What God REJOINS

STUDIES IN DIVORCE AND REMARIAGE

Kerry Duke

What God Rejoins Studies in Divorce

and Remarriage

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Preface

Attitudes in the church about divorce and remarriage have changed. This subject has always been controversial, but the level of attention given to it has varied through the centuries. In 1800s America, for instance, the divorce rate was low. Only one person in a thousand was divorced in the year 1900. Preachers occasionally spoke and wrote about divorce and remarriage, but debates about war, slavery, Calvinism and other issues took precedence. This topic moved to the front, however, when the Baby Boomers rebelled in the 1960s and 1970s and the divorce rate peaked in 1980. This trend took a toll on the church. Elders and preachers found themselves dealing with situations they had not experienced. The issue of divorce and remarriage was no longer a "What if" study. It suddenly became a "What do we do now" matter. Church leaders came under great pressure to conform to the rising occurrence of divorce and remarriage. Preachers had to study hard to deal with questions about Bible passages on this subject and to address numerous and often complicated scenarios. Marriage, divorce, and remarriage was no longer a rare, hypothetical consideration. It was real and widespread, and the rise in broken marriages led to a domino effect of division in the church and the nation that has never been healed.

An issue as sensitive and personal as this one was bound to result in a wide range of opinions, theories, and interpretations. Because the tide was so strong to compromise, many gave in and developed ways to justify marriages the Bible declares as sinful. Generally these attempts are based on the following:

- 1. Other sources of divine revelation. Catholics believe the authority of the Magisterium (the pope and college of bishops) supersedes the teaching of the Bible on this and other issues. Mormons believe that God revealed to Joseph Smith that he should have many wives.
- 2. Grace nullifies law. The most thoroughgoing version is the "once saved, always saved" doctrine of many Protestant churches. This belief holds that a child of God can never

lose his salvation even if he dies as a practicing adulterer or homosexual (although traditional teaching in some of these churches says congregations should discipline these members). A milder and less consistent type of this thinking asserts that unscriptural remarriages are sinful but God's grace sanctifies these unions.

- 3. Covenant theories of divorce and remarriage. Some say that in Matthew 5:32 and 19:9 Jesus was only explaining what the law of Moses taught about this subject. There are two camps of this position. Some argue that since there is no reason for divorce and remarriage in the new covenant, then remarriage after divorce for any reason, including fornication, is sinful. Others go to the opposite extreme, asserting that since the new covenant does not address divorce and remarriage, there is no law on this subject and people may divorce and remarry for any reason. Then there are theories which hold that only Christians are subject to Matthew 5:32 and 19:9; non-Christians according to these views are not.
- 4. *Textual questions*. Some contend that the exceptive phrases "except it be for fornication" (Matt. 19:9) and "saving for the cause of fornication" were added to the manuscripts by later copyists and therefore have no part in the discussion.
- 5. Grammatical arguments. For instance, some say that the mate who is guilty of fornication is free to remarry based on a supposed point of grammar in Matthew 5:32. Others hold that because the passive voice is used in the Greek word for committing adultery in this same verse the divorced and remarried person does not actively commit adultery but is only perceived as doing so.
- 6. Definitional questions. Many theories of this topic use a forced meaning of key words in divorce and remarriage texts. For instance, some insist that adultery in these passages refers only to the one-time act of "breaking wedlock" by divorce, not to sexual acts. Others say that fornication in these verses refers only to sex between unmarried couples, not to what a married person does by committing adultery.

7. Contextualization. A prominent theory in many seminaries and Bible departments is that Bible teaching must be understood in its original setting and not necessarily applied to situations in our time. While this general principle is true (e.g., I Cor. 9:19-22), it does not override Jesus' teaching on the moral transgression of adultery. Some misuse this principle to justify divorce and remarriage for any reason in this country and polygamy in others.

Most errors of interpretation on this subject fall into one of these categories. The following essays address specific questions about the application of Bible passages on this topic and respond to ways the scriptures are mishandled. For this reason this collection of writings could be called exercises in exegesis and application as well as a book on divorce and remarriage. There is no unifying theme or particular order to these articles and essays; they are things I have written on the subject for over thirty years. No one will agree with every point, but if anyone can gain a better understanding and stronger confidence in the words of the Bible, I will be a blessed man.

Kerry Duke August, 2021

Why is Fornication the Exception?

God's regulations on divorce and remarriage are specific. Fornication is the sole reason for divorce and remarriage, and remarriages following divorces for other reasons are adulterous (Matt. 5:32; 19:9). The phrase "except it be for fornication" has inclusive and exclusive force. It includes as authorized remarriages those which occur following a divorce for fornication; it excludes remarriage following a divorce for other reasons. Fornication is the one cause in this dispensation for scriptural divorce and remarriage. It is distinct from all other reasons for divorce so that God allows the dissolution of a marriage which He initially sanctified. In the sight of men, drunkenness, violence, desertion, and unhappiness may seem to be sufficient grounds for divorce and remarriage, but in the eyes of God only the sin of fornication is an acceptable ground. This sin is so contrary and disruptive to the marriage relationship that God permits the innocent party to divorce the mate guilty of fornication and marry another. What is it about this sin that separates it from all other reasons for divorce? Why is fornication the single scriptural reason for divorce and remarriage?

Fornication is a violation of the one-flesh covenant of marriage. In marriage the two are joined together by God and become one flesh (Matt. 19:5-6). Marriage is a relationship which is confined to this life (Matt. 22:30), involving the desires of the physical body and the resultant sexual union. It is a covenant (Mal. 2:14) in which the two promise to keep themselves to each other. The adulterous woman forsakes "the covenant of her God" (Prov. 2:17). Fornication contradicts the sexual aspect of the marriage covenant. It strikes at this fundamental part of marriage in a way that other marital difficulties do not.

Fornication also destroys the uniqueness of the sexual relationship in marriage. A husband and wife share many experiences and feelings with each other which they also share with others. They work, talk, and laugh with others as well as with each other. But the sexual union and the intimacies connected with it are shared only by the husband and wife. This area of marriage is the private possession of the two. It is the one thing they share in common with no one else. The sexual relationship in marriage provides a special bond, and it is interesting that the Bible uses the word "know" to refer to this union (Gen. 4:1; Matt. 1:25). The husband and wife in the sexual union know each other in a unique way. When the sexual union occurs outside the marriage, the uniqueness of the relationship is destroyed.

Since the sexual aspect of the marriage covenant is both binding and unique, it is apparent that fornication undermines the trust that is so important in the relationship. Trust is vital in securing peace in the marriage. The sin of fornication causes this trust to be replaced by suspicion, fear, and insecurity which may eat at the bond which once held the two together until nothing is left. One earns the trust of another by his life and character, and the married fornicator shows himself to be untrustworthy by his deeds. The adulterer usually lies to his mate to cover his sin. But he soon finds that he must tell other lies to cover the previous ones. It is not the physical act of fornication by itself that is so destructive to the marriage, but the dishonesty and disloyalty from which it proceeds. The adulterer destroys in a few moments the trust which took years to build. The offended mate will, in time, recover from the hurt caused by this sin, but trust in the guilty party may never be restored. As a result, God does not require the innocent party to continue to live with such a mate.

Fornication also removes respect from the marriage. The Scriptures enjoin mutual respect in marriage (I Pet. 3:1-7; Eph. 5:22-23), and lasting intimacy must be built upon respect. Even worldly men do not respect a woman who is "easy." Respect is a fundamental aspect of marriage in that it sets the stage for how the couple perceive and treat each other. The fornicator loses respect in the eyes of men; his honor will be given to others (Prov. 5:10). He loses respect from God (Heb. 13:4). In fact, he shows that he has no respect for himself. But in particular, he

loses respect from the mate he has offended and finds disgust in its place.

Fornication is particularly vile in that it defeats a divine purpose of marriage. Paul wrote, "It is good for a man not to touch a woman. Nevertheless, to avoid fornication, let every man have his own wife, and let every woman have her own husband" (I Cor. 7:1b-2). The American Standard Version in verse two has *because of fornications*. Marriage is the relationship in which physical desires can be expressed and fulfilled (I Cor. 7:3-5). A scriptural marriage is the only divinely authorized situation in which sexual union may occur. God permits one to have a mate in order to prevent fornication, but the married fornicator despises this plan by committing the very sin which the institution of marriage is designed to restrain. He rejects the purity of marriage and shows himself to be unworthy of the privilege of this divine institution.

God's attitude toward sexual immorality is indicated in several ways in Scripture. Unfaithful Israel is often portrayed as an adulterous woman (Hos. 1; Ezek. 16). Adultery under the law of Moses was punishable by death (Lev. 20:10). Under the gospel of Christ, the married fornicator forfeits his right to a mate, and a lifetime of celibacy may (depending on the decision of the innocent party) be the penalty with which he has to live if he desires to please God. Since the severity of the penalty shows the heinousness of the sin, the displeasure of God toward the sin of fornication is evident. Fornication affects the marriage relationship in a way that no other violation of the marital covenant does. It so completely contradicts the very nature of marriage that God allows divorce and remarriage for this reason. In a soap-opera society where adultery is glamorized, Bible teaching on this subject should be the incentive to esteem the institution of marriage with the dignity and honor it deserves.

Must the Divorce Papers Say "For Adultery"?

If a woman divorces her husband for adultery, do the divorce papers have to state this as the reason for the divorce? Some Christians say that the divorce decree has to say that the divorce was for adultery. This position is wrong. If the woman knows she is divorcing her husband for fornication, she doesn't have to spell out the details in the legal document. That can't be done in many states anyway. Is a scriptural divorce impossible in these states because the authorities will not allow adultery to be given as the cause? Think outside of present-day America. There are some countries today that allow citizens to get a divorce without going to court and getting a written divorce decree. The government in these countries delegates to citizens the right to divorce; it is more of a private matter than a legal process. This was largely true of the first-century Roman world. The Jews required a written bill of divorce because Moses commanded it (Deut. 24:1-4; Mark 10:5-7). But the Gentiles were not under this law, and the general population of Rome was not required to obtain authorization in the form of a written decree by the courts. The New Testament authorizes divorce for the cause of fornication, but it does not legislate the procedure of divorce. That is left up to each individual government to decide. Some issue a legal document declaring the dissolution of the marriage while others do not. If the New Testament does not even require a government to give "divorce papers," then how can anyone say what must be in them?

Think of this question from a different angle. When a man and a woman get married, they affirm their vows. Do those vows have to specifically mention everything the bride and groom are agreeing to in order for the marriage to be legal and scriptural? If these vows do not specifically state that the wife is to submit to her husband, is she exempt from this responsibility? If the vows do not mention that the husband is to provide for his wife,

is he obligated to provide for her? If these things are not in the vows, are the bride and groom really married? When a preacher conducting the ceremony says, "till death do you part," must he state that fornication is the exception?

Remember too that the same local government that issues divorce decrees also grants marriage licenses. The person officiating at the ceremony signs this document to verify that the man and woman were actually married on the date given. This official paper says nothing about the responsibilities of husband and wife. It says nothing about the couple's reason for getting married. It says nothing about fornication being grounds for divorce. In Tennessee, it says nothing about God at all! A marriage license is given for legal purposes and does not address the scripturalness or morality of a marriage. Marriage licenses are given to people who have no scriptural right to marry just as divorce decrees are granted to people who have no scriptural right to divorce.

If neither the marriage license nor the marriage vows must specifically state these things in order for the marriage to be valid, then why would the divorce decree have to specifically state adultery as the cause in order for the divorce to be valid in God's sight? If a marriage license does not have to state why a couple is getting married, why would a divorce decree have to state why they are getting a divorce?

Do You Have to See It?

There is a scriptural cause for divorce and remarriage. It is the sin of fornication (Matt. 19:9). If a woman's husband commits fornication, she has the right to divorce him. But how can she be sure he is guilty? Does she have to see him commit this sin? Must she catch him in "the very act" (John 8:4)?

There is a Bible example that answers this question. Paul knew a man in the church at Corinth was guilty of fornication (I Cor. 5:1). How did he know? He did not see this man commit this sin. He was not even at Corinth when he wrote this epistle, and yet he spoke of the situation as a fact and told the church to withdraw from the brother (I Cor. 5:3-11). Paul did not have to see the man commit fornication to know he was guilty.

"But Paul was inspired, and we are not." Inspiration was not the source of Paul's information. Paul found out about this man from reports he had heard: "It is reported commonly that there is fornication among you..." These reports were not gossip or mere hearsay. Paul learned about problems in the church at Corinth from the house of Chloe (I Cor. 1:11; 11:18). These were honest and reliable people. Jesus Himself taught that testimony from credible witnesses is enough to know the facts (Mark 16:14). "In the mouth of two or three witnesses shall every word be established" (II Cor. 13:1).

The source of Paul's information about this man's sin brings up another question. Paul told the church at Corinth to withdraw from this brother. How did they know he was guilty? Did any of the members actually see him committing this sin? Paul told the church to withdraw from the fornicator. This means every member of the congregation. If they had to catch this man in the very act before they could be sure and withdraw from him, then every member of the church would have had to see this man committing fornication.

Think about what a woman would have to see if she must witness her husband commit this sin. It would not be enough for her to see him hugging and kissing another woman as they enter a motel room. It would not be sufficient to learn that he moved in with this woman. Decency restrains us from stating what she would have to see if she must catch him in the act.

Human nature is what it is. Sexual desire is progressive and moves toward a certain end. Lust seeks fulfillment. Once it starts, it is not satisfied with holding hands. This is especially true of married people who develop feelings for someone else.

No one else saw David and Bathsheba commit adultery, but people knew what happened. Even people in other countries knew (II Sam. 12:14). Secret sin has a way of becoming public knowledge.

Precious Opinions— How They Linger!

Some people think more of their opinions than they do the Bible. Sometimes their opinion is more lenient than the Bible. At other times it is more strict than the Bible. But either way they will believe what they want regardless of what the Bible teaches. For example, Jesus said, "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" (Matt. 19:9). Now this verse is plain. There is one and only one scriptural reason for divorce and remarriage: fornication. All who divorce and remarry for any other reason commit adultery.

Some people look at this verse and decide it is too strict. They decide to add other "reasons" for divorce and remarriage. Even though Jesus said "except it be for fornication," they believe that other causes are allowable. They don't like Jesus' doctrine. They especially resent this teaching when it hits close to home. So, they deliberately ignore what Jesus said. How presumptuous they are! Who has the right to add anything to what Jesus said? These people act like God didn't know what He was doing by giving this teaching so they will straighten it out for Him. From preachers to members to non-Christians, people of all kinds do this with God's Word. The attitude is, "Well, God said it, but I don't believe it is all that serious. Besides, there are so many cases of divorce and remarriage today that we can't expect people to accept Matthew 19:9."

On the other hand, some look at Jesus' teaching and decide it is not strict enough. They say there is no scriptural ground for divorce and remarriage. Even though Jesus said there is an exception, they won't allow one. They just can't imagine a divorce ever being scriptural, and they condemn anyone who has divorced for fornication and married another. Some of them are so stubborn in their opinion that even if a woman's husband

runs off with another man, they argue that this woman cannot remarry! God wasn't strict enough for them, so they ignore Jesus' teaching and set up their own opinion as law. The attitude is, "I know that Jesus said there is an exception, but I just don't think it's right to remarry regardless of the reason for divorce." This view is not as common as the other view, but occasionally you will find those who believe it. And they can be as stubborn in their opinion.

These two views are miles apart in one way. One is more lenient than the Bible and the other is more strict. But at heart they are no different. Their attitude is the same: neither one of them wants to listen to the Bible. If the Bible agrees with their opinion, they will accept the passage. But if it doesn't, they will reject the Bible and hold on to their opinion. In the meantime, they lead others astray and sow discord. If your opinion conflicts with the Bible, you need to give up that opinion no matter how much you want it to be true and no matter how many times you have argued for it. The Bible is right, and it will remain true regardless of what we do, say, or think (John 12:48).

Is Adultery in the Heart a Ground for Divorce?

Jesus said there is only one ground for divorce and remarriage: fornication (Matt. 19:9). But Jesus also said, "Whosoever looketh on a woman to lust after her hath committed adultery with her already in his heart" (Matt. 5:28). Since adultery is a type of fornication, is the adultery in Matthew 5:28 a scriptural ground for divorce?

Consider a different subject: the death penalty. Murder has always been a crime worthy of death (Gen. 9:6). Yet John said, "Whosoever hateth his brother is a murderer" (I John 3:15). Does this mean we should arrest and execute those guilty of hatred?

If hatred, which John says is murder, is not and cannot be a ground for capital punishment, then lusting after a woman, which Jesus says is adultery, is not a ground for divorce.

The fornication of which Jesus spoke in Matthew 19:9 is the outward act and involves actual physical contact. God's law in this passage applies to the overt act, not to a thought. We cannot read the heart of others unless it is revealed on the outside. The potential for injustice had the law of God been different would have been unbearable. Imagine the abuses and suspicions in a society where human beings are given liberty to punish others for wrong thinking! There is enough mistrust and suspicion in the world already.

Still, we should remember that Solomon said, "As he thinketh in his heart, so is he" (Prov. 23:7). Sins of the heart, if not repented of, show themselves in outward acts. Hatred, unless it is halted by repentance, will manifest itself in malicious deeds including murder if opportunity arises. Lust, if not stopped by repentance, will burn stronger and stronger and will express itself outwardly. A married man who views pornography is creating a self-destructive monster within himself because the flame of lust he is fueling will end in actual, physical adultery if he is given the opportunity.

I have been asked this question several times over the years. I feel truly sorry for anyone facing such situations. A wife that flirts or a husband that views pornography commits a terrible sin against both God and spouse that will, if unchecked by repentance, lead to full-blown adultery. But until and unless the literal, physical act ("the very act" - John 8:4) occurs, such a person has not committed fornication.

The Meaning of "Committeth Adultery" in Divorce and Remarriage Texts

Jesus said, "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" (Matt. 19:9). In every other verse on this subject in the New Testament, the idea of adultery is found (Matt. 5:31-32; Mark 10:11-12; Luke 16:18; Rom. 7:2-3). Those who divorce and remarry unscripturally commit adultery. This much is clear and generally not disputed. But some insist that the meaning of adultery in these passages is not so clear.

Is adultery in these verses literal adultery? Is it the sex act between a man and a woman, one or both of whom have previously entered into a lawful marriage with someone else? Some say no. They claim that "adultery" in these texts is used in a figurative or spiritual sense to denote violating the marriage contract ("adulterating" it). How they say the contract is violated will be discussed shortly. But just from a surface look at these verses, how can anyone justify this view? What is there in the context and wording of these passages to suggest that the Bible means anything other than the literal sense of the word adultery? If the adultery of Matthew 19:9 is not literally the sex act, then why not say that fornication is not the sex act? If adultery in this passage is spiritual, then why cannot fornication be spiritual fornication? Why not say that the word marry in this verse is spiritual? Why not argue that the wife mentioned is spiritual? Why not spiritualize the entire verse?

Men have been trying for years to get around the severity of Jesus' words. There are two basic ways they attempt to avoid the stringency of Jesus' teaching on divorce and remarriage. One way is to deny that this teaching applies to everyone. E. C. Fuqua and James D. Bales taught that Matthew 19:9 applies to Christians

only. Their theories differed, but the result they sought was the same. The other approach is to change the meaning of key words in these verses. Those who take this approach reinterpret the passages and give them a meaning that is not as strict as Jesus' actual words. This second approach is becoming more common.

Olan Hicks made a virtual career out of teaching that adultery in Matthew 19:9 is not a sexual act. He argued, "The two actions of divorcing one and marrying another are mentioned in the verse and called 'adultery.' Later sex acts in the subsequent marriage relationship are not mentioned at all." He says, "Adultery is seen as occurring in the two acts of divorcing without cause and marrying another, as the text says. It is seen as a procedure of treachery against one's wife, not an act of sexual intercourse with the second wife. Adultery is an act committed, as Jesus said, not a state or condition lived in. Going from mate to mate is condemned."2 Hicks suggests that the Tyndale translation "breaketh wedlock" is a better rendering than "committeth adultery." Thus Hicks teaches that a person commits adultery in the act of remarrying after an unscriptural divorce. He concludes that since adultery is this one-time act, the person can repent of it and keep the second mate.

Jack Evans and James Maxwell of Southwestern Christian College in Terrell, Texas, make the same argument. Evans writes, "Jesus is dealing with the attitude of adultery (the mind), while some today are missing the point and are trying to deal with the act that takes place in bed, calling it 'continuous adultery.'"

Evans and Maxwell do not stop with redefining adultery, however. They also teach that Matthew 19:9 does not apply to non-Christians. What a strange concoction! If non-Christians are not under Matthew 19:9, what difference does it make what adultery means? According to Evans and Maxwell, they cannot violate Matthew 19:9, so they cannot commit adultery—whether this is a one-time act or continuous sin! If the adultery is spiritual or physical, they cannot commit it if they are not under Jesus' law. If non-Christians are not subject to Matthew 19:9, Evans and Maxwell are wasting their time trying to redefine adultery,

because by their own teaching non-Christians cannot commit the adultery of Matthew 19:9! Yet, they seem to be unaware of their inconsistency on this point. Maxwell stated, "The alien sinner is not subject to the gospel of Christ when it is viewed as the entire New Testament covenant, but only that part of the gospel that is an invitation for him to accept the New Testament covenant to govern his life." Yet Maxwell incredibly says, "When one has committed adultery through divorce and remarriage, before obeying the gospel, and repents or changes his mind toward putting away and remarrying for reasons other than fornication, he may be baptized for the remission of sins."5 So Evans and Maxwell spend a lot of time trying to prove that adultery is just the act of remarriage after unscriptural divorce, then claim the non-Christian is not under Jesus' law of divorce, and then say that a non-Christian does commit adultery when he divorces and remarries contrary to Matthew 19:9! They are just as confused about applying their own doctrine as they are about interpreting the Bible.

Proponents of a spiritualized definition of adultery often cite commentator R.C.H. Lenski's observation on Matthew 5:31-32. Lenski says the better translation is "stigmatized as adulterous." He asks, "When is this woman made what Jesus says? The moment her husband drives her out whether she marries again or not." Lenski bases much of his view on the fact that the passive rather than the active voice is used: "A further complication is due to our helplessness in translating this passive infinitive... into English. We have no passive corresponding to the active 'to commit adultery." He thus concludes that "nothing in the words of Jesus forbids such a woman (or, if the case is the reverse, such a man) to marry again."

Foy E. Wallace, Jr., similarly interpreted Matthew 5:31-32. He said this woman was "made an adulteress in appearance when she was not an adulteress in fact. Where the King James text reads, 'causeth her to commit adultery,' the American Standard text puts it, 'maketh her an adulteress.' She is made an adulteress, when she was not, in the sense of II Corinthians 5:21,

where it is said of Christ that 'him who knew no sin was made to be sin.' The text does not say that she *becomes* an adulteress, but that she is *made* an adulteress." To his credit, Wallace did say that "remarriage by either party after unjustifiable divorce establishes a state of adultery for the one who does so." But he immediately added that telling such a person to get out of this adulterous state is a "presumptuous procedure" and that we have no right to teach him to do so. Furthermore, Wallace spiritualized the word adultery. He said there is a "difference in sense and meaning of the word *moikia* as used in the New Testament, and the word *adultery* in our English language." His view is that the word adultery in New Testament usage does not necessarily refer to the sinful physical act, but to the sin of ignoring the marriage bond: "His sin of adultery consisted in treating the original contract as null and void when it was not."

Rubel Shelly said, "Just to get a divorce is to be guilty of adultery. Remember, adultery is not a sexual word. Fornication is the sexual word. The word adultery means covenant breaking. Adultery means disloyalty to pledges and covenants. So Jesus says don't get involved in divorce because divorce itself is adultery. Forget remarriage. Remarriage is not what makes it adultery. It's divorce that's covenant-breaking."13 Shelly gives an even more narrow definition of adultery than those cited to this point. His view is impossible given the words of Jesus: "whosoever shall marry her that is divorced committeth adultery" (Matt. 5:32). Jesus said one who (1) divorces his mate for reasons other than fornication and (2) marries another commits adultery. Shelly's view removes the second part from the text. If the remarriage has nothing to do with committing adultery, why did Jesus mention it? His position is similar to the opposite extreme view: the idea that one can divorce for the cause of fornication but cannot remarry. This view deletes the words "and shall marry another" from the text just as Shelly's view does.

These writers differ in the specific application of their definition of adultery in divorce and remarriage texts. When is this adultery committed, and, how? If adultery is covenant breaking,

does this mean covenant dissolution? Is the marriage covenant broken by the sin of fornication? Is the covenant automatically dissolved by this sin without the act of putting away? When a husband breaks the covenant by refusing to support his family, is his sin adultery? Is deserting a spouse in itself adultery? Is divorce itself adultery, or must a person both divorce and remarry to commit this adultery?

Let us suppose for the sake of argument that this non-physical definition of adultery is correct. Let us confine for the moment that meaning to the sin of divorcing a mate unscripturally and marrying another. Even if this adultery is not the sex act, it is still adultery. It is sin. Now, if a person commits this adultery by getting married to another, he commits this adultery by staying married to another, regardless of what kind of adultery it is. It makes no sense to say that a person commits adultery in the sense of covenant breaking by marrying another, but does not commit adultery by remaining married to that person. How can a man break his original marriage covenant by saying "I take this woman" in marrying another, but does not break this covenant by keeping this same woman? If he committed adultery by getting married to her, he commits adultery by staying married to her. The marriage itself constitutes, in the non-physical definition, adultery. With this meaning, the marriage begins in an adulterous state. From the inception of the marriage to its end, it is adultery.

How would a person repent of this non-physical adultery? He would have to do the same thing that a person guilty of physical adultery would have to do: separate from the person with whom he is committing adultery. To see how this follows, consider the example often cited by those advocating the non-physical view: Israel's spiritual adultery in serving idols. When Israel worshiped idols, they committed spiritual adultery (Jer. 3:6-14). They committed spiritual adultery when they started worshiping idols and were guilty of this adultery as long as they continued to worship them. In the same way, if this definition is correct, a man commits the spiritual adultery when he begins the marriage to another and continues to commit this adultery as long as he stays

married to her. But if the use of this analogy by these writers is correct, Israel committed spiritual adultery the first time they served idols but not thereafter!

Others who believe the adultery of Matthew 19:9 to be spiritual are consistent with the spiritual definition of adultery. They believe the marriage itself is adulterous, not just the ceremony which began the marriage. They believe the couple are in an adulterous state from the moment they are pronounced husband and wife. Since they view adultery as ongoing, they teach that the only way to end the adultery is to end the marriage. I do not agree with their definition of adultery, but I come to the same conclusion regarding the moral obligation of those in such a marriage.

The whole issue is whether the word adultery is literal or figurative in these passages. Words are to be interpreted in their literal sense unless the context and facts indicate otherwise. This "rule" of interpretation is not an arbitrary or artificial one. Words must have some constancy or fixedness of meaning or else it would be impossible to understand any word. The very nature of figurative language is a departure from the way language is usually or literally used. This is how it derives its force. In this way, it is like a miracle. A miracle in the Bible is the exception to the rule. The rule is the ordinary, regular processes of nature called "laws of nature." The very concept of a miracle depends on departing from this norm. There could have been no miracles unless the laws of nature were the norm. Miracles were exceptions to the rule. In language, the norm which serves as a basis and point of reference is literal meaning. Figurative meaning is given or understood only in comparison to the literal, just as miracles are defined only in contrast to natural law.

How do we know when a word or a statement is figurative? The context and facts of the case will indicate that it is figurative. If these factors do not occur, then the word should be taken literally. In the Bible adultery is used in some contexts to denote literal sexual adultery and in other contexts it refers to spiritual adultery. Only the context can decide. To cite passages where

adultery is used in a spiritual sense proves only that this is the meaning of adultery in those verses. Jeremiah 3:8-9, James 4:4, and other passages use the spiritual sense of adultery. In these passages, there is no mention of a literal marriage of a man and a woman. But in Matthew 19:9 and other passages, the context is a literal marriage. The husband is a literal man. The wife is a literal woman. The divorce is a literal divorce. The fornication is literal, sexual fornication. The adultery is literal, sexual adultery. It is useless to argue that fornication in Matthew 19:9 is sexual but adultery is not. Fornication can be used to denote spiritual as well as physical fornication (Rev. 18:3). We have no more right to make adultery a spiritual act than we have to make fornication a spiritual act. Suppose we said that since fornication can refer to spiritual fornication in other verses, then it must mean spiritual fornication in Matthew 19:9. This would mean that a man could scripturally divorce his wife for joining a false religion or for being worldly. The truth is, we have no more right to spiritualize one than we do the other.

Fornication is a broader word than adultery. Fornication is unlawful sexual union in general. It includes unlawful sexual unions in married people or unmarried people. Adultery occurs when someone who has entered a lawful marriage is unlawfully joined in sexual relations to someone outside that bond. Unmarried or married people can commit fornication, but adultery is a sin committed by one who has entered a lawful marriage. Both words are used to illustrate the unfaithfulness of God's people in the Bible, but the basis of these illustrations is the physical sexual sin itself.

If adultery is the sexual act in Matthew 19:9, does this mean that the two who are joined are not guilty of sin until they come together in the sexual union? What about the time from the marriage ceremony to the first sex act? If adultery is not committed until the sexual union, then what sin, if any, does the couple commit before this time? These questions assume, of course, that the couple has not had sex before the marriage ceremony. This situation presents an interesting predicament for those who say that the couple only

commits spiritual adultery by initially getting married and not in the sexual activity that follows. What if the couple had sex before the marriage? Were they guilty of adultery? Was their adultery physical adultery or spiritual adultery? If they say this premarital sex was literal, sexual adultery, then they create a contradictory and confusing situation:

- 1. The couple's sexual union before their marriage is literal, sexual adultery.
- 2. The couple's act of getting married is spiritual adultery.
- 3. The couple's sexual union after getting married is lawful sexual union.
- 4. Thus, their act of spiritual adultery changed literal sexual adultery into lawful sexual union blessed by God!

An unmarried couple who are scripturally eligible to marry but who are living together commit fornication, and when they marry, their sexual union is then lawful. But their act of getting married itself is authorized of God. This situation is different from saying that the couple mentioned earlier have their sexual activity legitimized by an act of spiritual adultery!

