

10 Cheshvan, 5766 (Nov. 12, 2005) **(3) Seminar: Divorce and Remarriage (Matt. 19:3-9)** J. M. Terrett

**Lech Lecha**                    **Go Forth, Yourself**  
**Torah:**                        **Gen. 12:1-17:27**  
**Haftarah:**                **Is. 40:27-41:16**  
**Brit Chadashah:**        **Rom. 4:1-12 (L); Rom. 4:1-25 (F)**

When I did my thesis on Divorce and Remarriage in 1982, I originally wanted to do it in three parts: (1) Various denominational positions (2) the Biblical Meaning of Marriage (3) Divorce and Remarriage according to Matthew 19:3-9 (4) Additional Insights from I Cor. 7:10-16. After looking at around twenty positions, I abandoned my examination of various denominational positions because there was so much diversity that I could have done my thesis on this aspect of the problem alone. I decided to see if I could establish a New Testament, Biblical understanding of the problem, and to my amusement and dismay I discovered almost as much disagreement among biblical scholars as there was among denominations.

Basically, many groups of believers seem to formulate their position by taking a proof text out of context and imposing a point of view on the Scriptures, rather than developing a position based on both the text and the context of Scripture. When I expanded my study to include insights from liberal scholarship, I found that although they had trouble accepting the text as authentic, they at least, did allow the text and the context to speak for themselves. So I proceeded to define marriage and from that definition, and I outlined what the Scriptures allowed in terms of divorce and remarriage.

So I would like to conduct this seminar in three parts: (1) a biblical definition of marriage. (2) a biblical definition of divorce and remarriage (3) biblical insights which I have gleaned since 1982.

#### (I) A Biblical Definition of Marriage

One of the sources I read correctly pointed out that Matt. 19:3-9 pulled together all the relevant material on marriage and divorce and I want to refer to verses 4 and 5 to put together a biblical definition of marriage. Here you have one man leaving his two parents and joining with one woman, so that the two genders become one flesh. So by association, you also have one woman, leaving her two parents and joining with one man, so that the two genders become one flesh. **It is the primary permanent, voluntary bond in Scripture.**

You have two aspects to this bond. One the one hand you have the genetic heritage, mixing and interweaving, generation by generation, so that the blood of mother Eve and father Adam still flows deathless in all of our veins. On the other hand, you have the spiritual and cultural baggage which a mother and a father pass on to their children, which either has a four generation negative life span, or a thousand generation positive heritage. Marriage is where the genetic link gives each generation the opportunity to retain or to lose the spiritual, socio-cultural link which G-d established with our first parents. The genetic link is **permanent**, the socio-cultural link is **voluntary**. Thus, marriage is the primary building block of our society, in every nation and generation of mankind, and it has two primary characteristics: ***sexual exclusivity*** and ***mutual accord***.

The two become one in a sexual union which is used as a figurative reference to the relationship which exists between our Messiah and His bride, the church, made up of the Jew first and also the Gentile. There are limitations placed on how this sexual bond may be formed and how it may be broken. Principally, Leviticus 18 outlines the **three limitations** which the Bible places on sexual bonding. A sexual bond should not violate **kinship** (vs. 6-18), **gender** (vs. 22) or **species** (vs. 23). Violation of any of these limitations constitutes forbidden sexual practices, which are also called abominations.

Sexual bonding is primarily the joining of the two genders so that either gender of mankind would not be alone. It also means that when this gender bonding occurs in every generation of mankind, the children which are conceived, and raised would in their turn leave their parental nest. Sexual bonding therefore serves a triple function: it unites the two genders, it moves a child into an adult role and it produces a new generation of children who will repeat the process until the Kingdom comes. Sexual exclusivity not only limits with whom this bond can be formed, but says that once it is formed, it needs to remain exclusive, since the two have become one.

The three or the thousand do not become one, but the two – one man and one woman become one flesh. I will deal with polygamy later on. This oneness is both sexual and voluntary – leave, cleave and become – and it is based on **mutual accord**. In other words, it cannot be a kinship bond, which you inherit at birth within an extended family. It is genetic only in that the genetic material of our species comes together and is passed on through sexual bonding. Marriage must be voluntary, even if it is arranged – Rebecca had to agree before Abraham's servant was allowed to take her home for Isaac.

