

## Topic 4: Divorce

Verses: Matt 19:3-9, Mark10: 2-12, Luke 16:18

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### Differences

- In the Matthew's and Mark's accounts what Jesus said about divorce was a response to the test from the Pharisees. But Luke didn't mention any test.
- In Matthew Jesus directly replied to the first question. In Mark Jesus countered them by asking a question.
- The orders of the conversation are different. In Matthew, Jesus talked about Genesis first and then Moses later. In Mark they talked about Moses first and then Jesus cited Genesis next.
- In Mark, Jesus said that to divorce and then remarry is considered adultery without any exception. But in Matthew Jesus added that divorce due to sexual immorality can be excused.
- In Matthew, Jesus talked about adultery as a reply to the Pharisees. In Mark, Jesus told this to His disciples when they were in the house.
- In Matthew, Jesus said that anyone who divorces his wife, except for sexual immorality, and marries another woman commits adultery. This pinpointed one man only. In Mark, Jesus said that either a man or a woman could commit adultery. In Luke, Jesus said that two men might commit adultery.

### Divorce in the Jewish culture

Most instances of divorce in the Old Testament are concerned with the Mosaic Law. Divorce is considered an unclean state and a divorced woman is regarded as a defiled person. For example, Levitical priests are not allowed to marry a divorced woman (Lev 21:7, 21:14; also Ezek. 44:22). Nonetheless, the daughter of a priest who is divorced can return to her father's home and live a normal life (Lev 22:13). In Numbers, divorced women are solely responsible for any oaths they take. Unlike married women or unmarried daughters, the oaths of divorced women do not need the approval of the male head of household (Num 30:9). In addition, the first husband cannot remarry a woman he divorced after she has married another man (Deut. 24:1-4). Hence, divorced women still have certain rights. They are not "untouchables" that face total rejection from the community. They could still live with their father, take oaths, and remarry (Morris, 2014).

In most cases Jewish men could divorce their wives but it is very rare for women to do the same. For example, according to Mark 6:17-18, the most famous marriage in Galilee was the marriage of Herod Antipas and Herodias, who had divorced her husband. And John the Baptist was executed because of his challenge to his marriage (Mark 6:17-29) (Stein, 1992). However, the powers of men and women were still asymmetrical. In Jesus's time, the school of Hillel, a branch of the Pharisees, stated that a man could divorce his wife if she burned the toast. Later rabbi of this school added that divorce was allowed if the man found another woman fairer than his wife (Keener, 1993). The divorce could be done by a simple, unilateral declaration. There was no trial and no appeal (Carson, France, & Wenham, 1994). That's why in Matthew 19:3 some Pharisees asked Jesus, "Is it lawful for a man to divorce his wife for **any and every reason?**" In short, easy divorce was popular in first-century Judaism and wives were vulnerable.

### Adultery in the Jewish culture

Adultery is defined as a man sleeping with another man's wife or with a woman engaged to another man (Deut. 22:22-27). Adultery is condemned as a sin in the Old Testament and is strictly

prohibited. If a married woman has sex with a man that is not her husband, she shames her husband and death penalty is the only way to restore honor (Exodus 20:14; Lev 20:10; Deut. 5:18; 22:22). Numbers 5:11–31 illustrates the procedure to determine whether a married woman is guilty of adultery or not. First, the man brings his suspected wife to the priest. Next, the case is brought to the elders at the city gate. Then the priest makes the woman drink water mixed with dust from the tabernacle. She has to swear an oath and make an offering to God. If the woman is guilty, the curse in the water would harm her, otherwise she would be intact (Marsh, 2014).

Based on the concept that physical adultery is a serious sin, spiritual adultery is also rebuked in the Old Testament. Spiritual adultery is the disloyalty of the covenanted people of God who worship and serve foreign gods. The origin of this spiritual adultery can be traced back to the cultic prostitution and associated idolatry found in Canaan (Powers, 2000).

### **Divorce in the Greco-Roman society**

In the Jewish culture usually only the man could divorce his wife; though there were some rare exceptions. But in the Roman society a woman had the equal right as men to initiate a divorce. Under the Roman law marriage was based on consent instead of *manus* (the power of man over woman). Any adult man and woman could declare themselves as husband and wife under a proper guardian. In this case, any party could withdraw the consent anytime. If the husband initiated the divorce, he had to return the full dowry to the woman (Thompson, 2010).

### **Adultery in the Greco-Roman society**

Like the Jewish culture, in ancient Rome a man's honor was tied to the sexual purity of his wife. If his wife is unfaithful to him, he is dishonored. In other words, adultery means trespassing on the "property" and the honor of another man (Malina, 2001). Nonetheless, adultery was regarded as a private matter for families to deal with, not a serious criminal offense requiring the intervention by the legal system. Like the Old Testament's and Jesus's teaching, adultery was a legitimate reason for divorce. As mentioned before, if a husband wanted to divorce his wife, usually he had to return the full dowry. However, if the wife committed sexual infidelity, the victimized husband could keep a portion of her dowry upon her departure (Edwards, 2002).