But what is the state of the unscripturally married couple from the marriage ceremony to the first sexual union? One might say that the adultery of Matthew 19:9 is both spiritual and physical. The couple would then commit adultery both in saying "I do" and in every sexual union thereafter. This is then a general state of adultery. Olan Hicks asked Andrew Connally in a debate, "A man, unscripturally divorced, marries another woman and cohabits with her once, but never again, although they continue to live in the same house. Do they keep on committing adultery?" Connally's answer was, "No, they do not keep on committing adultery, but they are living in a state of adultery."14 Connally thus used the word adultery in two senses. This is inconsistent and confusing. If the word adultery is used in Matthew 19:9 in two senses, then why is not fornication used in two senses-the sexual and the spiritual? There is no need to take such a position in order to be consistent with the concept of adultery as a sexual act in Matthew 19:9.

When Jesus said, "whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery," He presupposed the sexual act in the word *marry*. It is absurd to argue that since Jesus did not say "and shall marry another, and shall lie with her, committeth adultery," He did not mean sexual adultery. The sexual union is included in the word marry. Thus the word marry is here used like speaking of two people who "live together" or "sleep together" when we obviously mean the sexual act. The Lord is dealing with what normally occurs: sexual union is a primary reason for getting married (I Cor. 7:1-5). The Bible often addresses what normally occurs in life. Paul, said, "If any man hunger, let him eat at home" (I Cor. 11:34). Does this mean one cannot eat at a restaurant? He also said of the women at Corinth, "And if they will learn anything, let them ask their husbands at home" (I Cor. 14:35). Does this mean his regulations about women speaking in the church do not apply to single women? Paul speaks in this way because this was the usual situation. Jesus said that a man who marries another after unscriptural divorce commits adultery—sexual adultery because it was obvious that people who marry would have sexual relations. The adultery of Matthew 19:9 is the sexual union. But this does not mean that the only sin involved is adultery. Consider a gay marriage. Two men sin at the ceremony because they have violated God's will for marriage by attempting to be joined in marriage. They sin by doing what God has not authorized. This act is not sexual but it is sin. The same is true with an unscriptural marriage of a man and woman. They sin when they get married because they violate God's law. They are in sin before the sexual union, and if because of circumstances they never have sex again but continue to stay married, they continue to sin because the marriage itself is forbidden by God.

It is untrue that a couple is not married until they consummate the marriage in the first act of sex. A couple who are scripturally married are truly married when the law of the land in harmony with the law of God declares them husband and wife. A marriage which is scriptural is a scriptural marriage before and even without the sex act. Now if a marriage which is scriptural is lawful before the sexual union occurs, then a marriage which is unscriptural is sinful before the sex union (adultery) occurs. Sex is lawful when the marriage is lawful; the marriage itself must be lawful first. Sex is adultery when the marriage is unlawful; the marriage itself is unlawful, and that is why sexual union in it is adultery.

One of the arguments used to justify the view that adultery in Matthew 19:9 is not sexual is Matthew 5:27-28: "Ye have heard that it was said by them of old time, Thou shalt not commit adultery: But I say unto you, that whosoever looketh on a woman to lust after her hath committed adultery with her already in his heart." This is a case of non-physical adultery. But if referring to this passage proves anything, it means that a woman could divorce her husband for his lusting after another woman when no physical contact was made. Is this the meaning of Matthew 19:9? Is lust itself included in fornication and thus scriptural grounds for divorce? Consider I John 3:15: "Whosoever hateth his brother is a murderer." Murder is a sin worthy of physical death (Gen. 9:6). Now if hate in the heart is murder, does that mean people who hate should be put to death? Obviously not. If hate, which is called murder, is not grounds for capital punishment, then lust, which is called adultery, is not grounds for divorce and remarriage. Lust is a terrible sin. A married man who looks at pornography sins grievously, but until he acts on this lust (which he normally will do if the lust is not stopped), he has not committed the physical act of adultery. Nothing in the context of Matthew 19:9 indicates that adultery is used in the sense we find in Matthew 5:27-28.

Another argument is based on the use of the passive voice of "commit adultery." Since the passive voice means that the person is receiving the action, some have concluded that Jesus only means that something is done to the person divorced, not that the person does or commits something, which in this case is adultery. As shown earlier, Lenski and others make this argument. The Greek verbs for adultery are *moicheuo* and *moichao*. It is true that the passive voice is used in Matthew 5:32 and Matthew 19:9.

But their whole case crumbles when we note that "committeth adultery" in Luke 16:18 is used in the active voice! God used both the active and the passive voice to describe this sin. If the Lord Himself didn't see a difference between them on this point, why should we? Lenski in particular shows his bias in his comments on this verse. He does not even mention that the verb is in the active voice. He just insists that since Matthew and Mark use the passive, "those passives must stand as they are" and warns the reader not to "alter the sense of the Matthew and the Mark passages by a reference to Luke." Lenski will not even allow Luke to have a place in the discussion! Thus, no case can be based upon the use of the passive to denote the same action of committing adultery.

An argument is sometimes drawn from Paul's words in Romans 7:2: "So then if, while her husband liveth, she be married to another man, she shall be called an adulteress: but if her husband be dead, she is free from that law; so that she is no adulteress, though she be married to another man." Some argue that Paul only says she will be *called* an adulteress, not that she *is* an adulteress. But this objection ignores the verse. The opposite of "called an adulteress" is that she "is no adulteress." Thus saying one is *called* an adulteress and saying she is an adulteress mean the same thing. This expression is not unusual. "If any man that is called a brother be a fornicator..." (I Cor. 5:11) means if any man is a brother. He is called a brother legitimately; he is called a brother because he is one. "They shall be called the children of the living God" (Rom. 9:26) because they are children of God. Peacemakers "shall be called the children of God" (Matt. 5:9) because they are. This argument is a poor effort that ignores the nature of biblical expressions.

As we have already shown, some argue for a spiritual definition of adultery because of Matthew 5:32: "Whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery." Lenski says, "the discarded wife commits adultery by the husband's act of discarding her." This is one of the most unjust interpretations imaginable. It means

that a woman can be made an adulteress through no choice or fault of her own! This view also contradicts the last part of the verse: "whosoever shall marry her that is divorced committeth adultery." This man commits adultery by marrying her, regardless of whether he himself is divorced. This fact shows that when Jesus says the first husband "causeth her to commit adultery," He is not saying that the divorce itself makes her an adulteress, but that the first husband by sending her away places her in circumstances where she will remarry and thus commit adultery. Thus her remarrying another after the divorce is not stated in the first part of the verse; but it is plainly stated in the last part. Arndt and Gingrich correctly explain this verse: "he causes her to commit adultery (by contracting a subsequent marriage)." 17

An argument that shows how desperate proponents of this view are is strangely based on the present tense verb "committeth adultery." Hicks argued that this verb does not indicate ongoing action in Matthew 19:9, but simply the act of divorcing and getting married to another without reference to the sexual union.¹⁸ He thus insisted that the action of the verb is point action rather than continuous action and that it should be interpreted as an "aoristic present." But this argument really only bogs down the issue and diverts attention away from the primary issue, which is the nature of the adultery. If the marriage under consideration is sinful to begin with, it is sinful to its end. One does not need to know Greek grammar in order to know this. But because the Greek is misused by these men, I will offer a few brief comments. First, the context determines how long the action that is expressed by the verb takes place. Second, even when a verb is an aorist (and "committeth adultery" is not), the action it denotes is not necessarily an action which occurs for a few minutes. Jesus "dwelt" among the disciples for over three years (John 1:14). Yet the verb "dwelt" is an aorist tense verb! Third, the person who claims that a particular present tense verb denotes one-time action must prove this from the context of that verb. It is not enough to point to an exception in another context. Carroll Osburn admitted that "moichatai may involve continuity"

and added that "the verb and the context must decide." But he then argued that "there is nothing so explicit in Matthew 19 or in the verb *moichatai* to necessitate 'the idea of continuity." Osburn has backed himself into the same corner as the other writers already cited. He must explain how it is adultery to get married to a woman but it is not adultery to remain married to her. He is so busy analyzing the trees of Greek grammar that he misses the forest of this simple point. The context which shows that "committeth adultery" is not a one-time act is right before him in Matthew 19:9.

Paul's words in I Corinthians 7:27-28 are also misused: "Art thou loosed from a wife? Seek not a wife, but and if thou marry, thou hast not sinned." Paul is talking about being *scripturally* loosed, not unscripturally divorced. The overall context of the New Testament shows that one can be loosed from the marriage contract when his mate dies (Rom. 7:1-3) or when he divorces his mate for fornication (Matt. 19:9). But trying to use these words of Paul is a gross contradiction of the position several of these men take on "committing adultery" in Matthew 19:9. They say that the person unscripturally divorced sins by getting remarried (he commits adultery in a spiritual sense) but then they cite this passage, which they say teaches he does not sin! Which is it?

A strained argument is that Jesus said the man in Mark 10:11 commits adultery "against her," that is, *against* his first wife, not *with* another woman. This reasoning is absurd. What if this man just had sex with this other woman without marrying her? Would he not be committing adultery both *with* her and *against* his original wife? And even if the adultery is spiritual, is it not committed *with* the second woman?

Some are so determined to change Jesus' teaching that they insist that the word adultery is a bad translation. They contend that "breaking covenant" is the proper translation. Olan Hicks said that the two acts of unscriptural divorce and remarriage break the marriage covenant and thus the sexual union in the remarriage has nothing to do with it being adultery or covenant breaking. Truman Scott even said the Hebrew verb for committing adultery, *naaph*,

simply means "breaking covenants, any covenant: the covenant of God with Israel, the covenant of brother with brother, or the marriage covenant."21 But he never cites a single verse where *naaph* is used to refer to a contract between brother and brother! Scott suggests that Exodus 20:14 should be translated "Thou shalt not break covenants" instead of "Thou shalt not commit adultery." He even says that Leviticus 20:10 is "a passage often used to talk about sexual intercourse in marriage," but it actually means "they were breaking a covenant."22 An interesting point about this passage is that it speaks of a man committing adultery "with" his neighbor's wife-a word that Hicks said is wrong to use. But this whole idea of Scott, Hicks, and others is patently absurd. Naaph, the Hebrew word for committing adultery, refers either to spiritual adultery or literal physical adultery, but it is not a general word that denotes breaking covenant or not keeping one's word. If these men had a verse where it has this general meaning, they would produce it. But they cannot. Moicheuo and cognate Greek words do not refer to covenant breaking in general. Interestingly, when Paul mentions "covenant breakers" in Romans 1:31, the word is not moicheuo, but asunthetos. But this view is shown to be even more ridiculous by the reference in John 8:4 to the "woman taken in adultery, in the very act." Does anyone believe this was not the sexual act? Was this woman caught in the act of breaking a covenant? How absurd!

Someone who commits adultery has violated the marriage covenant. But one can violate the marriage covenant in many other ways. A man who beats his wife violates the marital covenant, but this is not adultery. A woman who refuses to submit to her husband is breaking her contract with him, but that is not adultery. This is why men who hold this definition of adultery cannot agree among themselves. They have taken a specific word which denotes a specific type of violation of the marital covenant (the sexual act) and have given it a vague definition.

Consider the claim of these men that fornication is a sexual word but adultery is not. The Hebrew verb for committing adultery is *naaph*, and the Hebrew word for committing fornication, or

playing the harlot, is *zanah*. Yet these words are used synonymously in Jeremiah 3:8: Israel "committed adultery" (*naaph*) and Judah "played the harlot also" (*zanah*)! Hebrews 13:4 says, "Marriage is honourable in all, and the bed undefiled: but whoremongers and adulterers God will judge." The opposite of an undefiled bed, which stands for the purity of marital sex, is the unlawful sexual deeds of fornicators and adulterers. "Adulterers" in this verse obviously refers to sexual adultery.

Naaph is translated "break wedlock" in Ezek. 16:38. But how wedlock was broken is shown in the context. Judah committed spiritual adultery, and this spiritual use of the word adultery is taken from graphic descriptions of the physical, sexual act of adultery (Ezek. 16:25). Who would deny that adultery is breaking a covenant between a man and his wife? But to say that adultery and covenant breaking are equivalent expressions is false. All adultery is covenant breaking, but not all covenant breaking is adultery.

Another question needs to be pressed. If an unscripturally divorced man moves in with another woman without marrying her, does he commit sexual adultery with her? Is the sex act between them covenant breaking? What if a married man does not divorce his wife but just moves in with another woman? Is their sexual activity adultery? Is it covenant breaking?

Jesus' words are strong. In the minds of many, they are too strong and need to be softened. Divorce and remarriage for any reason is so common it is rare to find a family or a church not affected directly. The thought of one's own children or fellow church members being in adultery is a heavy burden to bear. The pain and pressure are so great that many are looking for relief in the wrong way—by compromising the word of God. But we must not compromise. We must submit to the God and Judge of all men. The Lord is just and His Word is true. Adulterers and adulteresses will go to hell (Gal. 5:19-21). This issue is a matter of salvation and a matter of fellowship. Preachers who will not preach the truth on this issue are sinning. Elders who tolerate this sin will answer to God at the judgment. Fathers and mothers who love their children more than the Lord are not worthy of the

Lord. God help us to trust in the Father who directs the universe and who governs the lives of men.

Notes

- ¹Olan Hicks, *Divorce and Remarriage: The Issues Made Clear* (Searcy, AR: Gospel Enterprises, 1990) p. 39.
- ²*Ibid.*, p. 45.
- ³Jack Evans, Sr., So What's the Big Issue? p. 37.
- ⁴James Maxwell and Bill Jackson, *Maxwell-Jackson Debate*, p. 25.
- ⁵*Ibid.*, p. 30.
- ⁶R.C.H. Lenski, *The Interpretation of St. Matthew's Gospel* (Minneapolis, MN: Augsburg Publishing House, 1943), p. 232.
- ⁷*Ibid.*, p. 233.
- ⁸*Ibid*.
- ⁹Foy E. Wallace, Jr., *The Sermon on the Mount and the Civil State* (Fort Worth, TX: Foy E. Wallace, Jr. Publications, 1967) p. 40.
- ¹⁰*Ibid.*, p. 41.
- ¹¹*Ibid*.
- ¹²*Ibid.*, p. 42.
- ¹³Rubel Shelly, "Marriage and Divorce" (Sermon at Woodmont Hills Church of Christ, March, 1988).
- ¹⁴Andrew Connally and Olan Hicks, *The Connally-Hicks Debate on Divorce and Remarriage* (Jonesboro, AR: National Christian Press, 1979), p. 365.
- ¹⁵Lenski, *op. cit.*, p. 844.
- ¹⁶Ibid.
- ¹⁷William F. Arndt and F. Wilbur Gingrich, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature* (Chicago: University of Chicago Press, 1958), p. 526.
- ¹⁸Connally-Hicks Debate, pp. 270-279.
- ¹⁹Carroll D. Obsurn, "Interpreting Greek Syntax" in *Biblical Interpretation: Principles and Practice*, F. Furman Kearley, Edward P. Myers, and Timothy D. Hadley, eds. (Grand Rapids, MI: Baker Book House, 1986), p. 238.

 $^{20}Ibid.$

²¹Truman Scott and Wayne Jackson, *Divorce and Remarriage: A Study Discussion*, (Stockton, CA: Courier Publications, 1983), p. 48.

²²*Ibid.*, p. 50.

Appendix

Some argue that the history of the English word adultery does not inherently involve sexual sin. Scott said that Wycliffe, in his English translation in 1385, "used a very common word, a very old English word, avowteria. If you look very carefully at that word avowteria you will notice that it was talking about something specifically against the vow."23 Then, Scott contends, the Geneva Bible of 1565 "took an entirely new word born at the very beginning of that century...it was a word that had a different meaning. The new word had a specific connotation of sexual intercourse...but that is not the word meaning that is found in the history of translation..."24 He insists that the word adultery is different from the older English words used in earlier translations and that adultery was a faulty translation. Is this claim true? The Oxford English Dictionary is one of the most exhaustive dictionaries of English in print. The following is in part what it gives for the word adultery. First notice the primary definition of the word:

1. Violation of the marriage bed; the voluntary sexual intercourse of a married person with one of the opposite sex, whether unmarried, or married to another (the former case being technically designated *single*, the latter *double* adultery).²⁵

This dictionary definitely states that adultery involves sexual intercourse. But what about the older English words? Here is the history of those words as given in the *Oxford Dictionary*:

In 14th c. Fr. a learned form *adultere* was formed afresh on L. *adulterium*, and gradually superseded the popular *avoutire* and *avouterie*; under the same influence the Eng. *avoutrie*, *advoultrie*, *adoultry*, *adultry*, *adultery*, thus ending in a direct Eng. repr. of *adulterium*, and practically a distinct word from *avoutrie*, though connected with it by every kind of intermediate form. This Latinized type had also been used by Scotch and northern writers as early as 1430. *Advowtry* survived to 1688.²⁶

This explanation does show that adultery is "a distinct word from *avoutrie*." But does this mean distinct in meaning, or simply distinct in formation? The next citation from the *Oxford Dictionary* is critical. It shows that, contrary to Hicks and Scott, the old English words prior to the word adultery did denote sexual intercourse. These are quotations from early English works with the date preceding each quote:

1366 Maundev.249 3 if ony man or woman be taken in Avowtery or Fornycacyoun, anon thei sleen him. c 1370 Wyclif Agst. Begging Friers (1608) 31 Fryars suffren mightie men, fro yeare to yeare, live in avowtrie. 1386 Chaucer *Parson's T.*766 Thilke stynkynge synne of lecherie that men clepe auowtrie (v.r. avoutrie, auouterie, advoutrie2, advoutre). 1400 Apol. for Loll. 78 If the first woman may not proue her contract, then the second schal be his wif, bi resoun of avowter. c 1418 Pol. Poems (1859) II. 247 So overset with avutrie. c1425 Wyntoun Cron. VI.ii.87 Bot a wykkdy wyf had he Dat levyd in-til Adultery. c1460 Cov. Myst. (1841) 10 A woman..The whiche was taken in adultrye. 1485 Richard III in Paston Lett. 883 III. 317 Doughter unto Dame Katryne Swynford and of her in double Avoutry gottyn. 1491 Caxton How to Die 6 The woman that was taken in aduoultrye. 1525 LD. Berners Froissart xliii. II. 139 She was but a bastarde, and borne in aduoutrye. 1533 Elyot Castel of Helth III. xii. 67 Hym, which had committed adoutry with his mayster's wyfe. 1541 Barnes Wks. 1573, 187/2 That you shal depose a kyng, bycause hee lyueth in aduoultry. 1570 Ascham Scholem. (1863) 81 Knightes that do kill...and commit fowlest aduoulteres. 1611 Bible John viii. 4 This woman was taken in adultery, in the very act. [Wycl. avoutri, Tind. advoutry, Cranm. aduoutry, Genev. Rhem, aduoutrie, Gen. 1590 adulterie.] 1641 W. Cartwright Ordinary IV.v. (1651) 75 There shall be no Advowtry in my ward. 1648 Herrick To his Book Wks. 1859, 409 She'l runne to all adulteries. 1660 R. Coke *Elem. Power & Subj.* 194 Deadly sin, of Fornication, Avowtry, and such like. 1677 Baxter Let. in *Answ. Dodwell* 114, I heard, when I was young, of one, or two, that for Adultery stood in a White Sheet in the Church. 1688 *Pol. Ballads* (1860) I. 265 As long as you've pence, y'need scruple no offence, For murder, advoutery, treason. 1835 Thirlwall *Greece* I. viii. 327 Adultery was long unknown at Sparta²⁷.

Consider these points from this lengthy and tedious quotation:

- 1. Avowtery was used to denote a sexual act in 1366, as is seen from its context with fornication. Notice that the penalty is death.
- 2. Wycliffe himself in 1370 spoke of powerful men who "*live in avowtrie*." Scott says Wycliffe used the word to denote covenant breaking. Is Wycliffe saying in this passage that these men simply lived in covenant breaking? And what does this quotation say to the idea that one cannot "live in adultery"?
- 3. In 1425 the word adultery was already in use.
- 4. "Double Avoutry" is spoken of in 1485.
- 5. The comparison of the 1611 translation of John 8:4 to earlier translations is enlightening. Wycliffe, for example, used the word *avoutri* in this verse, which Scott says just meant covenant breaking, not sexual intercourse. But *avoutri* in John 8:4 is "the very act"!
- 6. Avowtry continued to be used to denote sexual intercourse in the late 1600s, as is seen especially in 1660 when Coke referred to fornication and avowtry as deadly sins.

These facts are devastating to the claims of Hicks and Scott. These men are consistently unjust in their exegesis. They twist the English language just as they do the Hebrew and Greek.

LOVE, MERCY, AND GOD'S LAW OF DIVORCE AND REMARRIAGE

(from *Ox in the Ditch* by Kerry Duke)

Current trends in divorce and remarriage have given rise to the question of whether the principle of qualification plays a part in the application of biblical teaching on this subject. Stringent biblical regulations on remarriage indicate the sacredness of marriage as an institution of God:

For the woman who has a husband is bound by the law to her husband as long as he lives. But if the husband dies, she is released from the law of her husband. So then if, while her husband lives, she marries another man, she will be called an adulteress; but if her husband dies, she is free from that law, so that she is no adulteress, though she has married another man (Rom. 7:2-3).

Whoever divorces his wife and marries another commits adultery against her. And if a woman divorces her husband and marries another, she commits adultery (Mark 10:11-12).

And I say to you, whoever divorces his wife, except for sexual immorality, and marries another, commits adultery; and whoever marries her who is divorced commits adultery (Matt. 19:9).

According to New Testament teaching, remarriage is permissible only when one's mate has committed fornication or has died. To remarry on any other grounds is to commit adultery.¹

1 This is one of the most controversial subjects in modern biblical discussion. An elaboration of the position taken here is not expedient in view of the aim of this book. For a presentation of evidence that fornication is the sole scriptural reason for di-

Today's high rate of divorce has left many in unscriptural remarriages. What is the status of those in such unions? The Bible is clear on this point: those in unauthorized marriages commit adultery. But what about the considerations connected with these unions? Is the declaration of adultery in the teaching of Jesus and Paul qualified by other biblical principles so that what is explicitly called adultery is made legitimate? Several arguments have been offered in an attempt to establish such qualification. Olan Hicks asserts that divorce and remarriage passages must be interpreted in light of I Corinthians 7:2: "Nevertheless, because of sexual immorality, let each man have his own wife, and let each woman have her own husband." Hicks also stresses Paul's statement regarding the unmarried, "If they cannot exercise selfcontrol, let them marry. For it is better to marry than to burn with passion" (I Cor. 7:9). He argues that human needs are "not changed by the fact that one commits the sin of breaking marriage or sins against his vows or has the misfortune of a mate doing that to him." His conclusion is that unions that violate the passages cited earlier are justified on the basis of the overriding principle of a God-instilled drive for companionship with the opposite sex.4 Stanley Ellisen adds that the fulfilling of family needs is a legitimatizing factor in the issue of remarriage:

...God's remedy for sin is to be sought and followed. If He did indeed pronounce remarriage a sin, it would then be wrong for the bereft partner

vorce and remarriage, see Thomas B. Warren, "There is One—and Only One—Ground for Divorce and Remarriage" in *Your Marriage Can Be Great*, Thomas B. Warren, ed. (Jonesboro, AR: National Christian Press, 1978), pp. 356-360. See also the article "Some More Crucial Questions Which Show The Distinction Between Truth and Error on Divorce and Remarriage" by the same author on pp. 387-402.

² Olan Hicks, Divorce and Remarriage: The Issues Made Clear (Searcy, AR: Gospel Enterprises, 1990), pp. 32-33.

³ Ibid.

⁴ Ibid.

to seek another mother or father for the children, and God would no doubt provide adequately for that missing link in the home. On the other hand, if the Bible does not see remarriage in such prudish terms, but as sometimes necessary under certain conditions, that avenue of forming a new union and home is God's perfect will. God's provision is always adequate to the need.⁵

Like Hicks' view of the needs of adults, Ellisen's position is that the needs of children outweigh biblical restrictions on marriage.

The chief obstacle to arriving at biblical answers to such matters is the emotionally supercharged nature of this issue. Marriage involves the strongest feelings between human beings, and those emotions quite often become the criterion for decisionmaking. Though the feelings evoked by this controversy may seem insuperable, God demands that they be subjugated to His will (Deut. 13:6-11; Luke 14:26). Particularly relevant is the occurrence of three biblical cases in which the severing of an illegitimate marital union was commanded. The marriage of David and Michal pointedly illustrates the requirements of divine law in the face of human emotions. From sinister motives Saul had given his daughter Michal to be David's wife (I Sam. 18:20-27; 19:11). While David was later fleeing from the jealous king, Saul gave Michal to Paltiel the son of Laish (I Sam. 25:44). She evidently entered an illegitimate marriage with this man, since he is later called her "husband":

So David sent messengers to Ishbosheth, Saul's son, saying, 'Give me my wife Michal, whom I betrothed to myself for a hundred foreskins of the Philistines.' And Ishbosheth sent and took her from her husband, from Paltiel the son of Laish. Then her husband went along with her to Bahurim, weeping after her. So Abner said to him, 'Go, return!' And

⁵ Stanley A. Ellisen, *Divorce and Remarriage in the Church* (Grand Rapids, MI: Lamplighter Books, Zondervan Publishing House, 1977), p. 72.

he returned (II Sam. 3:14-16).

The tears of Paltiel in this story were no doubt real. The relationship they had shared brought emotional closeness, and it was extremely painful for him to break this tie. But the feelings occasioned by this separation did not alter a central fact: Michal was another man's wife. Paltiel had no right to be married to her, and Saul had arranged this marriage in violation of the original marital covenant with David.

A similar example is the unscriptural union between Herod and Herodias. This sinful relationship became the occasion for the imprisonment and death of John the Baptist after he rebuked Herod (Luke 3:19-20):

For Herod himself had sent and laid hold of John, and bound him in prison for the sake of Herodias, his brother Philip's wife; for he had married her. For John had said to Herod, 'It is not lawful for you to have your brother's wife' (Mark 6:17-18).

Of particular importance in this account is the sense of the word *married*. As used here, this word cannot mean marriage as an authorized union in the sight of God, since John labeled it an "unlawful" relationship. Also, Herod "married" his brother's *wife*. The word *married* in this context, then, is used accommodatively to denote a mere legal arrangement having civil but not divine approval. The same sense occurs in divorce and remarriage texts when Jesus says that to "marry" after an unscriptural divorce is to commit adultery.

But it is impossible for a God-authorized, scriptural marriage to be equivalent to adultery, the very opposite of this holy bond. It is this distinction that makes the appeal to I Corinthians 7:2, 9 in an attempt to justify unscriptural marriages invalid. Paul is speaking in these verses of legitimate marriages; it is absurd to argue that Paul here authorized the entering of marriages that in other passages are said to constitute adultery.

The question of innocent children caught in unscriptural unions finds an instructive example in Ezra's time. Upon learning that the children of Israel had intermarried with the neighboring

heathen countries, Ezra issued a decree of separation: "Now therefore, make confession to the Lord God of your fathers, and do his will; separate yourselves from the peoples of the land, and from the pagan wives" (Ezra 10:11). After a listing of those who were guilty of marrying pagan women, the record ends with the observation that "some of them had wives by whom they had children" (Ezra 10:44). If the familial needs of children may justify unbiblical marriages, then why did not Ezra instead refer to this factor as an overriding consideration, permitting those involved to remain in the unions mentioned?

Adding to the strength of this example in connection with unscriptural marriages today is the nature of the prohibition that called for the dissolution of these marriages. The basis for the law forbidding the Israelites to marry those of other nations (Deut. 7:1-4) was religious, not racial: "For they will turn your sons away from following Me, to serve other gods..." (v. 4).

The true intent of this prohibition is especially apparent in the case of Ruth, a Moabitess who converted to the religion of Israel (Ruth 2:2, 12) and entered the lineage of Christ (Ruth 4:22; Matt. 1:5). Moses himself married an Ethiopian (Num. 12:1), and these cases show that interracial marriages under the law of Moses were not intrinsically sinful but were a matter of legislation involving positive law.

Adultery is intrinsically evil regardless of the biblical dispensation in which it occurs. This difference gives rise to a significant question: If familial needs did not qualify the Mosaic prohibition of international marriages, a case of divine positive law, then how could this factor qualify New Testament teaching which describes unscriptural remarriage as adultery—a matter of moral law?

While the plight of children placed in unholy unions not of their choosing is truly heart-rending, this circumstance does not override divine law regarding marriage. If the fact that children are involved in an unscriptural marriage justifies continuance in that union, then how could polygamous relationships in which children are involved be consistently opposed? If the consideration of children justifies adultery, then why could it not also justify polygamy? The reality of such circumstances is seen in a letter from an African man:

"...I married many wives all with children; there is no possibility of divorcing them because of the issue I have with them. What shall I do to solve this problem? Presently I am with 6 wives and 21 children"

That the New Testament requires monogamy is clear (I Cor. 7:2; Matt. 19:4-9; Rom. 7:1-3), but many who would deny that the polygamist has a right to keep a plurality of wives because children are involved argue that those entering an adulterous marriage may continue in that union for the same reason. People tend to judge matters according to their particular culture and realm of experience. Without honest self-appraisal and consistent application of Bible teaching, this tendency easily leads to biased judgment.

A modern scenario within our culture exposes the fallacy being considered. Suppose the husband of a childless couple has an affair and impregnates the other woman, who happens to be single. If the familial needs of children outweigh biblical laws on marriage, would not the man be *obligated* to divorce his wife and marry his mistress to provide a home for his child? The absurdity of this course of action can be established only by a proper consideration of the relationship between the areas of duty.

That marriage is a more fundamental relationship that takes precedence over the parent-child tie is seen in its description as a one-flesh union (Matt. 19:4-6; Gen. 2:20-24), a designation in Scripture given to no other human relationship. While the father-son analogy is commonly used in the Bible to represent God and His people, it is the great mystery reflected by marriage

⁶ Roy Deaver, "Marriage, Divorce, and Remarriage" in *Moral Issues Confronting the Kingdom*, ed. Thomas F. Eaves (Knoxville, TN: Karns church of Christ, 1978), p. 121.

⁷ Ellisen, *Divorce and Remarriage in the Church*, pp. 58, 82, 69-76, 115-117; Olan Hicks, *The Connally-Hicks Debate* (Jonesboro, AR: National Christian Press, 1979), pp. 46, 57-59.

that Paul uses to show the relationship between Christ and the church (Eph. 5:22-33).

In short, the need of children to have a home cannot be used to redefine the very relationship from which they are ideally to be born. Of course, the fact that a child is conceived illegitimately does not absolve either parent of all parental duties. But if the mother and father are barred from entering marriage because of biblical restrictions, circumstances limit the obligations normally enjoined. In the case of a married man fathering a child outside of wedlock, he should fulfill those obligations that he may legitimately meet, especially in the area of material support.

