

This paper is based on the second of two papers given in January 2017 at Union School of Theology, Wales, UK

Abstract

This paper will use three hermeneutical keys to unlock some aspects of the disputed NT pericopae on divorce and remarriage to enable an exegesis that is sensitive to its first century context.

Introduction

It is said if you ask three economists for an economic analysis of a situation you might get five different opinions. I suggest that if you have three Christians discussing the NT teaching on divorce and remarriage, you would be fortunate to get as *few* as five different opinions. What is more, each of those opinions would almost certainly be a construct that hardly touches base at any point with the actual text of Scripture—or a biblical worldview.

It can only be imagined when the NT writers made their (albeit brief) comments on divorce and remarriage that they assumed they would be understood. What has gone wrong?

Poythress discusses the use of analogies and models in biblical interpretation and makes the point that a particular view in any disputed exegesis is “made plausible partly by the use of a governing analogy,” and suggests that they can be “used as a key element in a theological or hermeneutical system.”¹

This paper will suggest that in the Christian community we have historically chosen the wrong ‘governing analogies’ when analysing the NT divorce teaching. However, when valid governing analogies are used, I will claim that the NT teaching is both clear and consistent—but a challenge to historical Christian teaching.

I will use three hermeneutical keys to look at some aspects of NT divorce and remarriage teaching.

- 1 The Hebraic understanding of Gen 2:24
- 2 The Bible’s marital imagery
- 3 The social and literary context of NT times

¹ Vern S. Poythress, ‘Science and Hermeneutics,’ in *Foundations of Contemporary Interpretation: Implications of Scientific Method for Biblical Interpretation* Vol. 5, ed. Moisés Silva (Grand Rapids, MI: Zondervan, 1996), 489, 491

1 THE HEBRAIC UNDERSTANDING OF GENESIS 2:24

Genesis 2:24 states:

Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh.

I suggest that ancient Israel's understanding of the verse should be used in any analysis of a NT text where it is employed, rather than the interpretation that has been given to it by the Christian community.

The overwhelming academic consensus within that community is that Genesis 2:24 refers to Adam and Eve, and their marriage is thus deemed to be the model for all subsequent marriages.² That model is used as the prism through which the NT divorce and remarriage teaching is read—and as Gen 2:24 is employed in the Gospel discussions about divorce, and three times in the Pauline corpus, this model confusion has a profound impact on our understanding of some important NT concepts. Our focus today however is on divorce and remarriage.

Genesis 2:23 & Genesis 2:24 compared

[23] וַיֹּאמֶר הָאָדָם זֹאת הִפְעַם עֵצָם מִעֲצָמִי וּבָשָׂר מִבְּשָׂרִי לְזֹאת יִקְרָא אִשָּׁה כִּי מֵאִישׁ לָקַחָהּ זֹאת

[24] עַל־כֵּן יַעֲזֹב־אִישׁ אֶת־אָבִיו וְאֶת־אִמּוֹ וְדָבַק בְּאִשְׁתּוֹ וְהָיוּ לְבָשָׂר אֶחָד

[23] Then the man said, “This at last is bone of my bones and flesh of my flesh; she shall be called Woman, because she was taken out of Man.”

[24] Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh.³

At the heart of Gen 2:24 is a metaphoric concept⁴—immediately after the description of the miraculous primal couple in Gen 2:23 being declared to be (literally) one flesh, Adam describing

² For a representative list of publications over the last twenty years that articulate such a view: Colin Hamer, *Marital Imagery in the Bible: An Exploration of Genesis 2:24 and its Significance for the Understanding of NT Divorce and Remarriage Teaching* (London: Apostolos, 2015), §2.3

³ It can be seen that the man in Genesis 2:24 is naturally born, and ‘leaves’ his family to go to his wife. Rabbinic interest in the verse focused on whether or not it reflected a matrilocal family structure in Jewish history: Bruce Kaye, “‘One Flesh’ and Marriage,” *Colloq 2* (May 1990), 49. Mace reviews the evidence that Hebrew patriarchy was preceded by a more remote matriarchal regime but concludes “such a view is now entirely out of the question”: David. R. Mace, *Hebrew Marriage: A Sociological Study* (London: Epworth, 1953), 76-82. Gehring suggests the husband ‘forsakes’ rather than leaves: René Gehring, *The Biblical “One Flesh” Theology of Marriage as Constituted in Genesis 2: 24* (Eugene, Oreg.: Wipf and Stock, 2013), 22-24; also: Gordon J. Wenham, *Genesis 1-15* (Nashville, TN: Word, 1987), 70

⁴ As explained in yesterday’s paper a metaphor is where ‘A’—the source domain is said to be ‘B’—the target domain, but such is not literally true.

