

# The Law of Divorce

📖 Matthew 5:31-32

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Now this is a very short treatment of Jesus' views of marriage and divorce under the Mosaic Covenant, only two verses. Jesus will return to this issue in much more detail in Matt 19 so we will set the stage here for the full picture in Matt 19. Tonight we have just two verses. **"It was said, 'WHOEVER SENDS HIS WIFE AWAY, LET HIM GIVE HER A CERTIFICATE OF DIVORCE';<sup>32</sup>but I say to you that everyone who divorces his wife, except for *the* reason of unchastity, makes her commit adultery; and whoever marries a divorced woman commits adultery.** What do we have to know to interpret these two verses? The context. What is the context? Matt 5:21-48. What formula is repeated six times in this context? Jesus will say something like, "You have heard it said..." and then He will say, "but I say to you." What is the meaning of this contrast? Does it mean Jesus is giving a new law beyond the original law? No, that would violate verse 17 which says He did not come to abolish the Law but to establish it. Well if He's not abolishing it by giving a new law what is He doing? Establishing it by giving the true interpretation. It's a series of contrasts with the interpretations of the scribes and Pharisees. Why does He contrast it with what the scribes and the Pharisees taught? Because they dominated the scene. Their interpretations were espoused and projected from every synagogue every Sabbath. So if an alternative interpretation was going to be projected into that culture it would be most effective to do so by a series of contrasts.

Also, observe that Jesus is acting as the authoritative interpreter of the Law. He's not quoting rabbinic authorities from prior generations. He's interpreting on the basis of His own authority. Did the crowds, by the end of the sermon, detect a difference between Jesus' methods and that of the scribes and the Pharisees? You bet. It says "the crowds were amazed at His teaching; for He was teaching them as one having authority, and not as their scribes." All the scribes did was quote rabbi after rabbi who said, "This is what it means..." and that formed a corpus of oral tradition. But Jesus just said, on the basis of My own person, "I say to you, it means this..." So there was a difference in interpretation.

What was the essential difference? Different kind of righteousness! Righteousness - an external vs an internal righteousness. The scribes said the Law of Murder meant don't commit the physical act of murder. And as long as you didn't commit that act you were righteous. What did Jesus say? If you get

angry with your brother then you've committed murder in your heart. What's the problem with anger in your heart? It's the root underneath the physical act. So is He denying that the Law condemned the physical act of murder? No. He's just saying the Law goes further than that and it addresses the heart where the spirit of murder originates.

Looking at it from the standpoint of the scribes and Pharisees would they say the physical act of murder was sinful? Yes. You'd be liable to the court. But would they say anger in your heart is sinful? No. So what essentially had they done? Re-defined sin! That's an issue; a big issue. They'd re-defined sin so that anger in their heart was no longer sin. Sin to them was committed only with the external act. Was that a valid definition of sin? No, it's a very shallow definition of sin. What else did they have to do to re-define in order to define sin that way? They had to re-define God. They had to have in mind a different shape of God than the true God because the true God doesn't just look at the outside, He looks at the inside, at the heart. So what else did they have to re-define? Righteousness! Did they see themselves as righteous? Yes. Did God see them as righteous? Not at all. This was an entirely corrupt way of seeing things. Do you see why they needed to repent? 5:20 is saying that that generation had to display before God a righteousness that surpassed that of the scribes and the Pharisees in order to enter the kingdom, which would mean an internal rather than a merely external righteousness.

So the scribes and Pharisees had re-defined sin, re-defined God, re-defined righteousness. Pharisaism was a man-made religion. So now do you see what Jesus is doing? Jesus is bringing them back to the true meaning of sin, the true character of God and the true character of righteousness. And He's doing so by this series of contrasts; "you have heard it said...but I say to you." That's the context for what is happening. So when we come to verse 30 and Jesus' views of marriage and divorce what are we bound to conclude? That however we interpret Jesus' views on marriage and divorce they are more stringent than those taught by the scribes and the Pharisees; that they really get to the heart of the matter. Does anyone have a problem with that? Somehow the standard had been relaxed and Jesus is restoring the standard. We don't even have to know what the scribes and Pharisees taught in order to know that it failed to meet God's requirement of righteousness. Okay, that sets the stage.