The passing of time is often alleged to have an altering effect on the status of a life situation. How could a loving God require a union to be dissolved when the couple have been married for years, children have been born in this relationship, and the family on the whole is happy?

This reasoning applied to other parallel questions exposes the faulty assumption it employs. Child kidnapping, for instance, has robbed some couples of their offspring. Suppose that a child stolen in infancy from his real parents spends his first years in the home of another couple. In the substitute home he finds security and love. However, the real parents finally locate their child through the efforts of investigators. When the child's surrogate parents are confronted with the evidence, they insist that the child should remain with them because of the bond that has developed. But their defense ignores a fundamental unchanged fact: the child does not now and has never belonged to them. The same principle applies to marriage. The passing of time did not make Herodias Herod's wife any more than the civil ceremony that occurred at the outset of their unlawful union.

An unintentional but factual case of marriage to a disallowed party is seen in a real-life example. Anton and Anna Nakonecznyj were married in a Ukrainian village in 1942. When Anton was taken away by Nazi soldiers two years later, Anna

⁸ *LIFE* (New York, NY: Time Incorporated Magazine Company, 1992), March, 1992, p. 23.

began a long wait for his return. Nine years later, convinced that he was dead, she remarried. Anna was unaware, however, that after the war ended Anton was afraid to return to the Soviet Union or write his relatives. He finally discovered Anna's situation when he moved to the United States. After her second husband, by whom she had given birth to three children, died, Anton and she were reunited in marriage.

But what was Anna's state before the death of the second husband? Was she married to two men, and if not, to which man was she scripturally joined? The answers to such questions cannot be ascertained on the basis of feelings, since equally compelling emotional reasons could be advanced for either alternative. The scriptural fact is that she was still married to Anton from the very beginning, since neither death nor a scriptural divorce had occurred. The time that had elapsed, the children who had been born, and the closeness that had developed between Anna and the second man did not remove this underlying fact.

These examples represent unfamiliar and rare situations. It is precisely because most people have not experienced them that they are included in this discussion. Because of emotional separation from such experiences, most readers will be more objective in their assessment of these situations in terms of the application of the biblical principles involved. More importantly, they illustrate in modern terms the absolute status of God's law concerning divorce and remarriage.

Is "Fornication" Pre-marital Sex?

This section deals with the meaning of the word fornication. The view we are looking at can be stated as follows:

The "traditional" view of Matthew 19:9 teaches that a man who divorces his wife for her fornication has the right to marry another woman. If he divorces her for another reason and marries another woman, he commits adultery. Jesus also says that whoever marries a divorced woman commits adultery (Matt. 19:9b). In Luke 16:18 Jesus said, "Whosoever putteth away his wife, and marrieth another, committeth adultery: and whosoever marrieth her that is put away from her husband committeth adultery." But maybe we have misunderstood these verses. Perhaps "fornication" in this verse refers to premarital sex. Perhaps Jesus' teaching on divorce and remarriage explains Moses' teaching in Deuteronomy 22:13-21. That passage is about a man who suspected that his wife was not a virgin when he married her. Is Jesus is addressing this situation, not a case of a spouse committing adultery after the marriage has taken place?

There are a number of different approaches to this and other aspects of divorce and remarriage in Jesus' teaching. Some dismiss the whole idea of an exception by arguing that the words "except it be for fornication" (Matt. 19:9) and "saving for the cause of fornication" (Matt. 5:32) were not part of the original text of Matthew but were added by a later scribe or scribes. For instance, without giving any evidence of this claim, the *International Critical Commentary* on Matthew 5:32 asserts, "a similar exception is made in 19:9, and it will there be seen that the clause is clearly an interpolation. There is, therefore, a presumption that it has also been interpolated here" (p. 52).

This is an example of the reckless disregard liberal theologians show toward the authority of the Scriptures. The commentator's "presumption" outweighs the words of the text of the Bible! There is no logical basis for this view because there is no real question as to the manuscript evidence supporting these phrases in the text of Matthew.

Another view which is found among Catholics and Protestants is that "fornication" actually describes the marriage of the man who is divorcing his wife in Matthew 19:9 and means that this marriage was unscriptural from the start (for instance, the marriage may have been in violation of God's law against marrying close kin). The New American Bible (Revised edition, 1970), a Catholic translation, has in place of the exceptive phrases in Matthew 5:32 and 19:9 "(unless the marriage is unlawful)." The New Century Bible Commentary on Matthew suggests this as a possible meaning (p. 125). But this view goes against the nature of the question Jesus was answering. The Pharisees asked if a man could lawfully put away his wife for every cause (v. 3); they were talking about a husband and wife who where legitimately married. Jesus has in mind two people whom God has joined (v. 6). The reference to Moses' law is about lawful marriages, not incestuous unions (vv. 7-8). This interpretation does not agree with the context.

Another approach is that Matthew 5:31-32, Matthew 19:3-9, Mark 10:2-12 and Luke 16:18 are explanations of the teaching of the law of Moses on divorce and remarriage and do not apply to the Christian age. Those who hold this view argue that these passages were spoken by Jesus while the law of Moses was in effect and stress that Jesus was responding to Jewish questions about the law. The law of the New Testament, they insist, is silent about any lawful reason or reasons for divorce. However, they are divided as to what this alleged silence means. Some argue that since the New Testament epistles give no explicit ground for divorce, there is no scriptural cause for divorce—not even for fornication. They believe this silence is prohibitive. Others argue that since there is no direct mention in the epistles about what constitutes a scriptural or unscriptural divorce, the question is a matter of judgment—there is no legislation. Dan Billingsley

is a proponent of this view. This position says the silence of the epistles on this subject is permissive. But the problem is their assumption that Jesus' words about divorce and remarriage in Matthew, Mark, and Luke are not part of New Testament law. Jesus spoke many things before the cross that are part of the New Testament and apply to today. In fact, most of what He taught applies to our time. Jesus taught about baptism (John 3:5), church discipline (Matt. 18:15-17), and the Lord's Supper (Matt. 26:26-29) while the law of Moses was in force, but these teachings apply to us. More importantly, Jesus did not so much explain Moses' law on divorce as He contrasted that law with His law in Matthew 19:7-9. There is a clear difference between what Moses said about divorce and what God's will was from the beginning and what Jesus says in verse 9. The exceptive phrase in Matthew 19:9 is as much a part of New Testament law as anything else in the new covenant.

A less common way of dealing with this matter is to say that Jesus gives the right to divorce to husbands only. He specifically mentions the husband divorcing his wife in Matthew and in Luke. However, in Mark 10:11-12 He teaches that His law of divorce and remarriage applies equally to husbands and wives. If the exceptive phrase of Matthew 19:9 applies to the husband who divorces his wife in Mark 10:11, then the same phrase applies to the woman who divorces her husband in Mark 10:12.

One way of avoiding the conflict in Luke 16:18 as alleged in the opening paragraph of this study is to say that only the party who initiates the divorce can determine the cause of divorce. If a man divorces his wife, she cannot remarry because Jesus said, "whosoever marrieth her that is put away from her husband committeth adultery." Even if he has committed fornication, this view says that she cannot put him away if he has already put her away. This view is extreme and errs on several fundamental levels. First, the law of man does not annul the law of God. A man may obtain a divorce for unscriptural reasons. That divorce is granted by the government, but it is not recognized by God. The state recognizes some couples as married when God says they are not (Mark 6:17-18). The same is true of divorce. Second, the Bible does not specify the customs and legal procedures of getting

married or getting a divorce. These requirements differ from culture to culture. Some countries require a written document for a couple to get married; others do not. Some nations issue a divorce decree from a local court that states the marriage was dissolved on the date indicated. Other cultures have no written divorce decrees. In New Testament times the Jews still issued a "bill of divorce," but this was not the law of Roman provinces for all Gentiles. Depending on the type of procedures required to consummate a marriage (since there were differences in Roman society, especially between nobles and the poor), divorce regulations varied, but for many citizens there was no such thing as going to the court to get a divorce (Encyclopedia of Religion and Ethics, James Hastings, ed., vol. 8, pp. 448-466; The Story of Civilization, Will Durant, vol. 3: Caesar and Christ, pp. 68-69). In Customs and Cultures, Eugene Nida noted that Navajo women only had to put their husbands' clothes outside the house and they were divorced (p. 109). If the view under consideration is true, then a Navajo woman could have moved a man into her home, put her husband's clothes outside, and then when he got home he would be "divorced" with no recourse to divorce her even though she was guilty of adultery! In our culture, this view reduces the effects of divorce to which party can get to the courthouse first. Jesus had no such provisions in mind. If a man divorces his wife unscripturally, that divorce does not dissolve the marriage any more than a marriage certificate sanctifies an illegitimate marriage. Since that divorce is not recognized in the sight of God, she may lawfully put him away if he is guilty of fornication. To apply the last part of Luke 16:18 to her is unjust and extreme.

A different approach is to say that the woman in the last part of Matthew 5:32, Matthew 19:9, and Luke 16:18 is specifically a woman divorced for her fornication. If that is the case, she could not scripturally put away her husband because she is guilty. This position would resolve our original question if it could be proved, but the wording of these verses does not support this conclusion. The phrase "her that is divorced" is general and unqualified; it simply says she is divorced (for a further discussion, see *The Remarriage of a Divorced Couple*,

chapter three).

This brings us to a view also mentioned briefly at the beginning. Is it possible that *porneia*, the word translated "fornication" in Matthew 19:9, refers to pre-marital sex? There are two variants of this question: (1) Does "fornication" in this passage mean pre-marital sex *only*? (2) Does "fornication" in this passage *include* pre-marital sex? For instance, if a man discovers that his wife committed fornication by having sex with another man before they were married, may he scripturally divorce her for that reason and marry someone else? When Jesus gave this teaching, was He merely explaining what Moses said about an Israelite man who suspected that his wife was not a virgin when they married (Deut. 22:13-21)?

The main problem with this view is that it goes against the point of the discussion in both Matthew 5:31-32 and Matthew 19:3-12. The Lord's teaching in these passages is a response to a controversy about Deuteronomy 24:1-4, not an explanation of Deuteronomy 22:13-21. Jewish rabbis in Jesus' day knew the difference between these Mosaic verses. Deuteronomy 22:13-21 addresses a marriage in which the husband suspects that his wife was not a virgin when he married her. If it was determined that she was guilty of having sex with another man before she married and then deceived her husband, she was to be put to death. Deuteronomy 24:1-4 is a different situation with different stipulations. It discusses a marriage in which the husband finds "some uncleanness" in his wife. In this case he was to write her a bill of divorce, give it to her, and send her out of his house. Jewish rabbis had argued with each other for years about the Deuteronomy 24 passage. The Mishnah reveals that followers of Shammai said, "A man may not divorce his wife unless he has found unchastity in her," but the school of Hillel argued from this passage that a man could divorce his wife "even if she spoiled a dish for him" (Gittin, 9.10). These rabbis disagreed about what the "uncleanness" was, but they agreed that it was something the wife did after she and her husband came together in marriage, not a sin committed before the marriage. Deuteronomy 22:13-21 refers to what the wife did before marriage; Deuteronomy 24:1-4 refers to what a wife did after entering the marriage. If anyone

knew the difference between the topics of these two passages, the Jewish rabbis did.

This is the backdrop of Jesus' teaching on divorce and remarriage. In the Sermon on the Mount, He calls attention to how Jewish rabbis cited Deuteronomy 24:1-4 (v. 31). He then addressed the matter of divorce (v. 32). Deuteronomy 22:13-21 is not the passage He is discussing. If Deuteronomy 24:1-4 is about what happens in the marriage and not prior to it, and if Jesus is discussing this very question, then His teaching about fornication being the cause for divorce in verse 32 means that fornication was committed after the man and woman came together in marriage, not before.

The context is even more clear in Matthew 19. When the Pharisees asked, "Is it lawful for a man to put away his wife for every cause?" (v. 3), they were not asking about pre-marital causes. They were asking what a wife might do once she is in the marriage that would give her husband the right to divorce her. After Jesus' initial response they immediately appealed to Moses' teaching in Deuteronomy 24:1-4 (v. 7). This again shows that the discussion is about post-nuptial rather than prenuptial acts. When Jesus contrasts His teaching with Moses' law, He shows that the point of their question and the answer He gave is about divorce (vv. 8-9). Since their question was about marital rather than pre-marital grounds for divorce, then if Jesus answered their question at all He was talking about what is done in marriage and not before it. The case in Deuteronomy 22:13-21 is not under consideration.

The idea of committing "fornication" or "whoredom" in the King James Version of the Old Testament is unlawful sexual intercourse in general. The Hebrew verb *zanah* is the most common word used to express this sin. It can mean pre-marital sexual relations or extra-marital sexual relations depending on the context. It is used interchangeably with the verb *naaph* ("commit adultery") in numerous passages where prophets used the adultery of a married woman to symbolize the spiritual adultery of God's people when they worshipped other gods. Israel committed "whoredom" (*zenuth*) and "adultery" (*naaph*) by serving idols (Jer. 3:9). Ezekiel wrote, "Then said

I unto her that was old in adulteries (*niuphim*), Will they now commit whoredoms (*taznuth*) with her, and she with them?" (Ezek. 23:43; cf vv. 44-45). The fornication of these and many other similar verses is adultery (Hos. 2:2, etc.).

The image of spiritual adultery or fornication is a figure and we must not expect the illustration and the thing illustrated to be parallel in every point. That is evident in Jeremiah 3:14 when God said He was still married to Israel even after He "divorced" her for adultery. According to Deuteronomy 24:1-4 and Matthew 19:7-8, this was not the case in the physical realm. The fact still remains, however, that the Bible uses the idea of fornication to denote adultery in these passages.

To argue that the fornication in these verses is limited to the idea of prostitution will not work. First, even if "fornication" in these verses means prostitution, the person who committed adultery was *married*. The text of these verses says so. Second, the fornication of God's people is not always based on the analogy of prostitution. In fact, Ezekiel said that the whoredom of Judah was different and worse than what prostitutes normally do: prostitutes receive money, but Judah paid her lovers (Ezek. 16:32-34)!

When used in a literal sense the word "fornication" or words denoting this sin can refer to adultery. Hosea's wife played the "harlot" (Hos. 3:3, zanah) and in so doing she was as "adulteress" (Hos. 3:1, naaph). A certain Levite's concubine "played the whore against him" (Judges 19:2, zanah). Verse 3 plainly calls him "her husband." They were married, and this married woman committed fornication which was adultery.

In the New Testament the concept of fornication is from the noun *porneia*, the verbs *porneuo* and *ekporneuo*, and the nouns *porne* ("harlot" or "whore") and *pornos* ("whoremonger" or "fornicator"). In extra-biblical usage *porneia* is definitely used to denote adultery. Ecclesiasticus 23:23 mentions a wife who "played the whore by adultery" (*en porneia emoicheuthe*). The Shepherd of Hermes discussed the case of a wife who was guilty of adultery and asked whether her husband should divorce her or live with her. The answer shows that "fornication" meant adultery: "So long as he is ignorant...he sinneth not; but

if the husband know of her sin, and the wife repent not, but continue in her fornication, and her husband live with her, he makes himself responsible for her sin and an accomplice in her adultery" (*Mandates*, 4.1.5). *Porneia* often denotes prostitution in this literature (e.g., Aristophanes in *Acharnians*, 527, uses *porne* to refer to "two harlots of the house of Aspasia"); but both these examples show that prostitution was not always involved. Fornication in these instances clearly includes the sin of adultery.

Pornos in classical Greek was also used to describe a homosexual. Demosthenes (*Epistles*, 4.11) denounced one who was a friend to a "whoremonger" (*pornos*) and notes that "though he swaggers like a man he allows himself to be used like a woman." Liddell-Scott defines *porneia* in Matthew 19:9 as "fornication, unchastity" (p. 1450). Moulton-Milligan asserts that it "originally meant 'prostitution,' 'fornication,' but came to be applied to unlawful sexual intercourse generally" (p. 529).

This general meaning of unlawful sexual intercourse appears in the New Testament use of *porneia* and its derivatives. Ekporneuo refers to homosexuality in Jude 7: the people of Sodom and surrounding cities gave themselves over to "fornication" and went after "strange flesh." Porne means a literal prostitute in Luke 15:30; it refers to prostitution in a spiritual sense in Revelation 17:5. Porneia or "fornication" is sometimes mentioned with moicheia or "adultery" and is thus distinguished from it (Matt. 15:19; Mark 7:21). In other passages it includes adultery (Matt. 5:32; 19:9). In I Corinthians 5:1 a brother committed "fornication" with "his father's wife." In John 8:41 it refers to unlawful sex before marriage or perhaps during the betrothal period. In other passages it is used in a broad sense to denote pre-marital or extra-marital sex either in a heterosexual or homosexual situation (Rom. 1:29; Acts 15:20). Thaver thus observes that porneia is "illicit sexual intercourse in general" (p. 532); Arndt and Gingrich note that it means "prostitution, unchastity, fornication, of every kind of unlawful sexual intercourse" (p. 693).

One New Testament passage which proves that *porneia* can refer to the sexual sin of a married person is I Thessalonians 4:3-7:

(3) For this is the will of God, even your sanctification, that ye should abstain from fornication: (4) That every one of you should know how to possess his vessel in sanctification and honour; (5) Not in the lust of concupiscence, even as the Gentiles which know not God: (6) That no man go beyond and defraud his brother in any matter: because that the Lord is the avenger of all such, as we also have forewarned you and testified. (7) For God hath not called us unto uncleanness, but unto holiness.

Let us begin with verse three. The exhortation to abstain from fornication (porneia) is given to the church. If it means only premarital sex, then is Paul only talking to single people, or, as Foy E. Wallace, Jr. said, are we to conclude that there were no married people in the church at Thessalonica (Sermon on the Mount and the Civil State, p. 39)? Verse four clearly shows that married people are under consideration. He is specifically talking to husbands about how they "possess" their "vessel"—a reference to the wife, the "weaker vessel" (I Pet. 3:7). That relationship is to be one of sanctification and honor, not in the uncleanness of fornication (I Cor. 7:2; Heb. 13:4). The unbelieving Gentiles commonly engaged in this immorality (verse 5), but he tells Christian couples not to do so. In verse six he describes the sin of adultery as "defrauding" a brother in "any matter" (KJV) or in "the matter" (ASV) or in "this matter" (NKJV). The matter under consideration is adultery. That is the point of the context. There is nothing in Paul's discussion about financial fraud. Even less is this a general warning about wronging a brother in any kind of trespass. The word "defraud" is from pleonekteo which means to take advantage of someone. Here the sin is specifically taking advantage of a brother by committing adultery with his wife. Paul said God is the avenger of such crimes; this fits perfectly with what the Bible says in other passages about this sin (Job. 31:9-11; Prov. 6:32-35). Verse seven clearly shows that verse six is about sexual sin. The word "for" (gar) indicates that Paul is giving in verse seven a specific reason for what he said in verse six: God has not called us to "uncleanness" but to

holiness. This holiness is the same holiness or sanctification in verse three: abstaining from fornication. God did not call us to sexual uncleanness but to purity.

Porneia can mean or include pre-marital sex, but to say that it has this meaning in every passage where it occurs is to ignore its usage in the New Testament and outside of it. Limiting this word to one particular sexual sin defeats the purpose of the word which is to denote illicit sex without specifying a certain type of unlawful union. When porneia is used in passages like I Corinthians 6:18 ("Flee fornication") or Colossians 3:5, we don't have to find the word "adultery" mentioned with it to know that it is included (any more than we must prove that it specifically mentions pre-marital sex). This later assumption (that a truth must be explicitly stated before it can be known) is the fundamental hermeneutical error at work in this reasoning.

Proponents of same-sex marriage often argue, "Jesus didn't say anything against homosexuality." But He did. When He used the word *porneia* He included it. The same is true of pedophilia and incest. Like adultery, these are covered by this word.

Why is there a different word for adultery (moicheia) if it is included in *porneia* or fornication? We could ask the same question about homosexuality. If "fornication" in Jude 7 means homosexuality, why is there another word for a homosexual or sodomite (arsenokoites-I Cor. 6:9; I Tim. 1:10)? This is because Bible words sometimes overlap in meaning. We find this in many passages (Eph. 5:19; Gal. 5:19-21; I Pet. 4:3). In I Corinthians 6:9, Paul uses arsenokoites, a homosexual, and malakos, a specific type of homosexual (a catamite, the passive partner in the sin). He also uses pornos in the same passage. If homosexuality was already included in this word, why would he add the others? He did so to draw attention to specific sins just as we use different words in English to specify what we are talking about. We should remember that there are Greek words besides those in the porneia and moicheia families which denote unlawful sex. For instance, koite can refer to marital sex (Heb. 13:4—"the bed") or unlawful sex (Rom. 13:13—"chambering" in the KJV). If we ask whether koite in Romans 13:13 is premarital sex or extra-marital sex we are raising a question based

on the assumption that it is only one or the other. The truth is that since it is a general condemnation and is not qualified in the context, we should take it to include both. The context, not a predetermined, one-size-fits-all definition, decides the meaning. This is the fact we must remember in regard to *porneia*.

The usage is clear. In the Old Testament, fornication can mean or include adultery. In the New Testament, fornication can mean or include adultery. In extra-biblical Greek, *porneia* can mean or include adultery. It is not limited to pre-marital sex or prostitution though it certainly can denote these ideas.

Jesus clearly gave an exception in Matthew 19:9. That scriptural ground for divorce is given because it is a serious violation of the marriage vow. To understand the nature of that violation, consider the punishment given for pre-marital sex and adultery in the Old Testament. The penalty for a man having sex with a betrothed or married woman was death (Deut. 22:22-24). However, a man who had sexual relations with a woman who was not betrothed or married was fined and required to marry her with no right ever to divorce her (Deut. 22:28-29). Pre-marital sex is wrong but adultery is worse because it violates the oneflesh union of marriage. A man who commits adultery sins just as much as if he and a woman were both unmarried, but as a married man he has the added guilt of despising the sanctity of his marriage. Thus if Matthew 19:9 means a man can divorce his wife for her having had sex with another man before the marriage but not if she has sex with another man after entering the marriage, then Jesus is imposing the penalty on the lesser of the two sins! This would mean a man could divorce his wife for what she did before the marriage but not what she does in the marriage. According to this view, a man could divorce his wife if he discovers that she had sexual relations with another man one time before he married her, but if she commits adultery against him a hundred times he has no biblical right to put her away! If a person suggests that fornication includes pre-marital sex in Matthew 19:9, then he is also saying that pre-marital sex is as serious an infraction of marriage as adultery, and this is not true. Besides, as we have already seen, neither the Jews who raised the question about divorce nor the Lord who answered

their question was talking about what either spouse had done prior to the marriage.

Fornication before a marriage begins or after a marriage ends is sinful, but it does not alter the rights of the couple or the nature of the marriage while they are married. For instance, if a man's wife dies and he has sexual relations with another woman without marrying her, he has committed fornication, but his sin does not alter the fact that he was previously married to his wife. It is simply the sin of fornication. He may have insulted the memory of his wife, but he did not violate the marriage bond because it no longer exists. In the same way, a man sins when he has sex before marriage, but he does not violate the sanctity of marriage because it does not yet exist, and the sin of what he did prior to the marriage cannot scripturally be used against him to disqualify him from that union once God has joined the two together.

Our original question pertains to the interpretation of Luke 16:18. If the man in the first part of the verse commits adultery, wouldn't that give his wife the right to put him away and remarry? This argument is used to say that adultery is not a scriptural ground for divorce. But this reasoning assumes that Jesus is giving the actions of the husband as absolute conditions of the statement in the last part of the verse. This view says the woman who was put away commits adultery by marrying another man after her first husband has divorced her and married another woman, thus committing adultery himself. But what if her first husband doesn't remarry? Does she commit adultery by marrying another man? Does the husband have to do everything that is stated in Luke 16:18a (divorce his wife, marry another, and thus commit adultery) in order for her to commit adultery by marrying another man? Of course not. Jesus is not saying that all the elements of Luke 16:18a form the exclusive condition for the statement in Luke 16:18b. He is not establishing an unqualified sequence of events; this passage is a general statement of fact concerning the remarriage of either party, not a timeline of which remarried first.

Another problem with this view of Luke 16:18 is that it wrongly dismisses the qualifying phrase "except it be for fornication" in Matthew 19:9. Luke 16:18 must be interpreted

with Matthew 19:9, not without it. The exceptive phrase qualifies the situation in Luke 16:18 just as it does Matthew 19:9. Jesus gave the scriptural ground for divorce and remarriage fornication—but the wording of Matthew 19:9 and Luke 16:18 does not perfectly and specifically match every situation to which it applies or has relevance. It does not specifically describe a man who divorces his wife and remarries her. It does not specifically mention a man remarrying after his first wife, whom he wrongly divorced, dies. It does not specifically speak of a man divorcing his wife when he, not she, has been guilty of fornication. It does not specifically mention the case of a man who wrongly divorces his wife and afterward commits adultery or speak specifically of his wife putting him away and remarrying because of his adultery. I am not saying these matters are without a biblical answer. I am saving that the answer will be a matter of implication, not by an exclusive scenario arrived at by a refusal to allow other verses on the same subject to shed light on the meaning of the passage in auestion.

When a man unjustly divorces his wife and marries another woman (thus committing adultery), his wife may put him away for his adultery and marry another. Why? Because his unscriptural divorce of his wife did not dissolve the marriage bond. To argue otherwise, as we have already maintained, would mean that the law of the land is over the law of God. This would imply that a government could issue a divorce or even declare an annulment with or against the will of one or both parties involved! An unscriptural divorce does not sever a marriage in God's eyes any more than an unscriptural marriage joins two people in God's sight. This scenario is not explicitly laid out in Luke 16:18 or in Matthew 19:9, but the conclusion follows from the nature of marriage and divorce and from the liberty given by the exceptive phrase.

The "Only" Question is Not the Only Question

There is nothing new about Bible interpretation. A man may think he has found a new insight or controversy, but a little reading from past works will prove him wrong. As Lincoln said, books show a man that those original thoughts of his are not so original after all.

Is it right for a Christian to be married to a non-Christian? This question is at least as old as the New Testament. Some of the Christians at Corinth had questions about this relationship and wrote to Paul about it (I Cor. 7:1, 12-15). After the close of the apostolic age Tertullian (145-220) wrote, "The apostle rules that marriage should be 'only in the Lord', that no Christian should intermarry with a heathen." Cyprian (200-258) condemned the marriage of a believer to a non-believer: "Marriage is not to be contracted with Gentiles." Schaff says the Council of Elvira in Spain in 306 "forbade such marriages on pain of excommunication, but did not dissolve those already existing." The issue was bound to surface in the American Restoration Movement, and it has been a point of perennial debate in the brotherhood ever since.

Paul said a widow is "at liberty to be married to whom she will; only in the Lord" (I Cor. 7:39). Many brethren have interpreted the phrase "only in the Lord" to mean that a widow may only marry a man who is in the Lord—a Christian. This of course means that she sins if she marries a man who is not. From the early to somewhat past the mid-1900s, this interpretation was the prevailing view of preachers and writers in the church. Then this position began to be challenged. The sticking point was this question: "If a widow sins by marrying a non-Christian, then what must she do to repent?" This was no mere hypothetical question. It was a real-life situation in congregations. Some who held this view brushed aside this logical quandary and continued to teach this view in spite of its inconsistency. But the force of the argument was clear. If "only in the Lord" means only a

Christian, then a widow who has married a non-Christian must separate from him to be right in God's sight. If it is a sin to marry this man, then it is a sin to stay married to him. If the marriage is sinful, then it is wrong to enter this relationship and it is wrong to remain in it. Yet it would be very difficult to find anyone who follows through with the logical consequences of this view.

To be consistent, preachers who teach this interpretation would have to tell widows who are married to non-Christians to leave their husbands and churches would be obligated to withdraw fellowship from widows who will not leave their non-Christian mates. The doctrine has always been stricter in theory than it has been in practice. But the reasoning is insurmountable and it proves that this position cannot be true. If it is sinful to marry a non-Christian, then it is sinful to stay in this marriage; but if it is not sinful to be married to a non-Christian, then it cannot be wrong to marry a non-Christian. The truth is that Paul told the Corinthian Christians who were married to non-Christians to remain in those marriages and not to leave them (I Cor. 7:12-13)! This shows that a marriage between a Christian and a non-Christian is a marriage (just as the marriage between two non-Christians is truly a marriage). People do not have to be Christians to be married. So Paul does not say that a marriage between a Christian and a non-Christian is legitimate in verses 12 and 13 and then teach that it is forbidden later in the same chapter! The marriage of a Christian to a non-Christian is not ideal, but to say that it is sinful is a quite different and scripturally unsustainable charge.

As the view that "only in the Lord" means only a Christian began to lose prominence, some of its adherents charged that the opposing position was a "new" idea. The "new" approach to this passage was seen as a compromise of the standard belief among churches of Christ. To some extent this same objection is heard today. Of course, how old or new a belief is has nothing to do with whether it is true or false. A doctrine is not true just because it has been accepted for a long time, and a view is not false just because it is new to a person. This was the theme that American Restoration preachers had stressed, but somehow it has been forgotten when an interpretation has held sway for generations.

Aside from the irrelevance of this accusation, however, the charge itself is not true. As early as 1831, the logical and practical inconsistency of this position was challenged. In the March and May issues of the *Millennial Harbinger* that year, a writer named "Parthenos" (believed by some to have been Walter Scott) wrote two articles denying that a Christian marrying a non-Christian is sinful. Especially interesting is that he used the same reasoning discussed earlier:

No Jew would have been retained in the congregation for saying he repented of his unlawful marriage; nor would he have been taken in again for any reason short of putting his wife away. Let us be consistent, then, and if we are to follow Jewish example without respect to the law of Christ, let us follow it closely. Let those who married unbelieving wives put them away, and then they themselves may be retained in the congregation.

But if the law of Christ to widows is, that they shall marry only a Christian, then I say there is no remedy for those who have acted differently, but immediately to leave their husbands, unless we can suppose that the law of the state is above the law of Christ.⁴

"Parthenos" told Campbell that he was deluged with letters objecting to his first article on the subject. He also observed that most of the arguments were based on Old Testament passages that prohibited Jews from marrying the Canaanites. Only one person asked him what the law of Christ said about the issue, and no one said that a Christian woman who was already married to a non-Christian should put away her husband. As to the real meaning of I Corinthians 7:39, Parthenos said "only in the Lord" may mean "only in the faith of the Lord, i.e. not go out of him or become an idolater to get a husband" or "to marry without giving up or abandoning the supremacy and headship of Christ." For example, the younger widows in I Timothy 5:11-12 left the Lord in the process remarrying. He further suggested that the phrase "only in the Lord" might not belong in verse 39 at all since the original Greek had no verse divisions. He proposed that

"only in the Lord" might go with verse 40: "Only in the Lord is she happier. . ." I don't believe this will work because it fails to recognize the adversative "But" (de) in verse 40 which marks a contrast between verse 39 and verse 40. "Only in the Lord" may mean in keeping with or in harmony with the Lord's will. "Children, obey your parents in the Lord" (Eph. 6:1) is another case of this meaning. A widow is to marry only in harmony with God's Word, which means she may only marry a man who is authorized by God to marry. She may not marry a man who has unscripturally divorced his wife or a man who has been unscripturally divorced. Such a marriage would not be "in the Lord," that is, it would be contrary to rather than in harmony with the will of the Lord.