Eve as “flesh of my flesh,” we are told in subsequent marriages, “they [the couple] shall become one flesh.” The two entities are said to equate—A (the couple) is (or rather becomes) B (a one-flesh union). It is not literally true (and such a consanguineous union would be forbidden in the Pentateuch)—thus the statement has all the characteristics of a metaphor demonstrating a false literalism.

If we analyse the Gen 2:24 metaphor we can see that the source domain is found in the one-flesh union of the primal couple, and the familial one-flesh unions between birth children, their parents, and their siblings (such would have been familiar to any reader of Genesis); the target domain is the husband and wife relationship illustrated by those literal one-flesh relationships. Thus the ‘one flesh’ husband and wife relationship is a metaphoric familial one-flesh reflection of the literal one-flesh relationships.

It is clear from the narrative of the OT that although the primal couple were miraculously created and that their relationship was formed by the direct action of God, the pattern of marriage subsequently was that the man and woman were born naturally of their own parents, and any new one-family marital affinity relationship was established by the couple themselves (although this often involved their birth families to varying degrees).⁵ Thus there is no basis there for suggesting that Gen 2:24 teaches that there is a mystical, or ontological dimension to the human marriage union. The verse could have been (and for clarity I believe it should have been) translated as:

Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one family.⁶

A widely-held view in the church and among Christian scholars is that it is coitus that creates the Gen 2:24 relationship.⁷ However, I suggest McCarthy elucidates the situation when he says a

⁵ Anderson sees in Genesis 2:23 (“This at last [עצם הוֹמֵךְ] is bone of my bones and flesh of my flesh”) that the use of the article ה having the force of a demonstrative pronoun is significant because the demonstrative pronoun “this” (זֶה) is also appended to the phrase (“(somewhat redundantly?)” he continues: “Targum Neophyti and Ps.-Jonathan clarify what is so emphatically important and novel about this occasion. ‘This time *and never again will a woman be created from a man as this one was created from me*’ (italics = midrashic explanation)”; he further points out that the Abot de Rabbi Nathan (B) states: “This one time God acted as groomsman for Adam; from now on he must get one himself”: Gary Anderson, ‘Celibacy or Consummation in the Garden? Reflections on Early Jewish and Christian Interpretations of the Garden of Eden,’ *HTR* 82/2 (1989), 125-26. For family involvement in marriage see: Daniel I. Block, ‘Marriage and Family in Ancient Israel,’ in *Marriage and Family in the Biblical World*, ed. Ken M. Campbell (Downers Grove, IL: InterVarsity, 2003), 56–58

⁶ Instone-Brewer believes that in ancient Israel: “‘they shall be one flesh’ would probably have been interpreted to mean as ‘they shall be one family’” and others who take a text-based approach to the verse make similar comment: David Instone-Brewer, *Divorce and Remarriage in the Bible: The Social and Literary Context* (Grand Rapids: Eerdmans, 2002), 22

⁷ For e.g.: William R. G. Loader, *The New Testament on Sexuality* (Grand Rapids, MI: Eerdmans, 2012), 170, 172

covenant was “the means the ancient world took to extend relationships beyond the natural unity by blood.”⁸ In contrast, no covenant was required for the primal couple union, and none is articulated—they were already one flesh. Although this paper will use the term ‘covenant’ in relation to the human marriage agreement it is not intended to endorse any later theological connotations of such.⁹

Genesis 2:24 does not mention any specific marriage agreement, but the readers of the Pentateuch will have been familiar with how marriages in Israel were formed—that is, with a volitional contract which was either understood, or articulated orally, or in writing. This is evidenced in OT legislation, demonstrated in the narratives, and in the extant documentary evidence through to NT times.¹⁰

Thus it seems that it is the family blood relationship that is ‘carried over’ in the Gen 2:24 metaphor to the volitional, covenantal relationship of the husband and wife, and it is that volitional, covenantal relationship which underpins the aetiology of human marriage—husband and wife are now perceived to be ‘kin’—the family is a cohesive unit.¹¹ This is demonstrated in the West when a woman, on marriage, takes her husband’s family name.

