


Marriage and Divorce A Clear and Intelligible Exposition

by Robert Waters



Honey, I've got some good news and some bad news. The good news is that I've become a Christian! The bad news is that the preacher says that our marriage is "adulterous".

Marriage and Divorce

A Clear and Intelligible Exposition

by Robert Waters

It seems to be taken for granted by many that when Jesus condemned the practice of "putting away" a wife, He was talking about divorce as we understand it today. But, if that was the case, why have translators not consistently used the word *divorce* instead of *put away* where *divorce* is supposedly the meaning? It is argued that *put away* and *divorce* are synonymous, but is this true? Is it possible that there was indeed the practice of "putting away" that was something different from a legal divorce, and which did not dissolve the marriage, regardless of the reason for the separation? Before we consider what the Scriptures teach on this important subject, we must be willing to put aside our current opinions and accept only what we find written in the word of God.

The Law under which Jesus lived (and was obligated to follow) made provisions for a marriage to be dissolved (Deut. 24:1-2; ASV) because of the hardness of man's heart (Matt. 19:8).

"When a man taketh a wife, and marrieth her, then it shall be, if she find no favor in his eyes, because he hath found some unseemly thing in her, that he shall write her a bill of divorcement, and give it in her hand, and send her out of his house. And when she is departed out of his house, she may go and be another man's wife."

We see, then, that God laid down the procedure for a man to dissolve a marriage. This command was a procedure consisting of three separate actions (see below). Previous to this, men were simply putting away or sending their wives out of the house (women did not have the same rights). At that time, men were permitted to have more than one wife and received a dowry also. But if a man divorced his wife then the dowry had to be returned. The dowry, however, did not have to be returned in a case where there was no formal divorce. We can see, then, that simply sending his wife out of the house was a way of avoiding any financial loss. However, the consequences were very serious for

the wife: without a formal divorce, she was left without a home and a means of support; and, being still married, it was not lawful for her to remarry. For a married woman to have sexual relations with another man was considered an act of *adultery* that was punishable by death (Leviticus 20:10). Husbands who dealt treacherously with their wives (by putting them away and marrying another, which was contrary to the teaching of Moses) were committing adultery against them – adultery meaning "covenant breaking" or "breaking wedlock." (See Mark 10:11 and Ezek 16:38 ASV, BBE, and CEV.)

The wife that was put out of the house may well have been innocent of any wrongdoing, yet she could not marry another without a certificate of divorcement that proved her marriage was legally dissolved. Thus, husbands who refused to give a *bill of divorcement* to those whom they had *put away* were disobeying God. It is interesting that the same evil practice among the Jews is still going on to this day. The following is an Internet link to an article that you will find enlightening:

www.totalhealth.bz/spiritualneeds/Jewish_Women_in_Chains.html .

Nowadays, in most countries, wives too are permitted to divorce their husbands; consequently women are not so vulnerable to being left homeless and destitute the way Jewish wives often are due to their husbands' refusal to present them with divorce papers. Nevertheless, the same sort of thing is experienced by both women and men today! People who have been divorced are being told by church leaders that, being divorced, they are *ineligible* for marriage and must remain unmarried or face the loss of fellowship in their church.

During the Mosaic age, a husband would often *send* (put) his wife away (Heb. *Shalach*, Gk. *Apoluo*) without a certificate of divorce. In God's sight, though, the husband committed adultery against her. Furthermore, his wife would find herself homeless and destitute and unable to remarry; to do so would be to commit adultery, and any man who married her would commit adultery (see Mark 10:11; Matt. 5:31-32), a crime that was punishable by death (Leviticus 20:10).

However, God laid down a procedure to prevent such evils and protect wives from such treachery. This procedure consisted of three actions: writing her a bill of divorcement, placing it in her hand, and sending her away (Deut. 24:1-2).