Regardless of whether one agrees or disagrees with Parthenos about what this phrase does mean, it is clear that his objectors could not extricate themselves from the logical problem of saying it is sinful to enter a marriage but lawful to remain in it. Campbell conceded that it would be "difficult to contend" with Parthenos' argument on this inconsistency. Neither Parthenos nor Campbell advised Christians to marry non-Christians. Their only point was that we must not make a law on this matter because Christ Himself did not.

The neglect or the refusal to face the implications of the view in question may have contributed to hesitance on another marriage issue. Brethren had taught for years that it is wrong for a Christian to marry a non-Christian, but some members of the church did so anyway. What did these brethren do about these members? Did they tell them to separate from their non-Christian mates? Did they withdraw fellowship from members who remained married to non-Christians? Most did not address these implications. An article in the February 3, 1942 issue of the *Firm Foundation* that considered these implications. It was written by M. C. Franklin and entitled "Mixed Marriage." The author stated

A pertinent question may well be raised: What is the status of the Christian after he marries an unbeliever? Most seem to think that God's attitude, if expressed, would run

something like this: "You rebelled against me when you married out of the Lord; but now that you are married, I'll just forget about it and let bygones be bygones." I know of no Scripture that would support such a view. If one sin in any other respect, we all concede that he is living in sin until his status be changed. For instance, if a man divorce his wife without scriptural cause, and marry another, we contend that he is living in adultery as long as that union continues; or, if a man steal something, we contend that he is a thief as long as he remains in possession of the stolen article. By what logic, or by what scriptural proofs, shall we conclude that a God-forbidden marriage union, once consummated, is transmuted, by a marriage license and a human ceremony, into a union that is pleasing to the Lord?

This writer even said the marriage of a Christian to a non-Christian was not really a marriage:

I submit that God has not joined together those whom He has forbidden to marry.

But in the end the writer was not willing to bind what he described as the "logical consequences" of this position:

I am pleading with those who are single to marry "only in the Lord." To those who have already erred, I offer no counsel: but I admonish them to "work out your own salvation with fear and trembling."

Most who held this view were not ready to go this far and face these consequences in the open. They taught that it was wrong for a Christian to marry a non-Christian but right to stay married to the non-Christian. The message, unintentional or not, was that it is wrong to form this sinful relationship but scriptural to maintain it. Could this be why some preachers, especially in the 1960s and 1970s when divorce rates skyrocketed, resisted the idea that couples living in adultery should separate? Did they use

the case of Christians marrying non-Christians as a precedent? They had conditioned themselves to continue teaching this view of I Corinthians 7:39 while somehow rationalizing or not thinking about or not thinking through its consequences. Perhaps they applied the same approach to couples living in adultery because they had become accustomed to "excusing" Christians who had married non-Christians. They may have reasoned, "We don't withdraw from Christians who marry contrary to I Corinthians 7:39, so why should we withdraw from those who marry contrary to Matthew 19:9?" Whether or not they reasoned the question out like this or simply followed a general pattern of practice, it seems that the "tolerating" of people living in the one situation set the stage for tolerating people living in the second. This may explain why some well-known preachers regarded the idea of telling people living in adultery to separate as an extreme position.⁵

Differences among us about the meaning of I Corinthians 7:39 also provide an example of unity and fellowship. As the 1831 article of Parthenos shows, disagreement on the meaning of this passage has been around for generations, yet brethren who differ on this passage have not withdrawn fellowship from each other. Should we? There is a right way and a wrong way to interpret this verse. Either it is a sin for a Christian to marry a non-Christian or it is not a sin for a Christian to marry a non-Christian. If it is sinful for a Christian to marry a non-Christian, then those who teach that such a marriage is lawful are teaching something contrary to the Bible. They are loosing where God has bound. If it is not sinful for a Christian to marry a non-Christian, then those who teach that such a marriage is sinful are teaching something contrary to the Bible. They are binding where God has loosed. Either way, someone is teaching something contrary to the Bible. Yet brethren on both sides of this issue say it should not become a point of disfellowship. Neither camp considers the other false teachers, even though each believes the other holds a false belief.

The often-unacknowledged implication of this controversy is that there are some doctrinal issues about which we can disagree yet remain in fellowship, and yes, still be in the grace of God. But is this conclusion a mere platitude based on

established practice or is it rooted in scriptural principles? Is it consistent to draw a line of fellowship on differences regarding Matthew 19:9 and then to have unity of fellowship in spite of contradictory views of I Corinthians 7:39?

There is a difference, and that difference comes from the connection of each of these verses to the overall teaching of the New Testament. The person who disobeys Matthew 19:9 commits adultery, and the teaching of the New Testament is that adultery is worthy of disfellowship and causes one to be lost (I Cor. 5; Gal. 5:19-21). Adultery is sinful, period. But a Christian marrying a non-Christian is not adultery. Marriages between Christians and non-Christians are not declared unlawful in the New Testament like marriages between Israelites and Canaanites were forbidden in the Old Testament; if they were, then brethren would be obligated to follow the example in Ezra 10 and order Christians married to non-Christians to put away their spouses. The New Testament tells Christians married to non-Christians to remain in those unions and to be loval to their mates (I Pet. 3:1-6; I Cor. 7:12-13). Adultery is emphatically marked out as a serious transgression, but nowhere do we find this gravity attached to the question of a Christian married to a non-Christian or to one who has erred in his understanding and teaching of it. Now a person can be so contentious about this issue that he becomes divisive and therefore subject to the discipline of a congregation, but that discipline would be based on his unscriptural attitude and manner, not on the seriousness of the doctrine itself. This broader aspect of the issue has important applications and deserves much meditation.

The practical side of this question helps put the issue into perspective. Though there is disagreement on a doctrinal level, there is agreement in practice because both sides encourage Christians to marry Christians. I know of no preacher who says it is lawful for a Christian to marry a non-Christian who claims that it is better for a Christian to marry a non-Christian than a Christian. In fact, a few of these are stronger in urging Christians to marry Christians than those who say that it is sinful for a Christian to marry a non-Christian! Sometimes there is a fine line between poor judgment and an outright sin. When we consider how we as teachers are interpreted on this issue, we must

admit that this distinction is not always grasped by our listeners. For instance, a father who does not believe it is sinful for a Christian to marry a non-Christian talks to his grown daughter about dating. This father warns the daughter about falling in love with a non-Christian and marrying him, pointing out the hardships and temptations this union will bring. The daughter, whether she accepts the advice or not, sees that this is a serious matter. Her father may not have said marrying a non-Christian is "sinful" or "wrong," but the clear idea that came across was that the marriage would not be best. The distinction between a bad judgment and a sin is not front and center in the discussions. So in terms of the practical counsel they give, there is not that much difference between those who regard this marriage as sinful and those who do not. And in terms of fellowship and unity, brethren have not made doctrinal differences on this issue a cause for separation. But in regard to consistency and accuracy in teaching, the difference between the two positions is worthy of some attention.

Notes

¹Tertullian, "Against Marcion," *The Ante-Nicene Fathers*, Alexander Roberts and James Donaldson, eds. (Peabody, MA: Hendrickson Publishers, 1995), p. 443-444.

²Cyprian, "The Treatises of Cyprian," *The Ante-Nicene Fathers*, Alexander Roberts and James Donaldson, eds. (Peabody, MA: Hendrickson Publishers, 1995), p. 550.

³Philip Schaff, *History of the Christian Church* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1910), Vol. II, p. 366.

4"Marriage—No. II," *Millennial Harbinger*, Alexander Campbell, ed., May 1831, pp. 203, 206.

⁵For example, Foy E. Wallace, Jr. in *The Sermon on the Mount and the Civil State* (p. 4).

An Old Book on An Old Question

Jesus was clear about divorce and remarriage. He said, "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" (Matt. 19:9). Many are not satisfied with this plain teaching. Some are more lenient than the Lord while others are more strict. This latter extreme was refuted in an interesting book written by John Raynolds entitled *A Defense of the Judgment of the Reformed Churches, That a Man May Lawfully not only Put Away His Wife for Her Adultery, but also Marry Another*.

Raynolds (sometimes spelled Reynolds or Rainolds) was the man who initially recommended to King James that a new English translation of the Bible be made. The King took his advice, and Raynolds was made one of the translators of this famous project. Raynolds was a Puritan with exceptional skill in Bible interpretation and an astonishing memory. He accepted this challenge and was part of a committee devoted to translating the Old Testament prophets, but he died before the translation was completed. After his death in 1607, the book he had written on divorce and remarriage was printed in 1609. It is written in old English and is difficult to read; this problem is made worse by the fact that the photocopies of the original 1609 printing are sometimes unclear. Stillwaters Revival Books in Edmonton. Canada, a Reformed group, makes these copies available. In spite of these disadvantages, however, the exegetical value of this short work of 94 pages becomes apparent once the reader becomes accustomed to reading old English. In this brief review I will give my own slight revision of the spelling of archaic words in the passages cited from this work (e.g., "maintaining" for "mainteyning," "contrary" for "contrarie," etc.)

The subtitle to this work reveals the proponents of the view that Raynolds was writing against: "Wherein both Robert

Bellarmin in the Jesuits' Latin treatise, and an English pamphlet of a nameless author maintaining the contrary are confuted by John Raynolds." The Roman Catholic Church held that fornication was not a lawful reason to divorce and remarry. Raynolds and other Reformers denied this view.

The contents of this book are as follows: (1) the first chapter gives arguments to prove the position; (2) the second chapter examines the Scriptures used by Raynolds' opponents; (3) the third chapter looks at citations from church fathers used by his adversaries; (4) the fourth chapter shows further inconsistencies and weaknesses in Roman Catholic teaching on this subject. In this review I will limit my remarks to the exegetical points of chapters one and two.

In the first chapter Raynolds cites Matthew 5:32 and Matthew 19:9 to establish the position that his book defends. His argument on Matthew 19:9 is as follows:

Now in this sentence, the clause of exception (except it be for whoredom) doth argue that he commits not adultery, who, having put away his wife for whoredom, marrieth another.

But he must needs commit it in doing so unless the band of marriage be loosed and dissolved. For whoso marrieth another as long as he is bound to the former, is an adulterer. The band then of marriage is loosed and dissolved between that man and wife who are put asunder and divorced for whoredom.

And if the band be loosed, the man may marry another, seeing it is written, *Art thou loosed from a wife? If thou marry thou sinneth not* (I Cor. 7:27, 28). Therefore it is lawful for him who hath put away his wife for whoredom to marry another. (p. 3)

Raynolds argued that the only way for his opponents to refute his reasoning was to disprove the first part of his argument regarding the exception in Jesus' words, since his adversaries conceded the other points of the argumentation. Consequently, Raynolds proceeds to defend his position on the exceptive clause against the teaching of Bellarmin on that subject. Bellarmin's position was that

...those words (except it be for whoredom) are not an

exception. For Christ (saith he) meant those words (except for whoredom) not as an exception but as a negative. So that the sense is whosoever shall put away his wife, except for whoredom, that is to say, without the cause of whoredom, and shall marry another doth commit adultery. Whereby it is affirmed that he is an adulterer who, having put away his wife without the cause of whoredom, marrieth another: but nothing is said touching him who marrieth another, having put away his former wife for whoredom (pp. 3-4).

Bellarmin cited Augustine to give credibility to this reasoning. Augustine himself called the topic of divorce, remarriage and "adulterous marriages" a "most difficult question." Bellarmin seized on Augustine's claim that whereas "the common Latin translation has *except for whoredom*, in the Greek text it is rather read *without the cause of whoredom*" (p. 4). Raynolds quickly responded that this view put Catholics at odds with their own church-commissioned Latin translations. But the key issue is implication based on the conditional nature of Jesus' statement, and Raynolds pointed to other examples to illustrate this point:

He that sacrificeth to any Gods save to the Lord only, he shall be destroyed says Moses in the law (Ex. 22:20). The proposition is affirmative, He that sacrificeth to any Gods shall be destroyed. The exception negative: He that sacrificeth to the Lord shall not be destroyed. There is none good. The exception affirmative: One is good, even God... Likewise in all the rest of the exceptions...the proposition and the exception matched with it are still of contrary quality, the one affirmative if the other negative, and negative, if the other affirmative. (p. 7)

Raynolds then responds to "the next trick of sophistry" used by the writer of the English tract-that we must supply the following words to Jesus' teaching: "Whoever shall put away his wife (which is not lawful except it be for whoredom) and marrieth another, doth commit adultery" (p. 9). He then cites similar additions to the wording of the text offered by Catholic writers. One bishop said Jesus' words mean "Whoso putteth

away his wife, except it be for whoredom, though he marry not another, committeth adultery" (p. 10). (We might add here that this position – that *divorce itself* is adultery – has been taught in some churches of Christ in recent decades.) Another friar said the meaning is "Whoso putteth away his wife, not for other cause but for whoredom, and marrieth another, doth commit adultery" (p. 10). Raynolds noted that this forces Jesus to say "whosoever shall put away his wife although it be for whoredom..." (p. 10). In other words, this position changes "except it be for fornication" to "even if it be for fornication." Yes, this is exactly the position some take today! Raynolds also pointed out the inconsistency of his Catholic opponents trying to make the exception apply only to putting away and not to the remarriage by reminding his readers that official Catholic teaching allowed many causes for which a man could "put away his wife from bed and board" (p. 13).

Having defended the right to divorce and remarry in the case of fornication based on Matthew 19:9, Raynolds proceeds in the second chapter to answer the arguments of his opponents which they purported to draw from certain passages of Scripture. The first passage is Matthew 5:32: "But I say unto you, That whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery: and whosoever shall marry her that is divorced committeth adultery." Bellarmin's argument on this passage was:

And whoso marrieth her that is put away doth commit adultery, must be either generally taken without exception, or with the exception, 'Except it be for whoredom.' If generally, then he who marrieth her that is put away, even for whoredom too, doth commit adultery. The bond then of marriage is not dissolved and loosed by her putting away: but company debarred only. For he that marries her should not commit adultery unless she were bound yet to the former husband... If the words must be taken with the exception: then he that marrieth a whore put away from her husband committeth not adultery. And consequently the whore is in better case than the innocent and chaste. For the whore is free and may be

married, whereas the innocent that is unjustly put away, can neither have her former husband, nor marry another. But this is most absurd, that the law of Christ, being most just, would have her to be in better case and state, that is justly put away, than her that is unjustly (pp. 20-21).

Raynold's response to this argument is disappointing, partly because he failed to examine and exegete Matthew 5:32 correctly and partly because of what he implies in his answer to Bellarmin's dilemma. His method of response was to turn the tables on his opponent by asking him similar questions. Since the Pope forbad a man in a second marriage to take holy orders, yet allowed some whoremongers to take them, does this mean, Raynolds asks, that it is better to be a whoremonger? Or are the prostitutes of Rome, who have never been married, better off than honest women unjustly divorced, who cannot remarry? Or, if a woman commits adultery and murders her husband, then remarries, is she in a better position than a woman who has been unjustly put away and cannot scripturally remarry? Why would Raynolds ask these questions? How did he hope to answer his opponent's argument with them? The truth is that Raynolds made a serious mistake here: he conceded Bellarmin's point that if there is an exception in Matthew 5:32, then the put away fornicator may scripturally marry another but the woman unjustly put away cannot. In other words, Bellarmin said what some today say – that in Matthew 5:32 Jesus teaches that a woman commits adultery if she marries another after being divorced, but not if she is divorced for fornication ("saving for the cause of fornication"). Thus, if a woman marries another man after being divorced for other reasons, she commits adultery, but if she marries another man after being divorced for fornication, she does not commit adultery. But this view of the text, though common, fails to follow the wording of our Lord. Jesus said a man who divorces his wife "causes" her to commit adultery. By divorcing her without scriptural cause, he puts her out of his house where she will be tempted, for financial as well as personal reasons, to marry someone else. If she does, she and this man

commit adultery, and the first and actual husband "caused" this. But if he divorces his wife for her fornication, he does not cause her to be an adulteress. She already is one! Thus, the teaching of Matthew 5:32 is not that a divorced woman commits adultery, unless the divorce was for fornication, but that a man causes his wife to commit adultery by divorcing her, unless the divorce was for fornication. This difference in wording is critical. (As to the problem of how a divorced fornicator can commit adultery even though he or she is no longer married to the original mate, see my book, *The Remarriage of a Divorced Couple*).

Raynolds never really answered Bellarmin's argument. He even asserted that "the law of Christ cannot justly be charged with absurdity, though it does enlarge the unchaste and lewd in some outward thing, in which it enlargeth not the chaste... the evil and wicked enjoy certain earthly blessings in this life, which are not granted to the upright and godly" (p. 23). So he grants to divorced fornicators a privilege he says is denied to unjustly put away persons! The only hope he gives to innocently put away spouses is the possibility of reconciliation with their former mate.

The next passage used by his opponents is Mark 10:11-12: "Whosoever shall put away his wife, and marry another, committeth adultery against her. And if a woman shall put away her husband, and be married to another, she committeth adultery." Here and in Luke 16:18, Bellarmin argued, there is no exception. When Raynolds observed that this is no argument at all because Matthew, Mark, and Luke each omit details which the others include, Bellarmin said that this is true, but insisted that Mark 10:11-12 and Luke 16:18 are made *false* if there is an exception in Matthew 19:9. Raynolds showed how ridiculous this charge was by pointing to other examples of a general statement having an implied exception. Solomon said the proud in heart will not be unpunished (Prov. 16:5), but the exception, Raynolds said, is their repenting (Luke 13:3). Jonah told the Ninevites they would be destroyed, but built into this message of warning was the condition that they would not perish if they repented. These qualifications are implied by the totality of Bible teaching. Peter told Christians to obey every ordinance of man (I Pet. 2:13), but the example of Peter himself shows there are exceptions (Acts 5:29). Bellarmin urged that the passages in Mark and Luke should be read as the absolute law and that the passages in Matthew should be read in light of them, not vice-versa. Of course, this is entirely subjective as well as false.

The third passage is one which is still misapplied today to uphold Bellarmin's position: Romans 7:1-3. This text reads "Know ye not, brethren, (for I speak to them that know the law,) how that the law hath dominion over a man as long as he liveth? For the woman which hath a husband is bound by the law to her husband so long as he liveth; but if the husband be dead, she is loosed from the law of her husband. So then if, while her husband liveth, she be married to another man, she shall be called an adulteress: but if her husband be dead, she is free from that law; so that she is no adulteress, though she be married to another man." Bellarmin argued "that the band of marriage is never loosed but by death: and that seeing it is not loosed, it remains after divorcement too, for whatsoever cause the divorcement be made" (p. 30). Raynolds' response was that this passage is a general statement of God's law that presupposes the exception of Matthew 19:9. He insisted that Paul's meaning is "that the band of marriage is not loosed commonly and ordinarily while both parties live; not that absolutely, it is never loosed until one of them die" (p. 30). Citing I Corinthians 9:7, Raynolds said general statements with implied exceptions are common. For instance, Paul asked, "Who goeth a warfare any time at his own charges?" There are exceptions to this, Raynolds said, adding that the same holds true with planting a vineyard or feeding a flock. But in stressing this point Raynolds made another tragic mistake. He said that Romans 7:3 not only presupposes the exception of Matthew 19:9 but also presupposes desertion as a cause for divorce and remarriage (I Cor. 7:15). This view goes against the context of I Corinthians 7:12-16 and is an unwarranted conclusion on the word "bondage." Raynolds also pointed out the inconsistency of his Catholic opponents using Romans 7:3 to forbid divorce and remarriage in every case. The Pope himself, he urged, recognized some second marriages contracted while the first mate was alive. He also observed that "the Papists hold that if a married man become a monk before he know his wife carnally, she may lawfully take another husband, while he lives" (p. 33). Raynolds interestingly rejects this "consummation" view of marriage: "Yet is the woman his wife who hath wedded her, or espoused her only, though she has not entered into his bedchamber" (pp. 33-34). His point in all this is to show how arbitrary the Catholics were about the whole subject of divorce and remarriage.

The fourth passage which Raynolds said his opponents misused is I Corinthians 7:10-11: "And unto the married I command, yet not I, but the Lord, Let not the wife depart from her husband: But and if she depart, let her remain unmarried, or be reconciled to her husband: and let not the husband put away his wife." Bellarmin cited these words and asserted that the departure in this passage is divorce for whoredom. He then argued that even in this case the "divorcement does not loose the bond of marriage, neither is it lawful for married folks to marry others, although they be severed and put away by just divorcement" (p. 38). What was his ground for saying that Paul is talking about a divorce for fornication in this passage? He said this must be a divorce for fornication; otherwise, "how should he permit the wife to remain separated from her husband against his will, without any cause of just divorcement?" (p. 39). The problem with Bellarmin's reasoning is that he assumes verse eleven gives approval to the departure prohibited in verse ten. But this is not true. Paul is warning couples not to make matters worse if they do divorce (see I John 2:1 and Romans 11:18 for other examples of this construction). Raynolds said Paul writes verse eleven "in consideration of human infirmity," adding that these words are "not permissive, but imperative" (pp. 39, 40). He then insisted that in the last clause of verse eleven, "Let not the husband put away his wife, must needs be understood

except it be for whoredom, because St. Paul says it is the Lord's commandment, and the Lord gave it with that express exception... Then as the last branch so the first too, Let not the wife depart from her husband" (p. 41).

This is a unique book and worthy of adding to your library. For those with enough patience to read through the Old English fonts, spelling, and expressions, this read will be rewarding. As with many old books, it reminds us that many controversies are very old. Interestingly, even some of the sayings we use today can be traced back for centuries. For example, Raynolds warned his opponents about jumping "out of the frying pan into the fire" (p. 6). Reading old books like this one is an education.

MAY THE GUILTY PARTY REPENT AND REMARRY HIS/HER SPOUSE?

(from Marriage, Divorce, And Remarriage: The Seventeenth Annual Spiritual Sword Lectureship, October 1992)

A continuing study of divorce and remarriage reveals that the subject does not merely consist of a few simple questions. Instead, it involves a vast number of sub-issues which arise from specific life situations. An increasingly controversial question concerning these cases is the one under consideration in this study. Though this situation may be rare in comparison to other questions concerning divorce and remarriage, it *does* occur, and those contemplating this question as an actual life decision need the biblical answer.

It is important to bear in mind the precise nature of this question. The issue is not whether an innocent mate can (as a matter of biblical teaching) or should (as a matter of judgment) continue to live in the marriage with the guilty party. It is not whether the guilty party can scripturally marry a person other than the original mate; the Scriptures are clear on this point, as the following discussion shows. The question is: May a person scripturally remarry the mate that he/she has divorced for fornication? A major part of this undertaking is to respond to arguments which attempt to establish the position against which this article is written (that the remarriage of a couple divorced for fornication is adultery).

Historical Background of the Problem

The view that a scripturally divorced couple cannot remarry has its roots in the somewhat broader question as to whether the guilty party may marry someone other than the original mate. This question was addressed by J. W. McGarvey in his 1875 commentary on Matthew. His conclusion at that time was, "No doubt such a woman is at liberty to marry again..." However, almost 40 years later he had decided that "the guilty party could not" remarry, "for no one is allowed by law to reap the benefits of his own wrong." H. Leo Boles later in his commentary on Matthew wrote that "the guilty party can never again enter a pure and lawful marriage covenant." Within a generation's time, however, some had begun to openly dissent from the view, most notably James D. Bales in 1961¹² and Lewis G. Hale in a 1974 booklet.

The position that the guilty party could remarry met stiff opposition. Roy H. Lanier, Sr. 14 and Roy Deaver 15 were instrumental in responding to this position. Deaver, writing in response to Lewis Hale's booklet, argued that "all persons who shall marry a having-been-put-away companion are persons who

⁹ J. W. McGarvey, *The New Testament Commentary: Matthew and Mark* (Des Moines, IA: Eugene S. Smith, 1875), p. 165.

¹⁰ J. W. McGarvey and Phillip Y. Pendleton, *The Fourfold Gospel* (Cincinnati, OH: Standard Publishing Company, 1914), p. 242.

¹¹ H. Leo Boles, *A Commentary on the Gospel According to Matthew* (Nashville, TN: Gospel Advocate Co., 1936), p. 389.

¹² James D. Bales, "The Evidence Needed for Scriptural Divorce," *The Abundant Life: Abilene Christian College Annual Bible Lectures* (Abilene, TX: Abilene Christian College Students Exchange, 1961), p. 326.

¹³ Lewis G. Hale, *Except for Fornication* (Oklahoma City, OK: Hale Publications, 1974).

¹⁴ Roy H. Lanier, Sr., *Marriage-Divorce-Remarriage* (Shreveport, LA: Lambert Book House), pp. 37-44.

¹⁵ Roy Deaver, "Analysis of Matthew 19:3-12 and a Review of 'Except for Fornication" in *Spiritual Sword*, ed. Thomas B. Warren (Memphis, TN: Getwell Church of Christ, 1975), January, 1975, pp. 14-26.

keep on committing adultery"16 and "the 'guilty party' therefore is not a person who has a right to remarry."17 It was in these reviews of the position of Hale and Bales that the seeds were sown for the view that a couple divorced for fornication cannot remarry. One mistake was the severing of the statement "whoso marrieth her which is put away doth commit adultery" (Matt. 19:9b) from its context within the verse. Because of this isolation of the statement, the "whoso" of this clause was misinterpreted, being taken to include even the "whosoever" of the first clause of Matthew 19:9. The failure to distinguish the first "whosoever" from the second "whoso" was a critical error in this exegesis. Another contributing factor was a shift in emphasis away from the person marrying the guilty party to the guilty party himself/ herself. Though the difference may seem insignificant, an important distinction exists between the more general statement "The guilty party cannot remarry" and Jesus' actual words "whoso marrieth her which is put away doth commit adultery." By focusing entirely on the question "Can the guilty party remarry?", the question "who cannot marry the guilty party?" was ignored from a contextual viewpoint. What some have done is to exalt the general conclusion "the guilty party cannot remarry" over Jesus' actual words. Unless one understands who it is that Jesus says commits adultery by marrying a divorced person he will misapply this statement. The same weakness is present in saying that the guilty party does not have the "right" to remarry. Though such terminology is common, there is a difference between this statement and the actual wording in the text. The statement is not the precise equivalent of Matthew 19:9b, and the failure to recognize this distinction is largely responsible for the origin of the view in question. A case as specific as the one being discussed demands that we constantly revert back to Jesus' words in the text, remembering precisely who it is that Jesus bars from marrying a divorced person.

¹⁶ *Ibid.*, p. 19.

¹⁷ *Ibid.*, p. 18.

Evaluation of Arguments Proposed

One of the most common arguments employed in an effort to prove that a scripturally divorced couple cannot remarry is the "three classes" argument. This reasoning holds that there are only three classes of people who are scripturally eligible to marry: (1) those who have never been married; (2) those whose mate has died; (3) those who have divorced their mate for fornication (assuming, of course, that those in each of these three categories marry persons who are also scripturally eligible to marry). Since the guilty party does not fall into either of these classes, the reasoning is that this person's remarriage to the former mate is unscriptural. This argument, however, simply begs the question. Its reasoning is circular, asserting that a fourth class (the remarriage of the guilty party to the original spouse) does not exist because there are only three such classes and that only three classes exist because there is no fourth class. The alleged proof is merely a restatement of the conclusion! To assert that there are only three classes of persons scripturally eligible to marry and then to draw the triumphant "conclusion" from this assertion that a fourth class does not exist is to engage in pure question-begging. How does the mere fact that there are (at least) three classes of such persons prove that there are only three categories of people who are scripturally eligible to marry?

Another argument advanced in support of this view is based on Mosaic divorce legislation in Deuteronomy 24:1-4. After prescribing the details of the bill of divorcement that was to be given to the wife (vs. 1-2), Moses warns that if her second husband dies or divorces her (v. 3),

her former husband, which sent her away, may not take her again to be his wife, after that she is defiled; for that is abomination before the Lord (v. 4).

Because this remarriage is called an "abomination," some have concluded that Moses set forth a permanent moral principle. ¹⁸ But

¹⁸ Jack P. Lewis, "From the Beginning it Was Not So...", Your

the appeal to this passage is illegitimate. The word "abomination" does not necessarily imply a permanent moral principle; the same word (toebah) is used in Deuteronomy 14:3 to describe animals which were unclean to the Israelites. Eating these foods today, however, is not an abomination (Acts 10:9-16; I Tim. 4:3-4). The basic error of this argument is the failure to distinguish the law of Moses from the law of Christ. Though the fundamental principle of faithfulness within marriage has remained the same, what constitutes a lawful marriage has undergone change in the history of God's dealings with man. Marriage between close relatives was permitted in the Patriarchal period but forbidden in the law of Moses. Polygamy and divorce for reasons other than fornication¹⁹ were allowed in the Mosaic dispensation but are unlawful today (Matt. 19:8-9; I Cor. 7:2). Additionally, Mosaic restrictions such as the prohibition of nationally mixed marriages (Deut. 7:1-4) and the levirate ordinance (Deut. 25:5-10) applied only to the Jewish nation and were repealed by the law of Christ. One cannot consistently argue that Deuteronomy 24:1-4 is binding today while arguing that these other Old Testament regulations have been abolished.

Apart from this critical flaw, the argument from Deuteronomy 24:1-4 entails another weakness. The dissimilarities between this passage and the position being argued against in this study render the argument invalid. For instance, the divorced woman is forbidden to return to her first husband after she has contracted a second marriage. Nothing is said in these verses that forbids her to return to the first husband if she had remained unmarried after the divorce.²⁰ But the view

Marriage Can Be Great, ed. Thomas B. Warren (Jonesboro, AR: National Christian Press, 1978), p. 410; Harold Fowler, *The Gospel of Matthew: Bible Study Textbook Series* (Joplin, MO: College Press, 1968), vol. 1, p. 284.

¹⁹ For an elaboration of divorce in the Old Testament, see my book, *The Remarriage of a Divorced Couple*, pp. 13-26.