The difference between these two concepts can be demonstrated in a family with two birth children, which can be diagrammatically represented like this:

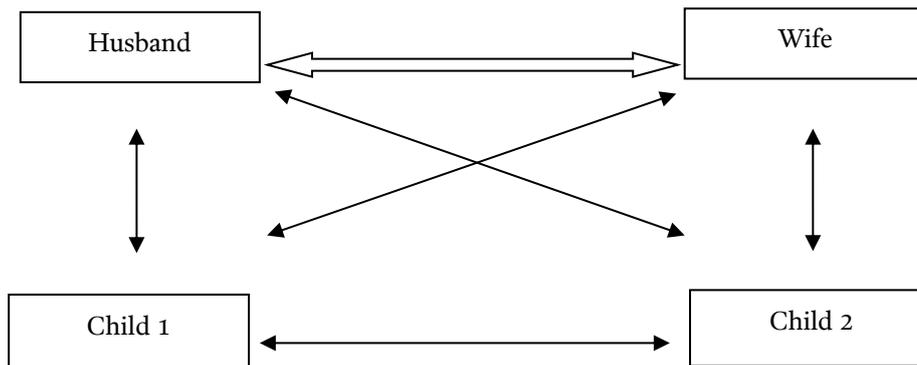
⁸ Dennis J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the OT* (AB 21; Rome: Biblical Institute, 1963), 175; Hugenberger sees the predominant meaning of covenant (בְּרִית) in biblical Hebrew is “an elected, as opposed to natural, relationship of obligation”: Gordon P. Hugenberger, *Marriage as a Covenant: Biblical Law and Ethics as Developed from Malachi* (Grand Rapids, Mich.: Baker, 1994), 171

⁹ Hugenberger asserts that a marriage agreement is a covenant sworn before God, but he fails to identify an undisputed biblical example: Hugenberger, *Marriage as a Covenant*, 216–79; *contra* Instone-Brewer who argues persuasively that mundane marriage is a contractual relationship: Instone-Brewer, *Divorce and Remarriage*, 15–19

¹⁰ In the legislation: Exod 21:7–11; Deut 24:1–4; in the narratives: Genesis 24; 34:8–12; for documentary evidence see: Hamer, *Marital Imagery in the Bible*, §8

¹¹ This situation is reflected in many legal systems where the next of kin of a wife is her husband (and vice versa) even though there is no blood relationship.

Family Relationships



The parent/child/sibling relationships are blood relationships and occupy the same conceptual domain as that of Adam and Eve, in that these relationships are (and always were) one flesh—they are non-volitional, non-covenantal, and permanent—a reality, not a construct. In contrast, the Gen 2:24 one-flesh relationship between the husband and wife is a construct of a volitional, covenantal union.¹²

In UK law, the next of kin for a husband is his wife, and vice versa—the affinity relationship trumping the consanguinity relationships.

Some of the key differences between the conceptual domains of the literal one-flesh relationship of the primal couple, and the one-flesh construct of subsequent marriages, can be set out like this:

Genesis 2:23

1. A miraculous man and woman.
2. Remain as they are.
3. In a literal one-flesh union.
4. Without the need for a covenant.

Genesis 2:24

1. A naturally born man and woman.
2. Choose to become what they were not.
3. In a metaphoric one-flesh union.
4. By means of a volitional, conditional covenant.

Wenham, reflecting the academic consensus and the conflation of the aetiology of marriage in the two verses, states that Genesis 2:24 “is a comment by the narrator applying the principles of the first marriage to every marriage”;¹³ however, it can be seen that the four principles of Gen

¹² The marital one-family construct brings the Pentateuchal prohibited degrees of affinity into force that are similar to the forbidden consanguinity degrees of sexual relationships, as outlined in Leviticus chapters 18 and 20.

¹³ Wenham, *Genesis*, 70

2:24 outlined here are mutually exclusive to the principles underlying Gen 2:23 and the first marriage described there.