It cannot be one gender lording it over the other, it must be a mutual submission based on agreement. In my marriage counselling, I outline the three communication keys to marriage: communication, negotiation and agreement. The sexual bonding is the plumbing, the agreement actually builds the home where children are nourished and where the ***generational socio-cultural spirituality*** is passed on.

Well, what about divorce?

(II) A Biblical Understanding of Divorce (and remarriage)

In Matthew 19, divorce is seen as a spouse being set free from one marriage in order to enter a subsequent marriage. In other words, in the Scriptures, divorce was never intended to create a state whereby either party would remain unmarried after their marriage ended. The passage deals with legitimate and illegitimate divorce and remarriage. Essentially, the question is always whether or not the divorce was legitimate, the right to remarry is assumed. Yeshua actually mediates between the two main interpretive schools of First Century Judaism: **Hillel** and **Shammai** and introduces a radical concept into then contemporary Judaism: ***a man can commit adultery by improperly divorcing his wife, in order to marry another.***

Traditionally, **Hillel** interpreted Deut. 24:1 (some unseemly thing "***erwath devar***") to mean that if she burned his toast, or did anything which he found "unseemly" he could divorce her. **Shammai** was stricter and said that if she flirted or acted in a sexually provocative manner towards another man, the offended husband could divorce his wife. Yeshua went right back to the original intention of G-d and said that the sexual bond could only be broken by that which made it a bond – ***sexual immorality.***

This is the meaning of Matt. 19:9. Without "except for fornication" the verse would read: if a man divorces his wife and marries another, he commits adultery. Once you factor in the "except for fornication", the verse reads like this: if a man divorces his wife due to fornication, and marries another, he does not commit adultery. Violating the sexual bond, allows the violated man (or by association the violated woman) to end the broken relationship and to enter into a subsequent relationship without committing adultery.

Fornication (*porneia*) is the general Greek word for any kind of sexual misconduct; including the exclusions we have already mentioned (kinship, gender, and species). Adultery refers to sexual misconduct where one or both spouses violate the sexual bond which they have established.

In my study of this passage and of 1 Cor. 7:10-16, I discovered that there were three reasons why a divorce could legitimately occur: (1) fornication, (2) desertion by a non believer, and (3) incompatibility. My study also outlined that there were only two legitimate reasons for a remarriage to occur: (1) fornication and (2) desertion by a non believer. I want to deal more with the meaning of desertion by a non believer in my last section, so let me conclude this section with a discussion of incompatibility.

Paul was responding to questions which the Corinthians had written to him about (1 Cor. 7:1) and distinguished between what the L-rd said (7:10) and what he said (7:11). By this he meant that he would base his primary response on **previous biblical material**, and then extend the principles of the Bible into situations which are not dealt with specifically by the Scriptures – sort of what Moses' father-in-law, Jethro, was talking about in Exodus 18:13-26. The women may have been asking him whether their new faith released them from marriage bonds contracted prior to their conversion, so that whether or not their husbands followed them into the faith, they could somehow become free to pursue their new found spirituality, without being held back by the domestic duties which a marriage placed upon either partner.

You see in the Roman world, woman had much more freedom than in other ancient societies, and while the Romans did not usually practice polygamy, divorce was a common practice, especially among women who either grew tired of their spouse, or saw a better possibility with someone else. They were in fact practicing "serial polygamy" (more than one spouse, but only one at a time, kind of like today). Paul said that they could divorce their current spouse for reasons other than those granted by the L-rd, but that they were not free to remarry, if the divorce was just a **strategic manoeuvre**, which I have called incompatibility.

Marriage generates an endless series of interpersonal problems which it is both the duty and privilege of the couple to solve and if for whatever reason one or both of them were unwilling to work towards reconciliation, then both parties were granted an indefinite "time out". This time out did not release either party from the marriage and was only over, when reconciliation occurred.

There are many side issues related to this topic that we may explore at greater depth either at our Havdallah services or during our regular Wednesday yeshiva times. Let me conclude with three main side issues which I have wrestled with since the original document was penned. But first a summary in three parts.

(A) The Scriptures define marriage is a **permanent voluntary union** between **one** man and **one** woman, based on **sexual exclusivity** and **mutual accord**. (B) There are only **three** legitimate reasons why a marriage can be terminated through divorce: **(1) fornication, (2) desertion by a non believer** and **(3) incompatibility**. (C) There are only **two** legitimate reasons why a remarriage can occur: **(1) fornication** and **(2) desertion by a non believer**.