²⁰ John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Company, 1961), pp. 13-14.

being examined holds that the guilty is barred from returning to the original spouse even if no second marriage had been entered. Also, the woman in Deuteronomy 24:1-4 is not forbidden to marry a third time in the event that her husband dies or divorces her.²¹ She is only forbidden to return to the first husband. Those urging Deuteronomy 24:1-4 as proof that the party divorced for fornication is banned from returning to the original mate, however, would not hold that the guilty party today has the freedom to marry another person. Even the second marriage of the woman in the Mosaic legislation on divorce is not analogous to the state of the guilty party today. The reason for the divorce appears to be some cause other than fornication, and the second marriage was lawful.²² Consequently, it is inconsistent to select a part of this passage which seems to support one's position while ignoring these other relevant aspects of the situation described in the text.

By far the most common argument used in the attempt to establish the view in question is based on Matthew 19:9b: "And whoso marrieth her which is put away doth commit adultery." A key premise in this argument is that the "whoso" in this clause includes the "whosoever" of the first clause in Matthew 19:9. That this view is an unwarranted assertion is evident from several contextual considerations. One is the force of the word "another" in divorce and remarriage texts. Jesus said,

And I say unto you, whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery (Matt. 19:9; cf. Mark 10:11-12; Luke 16:18).

Paul wrote that if a woman is "married to another man" while her husband lives, "she shall be called an adulteress" (Rom. 7:3). In order for the mate who initiates the divorce to be guilty of adultery, two things must take place: (1) an unlawful divorce; (2) remarriage to *another*. The text does not say that he who unscripturally divorces and marries *again* commits adultery; it

²¹ Ibid.

²² The Remarriage of a Divorced Couple. pp. 18-22.

specifies that marrying *another* is adultery after such a divorce. The word "another" in these verses has been totally ignored by those who hold the view in question. Jesus does not mention the remarriage of the original couple; this situation is not under consideration in the text.

Another significant contextual factor is Luke's account of Jesus' teaching: "...and whosoever marrieth her that is put away from her husband committeth adultery" (Luke 16:18b). To include the "husband" in this verse in the "whosoever" is absurd. If the word "whosoever" includes the man who divorced the woman, then why did Jesus bother to specify that she was "put away from her husband?" If words have any distinct reference at all, it should be obvious that the "whosoever" of this clause is not the "husband" mentioned also. An examination of Jesus' teaching reveals that four persons are discussed: (1) the first "whosoever" - the man who divorces his wife: (2) the "another" - the woman the first "whosoever" later marries; (3) "her which is put away" - the woman divorced by the first "whosoever"; (4) the second "whosoever" - the man who marries "her which is put away." The woman referred to as "another" is not "her which is put away." Likewise, the first "whosoever" is not the second "whosoever." It would be manifestly false to suggest that the first "whosoever" includes the second. Is it any less absurd to assert that the second "whosoever" includes the first? Only an attempt to establish an unbiblical view could produce such tampering with the text. The objection may be raised, however, that the word "whosoever" in the second clause has the same universal reference it carries in such passages as John 3:16 and Romans 10:13. But even these usages of the word involve qualifications from the overall context of Scripture. "Whosoever" in these verses does not include infants (Deut. 1:39) or those who are mentally retarded. But if the word "whosoever" in these instances is qualified by the broader context of the Bible, why is it unreasonable to hold that it is qualified in Matthew 19:9 by considerations within the verse itself?

The view under consideration assigns a strange meaning

to the word *adultery*.²³ According to this position, the guilty party commits adultery by remarrying the original mate. The biblical meaning of the word adultery, however, involves the presence of a third party (someone other than the two who have entered the marriage). Whether used figuratively or literally, this word in Scripture always implies a third party. But where is the third party in the remarriage under consideration? How can a man commit adultery by marrying the same woman to whom he was originally joined? The only way to escape the force of this reasoning is to claim that *adultery* is synonymous in Matthew 19:9 with the more general term *fornication*. One passage offered as proof that *adultery* is sometimes used in this sense in Matthew 5:28:

But I say unto you, That whosoever looketh on a woman to lust after her hath committed adultery with her already in his heart.

From this it is argued that the "woman" Jesus mentioned is not necessarily married, yet the person lusting after her commits adultery in his heart. But even in this passage, the word implies a third party. Jesus describes lust as a desired intrusion of marital purity by a party outside the marriage lusting after the wife of another man. Several facts confirm this sense of the word. First, the adultery in the context involves a third party (Matt. 5:27). An adulterer in the Old Testament was a "man who commits adultery with another man's wife" (Lev. 20:10). Second, the law did specifically forbid desiring another man's wife (Deut. 5:21). Third, the word translated "woman" in Matthew 5:28 can mean a woman in general or a wife in particular depending on the context. Arndt and Gingrich define it in Matthew 5:28 in keeping with the context as "a wife." 24 Of course, the principle of lust applies to analogous cases, such as lust between an unmarried man and a married woman or even between two men. But though

For a fuller discussion of this point, see *The Remarriage* of a Divorced Couple, pp. 42-48.

²⁴ William F. Arndt and F. Wilbur Gingrich, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature* (Chicago: University of Chicago Press, 1957), p. 168.

the principle of this passage applies to homosexual lust, it would be incorrect to say that the specific word adultery by itself is a condemnation of such activity.

A serious implication follows from the view that the "whosoever" in the second clause of Matthew 19:9 includes the "whosoever" in the first clause. This implication follows from the fact that the reason for the divorcing of the woman in this clause is not specified. She was "put away," but Jesus does not limit this divorce to the cause of fornication. She is simply a divorced woman, regardless of the reason for the divorce.²⁵ The following comment is an acknowledgment of this point: "...the Lord said nothing about marrying her who is put away on grounds other than fornication, and the Lord said nothing about marrying her who is put away for fornication. The Lord said 'The man who has married a having-been-put-away woman keeps on committing adultery."26 The implication of including the first "whosoever" of Matthew 19:9 in the second "whosoever" is that a man commits adultery by being legally remarried to the woman he has divorced for reasons other than fornication. But Paul's instructions to the Corinthians show that this position is false:

...Let not the wife depart from her husband: but and if she depart, let her remain unmarried, or be reconciled to her husband (I Cor. 7:10-11).²⁷

But it may be suggested that this implication does not follow because the "remarriage" of a couple divorced for reasons other than fornication is a mere civil ceremony. In other words, an unscriptural divorce does not sever the marriage bond in God's sight. However, this point is the very reason it is absurd to apply Matthew 19:9b to the remarriage of a divorced couple. If (1) the "whoso" of Matthew 19:9b includes the "whosoever" of

²⁵ Space does not permit an extensive treatment of this point. For a more thorough discussion, see *The Remarriage of a Divorced Couple*, pp. 31-41.

²⁶ Roy Deaver, "Analysis of Matthew 19:3-12," p. 16.

²⁷ As to the meaning of the word "depart" (*choridzo*) in this verse, see *The Remarriage of a Divorced Couple*, pp. 51-54.

Matthew 19:9a and (2) "her that is put away" includes a woman put away for reasons other than fornication, then (3) this verse teaches that a man commits adultery by remarrying her in a legal sense. Another suggestion is that I Corinthians 7:10-11 qualifies Matthew 19:9b so that Jesus speaks only of the remarriage of a couple divorced for fornication. But this reasoning is amazingly inconsistent. Its proponents seek to qualify the meaning of "her that is put away" by appealing to another passage, but they refuse to allow the "whoso" of Matthew 19:9b to be qualified by factors within the verse such as the word "another" and the phrase "from her husband" (Luke 16:18b).

Evidence of the Authorization of the Remarriage Being Considered

An argument often employed as proof that the remarriage in question is scriptural is the analogy of God's "divorcing" of Israel in the Old Testament. God put Israel away for adultery (Jer. 3:8) yet pleaded with her to be reconciled to Him (Jer. 3:14). But this analogy breaks down in several essential points of similarity. First, what God commanded in the spiritual realm (His plea for Israel to return to Him) was at that time forbidden in the physical realm (Jer. 3:1; cf. Deut. 24:1-4). Second, God was still "married" to Israel after the bill of divorcement was given (Jer. 3:14). But a couple divorced for fornication are no longer married. These points of dissimilarity show that the analogy is insufficient to establish authority for the marriage under consideration.

If Matthew 19:9 does not forbid the remarriage of a couple divorced for fornication, then how can one determine whether this or any other verse *authorizes* this marriage? An understanding of how the Bible authorizes marriage is essential at this point. Permission to marry is of a general nature; God gives general authority to marry in such verses as Genesis 2:24 and I Corinthians 7:2. But though this privilege is extended to mankind, God places restrictions on the exercise of this liberty. All marriages fall into the category of general authorization

except those which violate these regulations. Thus, polygamy and the adulterous unions described by Jesus are outside the realm of authorized marriages. What establishes the boundaries of this realm is the restrictive teaching on marriage in the New Testament. Unless a marriage violates this teaching, it is in the realm of general authorization for marriage. This reasoning, however, is to be distinguished from the view that whatever the Bible does not explicitly condemn is authorized. This position assumes that the mere absence of an explicit condemnation implies authority, but the argument concerning marriage asserts that divine authority has already been given and unless some limitation of that authority can be established from Scripture, the marriage in question in this study is authorized. The concept of general authority may perhaps be more easily seen in regard to another New Testament principle. Since "every creature of God is good" (I Tim. 4:4), we have general authority for what we eat today. However, there are certain qualifications of this principle, such as restrictions regarding the conscience (Rom. 14:1-23), and the prohibition regarding the consumption of alcoholic beverages (I Pet. 4:3). In the same manner, since the New Testament does not prohibit the marriage in question in any of the verses mentioned, this union is lawful by virtue of general authorization for marriage. Another argument offered here as evidence that the remarriage in question is scriptural hinges on the meaning of the word *adultery* as used by Jesus in Matthew 19:9b. In particular, this argument focuses on the marriage of the guilty party to someone other than the original spouse. After a divorce for fornication, the marriage is dissolved, leaving the innocent party free to remarry. According to Matthew 19:9b, a man (other than the original husband) who marries the guilty party commits adultery. But how can he commit adultery with her when she is no longer married, since adultery involves at least one *married* person? Why did Jesus not instead use the more general term *fornication*? It is true that if God designates a union adultery, it is just that, in spite of human inability to determine the reason behind the word choice. An interesting parallel, however,

is found in the Jewish betrothal. As the account of Joseph and Mary confirms (Matt. 1:18-19), the betrothal was so binding that a divorce was required if the two parties wished to discontinue the relationship. Also, the seriousness of the espousal is seen in the fact that sexual intercourse between a betrothed woman and another man constituted adultery. This fact is evident in Deuteronomy 22:22-24, where no distinction is made between a man who lay with a married woman (v. 22) and a man who lay with a betrothed virgin (vs. 23-24). In each case, the punishment was the same: death. No such punishment was given in the case of an unbetrothed virgin (Deut. 22:28-29). In a prospective sense, the betrothed virgin was the "wife" of another man (v. 24), and the man who lay with her committed adultery. The adultery involved in this situation is to be understood in a prospective sense due to the gravity of the betrothal and the solemnity of the future marriage. But if the concept of adultery was applied prospectively by God with regard to marriage in the case of a betrothed person, why should it be inconceivable that the word adultery is used retrospectively with regard to the marriage of a divorced fornicator in Matthew 19:9b? If the unmarried betrothed Jew could commit adultery, then it is not absurd to say that an unmarried divorced fornicator commits adultery by marrying another person. The marriage vow, the one-flesh covenant of marriage, the violation of this covenant by the sin of fornication, and the dissolution of this marriage are matters so serious that the divorced fornicator is said to commit adultery by marrying another. As far as remarriage is concerned, the guilty party is viewed by God's law as if he/she were still married to the former mate, just as a betrothed Jew was looked upon as if he/she were already married to the future mate. But if these considerations are correct, and if the remarriage of a divorced fornicator to someone other than the former mate is adultery, then how could the remarriage of the divorced fornicator to the former mate be anything else but the opposite—a lawful, scriptural marriage?

Conclusion

Adultery will keep many people out of heaven (I Cor. 6:9-11; Gal. 5:19-21). Because of this fact, we must expose efforts to justify this sin. But we must also avoid positions which apply the word to legitimate unions. Just as it is wrong to break laws God has given, it is wrong to add human laws to the inspired Word.

THE REMARRIAGE OF A DIVORCED COUPLE

May a Person Scripturally Remarry the Mate that He/She has Divorced for Fornication?

Kerry Duke

FOREWORD

KERRY DUKE has rendered a valuable service in writing this book. His research has been extensive. His treatment of the subject has been fair and conscientious from start to finish. This book is very readable. One reason for this is that he never strays from the subject at hand. Another reason is that the author has obviously made the effort required by a writer to make his meaning clear at all times, leaving nothing vague or ambiguous.

The question dealt with in this book is by no means purely theoretical. Someone mentioned just the other day that he was acquainted with three couples involved in just such a divorce and remarriage situation as is covered in this book. Furthermore, there are those who very vocally advocate the position that God forbids all such marriages.

One Sunday evening shortly after moving to town, I arrived early for the worship hour at the small congregation there. I introduced myself to the couple in their thirties who had arrived before me. One of them said, "We've both been divorced and remarried—but we remarried each other!" Then they continued with their story: One had been guilty of adultery. The other had obtained a divorce because of that. The couple had two small children. About a year after the divorce, they happened to see each other on the public square. They began conversing, decided to go over to the drug-store soda fountain, talked some more, and left, after agreeing to meet there again. Eventually, the one who had initiated the divorce became convinced of the genuineness of the other's repentance. They both realized they still loved each other—perhaps more than ever before—and, besides, their children loved and needed both mother and father. So, they remarried. The home that had been broken by adultery and the subsequent divorce was once again a harmonious and happy home for both parents and children.

In a time of so many broken homes, this seemed to me a heart-warming story. Yet, when I repeated the very story this couple had told me, I was confronted by the very position Kerry Duke responds to in this book—that such a remarriage is absolutely forbidden. When you have finished reading this book, I believe you will share with me the feeling of gratitude for the decisive answer the author has given to this question.

We are so very thankful for the author's God-given ability, and we pray that he may be permitted to accomplish many things, to God's glory, in the years to come.

—James R. McGill Tennessee Bible College

PREFACE

This book was originally written as a Master's thesis at Tennessee Bible College in 1988. This version of the thesis contains a small amount of additional material, most of which is found in the introduction. The rest of this material consists of brief comments added in various places of the remainder of the thesis. All Scripture quotations are from the King James Version unless otherwise indicated.

There are several reasons behind the decision to publish this book. Little has been printed on this issue, and in my research I found no book written specifically on the subject. It is also possible that division may occur in the church over this issue. It is hoped that this study will help to prevent such division. Names are cited in connection with various positions regarding the subject, but the mentioning of these names is in no way a personal attack on the men cited. I have much respect for some of these men. But I am firmly convinced that the position some of them are teaching on this matter is false. Another reason for publishing this book is the secondary purpose it serves: an examination of the broader issue of the remarriage of the guilty party to someone other than the former mate. Hopefully, this material will benefit those who are dealing with this issue. Finally, the book is being published to help anyone who is involved in or working with the situation discussed in this study. For those involved in this situation, it is hoped that this book will call attention to what the Bible does teach on divorce and remarriage and to what it does not teach on the subject. For those studying the issue, perhaps the material presented will be of some assistance. It is my sincere prayer that this book will serve these purposes.

> Kerry Duke, Cookeville, TN April, 1989

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INTRODUCTION

The subject of marriage, divorce, and remarriage was an issue of much debate in Jesus' time (cf. Matt. 19:3). Today, from the casual Bible reader to the learned scholar, it is also a controversial matter. The ease with which divorce is obtained and the consequent high rate of divorce and remarriage leave few who are unaffected by this problem. Involving the closest of human relationships, it is a particularly emotional issue and a potential point of division in both homes and churches. Two focal passages in this controversy are Matthew 5:32 and 19:9:

But I say unto you, That whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery: and whosoever shall marry her that is divorced committeth adultery.

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.

Several fine points of hermeneutics are involved in the application of these passages: the definition of the word "fornication," the question of the amenability of non-Christians to the New Testament, the question of the "Pauline Privilege" (I Cor. 7:15), and the marital status of the guilty party. This last issue has received its share of attention in recent years.²⁸

The question "Can the guilty party scripturally remarry?" has largely been examined from the standpoint of the divorced fornicator remarrying someone other than the former mate. However, a specific aspect of this question has become a point

28 Lewis G. Hale, *Except for Fornication* (Oklahoma City, OK: Hale Publications, 1974); Dub McClish, ed., *Studies in I Corinthians* (Denton, TX: Valid Publications, 1982), pp. 460-477; Thomas B. Warren, ed., *Your Marriage Can Be Great* (Jonesboro, AR: National Christian Press, 1978), pp. 369-409, 517-524; James D. Bales, *The Scope of the Covenants* (Searcy, AR: James D. Bales, 1982), pp. 330-332.

of controversy: Can the guilty party in a divorce for fornication scripturally remarry the former mate? If not, then the statement "The guilty party cannot scripturally remarry" is a blanket condemnation of any marriage this party enters. If the divorced fornicator may scripturally remarry the former mate, however, then this statement has an important qualification. Whether or not this remarriage is scriptural is the subject under consideration in this study.

The issue, then, is the precise meaning and proper application of the statement "The guilty party cannot scripturally remarry." This statement must be understood within the context of the passages upon which it is based (Matt. 5:32; 19:9; Luke 16:18). When separated from this biblical basis, it may be misapplied. The statement is true in regard to someone other than the original mate marrying the guilty party. But to apply this statement to the remarriage of the former mate to the guilty party is to ignore the context of Matthew 19:9 and Luke 16:18. The statement must be understood in light of Jesus' words, not vice versa. Jesus said "whoso marrieth her which is put away doth commit adultery" (Matt. 19:9b). The question of this study is not "Can the guilty remarry?" but "Who cannot marry the guilty party?" If the "whoso" of Matthew 19:9b refers to someone other than the former mate, then it is absurd to apply Jesus' words to the remarriage of the former mate to the guilty party.

There are two versions of the view being refuted in this study. One version is that a couple divorced for any reason may never again be scripturally married to each other. Whether the divorce was for the scriptural cause of fornication or for some unscriptural cause, the remarriage of the couple is viewed as being sinful. If this view were correct, the reconciliation of an unjustly put away person to the former mate would be adulterous. The other version of the doctrine is that such a remarriage is sinful only when the divorce was for the scriptural cause of fornication. In both versions, the attempt to prove the doctrine is based largely on an appeal to Matthew 19:9. Though both views are incorrect, the first is the more consistent of the two.

CHAPTER I EXPLANATION OF THE THESIS

Purpose Statement

The purpose of this study is to prove that a person may scripturally remarry the mate which he/she has divorced for fornication. A corollary to this proposition is that this remarriage may also scripturally occur where the divorce was for reasons other than fornication.

Involved in the argumentation in the thesis is the refutation of the contradictory view. It will be necessary to demonstrate that passages used in the attempt to justify this view are misapplied. Also, it will be proven that this position implies false doctrine.

Basic Argument

The thrust of the basic argument of this thesis is that the contradictory view cannot be true because it implies false doctrine. Specifically, this argument is a response to the assertion that Matthew 5:32b and Matthew 19:9b forbid the remarriage of the guilty party to the former mate. The argument (*modus tollens*) is set forth as follows:

1. If Matthew 5:32b and Matthew 19:9b teach that a man commits adultery by remarrying the woman he has divorced for fornication, then these passages (Matt. 5:32b and Matt. 19:9b) teach that a man commits adultery by remarrying the woman he has divorced for reasons other than fornication.²⁹

²⁹ A distinction is made in this argument between the word "divorced" in the antecedent and "divorced" in the consequent. A divorce for fornication dissolves the marriage, leaving the couple as if they were never married. A divorce for reasons other than fornication does not dissolve this bond; it is a mere civil divorce. In the latter case, "remarrying" refers to civil requirements. This

- 2. It is false that these passages (Matt. 5:32b and Matt. 19:9b) teach that a man commits adultery by remarrying the woman he has divorced for reasons other than fornication.
- 3. Therefore, it is false that Matthew 5:32b and Matt. 19:9b teach that a man commits adultery by remarrying the woman he has divorced for fornication.

Essential to establishing the major premise in this argument is a careful exegesis of Matthew 19:9b. The implication in this premise must follow if it can be proven that the phrase "her which is put away" is *unqualified* and refers to any divorced woman, whether that divorce was for fornication or for some other reason. What relationship, if any, exists between the exceptive phrase in Matthew 19:9a and the last clause of this verse? To deny the major premise, those holding the contradictory view must prove that Matthew 19:9b refers exclusively to marrying a woman divorced for fornication. A task of this study is to demonstrate that the attempts made to qualify this passage are exegetically unsound and that the consequent in the first premise logically follows.

Proof of the minor premise will involve a study of I Corinthians 7:10-11. Fundamental to this case is the determination of the meaning of *choridzo*. If this word denotes divorce in I Corinthians 7:10-11, then Paul authorizes the reconciliation of a divorced couple. In addition, an understanding of the nature of the biblical concept of adultery is prerequisite to this phase of the argument.

The Need for this Study

In a society with a high divorce rate, the subject of divorce and remarriage is particularly relevant. In 1986, 131

distinction is mentioned here in order to avoid the charge of equivocation. The explanation of this distinction is given later in this chapter; the proof for it will be given in chapter four. persons per 1,000 were divorced.³⁰ During the 12 months ending in October 1987, an estimated 1,159,000 couples divorced.³¹ The majority of those who divorce eventually remarry. Of those who were divorced, 85.0% of men and 76.2% of women remarried in 1983.³² As to how often a divorcee remarries the former mate, the number is difficult to determine. As a result, it may be objected that this study is more theoretical than practical. But research indicates that the desire to remarry the first mate is not uncommon.³³ This feeling is especially frequent among divorced women experiencing high levels of emotional distress.³⁴ Because of the distinct possibility of such a remarriage it is legitimate to inquire as to whether this reunion is scriptural.

The situation under consideration in this thesis is one with which churches must sometimes deal. Preachers who are asked to unite the couple in this remarriage must face this issue; elders may need to counsel the couple. The members in general need to know the truth on the issue. If the remarriage is sinful, then preachers should preach against it and refuse to perform such weddings, and congregations are obligated to discipline those in this union. But if God has given the couple the liberty to remarry, then it is wrong to forbid the union.

The observation that one extreme leads to another is often

³⁰ Current Population Reports: Marital Status and Living Arrangements (Washington, DC: U.S. Department of Commerce, U.S. Bureau of the Census), March, 1986. p. 7.

³¹ *Monthly Vital Statistics* (U.S. Department of Health and Human Services), vol. 36, no. 10, Jan. 11, 1988.

³² Robert Schoen, "The Continuing Retreat From Marriage: Figures from 1983 U.S. Marital Status Life Tables," *Sociology and Social Research* (Los Angeles, CA: University of Southern California), vol. 71, no. 2, January 1987, pp. 108-109.

³³ Matthew McKay, Peter D. Rogers, Joan Blades, and Richard Gosse, *The Divorce Book* (Oakland, CA: New Harbinger Publications, 1984), p. 51; Williams J. Goode, *Women in Divorce* (New York: The Free Press, 1956), p. 303.

³⁴ Goode, Women in Divorce, p. 303.

applicable in religion. A wide range of views has been espoused on the topic of divorce and remarriage.³⁵ Some allow marriages God condemns; others condemn marriages God allows. The position being refuted in this study is an instance of the latter. It is an overreaction to liberal teaching on divorce and remarriage so characteristic of today.

The issue appears to have begun receiving considerable attention in churches of Christ in the late 1970s. At the 1979 Spiritual Sword Lectureship in Memphis, Andrew Connally argued concerning

...The irrevocable penalty of committing fornication. This individual loses their rights forever to have a scriptural marriage partner if they are put away for fornication. Now the tragedy is many of us preachers never saw this until only recently. Good people, Matthew 19:9 says 'whosoever marries a having-been-put-away person continues to commit fornication.' That person that has been put away for fornication can repent of that fornication and be forgiven of the sin of fornication, but they have forfeited their right to a mate! 'Whosoever marries a having-been-put-away person continues to commit fornication.'

Recently down in Alabama (Florence), we had a training series, 1,750 people there one night. For two hours I talked on these particular points. In fact, I talked on it two hours a night four straight nights, then threw it open to the floor. One of the greatest things that people would not accept was the fact that if a woman puts away her husband for fornication, and actually puts him away for fornication, she can't take him back! Because 'whosoever marries a having-been-put-away

³⁵ For a review of the basic positions currently being taught on the subject, see James O. Baird, *And I Say Unto You* (Oklahoma City, OK: B & B Bookhouse, 1981).

person continues to commit fornication!' Why if she puts him away for fornication, she's no more joined to him now than if she'd never been joined to him. He's been put away for fornication! She may want to live with him and him be a fornicator. She can do that. But once she makes up her mind and before God puts that man away for his fornication, he is marked for life! And that's just all that Matthew 19:9 says! 'Whosoever marries a having-been-put-away person continues to commit fornication.'³⁶

It is interesting that Connally admitted that his discovery was a recent one. But what about the time prior to this alleged insight? If this position is correct, then Connally failed to preach the whole counsel of God before this discovery, and gospel preachers who are not now teaching this view are falling short in their duty to do likewise (Acts 20:27).

Several tenets of Connally's position are revealed in his argumentation. Inherent in his view is the assumption that the "whosoever" in Matthew 19:9a is included in the "whosoever" in Matthew 19:9b. Also, his basis for denying that the guilty party may remarry the former mate is the assertion that Matthew 19:9b condemns this marriage.

The scarcity of material on the subject indicates a need for this thesis. Only brief attention has been given to this issue in writing. An early reference to the case of a wife divorced for fornication is found in the writings of Hermas:

And I said, What if the woman that is so put away, shall repent, and be willing to return to her husband, shall she not be received by him? He said unto me, Yes; and if her husband shall

³⁶ Andrew Connally, "It is False That One Can Be Unscripturally Divorced and Unscripturally Married Again and Continue in That Relationship Without Further Sin," tape of lecture at the Spiritual Sword Lectureship: *The Home As God Would Have It* (Memphis, TN: Getwell Church of Christ, October 25, 1979).

not receive her, he will sin, and commit a great offence against himself; but he ought to receive the offender, if she repents; only not often (Commands, IV, 7).

John Murray mentioned the issue in his book on divorce: When divorce has been given on a scriptural ground and neither party remarries there does not appear to be any reason why the divorced persons may not come together again on the repentance of the guilty party. In this case, however, the marriage would have to be contracted and consummated anew, for the simple reason that the former marriage had been dissolved.³⁷

Robert Taylor addressed the question in a footnote, calling attention to the word "another" in Matthew 19:9.³⁸ Guy Woods wrote an excellent article on the issue.³⁹ James D. Bales used essentially the same reasoning as is employed in the basic argument of this thesis in response to the position of Andrew Connally and Roy Deaver.⁴⁰ He wrote:

Therefore, these brethren cannot go to I Corinthians 7:11 to see clearly that if a man puts away a wife unjustly he can marry her later without committing adultery. Unless they limited the 'whosoever' (and become objects of their own arguments against me), they must claim that it is an adulterous marriage if a man divorces his wife

³⁷ John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Company, 1981), p. 112.

³⁸ Robert R. Taylor, *Jesus Christ: The Hope of the Home* (Shreveport, LA: Lambert Book House, 1978), p. 59.

³⁹ Guy N. Woods, *Questions and Answers* (Nashville, TN: Gospel Advocate Company, 1986), vol. II, pp. 254-255.

⁴⁰ This citation is not an endorsement of Bales' covenant theory of Matthew 19:9/I Corinthians 7:10-15 or his position on the guilty party remarrying someone other than the former mate.

for some cause other than fornication and then later marries her again. If these brethren are right, no couple having once divorced, regardless of the cause, can marry one another.⁴¹

Bales later briefly mentioned the issue in *The Scope of the Covenants*. ⁴² But there is a need for a comprehensive treatment of this topic. That study should involve discussion regarding three basic passages:

- 1. Since Deuteronomy 24:1-4 did not allow the divorced wife to return to her husband, consideration should be given to this passage. Specifically, the following questions are relevant: What was the purpose of this legislation? What was the "unclean thing"? Was the divorce spoken of sinful? Does this passage have application to the Christian age?
- 2. The major task is to analyze key exegetical points regarding Matthew 19:9: the force of the word "another," the reference of "whosoever" in the last clause of the passage, the nature of adultery, and a grammatical study of *apolelumenen* in Matthew 19:9b: "her which is put away."
- 3. A study of I Corinthians 7:10-11 is also needed. The basic question in this area concerns the word *choridzo*, "depart": Is divorce or mere separation spoken of in this passage?

⁴¹ James D. Bales, *Shall We Splinter?* (Searcy, AR: James D. Bales), p. 44.

⁴² James D. Bales, *The Scope of the Covenants* (Searcy, AR: James D. Bales, 1982), p. 409.

Presuppositions, Limitations, and Definitions

Since it is not the purpose of this study to prove these truths, certain fundamental matters will be presupposed:

- 1. The existence of the eternal God of the Bible, infinite in all His attributes.
- 4. The deity of Jesus Christ.
- 5. The plenary, verbal inspiration of the Scriptures. This inspiration involves the properties of inerrancy (free from error in the original autographs) and infallibility (incapable of teaching falsehood). The accurate transmission of the text will also be presupposed.
- 6. The objectivity and attainability of truth.
- 7. The truthfulness of the three laws of thought (the law of identity, the law of contradiction, and the law of excluded middle).
- 8. The truthfulness of the law of rationality, which holds that we ought to justify our conclusions by adequate evidence.

The subject of divorce and remarriage is quite broad, involving various areas of debate. Consequently, several limitations have been placed upon this study in order to clarify the issue and prevent departures from it. Although some of the following points may be alluded to, it is not the purpose of this paper to examine:

- 1. "Covenant" theories of Matthew 19:9 as taught by Fuqua, Bales, et. al.
- 9. The "Pauline Privilege."
- 10. The remarriage of the guilty party to someone other than the former mate. Considerable attention will be given to the view which approves of this remarriage. However, the approach is from a purely grammatical standpoint, and the purpose of this discussion is to demonstrate the major premise in the basic argument of the thesis.
- 11. The view that fornication is not a scriptural reason for divorce and remarriage, also known as the "death only" position.
- 12. The scriptural right of the innocent party in a divorce for fornication to remarry.