The preceding comparison indicates that to some extent the Roman women were given more rights in divorce than their Jewish counterparts. First, a Roman woman could initiate a divorce, but it is rare among Jewish women. Second, in Jewish culture it is not uncommon for a woman who committed adultery to be stoned to death. But the Romans handled this in a more humane way. The wife at fault could even get some of the dowry back.

Simply put, the Jewish women were powerless and unprotected. Because men could easily divorce women unilaterally, Jesus' opposition to easy divorce is to defend married women (Keener, 1993). It seems that Jesus wanted to tip the scale by saying that men could not do whatever they want without consequences. Jesus warned men that divorce without a sound reason and marrying again is a sin against women.

Given the preceding cultural backgrounds of the Jewish and Roman societies, one can see that Jesus's remark in Mark 10:12 is very unusual. Divorce initiated by a woman is supposedly a Greco-Roman practice. No wonder the authenticity of Mark 10:12 is questioned by some scholars (Stein, 1992). Nevertheless, it is plausible that Jesus said so to make the point that divorce could equally affect both parties, and both genders should be responsible for sexual fidelity inside marriage.

### **Nature and basis of Jesus's reversal of the Law**

The Pharisees appealed to Deuteronomy to support divorce, but Jesus invoked an even older tradition: Genesis 2. Deut. 24 is **not the ideal case**. This happened because, as Jesus said, our hearts were hard. Jewish Law had a category called “**concession**”: some behaviors were permitted only because it was better to put sin under control than to leave it unchecked. In Mark Jesus asked, “What did Moses command you?” The Pharisees changed the word from “command” to “permit” by answering “Moses permitted a man...” By asking what Moses command, Jesus forced them to realize that divorce is permitted but not commanded (Keener, 1993).

The first marriage between Adam and Eve demonstrates an ideal model featuring a committed monogamous relationship that fuses two individuals into one. Unfortunately, after the fall of Adam and Eve the ideal is broken, and therefore Moses allowed divorce. In the Gospel of Matthew, Jesus tried to **restore the ideal** marital relationship (Nolland, 2005). In Mark 10:5 Jesus calls the divorce law a “commandment” and invalidates it. In Matthew Jesus uses the word “permission (Matt 19:8), so he does not invalidate a commandment.

### **Different focuses of the three accounts**

**The Matthean focus:** Matthew added an exception to Jesus’ teaching regarding divorce and remarriage: sexual immorality. Matthew attempted to portray Jesus as the fulfiller, not the breaker, of the Law (Strauss, 2007). By adding the exception, Matthew resolved any seemingly conflict between Jesus’s new teaching and the traditional Mosaic codes (Mt 5:17). In addition, Matthew did not want to portray Jesus as legalistic as the Pharisees and therefore Jesus did not make an absolute principle to cover all circumstances (Stein, 1992).

In addition, unlike Mark that evenly distributed the responsibility to both genders, Matthew only mentioned Jesus’s speaking against divorce and adultery in the perspective of man (v9). As mentioned before, in the first century Jewish society a man could divorce his wife if he found a “better” woman. It is possible that Matthew wanted Jesus to speak for the powerless.

**The Markan focus:** Mark made Jesus’ teaching **universal**. In other words, the warning of adultery is applied to both men and women: “Anyone who divorces his wife and marries another woman commits adultery against her. And if she divorces her husband and marries another man, she commits adultery” (Stein, 1992). However, in V11 Jesus added the phrase “against her” but in V12 He did not use the phrase “against him.” This implies that Mark recognized the fact that women were in a disadvantageous position; women were more affected by divorce and adultery than men and Mark may include a **gentile audience**.

**The Lukan focus:** According to Stein (1992), it is difficult to determine the focus of Luke in this passage due to its brevity. There are several plausible explanations. It is possible that Luke attempted to show the abiding validity of the Law (16:16). It is also plausible that this teaching was made against the Pharisees because of their love of money (16:14) or other pharisaic vices (16:14–17).

### **Except for unchastity**

The exceptional condition “sexual immorality” was not found in Mark and Luke. One plausible explanation is that Matthew wanted to soften an absolute prohibition of divorce. A better explanation is that Matthew countered what most Jewish men had taken for granted that sexual infidelity could automatically end a marriage. This core message of Jesus is NOT: there is a way out of your current marriage: unchastity. Instead, what He meant is: Don’t divorce hastily unless you have a very strong reason: sexual unfaithfulness.

The immediate context of Matt. 19: 3-9 can help us further understand why Jesus said so. In v.10 the disciples said to Jesus, "If this is the situation between a husband and wife, it is better not to marry." The disciples got it. They knew that in Jesus's view marriage is a **life-long commitment**. The cost of following God's way is very high and thus His disciples were redundant to be bound by this obligation. However, Jesus made it clear that lifelong faithfulness to one partner is the original plan of God's creation (Carson, France, Motyer, & Wenham, 1994).

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