Interestingly, there is no suggestion in Jesus' teaching that the man who initiates "divorce" commits adultery (Matt. 5:31-32; Mark 10:11). Seeing this, some people, contending that the "put away person" has no right to marry, reason that a person needs only to ensure that he is the one filing for divorce. (This suggestion is, apparently, imprudent as it tends to encourage divorce because people feel compelled to divorce when they have the "grounds" and before the other spouse divorces them, making them a "put away person" and "ineligible for marriage"). But the only significance to this observation is that the men would not commit adultery in the marriage with another because they were allowed to have more than one wife. There is no evidence that the men discussed in the context (which goes back to Deut. 24:1-4 for the specific passage of the Law) were divorcing their wives "for fornication" or because they had committed adultery. Since the Law called for the death penalty for adultery, this theory lacks credence (Leviticus 20:10).

Jesus, like all faithful Jews, was obedient to the Law. No one could accuse Jesus of changing the Law (before the cross) because He Himself promised, "Till heaven and earth pass, one jot or one tittle shall in no wise pass from the law, till all be fulfilled" (Matt. 5:18). In view of this, we see a serious error with the traditional teaching, attributed to Jesus, that a divorced person commits adultery if he remarries. The problem, then, in understanding who has a right to marry, hinges on the meaning of *divorced*. Many of the newer Bible versions translate the Greek word *apoluo* as *divorced* but the older and more reliable versions consistently translate *apoluo* as "put away" (or something similar).

Let us now note a couple of definitions from **Random House Dictionary** and make some observations:

Divorce

1. Law. a judicial declaration dissolving a marriage in whole or in part, esp. one that released the husband and wife from all matrimonial obligations.

2. Any formal separation of man and wife according to established custom, as among uncivilized tribes. 3. total separation; disunion: *a divorce between thought and action*. 4. to separate by divorce: *The judge divorced the couple*. 5. to break the marriage contract between oneself and [one's spouse] by divorce: *She divorced her husband*.

Judicial separation

Law. a decree of legal separation of husband and wife that does not dissolve the marriage bond. Also called limited divorce.

It is interesting that some contemporary writers use the phrase "put away person" when referring to a *divorced* person. This is misleading because "put away" is equal to being *separated*, not divorced – according to the Law of Moses. Even a *judicial separation* is not a divorce and does not end the marriage. While it is true that a *divorce* does separate a couple, it is also true that a couple can separate without divorcing. A married couple who *separate* might claim they are *divorced* but, in reality, they are still married. Those who teach that "putting away" a spouse (without a "bill of divorcement") constitutes a divorce are not only teaching error, but make Jesus a liar! If a "put away" person equals a "divorced" person then Jesus broke His promise that the Law would not change until all was fulfilled (Matt. 5:18). When one who is "put away" (or separated) marries another he obviously commits adultery. But it is important to understand that God gave a procedure for divorcing that would allow that one to marry another. Jesus could not possibly have contradicted Moses on this because to do so would have been transgression and would have given the Jews just cause to condemn Him. Interestingly, they did not charge Jesus with breaking the Law on this matter, yet people today (supposedly His friends!) contend that He did.

The apostle Paul spoke to the "unmarried" person in 1 Corinthians 7:8-9. The word *unmarried* means: single, unattached, free, not married. "Not joined to another by marriage" [Encarta

Dictionary]. To anyone who might not understand His universal divorce law, which freed the divorced, God gave a direct command: "**let them marry.**" Unfortunately, a misunderstanding of Jesus' teaching has led many to ignore this command.

Many believe that the only instance where God recognizes a divorce is when one's spouse has committed fornication. This is based on their conception of what Jesus was teaching in Matthew: "And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery" (Matthew 19:9 KJV). The misunderstanding centers around two things: 1) the phrase "put away" and, 2) the definition of the word *fornication*. We have already discussed the meaning of *put away* so we will focus on the meaning of *fornication*. The word *fornication* is often believed to be a general term for any type of illicit sex. But consider the following quote:

"The Old Testament commandment that a bill of divorce be given to the woman assumes the legitimacy of divorce itself. It is this that Jesus denies. (Unless the marriage is unlawful): this 'exceptive clause,' as it is often called, occurs also in Matthew 19:9, where the Greek is slightly different. There are other sayings of Jesus about divorce that prohibit it absolutely (see Mark 10:11-12; Luke 16:18; cf 1 Cor 7:10, 11b), and most scholars agree that they represent the stand of Jesus. Matthew's 'exceptive clauses' are understood by some as a modification of the absolute prohibition. It seems, however, that the unlawfulness that Matthew gives as a reason why a marriage must be broken refers to a situation peculiar to his community: the violation of Mosaic law forbidding marriage between persons of certain blood and/or legal relationship (Lev 18:6-18). Marriages of that sort were regarded as incest (*porneia*), but some rabbis allowed Gentile converts to Judaism who had contracted such marriages to remain in them. Matthew's 'exceptive clause' is against such permissiveness for Gentile converts to Christianity; cf the similar prohibition of *porneia* in Acts 15:20, 29. In this interpretation, the clause constitutes no exception to the absolute prohibition of divorce when the marriage is lawful"

www.usccb.org/nab/bible/matthew/matthew5.htm (footnote 21).

The word *fornication*, then, is the violation of Mosaic Law forbidding marriage between persons of blood relationships. The only two examples we have recorded in the New Testament where a marriage was said to be unlawful, or fornication, were the man who "had his father's wife" (1 Corinthians 5:1) and Herod, who married his brother's wife (apparently after divorce) while he still lived (Mark 5:18; Lev. 20:21). With this in mind, we offer the following paraphrase of Matt. 19:9:

"And I say unto you, whoever shall put away his wife without a certificate of divorcement, except in cases where he is married to a close relative forbidden by the Law, and shall marry another, committeth adultery: and whoso marrieth her which is put away without a certificate of divorcement doth commit adultery."

Therefore, the traditional teaching that divorced people are still married in the sight of God is without Biblical support.

The idea that Jesus was giving the *grounds* for a "scriptural" divorce, and that only the one who initiated the divorce may marry another, is not in harmony with the Bible. Such a doctrine has God not only punishing innocent persons, contrary to His nature, but also has Him contradicting Himself. When the apostle Paul (by inspiration) dealt with questions pertaining to marriage, he said to let men and women have a spouse so they can avoid fornication (1 Cor. 7:1, 2). By teaching men to "love their wives" (Col 3:19) and women to "be in subjection" to their husbands (Eph. 5:22) he teaches against separation and divorce; but obviously it happens. Yet only during the "present distress" were those who were separated commanded to remain "unmarried" or in the state they were in -- as unmarried (1 Cor. 7:10, 11, 26). There is no command, example or inference that teaches that divorced persons must remain celibate. The following is a link to an article that deals with the contention that Paul taught celibacy for the divorced: www.totalhealth.bz/spiritualneeds/Celibacy.html

In his answer to the brethren in Corinth, Paul makes it clear that people should marry, if necessary, to avoid fornication. He says to anyone who would object to the *unmarried* marrying: "**let them**

marry" and "**He sinneth not.**" We must accept that a legal divorce dissolves a marriage and that "unmarried" persons do not commit adultery when they marry. Paul's teaching in 1 Cor. 7:1-2, 8, 9, 27, 28, 36 should leave no doubt in our minds that divorced persons may scripturally marry another. For a church to refuse to accept a couple because one person in the marriage has been divorced is to place an unnecessary burden on the couple, and their children, which often results in their turning away from Christ. Thus, Paul's classifying "forbidding to marry" as "doctrines of devils" (1 Timothy 4:1-3) surely condemns the traditional teaching and practice of forbidding legally divorced persons to marry, or to continue in a legal marriage. Furthermore, he said: "But if any man think that he behaveth himself uncomely toward his virgin, if she pass the flower of her age, and need so require, let him do what he will, he sinneth not: **let them marry**" (1Cor 7:36). The phrase *any man* is not limited to virgins or those who have never been married. Thus, persons who are *unmarried*, which includes those legally divorced, must be allowed to marry if they see the need, for they do not sin if they do. On the other hand, one who is thus guilty of "forbidding to marry" does indeed commit sin.

Recommended reading:

www.totalhealth.bz/spiritualneeds/Divorce_Sermon.html

www.totalhealth.bz/spiritualneeds/Forbidding_To_Marry.html

Robert Waters
26140 Hwy 23
Huntsville, AR 72740