teaching regarding the "loosed" (divorced). He said, "if thou marry, thou hast not sinned." I also emphasized the significance of the fact that Paul did not even hint that a divorce must be for some particular reason.

My basic argument is that *apoluo*, though errantly "used of divorce," does not mean divorce and Jesus did not use this word in that way. Thus, instead of teaching that the divorced commit adultery in marrying, Jesus was actually teaching what would naturally follow: that a woman sent away (but not divorced) would commit adultery if she married another.

I explained the exception clause to be applicable to a situation in which the man doing the putting away would not be committing the sin noted (Mk10:11); i.e., if the repudiation (*apoluo*) was because of an illegal marriage (fornication).

While Howard insists that Jesus taught celibacy for those divorced, neither Jesus nor Paul prescribed any disciplinary procedure. Howard tried to use 1 Corinthians 7:11 to support his contention, but I showed that the text was not applicable to a divorced couple.

Foy Wallace Jr. has good advice:

"If the Lord...had intended a course of action...he would not have left it for preachers to prescribe, but would have himself legislated it" (*The Sermon on the Mount and the Civil State*, p. 41).

Howard Denham's Rejoinder

Robert's proposition states expressly: "The Scriptures teach that all divorced persons may marry today with God's approval." Robert implicitly gave up that proposition when he sought to confine divorce the term "divorce" to legal divorces and to the pattern of Deuteronomy 24:1-4 which he contends is binding today. That is not what his proposition explicitly calls for.

Furthermore, the 4 points that he claims establishes his case do not do so.

1. It is not the case that "divorce ends a marriage." The Jewish males in Malachi 2 were still joined to the wives of their youth, despite their divorces (cf. vs. 14-16). I showed that even some of Robert's sources translated *shalach* as "divorce" in v. 16.

Robert never addressed the fact that God sent Israel away first and then gave her the bill of divorce (Jer. 3:8) – the exact opposite order that Robert claims must be observed. Also, he did not deal with the obvious differences between the pattern he claims as binding from Deut. 24 and modern divorce practice in U.S. law. Robert confuses the writ of divorce with the actual divorce action, which really was through the sending away of one's spouse.

2. His second point is an assertion that he did not prove. In fact, Jesus affirmed that when a man divorced his wife on any ground other than fornication and married another that he committed adultery (Matt. 19:9), thus implying that the original marriage still existed under God's law.

3. It is not the case that putting away in ancient Israel was distinct from divorce, as Robert's third point implies. I presented numerous authorities in the fields of history, linguistics, lexicography, and Jewish law who stated unequivocally that putting away one's wife was the basic form of divorce in ancient Israel.

The ground of fornication was necessary for valid divorce, according to Moses and Jesus (Deut. 24:1, *er'vat dabar*; Matt 19:9).

4. Paul's teaching in 1 Corinthians 7:10-11 directly contradicts Robert's assertion that divorce always ends a marriage. The verb *choridzomai*, it was shown, refers to divorce, especially the Roman practice of divorce by separation. It also contradicts his

assertion that Paul authorized every divorced person to remarry. Paul specifically commanded the woman to “remain unmarried, or be reconciled to her husband.”

Robert’s use of Wallace’s quote is fascinating, as Wallace’s quote pertained contextually to the question of whether a preacher should refuse to baptize a couple in a questionable marriage. Wallace affirmed in life that he would teach the newly baptized couple that, if they were unscripturally divorced on grounds **other than fornication**, then they were living in adultery. What would that therefore imply about their *real* condition, if they refused to separate?

It is also significant that in the same work that Waters cites, Wallace stated that the marriage bond was “indissoluble” (p.42) – a statement contradicting Robert’s first point above. Wallace also noted that 1 Corinthians 7:10-11 concerned divorce, not modern separation (p.43). Thus, Wallace implicitly repudiates the position of Robert Waters.