What did the scribes and the Pharisees teach? What was the historical background? There was heated debate around the marriage and divorce question in Jesus' day. Anyone know what they taught? They had two schools of thought; the school of Shammai and the school of Hillel. The school of Shammai was strict; the school of Hillel was liberal. Glasscock says, "In the oral tradition of the Jews there was great diversity of opinion as to what Moses intended." Alright, so it does get back to a passage in Deuteronomy and it's that passage that was under dispute. So we'll look at it tonight. "The popular rabbi Hillel taught that almost any weakness in the wife would allow for divorce. In strong contrast, Rabbi Shammai...taught that divorce was permitted only on the grounds of sexual immorality."<sup>1</sup> Which

school of thought had won the day in the time of Christ? It was the doctrine of Hillel; that virtually any weakness in the wife was grounds for divorce. So you can imagine the divorce rate was pretty high. This was a distortion of the original intent. Smith says, "The Mosaic Law permitted divorce when a wife proved faithless; but the Rabbinical interpreters after their wont disputed over this enactment. The school of Shammai adhering to the letter of the Law, held that a wife should not be divorced except for unfaithfulness; whereas the school of Hillel, with a laxity very agreeable to the general inclination, allowed a husband to put away his wife "for every cause" —...<sup>2</sup> "...even for the most trivial offenses. The Jewish woman could not divorce her husband, as could the Roman and Greek women; but the man could put his wife away for almost any senseless excuse. They took the words: "matter of shame" in Deuteronomy, in the widest possible sense: if "she found no favour in his eyes," or "he found another woman more attractive"—which sounds modern enough—he could put her away. Many specific offenses were enumerated, such as going in public with uncovered head, entering into a conversation with other men, speaking disrespectfully of the husband's parents in his presence, burning the bread, being quarrelsome or troublesome, getting a bad reputation or being childless (for ten years). The school of Hillel had prevailed, and there was great general moral laxity now."<sup>3</sup> Obviously this was a serious deprecation of women. "Woman had become a mere chattel of man, subject to his inhuman and cruel treatment."<sup>4</sup> "It was customary for a rabbi of the school of Hillel, when he visited a strange town, to make public advertisement for a woman who would serve as his wife during his sojourn there. It was an inhuman system and inflicted cruel wrong upon womankind. It put the wife at her husband's mercy. She could not divorce him, but for any whim he might divorce her and cast her upon the world."<sup>5</sup> Of course, not all rabbi's followed this practice as Edersheim notes in his *The Life and Times of Jesus the Messiah*.<sup>6</sup> Nevertheless, it was the prevailing sentiment.

Note how Jesus introduces this prevailing sentiment. **"It was said, 'WHOEVER SENDS HIS WIFE AWAY, LET HIM GIVE HER A CERTIFICATE OF DIVORCE';** where had this been **said**? It had been said in the synagogues Sabbath after Sabbath after Sabbath. Who said it? The scribes and the Pharisees who would stand and read from the Law and then sit to give rabbinic interpretation. Did they read the Law correctly? Is this an accurate statement of the Law? This is actually not a quote from the Law but a summary of the Law. Where do we need to turn to find the original Law? Check your margin. Deut 24:1-4. Let's turn to the original and see what the original Law said.

Observe verse 1, "When a man takes a wife and marries her, and it happens that she finds no favor in his eyes because he has found some indecency in her..." By the way, that expression "found some indecency in her" was the controversial phrase at the time of Christ. What does it mean "found some indecency in her?" Is that to be taken strictly, as on one hand, the school of Shammai interpreted it to mean *found some sexual unfaithfulness in her*? Or on the other hand widely, as the school of Hillel interpreted it, to mean *found any cause of divorce in her*? Meaning if she simply burned his toast or

found another woman more attractive. What is the indecency? That was the interpretive debate and the school that had won the day was the school of Hillel. If you looked out the window and saw a prettier girl you could say your wife is not as pretty as that girl and then what? You could "write her a certificate of divorce and put *it* in her hand and send her out from his house." You could divorce her. Why did you give her a certificate of divorce? To certify that she indeed was legally divorced and could therefore remarry. At that point, with certificate in hand, verse 2 says "she leaves his house and goes and becomes another man's *wife*." So the certificate of divorce allowed her to remarry without committing adultery. If she didn't have that certificate it would have been adultery. Here's the quagmire: if the school of Hillel was interpreting the indecency wrongly and saying, "Well, it just means any senseless thing she does you don't like," and they were using that as a basis for getting divorces left and right, were they truly getting divorced? Was the certificate of divorce they were giving their wives truly valid? Because if that's not what the law meant then the divorces were invalid and they were sending them away with invalid certificates so that when the girl remarried she was really now married to two men and that means she was committing adultery. The scenario goes on in verse 3, assuming here though, that it is valid, "and if the latter husband turns against her and writes her a certificate 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, her former husband who sent her away is not allowed to take her again to be his wife." So if the second marriage ended in either divorce or death could she then go back to her original husband? No, "since she has been defiled; for that is an abomination before the LORD, and you shall not bring sin on the land which the LORD your God gives you as an inheritance."

Alright that's the law and essentially the law is saying that if a man married a woman and he divorced her and handed her a certificate of divorce then she could remarry another man and then if that man died or divorced her she could not go back and remarry her original husband. What is really going on here? Why was this Law given? One rabbi from the Renaissance period explained, "...it is an abomination....'because this is a [subtle] way of introducing adultery, the husband divorces his wife at the request of the adulterer so that he may take her for a period of time [after which] her first husband will take her back." In other words, the Law was trying to circumvent a form of wife swapping that God predicted sinful men would practice. The Law stated that once a man gave a woman a certificate of divorce "he relinquished any claim to her."<sup>7</sup> "Before one laughs at such subterfuge, consideration should be given to the undeniable evidence in human history of the depravity of man." That was the original intent of the Law.