(III) Biblical insights which I have gleaned since 1982 (Desertion, husband of one wife, repentant offender)

But what does desertion by a non believer mean? In 1 Cor. 7:12 it says that if a wife has a non believing husband who **consents** to dwell with her, she should not divorce him. Three issues derive from this verse. **First** of all what constitutes a non believer? According to I Cor. 5:9-13, it is not just someone who does not believe, it included someone who **acts like a non believer**. Paul stipulates that we are not to even eat with such a person, so we had better not be sleeping with them either. **The one who claims to believe and yet who lives an immoral lifestyle, in contravention of the Laws of G-d (kinship, gender, species and other forms of criminal behaviour), should be treated like a non believer (see Matt. 7:21-23 and 25:31-46).**

Secondly, what does **consent** mean? In Israel there is provision made for the non believer to dwell in the midst of the believing community. All the moral, and social stipulations which applied to the believer also applied to the non believer – in other words, while the non believer was not expected to participate in such covenant obligations as circumcision and worship, they were expected to keep the Sabbath and were not allowed to practice any form of paganism (idolatry or fornication) while they dwelt among the believing community. This level of consent is what I believe Paul is referring to, where the non believer not only agrees not to interfere with the practice of the believer's faith, but also lives a **believer friendly lifestyle** which does not bring into the home or the community elements of forbidden paganism.

**Finally, consent means mutual accord and cannot just be one sided.** Living with someone by default is not the same as agreeing together. If the unbeliever says that he or she is willing to dwell with the believer, but wishes to pursue an independent lifestyle, or wishes to impose an unacceptable lifestyle on the believer, this is not consent. Some spouses knock their mates around and say, I agree to live with you, so you cannot divorce me. Some spouses fool around, lie, bring in substance abuse and other forms of criminal behaviour into the home and are willing to dwell with the believer and there may still be mutual genuine affection. This is not consent, because **consent means upholding the biblical understanding of marriage.**

What happens if a spouse commits fornication and repents? Again, mutual accord needs to come into play. The offended spouse may end the relationship, or may choose to accept the offender back into the relationship (after a little trip to the clinic to deal with possible **organic hitchhikers**). We are to forgive one another seventy times seven times a day, but forgiveness must be based on repentance. The offended party may say that the marriage is over and that if the offending party wishes to start again at square one, it's a new ball game. These are instances where individual situations need to be dealt with redemptively and biblically.

Finally, what does the husband of one wife mean (I Tim. 3:2, 12)? It is not referring to the situation of divorce and remarriage, but to the question of polygamy, which was a common practice at this time.

Moses said Messiah would speak words which he himself had not spoken (Deut. 18:18) and Messiah said that in so speaking He would never abolish (contradict) that which was already given (Mat. 5:17-20). In Matthew 19 He said that the provision for divorce was given because of the hardness of the human heart and while the New Testament nowhere directly forbids the practice of polygamy, here, in I Timothy 3, Paul, places the only restriction which the Bible stipulates – ***no polygamist can occupy a position of leadership within the believing community.***

So if someone comes to faith with more than one wife, they are not to be excluded from the community, nor are they required to select one wife (or husband) and put away the others. Paul says that we are to remain in the condition we were when we were called. We are transformed by our faith, so that the inner change redeems the outer condition. So a slave, a polygamist, a Jew or a Gentile does not have to seek to change the socio-economic realities of their life, in order to serve the L-rd. Their leadership potential may be temporally or permanently impaired, and in these passages, the historical and biblical context of Paul's writings indicate that he is limiting positions of community leadership to monogamous persons, male or female.

If it were taken to exclude remarried and divorced people from leadership, in the same token it would exclude single people (like Paul) and even married people who did not have any children. I welcome comment on the topic, and am somewhat amused that much of what I outlined in 1982 has become practice among a growing number of evangelical denominations. Divorce is not the unforgivable sin, nor does it prevent remarried believers from fully exercising their leadership gifts. In the Scriptures a divorce for legitimate reasons carried with it the provision of legitimate remarriage.

Also the offending person, as well as the offended person, could both remain participating members of the community, through repentance and forgiveness – especially as concerns their permanent duty to whatever children they brought into the world together.

Questions?

Shalom.