Furthermore, if we look closely at the Hebrew of the two verses we can see that in Gen 2:23 Eve came *from* Adam, but the wife in v. 24 comes *into* her new relationship and I point out in my PhD study that these two conceptual domains underpin the tension in the NT between the Jewish concept of the people of God and the offer of the gospel.¹⁴ A Jew is one who came *from* Abraham by means of a consanguineous union, a Christian is one who comes to God, by means of a covenant, *into* a new family relationship with the people of God.

I suggest that this is Jeremiah's point when he describes the new covenant in in Jeremiah 31 as being "not like" the old covenant, in that the new covenant will not pass via a blood relationship from father to son:

In those days they shall no longer say: "The fathers have eaten sour grapes, and the children's teeth are set on edge.' But everyone shall die for his own sin. Each man who eats sour grapes, his teeth shall be set on edge. Behold, the days are coming, declares the LORD, when I will make a new covenant with the house of Israel and the house of Judah, not like the covenant that I made with their fathers on the day when I took them by the hand to bring them out of the land of Egypt." (Jer 31:29-31)

This clash can be clearly seen in Jesus's encounter with the Pharisees in John 8, and the theology of it is spelt out by Paul in Romans 9, and Ephesians 5, where Paul specifically uses Gen 2:24 to make his point, calling it a 'profound mystery.' The profound mystery now revealed in the gospel, is that it is the Gen 2:24 marital *affinity* union of the bridal community with the Bridegroom Messiah, who Paul tells us is the seed of Abraham (Gal 3:16), that enables the promised redemption of many different people groups. They can now all be counted as being in Abraham's family by means of that affinity union—a union that trumps the Jewish consanguinity relationship with Abraham.

As articulated above, the documentary evidence, and the Scripture text itself, demonstrates that in Israel, the principles of Gen 2:24, not those of Gen 2:23, underpin the understanding of marriage within that people group.

¹⁴ Verse 23 has Adam say, translated in ESV, as in most Bibles, that eve is "flesh *of* my flesh"—בָּשָׂר מִבְּשָׂרִי — but the inseparable preposition מ ('from') is employed, and thus it might be translated as 'flesh *from* my flesh' as per the ISV. This can be contrasted with parallel phrase in v. 24, "they shall become one flesh," where the inseparable preposition ל ('into') is used (לְבָשָׂר)—thus Eve was formed *from* Adam (v. 23), whereas the mundane marriage couple come *into* their one-flesh union (v. 24). I am grateful to David Instone-Brewer for drawing my attention to this aspect of the Hebrew grammar of Genesis 2:23–24.

However, the early post-apostolic church conflated the primal couple marriage with the biblical understanding of marriage, a conflation that seems to have been driven by, or at least underpinned by, contemporary neoplatonic concepts, notably in the writings of Philo who reworked the Edenic story to fit his world view.¹⁵

This conflation of neoplatonic concepts with biblical teaching gave rise to a marriage model that: excludes divorce, believes that coitus is primarily for procreation, that celibacy and holiness are linked, and that each marriage is believed to have a supernatural dimension. This model was embraced by the early church, and thus the die was cast for the Church of Rome's understanding of marriage—an understanding that still underpins much of the post-Reformation church's teaching today.

1.1 The Hebraic Understanding of Gen 2:24 Applied to the Gospel Teaching

In light of the Hebraic understanding of Gen 2:24 we can look afresh at the Gospel divorce teaching. In Matt 19:4-6 we have:

He answered, "Have you not read that he who created them from the beginning made them male and female, and said, 'Therefore a man shall leave his father and his mother and hold fast to his wife, and the two shall become one flesh [family]'? So they are no longer two but one flesh [family]. What therefore God has joined together, let not man separate." (Matt 19:4-6)

The academic consensus is that Jesus is talking about Adam and Eve, and affirming (or reaffirming) a primal couple model of marriage for the Christian era. In other words, a marriage created by God with a mystical and/or ontological dimension. And that such precludes, or greatly restricts divorce, at least for believers. However, as has been argued, the 'one flesh' of Genesis 2:24 would almost certainly have been taken to mean by the contemporary audience, a volitional, conditional covenant between two people to make a new 'one family' unit.