In order to facilitate the flow of the thesis, certain basic and frequently used terms are defined as follows:

- 1. The word "marriage" may denote one of two relationships depending on the context. Normally, the word refers to a physical, emotional, and spiritual relationship between one man and one woman, both of whom are scripturally eligible to marry, authorized both by the law of God (I Cor. 7:2; Heb. 13:4; Gen. 2:24) and the law of man (Rom. 13:1-7; I Pet. 2:13-14; Titus 3:1). However, in given contexts the word may be used accommodatively of a union ("marriage") which is authorized by the law of man but condemned by the law of God (Mark 6:17; Matt. 19:9).
- 13. The word "divorce" must likewise be understood with regard to civil and divine law. A divorce for fornication is in harmony with both laws and dissolves the marriage union (Matt. 19:9), leaving the innocent party free to remarry. But a divorce which is authorized by the state but unauthorized by God leaves neither party with divine liberty to marry another (Mark 10:11-12). In such a divorce, the marriage is not dissolved; proof of this point will be given in the discussion on I Corinthians 7:10-11. The most common scriptural phrase in the King James Version for divorce is "put away."
- 14. The terms "innocent" and "guilty" are used to describe the two parties in a divorce for fornication. The "innocent party" is the person who put away the fornicating mate. For present purposes, it is not necessary to debate the legitimacy of the term or to discuss what constitutes actual innocence. The "guilty party" is the mate divorced for fornication.
- 15. The word "fornication" refers to illicit sexual unions in general: premarital sex, adultery, homosexuality, lesbianism, bestiality, incest, pedophilia, etc.
- 16. The word "adultery" will be extensively examined later. For now, it will suffice to note that the word is used to refer to illicit sexual intercourse between a person who has entered a scriptural marriage and a third party (someone other than the two who entered that marriage).

17. The "contradictory view" is the position which contradicts the view defended in the thesis. The contradictory view states that a person may not scripturally remarry the mate that he/she has divorced for fornication.

CHAPTER II MOSAIC LEGISLATION ON DIVORCE AND REMARRIAGE: Deuteronomy 24:1-4

The Bill of Divorce

The Old Testament does not indicate when divorce began. In the few passages in the Pentateuch which mention divorce, its practice appears to have been common among the Israelites. The law of Moses did not institute divorce; it merely permitted and regulated an already existing practice. Priests were forbidden to marry a divorced woman (Lev. 21:7, 14). A man who falsely accused his wife of being unchaste at the time of their marriage was forbidden to "put her away all his days" (Deut. 22:19). The same restriction was placed on a man who had sexual intercourse with an unbetrothed virgin: "she shall be his wife; because he hath humbled her, he may not put her away all his days" (Deut. 22:29). Divorced women were responsible for their vows (Num. 30:9). A divorced and childless daughter of a priest was permitted to return to her father's house (Lev. 22:13). The most detailed passage on marriage, divorce, and remarriage in the law is Deuteronomy 24:1-4:

When a man hath taken a wife, and married her, and it come to pass that she find no favor in his eyes, because he hath found some uncleanness in her: then let him 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.

And if the latter husband hate her, and write her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house; or if the latter husband die, which took her to be his wife:

Her former husband, which sent her away, may not take her again to be his wife, after that she is defiled; for that is abomination before the Lord: and thou shalt not cause the land to sin, which the Lord thy God giveth thee for an inheritance.

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| Where divorce occurred, the husband was required to give |
| the dismissed wife a "bill of divorcement" (Heb. sepher kerithuth |
| — Deut. 24:1, 3; Jer. 3:8; Isa. 50:1; Gk. biblion apostasiou — Mark |
| 10:4; Matt. 19:7). The usual form of this certificate was as follows: ⁴³ |
| On day of the week in the month |
| in the year from the beginning of |
| the world, according to the common computation |
| in the province of I the son of |
| by whatever name I may be known, of |
| the town of with entire consent of mind, |
| and without any constraint, have divorced, |
| dismissed and expelled thee daughter of |
| by whatever name thou art called, of the |
| town who has been my wife hitherto; But |
| now I have dismissed thee the daughter |
| of by whatever name thou art called, of |
| the town of so as to be free at thy own |
| disposal, to marry whomsoever thou pleasest, |
| without hindrance from anyone, from this day |
| for ever. Thou art therefore free for anyone [who |
| would marry thee]. Let this be thy bill of divorce |
| from me, a writing of separation and expulsion, |
| according to the law of Moses and Israel. |
| a |
| , the son of, witness |
| the con of witness |
| , the son of, witness |
| |

The injunction in Deuteronomy 24:1-4 was given for both

⁴³ W. W. Davies, "Divorce in the Old Testament," *The International Standard Bible Encyclopaedia*, James Orr, ed. (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1939), vol. 2, p. 864.

preventive and protective ends. It would certainly have checked hasty divorces. As Driver observes, the time taken to adduce the ground of divorce, write the bill of divorce, and deliver the bill to the woman would provide ample opportunity for the husband to rethink his decision.⁴⁴ The fact that the divorced wife could not return to her former husband after she had remarried (v. 4) would cause a man to have second thoughts about divorcing his wife. The formalities of divorce protected the wife of a wicked husband who sought to drive her from his home, and the bill of divorce prevented his reclaiming her as a mere piece of property after she had remarried. Also, since other men would not normally attempt to marry a woman who had been driven from her husband's house without a divorce, the bill of divorce would prove her marital status to the second husband.

The "Unclean Thing"

The divorce in Deuteronomy 24:1 occurred because the man had found "some uncleanness" in his wife. The phrase in Hebrew is *erwath dabhar*, a shameful or unclean thing. From the root *arah*, to be naked or bare, *erwah* is used in the Old Testament to denote "nakedness, pudenda" literally of a man (Gen. 9:22-23) or a woman (I Sam. 20:30) and figuratively of the exposed or undefended parts of a country (Gen. 42: 9, 12).⁴⁵ It is used of human excrement in Deuteronomy 23:14. In Deuteronomy 24:1, *erwath* is defined "*something indecent*" (Koehler),⁴⁶

⁴⁴ Samuel Rolles Driver, *The International Critical Commentary: A Critical and Exegetical Commentary on Deuteronomy*, S. R. Driver, A. Plummer, and C. A. Briggs, eds. (Edinburgh: T. & T. Clark, 1978), p. 272.

⁴⁵ Francis Brown, S. R. Driver, and C. A. Briggs, *Hebrew and English Lexicon of the Old Testament* (Oxford: Clarendon Press), pp. 788-789.

⁴⁶ Ludwig Koehler and Walter Baumgartner, *Lexicon in Veteris Testament Libros* (Leiden, Netherlands: E. J. Brill, 1985), p. 735.

"shame, filthiness...(any defect found in a woman)" (Gesenius)⁴⁷, "nakedness of a thing, i.e. prob. indecency, improper behaviour" (Brown-Driver-Briggs).⁴⁸ The erwath dabhar of Deuteronomy 24:1 has been translated "some uncleanness" (KJV), "some unseemly thing" (ASV), "something improper" (Berkeley), "something shameful" (NEB), "some indecency" (RSV), and "something indecent" (NIV). The Septuagint has aschemon pragma, an unseemly or shameful matter.

The application of *erwath dabhar* has long been a matter of dispute. The Rabbinic schools of Jesus' time were divided over the issue. ⁴⁹ The school of Hillel interpreted the phrase in the widest possible sense, holding that a man could divorce his wife if she spoiled his dinner. That this liberal view was not expressed in Deuteronomy 24:1 is evident from God's condemnation of frivolous, heartless divorces in Malachi 2:13-16. The more conservative school of Shammai believed that *erwath dabhar* referred to adultery, and some current writers have adopted this view. Vawter, commenting on Matthew 19:9, says "The most natural acceptation of *me epi porneia* is as a reference to the *erwat dabar* of Dt. 24, 1." ⁵⁰ Wenham argues similarly: "Given the context of Matthew 19:9, a legal debate with the Pharisees, it seems likely that *porneia* refers to 'some indecency' of Deuteronomy 24:1, which even on the Shammaite view covered

⁴⁷ William Gensenius, *Hebrew and Chaldee Lexicon to the Old Testament Scriptures*, Samuel Prideaux Tregelles, trans. (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1949), p. 653.

⁴⁸ Brown, Driver, and Briggs, *Hebrew and English Lexicon*, p. 789.

⁴⁹ Alfred Edersheim, *The Life and Times of Jesus the Messi-ah* (McLean, VA: MacDonald Publishing Company), vol. 2, pp. 333-334.

⁵⁰ Bruce Vawter, "The Divorce Clauses in Mat. 5,32 and 19,9," *The Catholic Biblical Quarterly*, Edward F. Siegman, ed. (Washington, DC: Catholic Biblical Association of America, 1954), vol. 16, no. 2, p. 166.

a variety of sexual offences."⁵¹ Later Akiba (50-135 A.D.) taught that a man might divorce his wife if he found a more attractive woman. This incredible position denies the divine intent for fidelity in marriage (Exod. 20:17; Prov. 5:3-23; Prov. 6:25; I Cor. 7:1-5).

The obvious objection to Shammai's interpretation of *erwath dabhar* is that one who committed adultery under the Mosaic law was to be punished by death, not excused by divorce (Lev. 20:10; Deut. 22:22). Furthermore, as Murray notes, the "uncleanness" of Deuteronomy 24:1 cannot refer to premarital sex, since the law also legislated in this area (Deut. 22:13-29).⁵² These facts negate the conclusion that *porneia* in Matthew 19:9 is the equivalent of *erwath dabhar* in Deuteronomy 24:1. Besides, rather than interpreting Deuteronomy 24:1-4, Jesus in Matthew 19:3-12 is contrasting Mosaic allowance for divorce with the original intent for marriage and new covenant legislation for divorce and remarriage (vv. 8-9). Sexual immorality is not the cause of divorce in Deuteronomy 24:1. To what then does the phrase *erwath dabhar* refer?

Though coming short of sexual sin, the "uncleanness" mentioned in Deuteronomy 24:1 cannot rightly be extended in application to the grounds for divorce which Hillel suggested. The etymology and usage of *erwah* suggest an act far different from burning the dinner. Murray writes:

...We may conclude that *erwath dabhar* means some indecency or impropriety of behaviour; it might be in the category of defect or omission. While falling short of illicit sexual intercourse it may well be that the indecency consisted in some kind of shameful conduct connected with sex life. Or it may have been

⁵¹ G. J. Wenham, "Matthew and Divorce: An Old Crux Revisited," *Journal for the Study of the New Testament*, Bruce Chilton, Exec. Ed. (Sheffield, England: Department of Biblical Studies, The University of Sheffield) October, 1984, p. 101.

⁵² John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Company, 1961), p. 11.

some other kind of impropriety worthy of censure on the part of the husband.

It is, consequently, necessary to strike a balance between the rigid interpretation of the school of Shammai and the loose one of the school of Hillel. We must suppose something shameful and offensive that gives to the husband some legitimate ground for displeasure and complaint.⁵³

Tolerated but Sinful?

The question naturally arises as to whether the divorce in Deuteronomy 24:1-4 was sinful yet legally tolerated in the Jewish nation. The first item that must be investigated is the translation of the passage. The KJV appears to require a bill of divorce (v. 1: "then *let* him write her a bill of divorcement") and sanction the divorced wife's remarriage (v. 2: "she *may* go and be another man's wife"). The ASV has the same rendering as the KJV in verse 2. The RSV, however, gives a different sense:

When a man takes a wife and marries her, if then she finds no favor in his eyes because he has found some indecency in her, and he writes her a bill of divorce and puts it in her hand and sends her out of his house, and she departs out of his house, and if she goes and becomes another man's wife, and the latter husband dislikes her and writes her a bill of divorce and puts it in her hand and sends her out of his house, or if the latter husband dies, who took her to be his wife, then her former husband, who sent her away, may not take her again to be his wife, after she has been defiled; for that is an abomination before the Lord, and you shall not bring guilt upon the land which the Lord your God gives you for an inheritance.

Believing the KJV and ASV to be inaccurate translations of this

⁵³ Ibid.

passage, Driver argues that "v. 1-3 form the protasis, stating the conditions of the case contemplated, v. 4 is the apodosis."⁵⁴ Keil also favors this rendering.⁵⁵ Viewed in this light, verse 2 does not authorize the woman's remarriage—it simply states that it occurred. The only legislation would then be in verse 4, where the husband is forbidden to remarry his first wife after she has married another man. In this view verses 1-3 are descriptive, giving an account of what was happening without passing judgment on what was done, rather than being prescriptive, in which case they would constitute a right given by law. But as the following discussion of Mark 10:2-12 will show, the passage in Deuteronomy 24:1-3 is legislative and not merely historical.

The next aspect of the question concerns the word "defiled" in verse 4. The Hebrew word is *tame*, to "*be or become unclean*." Used 155 times in the Old Testament, the verb *tame* has a wide range of reference. Figuratively, it is used of the sin of idolatry (Jer. 2:7; Ezek. 36:18, 25). It denotes ceremonial uncleanness in regard to unclean animals (Lev. 11:26-27), dead bodies (Num. 6:12), leprosy (Lev. 13:14), issues (Lev. 15:4, 9), emission of semen (Lev. 15:18), menstruation (Lev. 15:22-24), and childbirth (Lev. 12:2, 5). At times *tame* refers to sexual defilement (Gen. 34:5; Lev. 18:20, 24, 28).

Since *tame* can refer to defilement through adultery (Lev. 18:20), it has been thought that such is the meaning expressed in Deuteronomy 24:1. Keil argues that "the second

⁵⁴ Driver, International Critical Commentary, p. 269.

⁵⁵ C. F. Keil and F. Delitzsch, *Commentary on the Old Testament: The Pentateuch*, James Martin, trans. (Grand Rapids, MI: William B. Eerdmans Publishing Company, reprinted 1983), vol. 1, p. 417.

⁵⁶ Brown, Driver, and Briggs, *Hebrew and English Lexicon*, p. 379.

⁵⁷ G. Andre, "tame," Theological Dictionary of the Old Testament, G. Johannes Botterweck and Helmer Ringgren, eds. (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1986), vol. 5, pp. 330-342.

marriage of a divorced woman was placed *implicite* upon a par with adultery, and some approach made towards the teaching of Christ concerning marriage: 'Whosoever shall marry her that is divorced, committeth adultery' (Matt. 5:32)."⁵⁸ Driver believes that "defiled" refers to "the union of a divorced woman with another man, from the point of view of her first husband, falling into the same category as adultery, to which this term is applied (Lev. 18:20; Num. 5:13, 14, 20)."⁵⁹ The Brown-Driver-Briggs lexicon lists *tame* in Deuteronomy 24:4 in the category of sexual uncleanness: "Deut. 24:4 after that she has been defiled (sexually)."⁶⁰ But the same objection which was raised against the view that *erwath dabhar* denotes adultery in Deuteronomy 24:1 may also be legitimately applied here: if the divorced woman's second marriage was adulterous, she and her partner should have been stoned (Lev. 20:10).

Though he believes that *tame* in Deuteronomy 24:4 refers to adultery, Jay E. Adams admits that the man is not forbidden to take back his former wife merely because she has had sexual intercourse with another man.⁶¹ David took back his wife Michal after Saul had given her to Phaltiel ("her husband," II Sam. 3:14-16). The element of Deuteronomy 24:1-4 missing in this case is divorce. Since the law required stoning for adultery, and since the prohibition in Deuteronomy 24:4 was not given because the divorced wife had engaged in sexual relations with another man, it appears that the word "defiled" is used in a ritual or ceremonial (rather than a moral) sense of the remarriage of the divorced woman to a second husband. The "abomination" refers to her return to her former husband, not her second marriage.

⁵⁸ Keil-Delitzsch, Commentary on the Old Testament, p. 418.

⁵⁹ Driver, International Critical Commentary, p. 272.

⁶⁰ Brown, Driver, and Briggs, *Hebrew and English Lexicon*, p. 379.

⁶¹ Jay. E. Adams, *Marriage*, *Divorce*, and *Remarriage* in the *Bible*, (Grand Rapids, MI: Zondervan Publishing House, 1980), p. 65.

While it is true that God hates divorce (Mal. 2:16), this cannot mean that all divorces were condemned in the Mosaic system. If a man was forbidden to divorce his wife regardless of the cause, then why are certain cases singled out in which "he may not put her away all his days" (Deut. 22:19, 29)? A priest was not to marry "a widow, or a divorced woman, or profane, or an harlot" (Lev. 21:14). Leviticus 21 forbids among priests many things which were otherwise lawful. Though priests were forbidden to do so, it was not intrinsically evil under the law to marry a widow (Ruth 4:13) or a harlot (Hos. 1:2). Marriage to a divorced woman was unauthorized for priests, but it was not inherently evil. Also, Joseph was minded to put away Mary (Matt. 1:19), yet he is described as a "just man." Adams theorizes that Joseph was acting in accord with a principle not explicitly stated in the Old Testament but authorized by God's example in Jeremiah 3:8: only in the case of fornication is divorce approved. 62 But while this passage sanctions divorce for fornication, it does not exclude all other reasons for divorce. The fact is, while the law did not condone treacherous divorces (Mal. 2:13-16), there is no Old Testament divorce legislation using the equivalent of the exceptive phrase of Matthew 19:9. The law of Moses was not as explicit as the New Testament as to what constituted scriptural divorce. It cannot be proved that fornication was the only scriptural cause for divorce prior to the legislation of Christ. But it does not follow that burning the bread was an authorized reason for divorce in Mosaic teaching. A divorce upon grounds between these two extremes was permitted, such as a divorce because of a matter of "uncleanness." The conclusion regarding Mosaic authority to divorce is a general one: though broad enough to include causes other than sexual immorality, this authority did not extend to frivolous divorces (Mal. 2:13-16).

Another aspect of this question is an alleged distinction between divine sanction and civil toleration. Adams claims that the divorce in Deuteronomy 24:1 was "legally proper but

⁶² Adams, *Marriage*, *Divorce*, and *Remarriage* in the Bible, pp. 70-75.

sinful."63 Gary Headrick writes, "Nothing is ever said about God giving approval to the practice or to remarriage."64 The discussion on divorce between Jesus and the Pharisees is sometimes cited as proof of this view. When the Pharisees asked, "Why did Moses then command to give a writing of divorcement, and to put her away?" (Matt. 19:7), Jesus replied, "Moses because of the hardness of your hearts suffered you to put away your wives" (Matt. 19:8). Coffman writes, "Christ set the record straight, correcting their false statement that Moses had 'commanded' divorce. On the contrary, he only permitted it, or 'suffered it,' as an unwelcome choice between two evils."65 But, as Lewis observes, the word usage in Mark's account is reversed: Jesus asks, "What did Moses command you?" and they reply, "Moses suffered to write a bill of divorcement, and to put her away" (Mark 10:3-4).⁶⁶ Actually, these passages indicate that divorce for reasons other than fornication was

not sinful in the Old Testament.⁶⁷ Jesus contrasts the Mosaic allowance for divorce with the original divine intent for marriage (Matt. 19:4-6, 8), then distinguishes between what Moses allowed and what He allows (v. 9). In the phrase "And I say unto you" (v. 9), the word *and* is from *de*, an adversative conjunction often translated *but*, *and*, *moreover*, *then*. It frequently denotes an element of contrast, as in Matthew 5:28, 32. Moses permitted

⁶³ Adams, Marriage, Divorce, and Remarriage in the Bible, p. 65.

⁶⁴ Gary L. Headrick, "Moses on Divorce and Remarriage," *Marriage*, *Divorce*, *and Remarriage*, by Maurice W. Lusk, III (Atlanta, GA: Guild of Scribes, 1982), p. 29.

⁶⁵ James Burton Coffman, *Commentary on the Gospel of Matthew* (Austin, TX: Firm Foundation Publishing House, 1968), p. 290.

⁶⁶ Jack P. Lewis, "From The Beginning It Was Not So...," *Your Marriage Can Be Great*, Thomas B. Warren, ed. (Jonesboro, AR: National Christian Press, 1978), p. 410.

⁶⁷ Barring, of course, divorces such as those described in Mal. 2:13-16.

divorce for reasons other than fornication, but (de) Jesus does not.

To claim that the only legislation in Deuteronomy 24:1-4 is the prohibition in verse 4 is to ignore Jesus' words in Mark 10:5. Jesus referred to Moses' statement regarding divorce and the bill of divorcement (Mark 10:4) as a "precept" (*entole*) which Moses wrote (Mark 10:5). This passage (Deut. 24:1) is Mosaic legislation, not just a statement of the facts as they occurred. The "precept" of Mark 10:5 cannot refer to the prohibition in Deuteronomy 24:4, since this is not the point of discussion in the context. was the permission to divorce in Deuteronomy 24:1 that Jesus designated a piece of divine legislation.

Moses and the Christian Age

As the sole biblical passage forbidding the remarriage of a divorced couple (to each other), Deuteronomy 24:1-4 is relevant to the issue under consideration. Is this prohibition applicable today? As Fowler asks, "Would God approve of such a return, when he once called it an abomination?" Lewis writes:

...counselors should justify the demand they sometimes make that the divorced pair after leaving second or later marriages should go back to their first union—the very thing the regulation of Moses was designed to forbid (Deut. 24:1f.; Jer. 3:1f). Mohammed (Koran, Sura 2) declared that which Moses had forbidden Jews to be proper for Muslims; but how does one know that Christian people today should do that which Moses said was an abomination to the Lord? Is there a biblical passage that reverses this demand?⁶⁹

Lewis' argumentation ignores a fundamental hermeneutical factor: the distinction between the covenants. Men today are not under the law of which Deuteronomy 24

⁶⁸ Harold Fowler, *The Gospel of Matthew: Bible Study Text-book Series* (Joplin, MO; College Press, 1984), vol. 1, p. 284.

⁶⁹ Lewis, Your Marriage Can Be Great, p. 418.

was a part. That law has been abolished (Eph. 2:15), blotted out (Col. 2:14), and done away (II Cor. 3:6-14). Like a schoolmaster, the law was a temporary guardian to which men are no longer amenable (Gal. 3:23-25). There has been a change of law (Heb. 7:12), and men today are subject to the law of Christ (Gal. 6:2; James 1:25; I Cor. 9:21). Valuable lessons and relevant principles may be learned from the Old Testament (Rom. 15:4; I Cor. 10:1-12; Heb. 3:1-4; 11), but its specific regulations are no longer in force. The attempt to bind the prohibition of Deuteronomy 24:4 today is a misapplication of the passage.

Lewis' insistence upon producing a passage which reverses the Mosaic prohibition suggests that the New Testament must explicitly mention the abrogation of particular instructions in the law. However, it would require a volume much larger than the New Testament to specifically state that each of these regulations has been abolished. Many Mosaic restrictions are not explicitly mentioned in the Law of Christ as having been removed. The levirate marriage law (Deut. 25:5-10), for instance, is not specifically cited in the New Testament as being abolished. The answer to Lewis' question "Is there a biblical passage that reverses this demand?" is "Yes." All that is necessary is a passage which teaches that the law of which Deuteronomy 24:1-4 was a part has been abolished, and any of the passages previously cited will suffice.

Lewis fails to consider the distinction between Moses' legislation and Jesus' teaching regarding divorce in Matthew 19:3-12. The following argument by Murray is based on this distinction:

A woman has been divorced from her husband for the cause of adultery and she remarries. After a while her second husband dies. She is penitent for her sins and wishes to return to her first husband who has remained unmarried. May she do so? There are some who would apply Deuteronomy 24:4 to this case and infer that she would not be able to return to her first husband on the ground mentioned in this passage. This does

not appear to be valid reasoning. It is apparent that the permission of Deuteronomy 24:1-3 was abrogated by our Lord...

That permission our Lord in the exercise of his authority revoked and established the legitimacy of divorce for adultery. Since the permission of Deuteronomy 24:1-3 has been abrogated, it would hardly be feasible to regard the prohibition of Deuteronomy 24:4 as still applicable under the New Testament. Could the prohibition be regarded as still in force when the permission on which it rests has been abrogated? Hence the conclusion to which we are constrained to come is that Deuteronomy 24:4 could not be regarded as applying to this case. It would appear to be stretching the temporary regulations of the Old Testament beyond warrant to infer that Deuteronomy 24:4 would apply to New Testament divorce when the latter is of a very different character from that permitted in the Old Testament. 70

It is not inconsistent to say that some things which were an "abomination" in the old covenant are lawful under the law of Christ. Unclean animals were "abominable" (*toebah*, translated "abomination" in Deuteronomy 24:4) to the children of Israel (Deut. 14:3), but such is not the case now (Acts 10:9-16; I Tim. 4:3-4).

Under a section entitled "The Woman Cannot Return to Her Former Husband," Zodhiates argues that Matthew 5:32 enforces the Mosaic prohibition:

The verb in this expression of Matthew 5:32 is *poiei*, 'makes' or 'does.' What does he do? He puts out his wife once and for all. This is not an act that one can come back and undo. It is one of those sins that once performed has no redress.

⁷⁰ Murray, Divorce, p. 113.

The guilty party will live with it for the rest of his life and his partner will, too. You recall that Deuteronomy 24:1-4 forbade the return of the divorced wife to her former husband even if her second husband were to divorce her or die. First of all, *poiei*, 'does, makes, or causes,' is in the active voice which means, he, the licentious husband, is fully responsible for the act. Secondly, it involves the doing once and for all. Thirdly, it involves the producing and bringing forth of something which, being produced, has an independent existence of its own. The man cannot alter the new situation he creates.⁷¹

Zodhiates' case rests on several assumptions. First, he assumes that Deut. 24:1-4 is still applicable, a position already proven untenable. Second, the fact that the husband is "fully responsible for the act" in no way precludes a future return of the divorced wife. It is obvious that a "new situation" is created when she marries another man, but how does this prove that she is forbidden to return to the former husband? What if the "new situation" were dissolved? Third, the assertion that *poiei* in Matthew 5:32 denotes an act performed "once and for all" is a case of *eisegesis* (reading more into the text than it actually says). Nothing in the verb or the context conveys this meaning.

Even if the prohibition in Deuteronomy 24:1-4 applied today, it would be insufficient to establish the contradictory view. As discussed earlier, the passage does not address the case of a divorce for fornication. Also, it does not address the situation of a divorced woman who remains unmarried and later desires to return to her former husband. Murray observes, "It should be noted that the divorced woman is not prevented from returning to her husband if she did not marry a second. It is only in the event of remarriage that the defilement enters and the prohibition

⁷¹ Spiros Zodhiates, *What About Divorce?* (Chattanooga, TN: AMG Publishers, 1984), pp. 126-127.

takes effect."⁷² Moses does not forbid the husband to remarry his former wife because she has been divorced; he forbids this remarriage "after that she is defiled" (Deut. 24:4) by marrying another man. Murray also interestingly notes that this woman is not forbidden to marry a third husband in the event that her second husband divorces her or dies.⁷³ But she can never return to her former husband once she enters another marriage. Recognition of the basic intent of the prohibition in Deuteronomy 24:1-4 (to prevent hasty divorce) is essential to a correct interpretation and application of this passage.

Connally admits that Deuteronomy 24:1-4 is not applicable to the issue:

...God, under the Old Testament, allowed many things that are strictly forbidden today. Furthermore, God forbade many things under the old law that are allowed today; e.g., the eating of pork is a point to notice.

Secondly, to use Deuteronomy 24:1-4 to negate the idea of a put-away person returning to their first marriage partner is invalid and untrue. The passage, like all other Old Testament prohibitions, is not binding on us today (consider Romans 3:19, 'What things soever the law saith, it saith to them that are under the law'), also Galatians 5:1. Also Paul plainly says in I Corinthians 7:10-11, 'And unto the married I command, yet not I, but the Lord, Let not the wife depart from her husband: but and if she depart, let her remain unmarried or be reconciled to her husband: and let not the husband put away his wife.'⁷⁴

⁷² Murray, *Divorce*, pp. 13-14.

⁷³ Murray, Divorce, p. 14.

⁷⁴ Andrew M. Connally, "A Review of 'Another Look At An Old Problem, Or What About Divorce And Remarriage?" *Your Marriage Can Be Great*, Thomas B. Warren, ed. (Jonesboro, AR:

In appealing to I Corinthians 7:10-11, Connally affirms the minor premise in the basic argument of the thesis. Since the form of the argument (*modus tollens*) is valid, he must deny the major premise in order to maintain his position. This denial necessitates proving that *apolelumenen* in Matthew 5:32b and 19:9b refers exclusively to a person divorced for the cause of fornication.

CHAPTER III DIVORCE AND REMARRIAGE TEXTS IN JESUS' TEACHING

The Force of the Word "Another"

Barring Matthew 5:32, New Testament passages on divorce and remarriage specifically mention "another" party in addition to the married couple. These passages cannot be properly understood without recognizing that someone outside the original marriage has entered the picture.

Matthew 19:9: "And I say unto you, Whosoever shall

put away his wife, except it be for fornication, and shall marry another (allen), committeth adultery: and whoso marrieth her which is put away doth

commit adultery."

"Whosoever shall put away his wife, Mark 10:11-12:

> and marry another (allen), committeth adultery against her. And if a woman shall put away her husband, and be married to

another (allon), she committeth adultery."

"Whosoever putteth away his wife, and Luke 16:18:

marrieth another (heteron), committeth adultery: and whosoever marrieth her that is put away from her husband committeth

adultery."

Paul likewise mentions "another" person in Romans 7:3: "So then if, while her husband liveth, she be married to another man (andri hetero), she shall be called an adulteress." Stressing the significance of the word "another," Woods writes:

> ...He who puts away his wife and marries 'another,' is not by these words forbidden to return to his former companion, because the word 'another'...does not include the first wife. The English definition of 'another' is, 'different

or distinct from the first considered.' (Webster's Collegiate Dictionary)...The prohibition in the words, 'and whoso marrieth her which is put away doth commit adultery,' is there because any marriage, not broken because of fornication to 'another' (not the same one), is prohibited. Therefore, to extend this prohibition to embrace one not included in 'another' is unwarranted.⁷⁵

Jesus taught in Matthew 19:9 that one who divorces his wife for reasons other than fornication and marries another woman commits adultery. He did not merely say that one who divorces his wife for reasons other than fornication and marries again commits adultery; He specifically stated that marrying another after unlawful divorce is adultery. Warren recognizes this fact: "The guilty party is not free to marry another (Matt. 5:32; 19:9)."⁷⁶ Jack Evans referred to "the Biblical fact that the guilty party may not 'marry another.'"⁷⁷ Campbell stated that "a man must both leave or dismiss his wife and marry another, in order to incur the charge preferred by our Lord, of adultery."⁷⁸ But the remarriage of the guilty party to the former mate is not under consideration in Matthew 19:9. This passage does not even mention, much less forbid, such a remarriage. The force of the word "another" is ignored by those holding the contradictory view. Any appeal to Matthew 19:9 in an attempt to prove that a man cannot remarry the woman he has divorced is untenable.