What had the scribes and Pharisees done by the time of Christ to try and skirt around the Law? Particularly the school of Hillel? Just change the meaning of the verse 1 expression "found some indecency in her." Broaden it so that at a whim we can divorce our wives and get new ones and not be committing adultery. Now do you see what Jesus is doing in Matt 5:32? He's giving His interpretation of

that expression! He's nailing down what that Hebrew word "indecency" really meant. What does He say it meant? **But I say to you that everyone who divorces his wife, except for the reason of unchastity, makes her commit adultery; and whoever marries a divorced woman commits adultery.** He says it means **unchastity**. This is the Greek word *πορνεία* and it's a broad word that refers to some kind of sexual unfaithfulness, usually translated fornication or sexual immorality. We'll fill in the details in a minute. But the key at this time is to see that Jesus is entering into the debate over the Hebrew word "indecency" in Deuteronomy 24:1 and He's defining it so that His disciples know the true basis of divorce. Two questions are raised by His statement. First, what does the exception clause, **except for the reason of unchastity**, refer too? Second, why does this **make her commit adultery**?

First, the very fact that Jesus cites an exception indicates that any cause outside of this exception was an invalid divorce and to remarry under such circumstances constituted an act of adultery. So there was one exception that gave a valid basis of divorce and that reason was **unchastity**. There are several views of the meaning of **unchastity**. First, **unchastity** is adultery. This is the view of J. Vernon McGee. He says, "Adultery breaks the marriage relationship and provides the *one* ground for divorce."<sup>8</sup> However, unchastity is not adultery because these are two different words with two distinct meanings. The Greek word **unchastity** is *πορνεία* and the Greek word **adultery** is *μοιχεύω*. Pentecost says, "The Greek word translated "marital unfaithfulness" is not the word for adultery but is the general word for immorality."<sup>9</sup> Yet even that does not go far enough. Glasscock clarifies, "It is not the same as adultery (*moicheia*), which is the sexual act of a man with a married woman, or a woman with a married man, and was punishable by death (Lev. 20:10). The concept of fornication involves prostitution or improper...sexual behavior." Reisser gives as examples, "homosexuality, promiscuity, paedophilia, and especially prostitution." **Unchastity**, therefore, is sexual immorality with someone outside a marriage contract whereas adultery is sexual immorality with someone inside a marriage contract. Therefore the first view that **unchastity** refers to adultery is not possible. Second, **unchastity** refers to sexual immorality of a woman before or during the betrothal period. This is the view of J. Dwight Pentecost. He limits it to the Jewish betrothal custom when says, "Christ was referring to the Jewish marriage customs of His day. Marriage was begun by drawing a legal contract between the father of a man and the father of a woman, pledging them to each other. This marriage contract was called a betrothal. The couple were called husband and wife by virtue of that marriage contract...That period gave sufficient time to reveal whether the woman was pregnant when the contract was drawn up. The interval also allowed time to see if she would become pregnant by an unfaithful act after being joined by contract to her husband. If the wife proved to be immoral, the marriage need not be completed; the contract could be broken by a divorce...It was in light of this context that Christ granted the exception (19:9). If one who was betrothed to a wife found in the betrothal period that she was guilty of fornication, that is, that she was an immoral woman, the marriage need not be consummated; but it had to be dissolved by divorce."<sup>10</sup> However, this view is

objected to by the fact that in the original law of Deut 24:1 the man divorcing his wife sent her “from his house.” Since the woman was not allowed to live in her husband’s house during the betrothal period then the **unchastity** was occurring after the marriage had been consummated and she had moved into his house. Therefore the view that the **unchastity** refers to sexual immorality discovered during the betrothal period is hopelessly flawed. Third is the view that the **unchastity** refers to sexual unfaithfulness.

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<sup>1</sup> Glasscock, *Matthew*, p 127.

<sup>2</sup> Pentecost, *Words and Works*, p. 354.

<sup>3</sup> Pentecost, *Words and Works*, p. 355.

<sup>4</sup> *Ibid.*, 355.

<sup>5</sup> *Ibid.*, 354.

<sup>6</sup> Alfred Edersheim, *The Life and Times of Jesus the Messiah*, p 332.

<sup>7</sup> Glasscock, *Matthew*, p 127.

<sup>8</sup> McGee, *Thru the Bible: Matthew through Romans Vol. IV*, p 103.

<sup>9</sup> Pentecost, *Words and Works*, p. 357.

<sup>10</sup> Pentecost, *Words and Works*, p. 357-358.