⁷⁵ Guy N. Woods, *Questions and Answers*, Volume II (Nashville, TN: Gospel Advocate Company, 1986), p. 254.

⁷⁶ Thomas B. Warren, *Keeping the Lock in Wedlock* (Jonesboro, AR: National Christian Press, 1980), p. 312.

⁷⁷ Jack Evans and James O. Maxwell, *Divorce and Remarriage in the Church of Christ* (Wichita Falls, TX: Western Christian Foundation, 1982), p. 19.

⁷⁸ Alexander Campbell, *The Millennial Harbinger* (Bethany, VA: Alexander Campbell, 1843), vol. VII, no. 2, p. 7.

"Whosoever": Qualified or Unqualified?

Four parties are involved in the situation described in Matthew 5:32, Matthew 19:9, and Luke 16:18: (1) the man who divorces his wife: the first "whosoever"; (2) the woman this man later marries: "another"; (3) the wife who was divorced: "her which is put away"; (4) the man who marries the divorced wife: the second "whosoever." Two men and two women are mentioned. Obviously, the first man (the "whosoever" who divorced his wife) is distinct from the second man (the "whosoever" who marries this divorced wife), just as the first woman ("her which is divorced") is distinct from the second woman ("another"). Matthew 5:32b "contemplates the remarriage of the divorced woman to a second 'husband." Lanier wrote that two "whosoevers" are mentioned in Matthew 5:32. Deaver admits that "there are *two* 'whosoevers' who commit adultery" in Matthew 19:9. 81

When these simple facts are ignored, men sometimes "assume that the person who 'puts away' his wife in Matthew 19:9 is included in the 'whoso' of the final clause." Connally makes this assumption: "The act of remarriage by the fornicator to *anyone*, *ever*, is forbidden (Matt. 19:9b)." Deaver writes, "All

⁷⁹ G. H. Box and Charles Gore, *Divorce in the New Testament: A Reply to Dr. Charles*.

⁸⁰ Roy H. Lanier, Jr., "The Rights of the Guilty Party," in *Studies in I Corinthians*, Dub McClish, ed. (Denton, TX: Valid Publications, 1982), p. 477.

⁸¹ Roy Deaver, "Marriage, Divorce, and Remarriage: A Study of Matt. 19:9," in *Moral Issues Confronting the Kingdom*, Thomas F. Eaves, ed. (Knoxville, TN: Karns Church of Christ, 1978) p. 113.

⁸² Guy N. Woods, *Questions and Answers* (Nashville, TN: Gospel Advocate Company, 1986), vol. II, p. 254.

⁸³ Andrew M. Connally, "It is False That One Can Be Unscripturally Divorced and Unscripturally Married Again and Continue in That Relationship Without Further Sin," in *The Home As God Would Have It - And Contemporary Attacks Against*

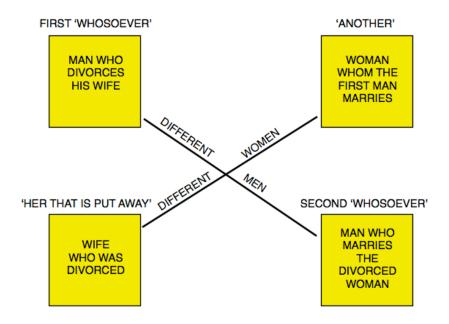
persons who have married a having-been-put-away companion are persons who keep on committing adultery."84 According to Deaver and Connally, Jesus taught that whoever marries a divorced woman—even the husband who divorced her—commits adultery. Rather than properly distinguishing between the second "whosoever" and the first, they assert that it includes the first.

That this view is a strained attempt at exeges is arising from an effort to prove what Jesus did not teach is evident from Luke's parallel account: "whosoever marrieth her that is put away from her husband committeth adultery" (Luke 16:18b). This woman was put away "from her husband" (apo andros). This qualifying phrase limits the "whosoever" marrying this woman to someone other than the husband who divorced her. The same phrase occurs in Leviticus 21:7: "Neither shall they take a woman put away from her husband." Given Connally and Deaver's position, its use in Luke 16:18b makes no sense. Marshall recognizes this distinction: "The situation here is that of a man...who marries a woman divorced apo andros (Luke only; cf. Mark 10:12); he is also committing adultery, i.e., against the first husband...the second husband of a divorced woman is regarded as offending against the first husband."85 The following diagram illustrates this distinction:

It, Garland Elkins and Thomas B. Warren, eds. (Algood, TN: National Christian Press, Inc., 1979), p. 229.

⁸⁴ Deaver, Moral Issues, p. 113.

⁸⁵ I. Howard Marshall, *The New International Greek Testament Commentary: The Gospel of Luke* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1978), p. 632.



"Put Away": For What Cause?

The statement "and whosoever shall marry her that is divorced committeth adultery" (Matt. 5:32b) is from *kai hos ean apolelumenen gamese moichatai*. Apolelumenen is a perfect passive participle of *apoluo*, to "let go, send away, dismiss," used here of divorce. Matthew 19:9b similarly reads *kai ho apolelumenen gamon moichatai*, literally *and the one who marries her that is put away commits adultery*. Luke also uses *apolelumenen* with the

⁸⁶ William F. Arndt and F. Wilbur Gingrich, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature* (Chicago: The University of Chicago Press, 1957), p. 956.

⁸⁷ Since the clause is omitted in several early manuscripts, some versions (RSV, NEB, NIV, NASB, TEV, New Berkeley Version) and critical editions of the Greek text (Nestle-Aland, United Bible Societies) do not include it as part of the text. The KJV,

addition of the words *apo andros*, "her that is put away from her husband" (Luke 16:18b). In each of these accounts, *apolelumenen* is anarthrous, i.e., it is not preceded by the article. The perfect emphasizes the results of a completed action: the woman has been divorced and is in the state of having been divorced. In relation to the issue of the remarriage of a divorced couple, the reference of *apolelumenen* is central. The woman has been put away, but

NKJV, and ASV are among the few that include the clause. Wettstein, Griesbach, and Hahn include it in the texts of their critical editions. In the manuscripts themselves, the clause is omitted in Aleph (fourth century A.D.), C3 (the third corrector of Ephraemi Rescriptus, fifth century) D (sixth century), L (eigth century), and in several miniscules and versions. Quotations from Origen and Chrysostom favor the shorter reading. Metzger conjectures that "the fact that B C * F1 al read moichatai only once (at the conclusion of combined clauses) makes it more probable that the text was expanded by copyists who accommodated the saying to the prevailing text of 5.32." (Textual Commentary on the Greek New Testament, p. 48). But the shorter reading preferred by the UBS Committee has a C rating, which indicates that there is considerable doubt as to whether the text or the apparatus has the superior reading. Also, manuscript evidence for the longer reading is significant. Although it differs slightly in the various witnesses containing it, Matt. 19:9b is found in B (fourth century), C* (the original writer of Ephraemi Rescriptus, fifth century), K (ninth century), W (fifth century), other uncials and a host of miniscules and versions. It also appears in P25 (late fourth century) with the addition of hosautos. Alford accounts for the omission in Aleph, D, L, etc. by homoioteleuton (the omission of words which occurred when a scribe, in copying lines with similar endings, in this case moichatai...moichatai, unintentionally skipped a line) -- Alford's Greek Testament, vol. 1, p. 194. Because of this possibility and because of significant manuscript evidence, it appears that Matt. 19:9b belongs to the text. The text of Luke 16:18b has no critical problems; Matt. 5:32b is given a B rating by the UBS Committee, indicating some degree of doubt.

for what has she been put away? Do the words "put away" refer to a divorce for fornication, a divorce for reasons other than fornication, or both?

Several commentators believe that *apolelumenen* refers to one put away for reasons other than fornication.⁸⁸ Attempts to justify this position are often based on the argument that the woman in Matthew 19:9b is still the wife of her former husband, otherwise the one marrying her could not commit adultery. The divorce, then, must have been unlawful (for reasons other than fornication). Broadus argues that unless the divorce was for fornication, the woman in marrying another "would be committing adultery, as she would still be, in the view of the divine law, the first husband's wife".⁸⁹ Whedon holds that she was "unlawfully divorced, and so not divorced at all" and that she is "still bound by an unbroken marriage tie to her former

⁸⁸ Heinrich August Wilmelm Meyer, Critical and Exegetical Handbook to the Gospel of Matthew (Peabody, MA: Hendrickson Publishers, Inc., 1983), p. 133; Robert Jamieson, A. R. Fausset, and David Brown, Commentary on the Whole Bible (Grand Rapids, MI: Zondervan Publishing House, 1962), p. 902; Charles John Ellicott, Ellicott's Bible Commentary (Grand Rapids, MI: Zondervan Publishing House, 1971), pp. 693-694; John A Broadus, Commentary on the Gospel of Matthew (Philadelphia, PA: American Baptist Publication Society, 1886), p. 112; J. W. McGarvey, The New Testament Commentary: Matthew and Mark (Des Moines, Iowa: Eugene S. Smith, 1875), p. 165; D. D. Whedon, Commentary on the Gospels: Matthew-Mark (New York: Phillips & Hunt, 1860), p. 83: Matthew B. Riddle, The International Illustrated Commentary on the New Testament, Philip Schaff, ed. (New York: Charles Scribner's Sons, 1888), vol. 1, p. 62; H. L. Mansel, The Bible Commentary, F. C. Cook, ed. (Grand Rapids, MI: Baker Book House, 1981), vol. 7, p. 103; John Calvin, A Harmony of the Gospels: Matthew, Mark and Luke, translated by T. H. L. Parker (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1972), vol. 2, p. 247-248.

⁸⁹ Broadus, Commentary on the Gospel of Matthew, p. 112.

husband."⁹⁰ Mansel explained, "Whoever marries the divorced woman commits adultery, because she is still the wife of another man."⁹¹ The assumption of this argument is that adultery cannot occur when a divorced fornicator marries another because she is no longer married to the first husband. As to why this assumption is false, more will be said later.

An alleged justification of the attempt to limit *apolelumenen* to unscripturally divorced persons is the claim that the exceptive phrase of Matt. 19:9 ("except it be for fornication," *me epi pomeia*) modifies *apolelumenen* as well as *apoluse*. Guy Duty holds this view:

The argument of no-remarriage interpreters is that the exception does not extend to the clause 'and whoso marrieth her which is put away doth commit adultery.' I will try to prove to you that it does. In the Greek sentence, as in the English, it does not matter which position in the sentence the exception takes. It can be at the beginning, middle, or end, and the meaning of the law remains the same. But the exception sounds better in the middle of the Greek sentence and it is the proper place for it to be. The exception can be removed from its usual position and placed in an unusual position in the sentence without changing its bearing on both clauses. On the Position of Words in the Sentence, see A Grammar of the Greek New Testament in the Light of Histotical Research, A. T. Robertson, MA., D.D., LL.D., Litt.D., p. 417.

We now demonstrate the meaning of except.

a. 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. Matt. 19:9.

⁹⁰ Whedon, Commentary on the Gospels, p. 893.

⁹¹ Mansel, The Bible Commentary, vol. 7, p. 103.

b. *Except it be for fornication*, whosoever shall put away his wife, and shall marry another, committeth adultery, and whoso marrieth her which is put away doth commit adultery.

c. Whosoever shall put away his wife, and shall marry another, committeth adultery; and whoso marrieth her which is put away doth commit adultery, *except it be for fornication*.⁹²

Duty fails to observe that Robertson makes a distinction between English and Greek. In English, the sense of a sentence is largely determined by word order; in Greek, while there is greater liberty in word order, the inflectional endings indicate the use of the words. Robertson states,

In English it is common to see words in the wrong place that make absurd bungles, as this, for instance: 'The man rode a horse with a black hat.' In Greek one may say *philei ho pater ton huion*, *ho pater philei ton huion*, *or philei ton huion ho pater*, according to the stress in the mind of the speaker.⁹³

Duty misses Robertson's point. It is the Greek writer who enjoyed this liberty of word order, not the interpreter. When the Holy Spirit guided Matthew in his writing of 5:32 and 19:9 (II Tim. 3:16; II Pet. 1:20-21; I Cor. 2:9-13; 14:37), the word order was set. The exegete does not have the liberty to rearrange the text. Besides, Matt. 19:9 is made up of two clauses, each of which can stand by itself as a sentence. The first clause has the exceptive phrase; the second clause does not. Injecting the prepositional phrase of Matt. 19:9a into Matt. 19:9b is a grammatically unwarranted procedure. Commenting on Matt. 5:32, Lanier stressed that "the phrase 'apart from a matter of fornication' is an adverbial phrase

⁹² Guy Duty, *Divorce and Remarriage* (Minneapolis, MN: Bethany Fellowship, Inc., 1967), pp. 49-50.

⁹³ Archibald Thomas Robertson, *A Grammar of the Greek New Testament in the Light of Historical Research* (Nashville, TN: Broadman Press, 1934), p. 417.

modifying the verb 'dismissing.' Since it occurs but once in the sentence, it cannot be made to modify another verb, or even a participle, in the next clause." ⁹⁴

Lewis Hale has argued extensively that *apolelumenen* is modified by the exceptive phrase. He claims that "the text does say that if a man marries her when she is thus put away (not for fornication), he commits adultery." Attempting to justify this move by an alleged diagram, he explained:

Here is what I believe to be a correct diagram of Matt. 19:9, as it appears in the Greek text. You will note that *ma epi pomeia* is found a second time on dotted lines to indicate that it is understood to modify *apolelumenen*. In the paragraph following the diagram, Dean Afford is quoted in justification of this action in both Matt 5:32 and 19:9.

You will note that it is a woman dismissed apart from a matter of fornication that is made to commit adultery. That is why any man who marries such a dismissed woman also commits adultery. He marries a woman whose marriage bond is not broken, thus, he is marrying another man's wife. If she commits adultery by marrying him, he commits adultery by marrying her. It is that simple.

You will note in the amended diagram that the phrase *except for fornication* appears twice, once as explicitly stated, once as being understood...⁹⁶

A diagram is a grammatical tool which shows the relationships of words in a sentence. Strictly speaking, it

⁹⁴ Roy H. Lanier, Sr., "What About the Divorced Fornicator?" *Firm Foundation* (Austin, TX: Firm Foundation Publishing House, 1973), vol. 90, no. 8, p. 9.

⁹⁵ Lewis G. Hale, *Except for Fornication* (Oklahoma City, OK: Hale Publications 1974), p. 24.

⁹⁶ lbid, p. 38-39.

employs only the words which occur in the sentence. One is not at liberty to paraphrase, explain, or duplicate these words and then add them to the diagram. The claim that the meaning of certain words is "understood" is irrelevant. Only the words of the sentence themselves, not their meanings, are to appear in a diagram. Besides, Hale is begging the question in arguing that *me epi pomeia* is "understood" to modify *apolelumenen*. Where is the proof that this grammatical qualification exists? Hale believes it is a matter of "implication":

All of this is saying that to marry a woman divorced apart from a matter of fornication is to commit adultery. What does it say about marrying a woman who has been put away because of her fornication? Except by implication, nothing. It will not suffice to say that 'Surely the Lord did not mean to allow such a sinful woman the privilege of remarriage.' We must decide what the Lord means by examining the text. Teaching that is implicit is just as binding as teaching that is explicit. However, we must make very sure as to what is implied and what is not implied. Our prejudices may allow us to see implications that do not exist...

What did Jesus say about remarriage when fornication was the basis of dissolving the first marriage? Except by implication, nothing. However, he did say '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' (Matt. 19:9). By implication this says, 'Whosoever shall put away his wife for fornication and shall marry another does not commit adultery. And whoso marrieth her which is put away does not commit adultery.' To negate the condition of adultery in one case but not the

other does not agree with logic or scripture.⁹⁷

Hale's statements reveal a misunderstanding of the nature of implication. To say that one proposition implies another proposition is to say that the second proposition must follow from the first. If A implies B and A is true, then B must be true—it is impossible for B to be false if A is true. Hale's position is implied by Matt. 19:9, then the evidence must demand the conclusion that his position is correct. But his evidence is inadequate, resting on the assumption that *apolelumenen* is modified by the exceptive phrase. The case for this qualification is based largely on quotations from commentators. Pecifically, Hale relies heavily on Alford:

Notice, as on ch. 5:32, *apolelumenen* without the art., and thus logically confined to the case of her who has been divorced *me epi pomeia*. This not having been seen, expositors (e.g. of late Bp. Wordsworth) have fallen into the mistake of supposing that the dictum applies to the

⁹⁷ Lewis G. Hale, "Matt. 19:9: The Rights of the Guilty Party — The Guilty Party in a Divorce (i.e., the Fornicator) has the Scriptural Right to Remarry," *Studies in I Corinthians*, Dub Mc-CLish, ed. (Denton, TX: Valid Publications, 1982,?, pp. 446-467.

⁹⁸ Irving M. Copi, *Introduction to Logic* (New York: Mac-Millan Publishing Company, Inc., 1982), pp. 290-298, 349.

⁹⁹ E.g., Alford, Jamieson, Fausset and Brown, A. Lukyn Williams, McGarvey, and Woods (*Studies in I Corinthians*, pp. 446-467). Interestingly, though McGarvey at one time held that the guilty party could scripturally remarry (*Commentary on Matthew and Mark*, 1875, p. 165), he later changed his position (*The Fourfold Gospel*, 1914, p. 242). Though Woods mistakenly holds that the exceptive phrase modifies *apolelumenen* (*Questions and Answers*, vol. 2, p. 253), he does not believe that the guilty party has the right to remarry (*Questions and Answers*, vol. 1, p. 238). After *Studies in I Corinthians* was released, Woods wrote that Hale had misunderstood him (*Gospel Advocate*, May 5, 1983), p. 280).

marrying of a woman divorced *epi pomeia*, which grammatically would require *ten apolelumenen*. The proper English way of rendering the word as it now stands, would be a *woman thus divorced*, viz., *me epi pomeia*.¹⁰⁰

In light of this argument, Carson's warning is appropriate: "The exegete must be careful regarding conclusions drawn from the mere presence or absence of an article." Robertson notes that

The word may be either definite or indefinite when the article is absent. The context and history of the phrase in question must decide. The translation of the expression into English or German is not determined by the mere absence of the Greek article. If the word is indefinite, as in Jo. 4:27; 6:68, no article, of course, occurs. But the article is absent in a good many definite phrases also. 102

Also, anarthrous nouns or substantives emphasize quality or character (cf. Jn. 1:1, *theos en ho logos*). Moulton observes, "For exegesis, there are few of the finer points of Greek which need more constant attention than this omission of the article when the writer would lay stress on the quality or character of the object." Dana and Mantey note that "the articular construction emphasizes *identity*; the anarthrous construction emphasizes *character*." Accordingly, anarthrous

¹⁰⁰ Henry Alford, *Alford's Greek Testament: Exegetical and Critical Commentary* (Grand Rapids, MI: Guardian Press, 1976), p. 194.

¹⁰¹ D. A. Carson, *Exegetical Fallacies* (Grand Rapids, MI: Baker Book House, 198p, p. 83.

¹⁰² Robertson, *Grammar of the Greek New Testament*, pp. 790-791.

¹⁰³ James Hope Moulton, *A Grammar of New Testament Greek: Prolegomena* (Edinburgh: T. & T. Clark, 1908), p. 83.

¹⁰⁴ H. E. Dana and Julius R. Mantey, *A Manual Grammar of the Greek New Testament* (New York: The MacMillan Company,

apolelumenen stresses the character of the woman: she is a divorced person. Whether apolelumenen is definite or indefinite is, as Robertson notes, to be determined by the context. Contrary to Alford's claim, nothing in the context limits apolelumenen to the case of one divorced me epi porneia, especially since this qualifying phrase is absent from Matt. 19:9b. The cause of the divorce in apolelumenen cannot be determined by the mere absence of the article. Yet, strangely enough, arguments based on the article have been advanced from both sides of the issue. Alford claims that the hypothetical ten apolelumenen would denote a woman divorced epi pomeia; McCord argues that it would denote the woman divorced me epi porneia. Neither of these presented evidence for these assertions.

Alford's suggestion that *apolelumenen* in Matt. 5:32b should be rendered "a woman thus divorced" has been adopted in several translations. The NEB and NIV read "a woman so divorced." Williams (The New Testament in the Language of the People) translates *apolelumenen* "a wife who is thus divorced." Weymouth renders it "her when so divorced." Barclay likewise translates the participle "a woman who has been so divorced." These additions of the adverbs "so" and "thus" are unjustified. No adverbs such as *houtos* ("thus, so, in this manner") are present in the Greek to modify *apolelumenen*. 107

Another complication arises from Alford's view of

^{1927),} p. 140.

¹⁰⁵ Hugo McCord, "The Guilty Party is not Free to Remarry," *The Home as God Would Have It* (Algood, TN: National Christian Press, 1979), p. 243.

¹⁰⁶ William Barclay, *The Gospel of Matthew* (Philadelphia, PA: The Westminister Press, 1956), vol. 1, p. 148.

¹⁰⁷ The RSV, NAS and the New Berkley Version have "a divorced woman." The KJV and ASV have "her that is divorced" and "her when she is put away," respectively. The NKJV has "a woman who is divorced." Interestingly, Beck (The New Testament in the Language of Today) has "the divorced woman," and the Easy-to-Read Version has "that divorced woman."

apolelumenen. He holds that anarthrous apolelumenen denotes a woman divorced me epi porneia and that articular apolelumenen would denote a woman divorced epi pomeia. Given his view, how could Jesus have spoken of a divorced woman in general—whether for fornication or some other reason? Alford's position leaves no room for this possibility.

It is equally ungrammatical to assert that *apolelumenen* is limited to one divorced epi pomeia. Epi porneia cannot justifiably be injected into Matt. 19:9b any more than me epi pomeia. The exceptive phrase occurs neither in whole nor in part in the last clause of Matt. 19:9. It is not apolelumenen me epi pomeia or apolelumenen epi porneia; it is simply apolelumenen. If "her which is put away" refers exclusively to the woman divorced for fornication, then Jesus did not address the case of a man marrying a woman divorced for reasons other than fornication in Matt. 5:32b and 19:9b. Matt. 19:9a addresses putting away for fornication and putting away for reasons other than fornication; Matt. 19:9b addresses marrying one who has been put away for fornication and one who has been put away for reasons other than fornication. The unqualified substantive participle *apolelumenen* is a general term denoting one who has been put away for any cause. Deaver admits that apolelumenen carries this force:

...the Lord said nothing about marrying her that is put away *on grounds other than* fornication, and the Lord said nothing about marrying her that is put away *for* fornication. The Lord said 'The man who has married a having-been-put-away woman keeps on committing adultery: 108

Bruce is likewise correct in observing that Matt. 19:9b "states unqualifiedly that to marry a dismissed wife is adultery." ¹⁰⁹

¹⁰⁸ Roy Deaver, "Analysis of Matthew 19:3-12 and a Review of 'Except for Fornication," *Spiritual Sword*, Thomas B. Warren, ed. (Memphis, TN: Getwell Church of Christ), January, 1975, vol. 6, no. 2, p. 16.

¹⁰⁹ Alexander Balmain Bruce, *The Expositor's Greek Testament: The Synoptic Gospels*, W. Robertson Nicoll, ed. (Grand

The verb *apoluo* is not used exclusively of scriptural divorces (those for the cause of fornication) in divorce and remarriage texts. In Matt. 19:9 it is not limited to the concept of "complete dissolution of the marriage bond" implying "the right of remarriage" for the innocent party. Both scriptural and unscriptural divorces are covered by the teaching of Jesus in Matt. 19:9a. In a divorce where the stated exception has occurred, the innocent party has the right to marry again and the marriage bond is dissolved. Neither party is free to marry another in an unscriptural divorce. The latter is a divorce only in a legal sense; the marriage bond in this case is not dissolved. *Apoluo* is used to denote both cases.

Thus, there is no contextual justification for limiting apolelumenen to one divorced for fornication, and there is nothing intrinsic in the meaning of apoluo which confines Matt. 19:9b to marrying a person so divorced. The fact that apolelumenen is unqualified and refers both to those divorced scripturally and those divorced unscripturally proves the major premise in the basic argument of the thesis. One cannot consistently affirm the contradictory view while teaching that an unscripturally divorced couple may be reunited.

The Nature of Adultery

A key element in the refutation of the contradictory view is the meaning of the word *adultery* in divorce and remarriage texts. "Adultery" is commonly defined as "the sexual intercourse of two persons, either of whom is married to a third person." 112

Rapids, MI: William B. Eerdmans Publishing Company), vol. 1, p. 110.

¹¹⁰ Neale Pryor, "Divorce' — Its Meaning," *Your Marriage Can Be Great*, Thomas B. Warren, ed. (Jonesboro, AR: National Christian Press, 1978), p. 100.

¹¹¹ Goebel Music, *Divorce* (Colleyville, TX: Goebel Music Publications, 1987), p. 142.

¹¹² Britannica World Language Edition of Funk & Wagnalls

"As to the specific guilt of adultery, it adds a sin against justice to the intrinsically grave malice of fornication, which in itself is a deordination of sex from its true and appointed end." Foley states that "adultery is sinful because it is a kind of theft." The following definition expounds upon the nature of biblical adultery:

Adultery is illicit sex outside marriage and, as well, in the Old Testament by the betrothed with a third party prior to the consummation of marriage...The Old Testament teaches that God intended a single male and a single female to contract a permanent spiritual union, that is to say, monogamous marriage. Adultery is a violation of this union.¹¹⁵

These definitions are basically correct but typically inexhaustive in that the adultery of Matthew 19:9b is not fully covered. In a divorce for fornication, the marriage bond is dissolved, leaving the innocent party free to remarry. The use of the generic participle *apolelumenen* means that the guilty party in the divorce commits adultery by marrying another. Consideration of these facts leads to a difficult question: How can the divorced fornicator commit adultery in marrying another if she is not married to the first husband? Because of their inability to satisfactorily answer this question, some deny the plain teaching of Jesus in Matthew 19:9b. Underlying Hale's exegesis of Matthew 19:9b is the assumption that the word *adultery* cannot legitimately be

Standard Dictionary of the English Language (Chicago: Encyclopedia Britannica, Inc., 1958), vol. 1, p. 21.

¹¹³ L. G. Miller, "Adultery," *The New Catholic Encyclopedia* (Washington, DC: The Catholic University of America, 1967), vol. 1, p. 151.

¹¹⁴ W. M. Foley, "Adultery (Christian)," *Encyclopaedia of Religion and Ethics*, James Hastings, ed. (Edinburgh: T. & T. Clark, 1980), vol. 1, p. 130.

¹¹⁵ S. J. Mikolaski, "Adultery (Christian)," *Encyclopedia of Biblical and Christian Ethics*, R. K. Harrison, Gen. ed. (Nashville, TN, Thomas Nelson Publishers, 1987), p. 6.

ascribed to the remarriage of a divorced fornicator to another person. Concerning the guilty party he states that "he is no longer married to anyone. He has no marriage bond to which he can be faithful. How could it be adultery to marry?" Bales argues similarly:

If the offending party can be forgiven by the Lord, when and if the person repents, must the guilty party remain unmarried? If remarriage is impossible, from a scriptural standpoint, it must be because: (1) the guilty party is still married to the innocent party, although the innocent party is not married to the guilty party. How is this possible? Or because: (2) God passed a law which states that the guilty party cannot remarry, but must do penance, as it were, for the rest of his or her life. Where is this law?¹¹⁷

The questions these men pose arise from an incomplete definition of adultery. They fail to consider the possibility that this definition may require modification. Instead, they reason from the assumption that this definition is exhaustive and adopt a grammatically unjustified view of Matthew 19:9. But when God designates a relationship *adultery*, it is adulterous even if men are unable to understand why God referred to it as such. It is the definition of adultery assumed by Hale and Bales that needs reworking, not the words of Jesus in Matthew 19:9b.

The nature of adultery in the New Testament builds upon the Old Testament concept of the term. The Hebrew word *naaph* is used to denote both literal (Prov. 6:32) and figurative (Jer. 3:9) adultery in the Old Testament, but it is never used to refer to remarriage after divorce. However, Jesus said that

¹¹⁶ Lewis G. Hale, *Except for Fornication* (Oklahoma City, OK: Hale Publications, 1974), p. 28.

¹¹⁷ James D. Bales, "The Evidence Needed for Scriptural Divorce," *The Abundant Life: Abilene Christian College Annual Bible Lectures 1961* (Abilene, TX: Abilene Christian College Students Exchange, 1961), p. 326.

those who divorce and remarry unscripturally (Matt. 5:32; 19:9; Mark 10:11-12; Luke 16:18) commit adultery (*moicheuo*). Wenham refers to Matthew 5:27-32 as "Jesus' new definition of adultery." Chrysostom, after commenting on Matthew 5:27-28, said that Jesus in Matthew 5:32 "shows us yet another kind of adultery." Jesus' use of the word adultery modified the Old Testament application of the term. Consequently, it should not seem strange that the word is applied to the remarriage of the divorced fornicator to another party in Matthew 19:9b.

There is an interesting Old Testament parallel to the concept of adultery in Matthew 19:9b. This parallel concerns the special nature of the Jewish betrothal:

Betrothal with the ancient Hebrews was of a more formal and far more binding nature than the 'engagement' is with us. Indeed, it was esteemed a part of the transaction of marriage, and that the most binding part...Among the Jews the betrothal was so far regarded as binding that, if marriage should not take place, owing to the absconding of the bridegroom or the breach of contract on his part, the young woman could not be married to another man until she was liberated by a due process and a paper of divorce. ¹²⁰

In accord with the Jewish concept of espousal, Joseph was minded

¹¹⁸ G. J. Wenham, "Matthew and Divorce: An Old Crux Revisited," *Journal for the Study of the New Testament*, Bruce Chilton, ed., (Sheffield, England: Department of Biblical Studies, The University of Sheffield), Oct. 1984, p. 103.

¹¹⁹ John Chrysostom, "Homilies on the Gospel of Matthew," George Prevost, trans., *A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church*, Philip Schaff, ed. (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1983), vol. X, pp. 118-119.

¹²⁰ G. B. Eager, "Marriage," *The International Standard Bible Encyclopedia*, James Orr, ed. (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1960), vol. III, p. 1997.

to put away Mary during their betrothal (Matt. 1:18-19). But the betrothal was also a grave matter in that the sexual intercourse of a betrothed woman and another man was considered adultery. The word *naaph* in the Old Testament means "to have sexual intercourse with the wife or betrothed of another man, commit adultery." 121 "An adulterer was, therefore, any man who had illicit intercourse with a married or betrothed woman; and an adulteress was a betrothed or married woman who had intercourse with any other man than her husband."122 That the concept of adultery in the Old Testament includes the sexual unfaithfulness of a betrothed person is evident from Deuteronomy 22:22-24. No distinction is made in the punishment of a man found lying with a married woman (v. 22) and a man who lay with a betrothed virgin (v. 23-24). In each case, both the man and the woman were to be put to death, the punishment ordained by God for adultery (Lev. 20:10), not mere pre-marital sex. 123

¹²¹ Ludwig Koehler and Walter Baumgartner, *Lexicon in Veteris Testamenti Libros* (Leiden, Netherlands: E. J. Brill, 1985), p. 585.

¹²² John McClintock and James Strong, *Cyclopedia of Biblical, Theological, and Ecclesiastical Literature* (Grand Rapids, MI: Baker Book House, 1981 Reprint), vol. I, p. 84. Note also *moicheuo* in *Theological Dictionary of the New Testament*, Gerhard Kittel, ed. (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1967), vol. IV, p. 730; "Marriage" in *The New International Dictionary of New Testament Theology*, Colin Brown, ed. (Grand Rapids, MI: Zondervan Publishing House, 1967), vol. II p. 582; *naaph* in *Theological Wordbook of the Old Testament*, R. Laird Harris, ed. (Chicago: Moody Press, 1980), vol. II, p. 542.

¹²³ A qualification of Deut. 22:23-24 is found in Lev. 19:20. If the betrothed woman was a bondmaid, she and the man with whom she had illicit intercourse were scourged. They were not put to death "because she was not free." In this case, "the legal rights of the slave's owner take precedence over those of the spouse of the 'espoused' woman."—*charaph*, *Theological Dictionary of the Old Testament*, G. Johannes Botterweck and Helmer

The adultery of a betrothed Jew is to be understood in a prospective sense due to the gravity of the betrothal and the solemnity of the future marriage. But if the concept of adultery was applied prospectively with regard to marriage in the case of a betrothed person in the Old Testament, is it inconceivable that "adultery" is used retrospectively with regard to marriage in the case of a divorced fornicator in Matthew 19:9b? If the unmarried betrothed Jew could commit adultery, then it is not absurd to say that an unmarried divorced fornicator commits adultery by marrying another person.

Generally, explanations of the use of the word *adultery* in Matthew 19:9b neglect this Old Testament parallel. Deaver says that the divorced fornicator commits adultery because "the law of God does not allow the wife—the guilty party—to form another marriage union. The guilty party is still handcuffed to the law of God."¹²⁴ Lusk argues that the idea in Matthew 19:9b is that of "adulteration" in the sense of perversion or rendering impure a relationship. ¹²⁵ As to why the guilty party's marriage to another is called adultery, he answers, "Because God so declared it in the explicit language of Jesus." ¹²⁶ Jackson explained that "a man can commit adultery just because God says he does. Marriage belongs to God." ¹²⁷ He states that the case in Matthew 19:9b is "divinely added" to the common definition of adultery. ¹²⁸ These explanations view the prohibition in Matthew 19:9b from

Ringgren, eds. (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1986), vol. V, p. 207.

¹²⁴ Roy Deaver, "The 'Guilty Party' is not Free (In God's Sight) to Marry Again," *Your Marriage Can Be Great*, Thomas B. Warren, ed. (Jonesboro, AR: National Christian Press, 1978), p. 379.

¹²⁵ Maurice W. Lusk, *Marriage*, *Divorce and Remarriage in the Teachings of Jesus and Paul* (Atlanta, GA: Guild of Scribes, 1982), p. 49.

¹²⁶ Ibid., p. 52.

¹²⁷ Roger Jackson, "Bales-Jackson Debate," *Thrust* (San Antonio, TX), vol. V, issue 4, p. 7.

¹²⁸ Ibid., p. 37.

a purely positive standpoint but fail to consider it from a moral viewpoint. God could have forbidden the remarriage in Matthew 19:9b without calling it adultery. The Israelites were not to marry those of other nations (Deut. 7:1-4), but the transgressing of this prohibition (e.g. Ezra 10:10) was not called adultery. Had Jesus simply said "Whosoever marries a divorced woman transgresses the law of God," the prohibition would have been a case of pure positive law. But adultery is a transgression of moral law, involving the relationships of human beings to each other. Why, then, does the divorced fornicator commit adultery in remarrying another? Evidently, the marriage vows, the one-flesh covenant of marriage, the violation of this one-flesh agreement by the sin of fornication, and the dissolving of this union by divorce are matters so serious in the sight of God that the divorced fornicator is said to commit adultery in marrying another. As far as remarriage is concerned, the guilty party is viewed as if he/ she were still married to the former mate, just as a betrothed Jew was looked upon as if he/she were already married to the future mate. But if these considerations are correct, and if the remarriage of a divorced fornicator to someone besides the former mate is adultery, then how could the remarriage of the divorced fornicator to the former mate be anything else but the opposite—a lawful, scriptural marriage?

While the meaning of adultery is modified in the New Testament, the element of a third party (someone other than the two who entered the marriage) remains inherent in its definition. Whether used in a literal or figurative sense in Scripture, adultery always involves this third party. Every use of *naaph* and its cognates in the Old Testament contains this basic idea. Literally, adultery involved a third party (Exod. 20:14; Lev. 20:10; Deut. 5:18; Job 24:15; Psa. 50:18; Prov. 6:32; 30:20; Isa. 57:3; Jer. 5:7; 7:9; 9:2; 23:10, 14; 29:23; Hos. 3:1; 4:2, 13, 14; 7:4; Mal. 3:5). An adulterer is "the man that committeth adultery with another man's wife" (Lev. 20:10). Figuratively, adultery occurred when the marriage of God and His people Israel was defiled by idolatrous worship (Jer. 3:8-9; 13:27; Eze. 16:32; 23:37, 43, 45;

Hos. 2:2). These passages cover all the Old Testament uses of naaph. The word adulteress in Proverbs 6:26, from ishah ish, a man's wife, is used literally of an adulterous woman; it is used in this verse synonymously with zanah, the more general Hebrew word, meaning to "commit fornication, be a harlot." 129 Likewise, zanah and naaph are used as synonyms in Isaiah 57:3. Moicheuo and its cognates always involve a third party in the New Testament (Matt. 5:27-28, 32; 12:39; 15:19; 19:9, 18; Mark 7:21; 8:38; 10:11-12, 19; Luke 16:18; 18:11, 20; John 8:3; Rom. 2:22; 7:3; 13:9; I Cor. 6:9; Gal. 5:19; Heb. 13:4; James 2:11; 4:4; II Pet. 2:14; Rev. 2:22). When used figuratively, adultery may involve a third party such as false teaching (Rev. 2:22), the world (James 4:4), or hypocrisy and the traditions of men (Matt. 12:39; 16:4; Mark 8:38). Porneia is a general term meaning "prostitution, unchastity, fornication, of every kind of unlawful sexual intercourse." ¹³⁰ Zanah and porneia may include adultery, but naaph and moicheuo are the specific terms for this act in Scripture. The biblical meaning is clear: "adultery" in Scripture always involves a third party.

The necessity of a third party in adultery is particularly relevant to the issue of a divorced fornicator remarrying the former mate. How can this remarriage be adultery when there is no third party? A divorced fornicator cannot commit adultery by remarrying the former mate. No third party is involved, and without a third party there can be no adultery.

¹²⁹ Francis Brown, S. R. Driver, and Charles A. Briggs, *A Hebrew and English Lexicon of the Old Testament* (Oxford: Oxford University Press, 1906), p. 275.

¹³⁰ William F. Arndt and F. Wilbur Gingrich, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature* (Chicago: The University of Chicago Press, 1957), p. 693.

CHAPTER IV

DIVORCE AND RECONCILIATION I Corinthians 7:10-11

"Not I, But the Lord"

The city of Corinth in Paul's day was well known for its vice, and some of the members of the Corinthian church were converted from very immoral lifestyles (I Cor. 6:9-11). As Paul's first letter to this church indicates, the transition was not an easy one. Apathy toward illicit sexual activity and confusion about marriage troubled the church. After rebuking them for their attitude toward fornication (I Cor. 5:1-13; 6:9-20), Paul addresses certain questions they had asked about marriage (I Cor. 7:1-40). He discusses the legitimacy and purpose of marriage (vv. 1-2), the role of the sexual relationship in marriage (vv. 3-5), and the state of the unmarried and widows (vv. 7-9). Attention is then directed to the married (vv. 10-11):

And unto the married I command, yet not I, but the Lord, Let not the wife depart from her husband: But and if she depart, let her remain unmarried, or be reconciled to her husband: and let not the husband put away his wife.

In addressing the married, Paul emphasizes the authority of the instructions by the word "command" (*parangello*). The qualifying expression "not I, but the Lord" is an elliptical construction which stresses the Lord's part in the command. The ellipsis is a common biblical literary device (cf. I Cor. 1:17; John 6:27; John 12:44). Winer notes that it is often employed "not for the purpose of really (logically) cancelling the first conception, but in order to direct undivided attention to the second, so that the first may comparatively disappear." It is a figure of speech in which "one member of a sentence is negative in order to emphasize

¹³¹ George Benedict Winer, *A Grammar of the Idiom of the New Testament* (Andover: Warren F. Draper, 1886), p. 497.

the other member."¹³² The words "not I, but the Lord" do not completely negate Paul's part in the command in verses 10-11 any more than the words "I, not the Lord" completely negate the Lord's part in the instructions in verses 12-15. The Lord is emphasized in verse 10, but Paul is not excluded altogether. Paul is emphasized in verse 12, but the Lord is not totally excluded. The failure to recognize the use of the ellipsis has led to misconceptions about I Corinthians 7:10-15.¹³³

The purpose and meaning of the expression "not I, but the Lord" are determined by the context. In verse 12, Christ is in some sense not speaking. This verse deals with the marriage of a believer to an unbeliever, a case Jesus did not specifically address in His personal ministry. Jesus dealt with this situation generally; Paul addresses the situation specifically. This distinction is denoted by the ellipsis "I, not the Lord": it is not so much the Lord, but Paul, who is speaking. Verse 10 must be understood likewise: it is not so much Paul, but the Lord, who is speaking. Jesus taught on the subject of marriage and divorce (Matt. 5:31-32; 19:3-12; Mark 10:2-12; Luke 16:18), but he did not distinguish between marriages of a believer to a believer, a believer to a non-believer, and a non-believer to a non-believer. Verse 10 is evidently a reference to Jesus' general teaching on marriage and divorce. Paul at times quotes teachings spoken

¹³² Robertson L. Whiteside, *A New Commentary on Paul's Letter to the Saints at Rome* (Denton, TX: Miss Inys Whiteside, 1945), pp. 158-159.

¹³³ One is the idea that in I Cor. 7:12 "Paul did not claim the authority of Christ for what he said" (Peter W. Macky, *The Bible in Dialogue with Modern Man*, Waco, TX: Word Books, 1970, p. 51). Another is the recognition of the use of the ellipsis in verse 10 but a denial of its use in verse 12. Bales claims that in verses 10-11 it is "Christ and Paul" but in verses 12-15 he says it is "Paul, not Christ" (James D. Bales, Discussion Forum V, *Studies in I Corinthians*, Dub McClish, ed., Denton, TX: Valid Publications, 1982, p. 426). This inexcusably inconsistent exegesis is the basis of Bale's covenant theory on divorce and remarriage.

by Jesus in his personal ministry (Acts 20:35; I Cor. 11:23-25). Like most Old Testament passages cited by Paul, these are not verbatim quotations. But the similarities between Paul's words in I Corinthians 7:10-11 and Jesus' discussion with the Pharisees about divorce (Matt. 19:3-12; Mark 10:2-12) indicate that I Corinthians 7:10-11 is a reference to this discussion. Both Jesus and Paul stress the permanence of marriage and the sinfulness of disrupting the bond. The imperative expression "let not..." is used in each account (I Cor. 7:10-11; Matt. 19:6; Mark 10:9). The terminology is also similar: "put asunder" (Matt. 19:6; Mark 10:9) and "depart" (I Cor. 7:10-11) are both from *choridzo*.

Word Study: Choridzo

The word "depart" in I Corinthians7:10, 11 and 15 is from *choridzo*. Appearing 13 times in the New Testament, the verb means literally to divide or separate. *Choridzo* was used of divorce in classical Greek, as in the phrase *kechorismene apo tou andros*. ¹³⁴ In the papyri "the word has almost become a technical term in connection with divorce, as in I Cor. 7:10, 11, 15." Arndt and Gingrich define it "*separate* (*oneself*), be separated of divorce... Often in marriage contracts in the papyri *ap' alleion choristhenai...apo tinos* I Cor. 7:10." Thayer has the following definition: "*to leave a husband or wife*: of divorce, I Cor. 7:11, 15; *apo andros*, ib.10" Abbott-Smith

¹³⁴ Henry George Liddell and Robert Scott, *A Greek-English Lexicon* (Oxford: The Clarendon Press, 1948), vol. II, p. 2016.

¹³⁵ James Hope Moulton and George Milligan, *The Vocabulary of the Greek New Testament: Illustrated from the Papyri and Other Non-Literary Sources* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1930), p. 696.

¹³⁶ William F. Arndt and F. Wilbur Gingrich, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature* (Chicago: University of Chicago Press, 1957), p. 890.

¹³⁷ Joseph Henry Thayer, *A Greek-English Lexicon of the New Testament* (Grand Rapids, MI: Baker Book House, 1977), p. 674.

concurs with this definition: "To separate, divide, put asunder... of divorce... I Cor. 7:10, 11, 15." 138

In addition to the lexical evidence, the context indicates the meaning of choridzo. The words choridzo and aphiemi are used synonymously in I Corinthians 7:10-15; the wife is not to "depart" (choridzo) from her husband (v. 10), the husband is not to "put away" (aphiemi) his wife (v. 11), a brother is not to "put away" (aphiemi) his unbelieving wife (v. 12), a woman is not to "leave" (aphiemi) her unbelieving husband (v. 13). But it may be that the unbelieving mate decides to "depart" (choridzo, v. 15). Accordingly, *aphiemi* is used "in a legal sense divorce... I Cor. 7:11ff."139 Also, the fact that the wife after her departure was "unmarried" (agamos, v. 11) is evidence that a divorce has occurred. But this divorce could not have been for fornication (Matt. 19:9), since the woman in verse 11 is not given the right to marry another man. It must be a divorce sanctioned only by legal authority. The couple under consideration are "unmarried" in a legal sense just a Herod and Herodias were "married" legally but not scripturally (Mark 6:17-18). Herod had "married" her, but she remained "his brother Philip's wife." The woman in verse 11 is "unmarried" but she still has a "husband" to whom she can be reconciled. From God's point of view, their marriage bond has not been dissolved.

However, it has been denied that this distinction is justified. Lusk argues that it is "nonsense":

In Matt. 5:32; 19:9; Mk. 10:11-12; and Lk. 16:18 *gameo* is used with reference to those persons marrying divorced persons who have not the right of remarriage, or those marrying, being themselves divorced persons without the right of remarriage, and their marriage is called adulterous—*moicheia*. From these texts we learn that those entering into marriage without

¹³⁸ G. Abbott-Smith, *A Manual Greek Lexicon of the New Testament* (New York: Charles Scribner's Sons, 1921), p. 486.

¹³⁹ Arndt and Gingrich, Greek-English Lexicon, p. 125.

scriptural authority to do so, enter into adulterous (or adulterated) relationships. But as far as that which constitutes a marriage is concerned, we may not deny the fact that they are married. A marriage may, or may not, have scriptural authority, but it is a marriage none-the-less; and those involved in such a marriage may not be said to be 'not married'... It is the contention of this writer that it is a flagrant violation of language and reasoning to argue that a person is divorced and yet married to the person from whom he/she is divorced. A person may be divorced unscripturally, but he/ she is yet divorced: and a person divorced from another person is not married to that person. This business of insisting that one may be divorced 'in the eyes of men' and not divorced 'in the eyes of God' is nonsense. God may not approve of a given action (divorce or whatever), but that does not mean that the action does not occur because God does not approve of it. A divorce without scriptural grounds is yet a divorce and renders the person divorced 'unmarried.' The argument being advanced here is that: 'All actions not approved of by God become non-actions or actions which do not occur.' If this is the case, then is it legitimate in any sense to speak of an action as having occurred when in actuality it did not occur? It is far better to take the language of a given text as meaning what it says (i.e., married means married, divorced means divorced), than to play this game of semantical gymnastics wherein words do not mean what they mean. 140

Lusk contradicts the fact that a woman may be legally "married"

¹⁴⁰ Maurice W. Lusk, *Marriage, Divorce and Remarriage in the Teachings of Jesus and Paul* (Atlanta, GA: Guild of Scribes, 1982), pp. 43-45.

to another man while she is still the actual wife of her husband (Mark 6:17-18). He ignores the accommodative use of gameo in divorce and remarriage texts. When Jesus said "Whosoever putteth away his wife, and marrieth another, committeth adultery" (Luke 16:18), he taught that this "marriage" is actually adultery. But it is impossible for a scriptural marriage to be adultery (Heb. 13:4). Jesus must be referring to a marriage authorized only by civil law. The phrases "polygamous marriage" and "homosexual marriage" are examples of this accommodative usage. Parallel to this usage is the word "unmarried" in I Cor. 7:11. However, Lusk denies that the "unmarried" woman in this verse has a "husband." But this man is invariably designated her "husband": "from her husband" (apo andros, v. 10), "to her husband" (to andri, v. 11), "the husband" (andra, v. 11). The fact that it is explicitly stated that this man is still the woman's husband demands that the word "unmarried" be understood to denote an unscriptural divorce.

If I Corinthians 7:10-11 is a reference to Jesus' discussion of divorce (Matt. 19:3-12; Mark 10:2-12), then this is also evidence that Paul's use of *choridzo* means divorce. This discourse was a response to the Pharisees' question about divorce (Matt. 19:3). In His reply Jesus issued a precept which is the basis of Paul's citation: "What therefore God hath joined together, let not man put asunder" (Matt. 19:6). The words "put asunder" are also from *choridzo*. If Paul refers to this teaching, then I Cor. 7:10-11 must also concern the same subject, and *choridzo* in these verses must mean divorce. To assert that *choridzo* in I Cor. 7:10-11 means separation in general¹⁴¹ is to ignore the context and reference of the passage.

Two Situations: Celibacy and Reconciliation

In addition to the command regarding divorce (I Cor.

¹⁴¹ Goebel Music, *Divorce* (Colleyville, TX: Goebel Music Publications, 1987), p. 155; Carroll D. Osburn, "On the Interpretation of I Cor. 7:10-11," *Firm Foundation* (Austin, TX: Firm Foundation Publishing House, 1976), May 25, 1976, p. 5.

7:10), the Lord's instructions contain a directive for those who disobey this command: "But and if she depart, let her remain unmarried, or be reconciled to her husband" (I Cor. 7:11). This injunction should not be viewed as an approval of divorce. Such an interpretation has verse 10 forbidding divorce and verse 11 permitting it. "Paul is not granting something by way of exception, as though the preceding injunction were not to be taken too strictly...but he supposes a future case, which will possibly arise notwithstanding the commandment of the Lord's just adduced."142 Verse 11 considers a case in which the woman divorces in spite of Christ's command. She is still amenable to the law of God and is not to add to her error by marrying another. The structure of the passage is also found in Romans 11:18: "Boast not against the branches. But if thou boast..." Paul does not contradict himself in this verse; he merely considers the possibility that his warning may go unheeded and then gives instructions regarding this situation. A similar example is I John 2:1: "My little children, these things write I unto you, that ye sin not. And if any man sin..."

Since verse 11 does not sanction divorce, it is an overreaction on Music's part to argue as he does:

If the word 'depart' means 'divorce' in I Corinthians 7:10-11, then I am willing to debate that the teacher of such a damnable doctrine must defend 'divorce for every (any) cause!' The reason is so simple it seems foolish to mention. There is no 'reason' (excuse) given in I Cor. 7:10-11, therefore, if one can 'depart, meaning divorce as per this passage,' then who is 'wise enough' among us to name THE REASON. If there is none, yet 'depart' means 'divorce' and it is scriptural, then 'my reason' would be as good

¹⁴² Heinrich August Wilhelm Meyer, *Critical and Exegetical Handbook to the Epistles to the Corinthians* (Peabody, MA: Hendrickson Publishers, Incorporated, 1983 reprint), p. 157.

(scriptural) as 'yours.' 143

Music appears to assume that verse 11 approves of the stated departure. But his reasoning is self-defeating. Since he believes that *choridzo* in I Corinthians 7:10-11 means separation, his reasoning as noted above implies "separation for every cause." Also, Music holds that *aphiemi* means divorce. ¹⁴⁴ This word is used in I Corinthians 7:11 as a synonym of *choridzo*.

Paul discusses two scenarios in the event of such a divorce taking place. The husband may not be willing to be reunited with his wife. In that case, she must remain "unmarried" to another since that would be adultery (Matt. 19:9). But if it is possible she should be "reconciled to her husband." "Reconciled" is from *katallasso*, "to reconcile (those who are at variance)...let her return into harmony with her husband, I Cor. 7:11." Since the two are "unmarried" from a civil viewpoint, their scriptural reconciliation would involve meeting legal requirements (Rom. 13:1-7; Titus 3:1; I Pet. 2:13-14); they would have to be "remarried" according to civil law. "Reconciled" is used in verse 11 rather than "remarried" because it more accurately conveys the nature of the reunion from God's viewpoint. To men it is remarriage, but to God it is more of a reconciliation.

A legal but unscriptural divorce neither dissolves the marriage bond nor precludes the possibility of reconciliation. As Coiner notes, "reconciliation is not obviated by a legal decree." It is absurd to hold that this reunion is adultery. Paul authorizes this reconciliation; the contradictory view implies that it is unscriptural. Thus, I Corinthians 7:10-11 is proof of the minor premise of the basic argument of the thesis.

However, the reconciliation of the divorced couple in I Corinthians 7:10-11 is different from the remarriage of a couple

¹⁴³ Ibid., p. 139.

¹⁴⁴ Ibid., p. 139.

¹⁴⁵ Thayer, Greek-English Lexicon, p. 333.

¹⁴⁶ Harry G. Coiner, "Divorce and Remarriage," *Concordia Theological Monthly* (St. Louis, MO: Concordia Publishing House, 1963), September, 1963, vol. 34, no. 9, p. 551.

divorced for fornication. Unlike the case in I Corinthians 7:10-11, a divorce for fornication dissolves the marriage bond. It is not merely a legal dismissal. The reunion of this couple would entail God joining them together (Matt. 19:6) as He did the first time they were married. Where is the scriptural authority for this reunion? Paul authorized the reconciliation of a couple divorced for unscriptural reasons, but does Scripture authorize the remarriage of a scripturally divorced couple?

By way of analogy, Jeremiah 3:6-14 appears on the surface to authorize this remarriage. God, employing the commonly-used Old Testament husband-wife analogy, said "And I saw, when for all the causes whereby backsliding Israel committed adultery I had put her away, and given her a bill of divorce" (v. 8). After the "divorce," the Lord pleaded "Turn, O backsliding children, saith the Lord; for I am married unto you" (v. 14). The analogous elements are: (1) marriage; (2) divorce for adultery; (3) a call to return. However, analogies are employed to convey general truths, and caution should be exercised so that the application of the analogy is not extended beyond the intention of the writer. The analogy in Jeremiah 3 shows that the mercy of God would be extended to Israel upon her repentance in spite of her unfaithfulness ("adultery"). But the attempt to justify the remarriage under consideration by arguing from this analogy is insufficient because the analogy breaks down in several fundamental aspects. First, at the time Jeremiah wrote there was a distinction between the human side and the divine side of the marriage, divorce, and remarriage analogy. God commanded in the spiritual realm that which he prohibited in the physical realm: "They say, If a man put away his wife, and she go from him, and become another man's, shall he return unto her again? shall not that land be greatly polluted? but thou hast played the harlot with many lovers; yet return again to me, saith the Lord" (Jer. 3:1). 147 Second, God was still married to Israel after the divorce

¹⁴⁷ Some translators and expositors hold that the word weshob ("yet return again to me" - KJV, ASV) should be understood as a question rather than a command. The ASV margin

for adultery (v. 14). In a divorce for fornication, the couple are no longer married (Matt. 19:9). These non-analogous aspects render the argument from the analogy invalid.

Authority for marriage is of a general nature (I Cor. 7:2; Matt. 19:4-5; Heb. 13:4; I Tim. 4:3). There are marriages in this category of general authorization that are not explicitly authorized in the New Testament. For instance, the marriage of a man and a woman of different races who are otherwise eligible to marry falls into this class. Though not specifically authorized in the New Testament, this marriage is within the purview of the passages cited above. The boundaries of the class of scriptural marriages are defined by prohibitive principles. As in the Mosaic law (cf. Prov. 18:22 and Deut. 7:1-4), God in the New Testament has authorized marriage with certain restrictions (e.g., Matt. 19:9). Liberty in eating is also given by general statements qualified by prohibitory teaching (I Tim. 4:3-5; Acts 15:29). Eating is lawful unless it violates some biblical principle. Likewise, marriage is authorized except in cases in which it is forbidden by New Testament teaching.

The distinction between authorized and unauthorized marriages involves a basic factor which makes unscriptural marriages unscriptural. Of course, this distinction exists because of biblical teaching. However, there is a common factor in marriages that are forbidden by New Testament teaching. These marriages, in the normal sense of marriage involving sexual activity, are those in which any sexual union between the parties involved is unlawful.¹⁴⁸ Homosexual marriages, polygamous

reads "and thinkest thou to return & c." Keil-Delitzsch state that weshob elai is "infin. abs., and the clause is to be taken as a question: and is it to be supposed that thou mayest return to me?" (Commentary on the Old Testament, vol. 8, p. 79). But regardless of which rendering is correct, it is obvious that God commanded Israel to return (Jer. 3:12, 14).

148 In Jesus' statement "Whosoever...shall marry another committeth adultery" (Matt. 19:9), the sexual union is presupposed in the word "marry". Thus, those who marry unscriptural-

marriages, and adulterous marriages are relationships in which sexual activity is sinful (Rom. 1:26-27; I Cor. 7:2; Matt. 19:9). Only in a scriptural marriage is the sexual union lawful. All other sexual activity is illicit. This dichotomy is evident in Hebrews 13:4: "Marriage is honourable in all, and the bed undefiled: but whoremongers and adulterers God will judge." The basic factor in unscriptural marriages is illicit sexual intercourse. In fact, the only unscriptural marriages in the Christian dispensation are those in which any sexual union is unlawful. Since neither Matthew 19:9 nor other New Testament passages place the remarriage of the divorced fornicator to the former mate in this unscriptural realm, this remarriage must fall into the category of general authorization for marriage.

ly commit adultery, since sexual union is a normal part of marriage. But it is conceivable for a marriage to be without sexual union. Physical problems or even a sudden death (e.g. a car accident shortly after the wedding ceremony) could prevent this union from occurring. What if such were the case in an unscriptural marriage? The same question may be raised in regard to homosexual and polygamous marriages. In hypothetical cases in which sexual union is absent from such marriages, are the participants in them guilty of other violations of God's law? Those in unscriptural marriages make vows which they cannot scripturally fulfill and attempt to live as marital partners when God does not authorize them to do so. They thus attempt to join together what God forbids. Marriage is divinely approved only when God does the joining (Matt. 19:6). An unscriptural marriage is a counterfeit of the divine institution of marriage just as a denomination is a counterfeit of the church Jesus built. Also, one who marries another after unscriptural divorce violates the specific instructions of I Cor. 7:10-11.

149 As to the view that I Cor. 7:39 is another type of unscriptural marriage, see "Difficult Texts From First and Second Corinthians" by Roy Deaver in *Difficult Texts of the New Testament Explained*, Wendell Winkler, ed. (Hurst, TX: Winkler Publications, 1981), pp. 255-258.

It may be objected, however, that there are but three classes of people who are scripturally eligible to marry: (1) those who have never been married; (2) those whose mate has died: (3) those who have divorced their mate for fornication. Since the divorced fornicator is in none of these classes, how can he/she be eligible to remarry the former mate? This objection begs the question, and the alleged classification is inexhaustive. The list does not cover the reconciliation of I Corinthians 7:10-11; it leaves no room for the reunion of a couple divorced for unscriptural reasons.

Another biblical principle involved in the reunion of a divorced couple is restitution, which is defined as "1. the act of restoring something that has been taken away or lost. 2. the act of making good or rendering an equivalent for injury or loss; indemnification. 3. restoration to, return to, or recovery of a former position or condition." ¹⁵⁰ Generally speaking, it is "the repairing of an injury, the righting of a wrong." ¹⁵¹ In both Testaments it is commonly spoken of in connection with theft (shalam, Ex. 22:2, 4, 5; apodidomi, Luke 19:8). However, the basic principle involved is that of restoration, and this concept applies to reconciliation in relationships (man to God, II Cor. 5:18-20; man to man, Matt. 5:23-26). The reconciliation in I Corinthians 7:11 is one of restoring a marriage to its original state. But as Woods observes, the contradictory view "strikes at the doctrine of restitution so often, and with such great emphasis, taught in the sacred writings."152 This theory closes the door of reconciliation and prevents the reestablishment of a marriage originally approved by God.

¹⁵⁰ Standard Dictionary of the English Language (New York: Funk and Wagnalls Company, 1958), vol. II, p. 1074.

¹⁵¹ A. Doolan, "Restitution," *New Catholic Encyclopedia* (Washington, DC: The Catholic University of America, 1967), vol. XII, p. 400.

¹⁵² Guy N. Woods, *Questions and Answers: Volume II* (Nashville, TN: Gospel Advocate Company, 1986), p. 254.

Summary

The prohibition of Deuteronomy 24:4 is Mosaic legislation and is not binding in the Christian dispensation. Divorce and remarriage texts in Jesus' teaching do not establish the contradictory view. The word "another" is ignored in the exegesis underlying this position. The phrase "from her husband" in Luke 16:18b indicates that the person marrying the divorced woman is someone other than the person who put her away. *Adultery* in Scripture always involves a third party, and no third party is involved in the remarriage under consideration. The phrase "her that is put away" (Matt. 19:9b) is unqualified and refers to a person divorced for any reason. If this passage condemns the remarriage of a couple divorced for other reasons. But the reconciliation of an unscripturally divorced couple is authorized by Paul in I Corinthians 7:10-11.

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