But what is to be made of, "What therefore God has joined together, let not man separate." Craig Blomberg suggests, and I agree, that this most probably means the *institution* of marriage, not each individual marriage.¹⁶ That is, the creation institution of marriage creates a new family unit, which should not be broken up, and certainly not by man-made rules (contra UK law today.)

¹⁵ See: William R. G. Loader, *Making Sense of Sex: Attitudes towards Sexuality in Early Jewish and Christian Literature* (Grand Rapids, MI: Eerdmans, 2013), 20–21, 107

¹⁶ Craig A. Blomberg, 'Marriage, Divorce, Remarriage, and Celibacy: An Exegesis of Matthew 19:3–12,' *TJ* 11NS (1990), 167–68

Summary

Based on the Hebraic understanding of Gen 2:24, the idea that each individual marriage is a union made by God, one that has an ontological, or mystical dimension, has no basis in the exegesis of NT marriage, divorce, or remarriage teaching.

2 MARITAL IMAGERY

Our second hermeneutical tool is the Bible's marital imagery. In my paper yesterday, hopefully, we saw that the Bible's shepherd and marital imagery works by taking aspects from the source domain, shepherds and marriage, and applying them, that is, cross-mapping them, to a target domain—the Lord as a shepherd, or God 'married' to his people.

The typical direction of a metaphor is from these concrete concepts rooted in our experience, to 'other world,' more abstract concepts. Thus, 'the LORD is my shepherd' metaphor of Psalm 23 travels from an earthy shepherd to a caring God. But that Psalm does not mention sheep—we fill in this gap (that is, that Christians are like sheep) in our minds subliminally. We know an earthly shepherd has sheep and so we assume, in the abstract side of the metaphor, that Christians are like sheep. This cross mapping from source to target is inferred, not stated.

George Caird points out that such inferences often travel in the opposite direction—from the abstract side of the metaphor back to the concrete.¹⁷ For example, he says that from the metaphor GOD IS KING, we might deduce that earthly kings ought to behave like our holy God. Linguists who specialise in metaphor theory call this 'inferred reverse cross-domain mapping,' and it is addressed (although not in those terms), to a limited extent, in the corpus of literature that addresses the OT marital imagery.

But what is of interest is that in Eph 5:25 (that Caird cites) we are specifically told that the lesson *does* come back from the *Divine Marriage* to human marriage—husbands must love their wives as Christ loved the church.

So—as the Bible has, by a factor of many times over, more material devoted to God's relationship to his people—which is repeatedly described there as a marriage and a divorce—than it does about human marriage and divorce—is there not something we can learn from *his* marriage and divorce?

¹⁷ George B. Caird, *The Language and Imagery of the Bible* (London: Duckworth, 1980), 19.

Raymond Westbrook puts it this way:

If God's relationship with Israel is to be explained by a metaphor drawing upon the everyday life of the audience then that metaphor, to be effective, must reflect accurately the reality known to the audience. If the narrator were to invent the legal rules on which the metaphor is based, it would cease to be a valid metaphor.¹⁸

Thus, to reverse cross-map the *Divine Marriage* to help unravel an unclear NT text seems to be a valid approach. But we have to be cautious. It is important to avoid a radical deconstructionist view where the model is allowed to override any other consideration, and the text, as Vanhoozer cautions, is allowed to go “*another way*.”¹⁹ To mitigate against that, in this paper, no implications about the understanding of marriage and divorce will be drawn from the *Divine Marriage* that are not specifically found in biblical teaching, or evidenced in contemporary marriage practice—a control mechanism that Peggy Day adopts in her consideration of marital reverse cross-mapping.²⁰

Clear examples of lessons that cannot be applied, include the fact that God is described in Ezekiel as being married to two sisters, such being forbidden in the Pentateuch (Lev 18:18). And in Ezekiel the bride of the future marriage is portrayed as a temple (Ezek 40–48)—I don't think even the most liberal contemporary agenda for marriage is suggesting changing UK legislation to allow for that.

However, fundamental to all the Bible's marital imagery—to God's own 'marriage' to his people, is divorce and remarriage. The promised remarriage offer comes to fulfilment in the NT when Jesus offers a 'remarriage' to Israel, including the Samaritans, as we saw in our consideration of the woman from Samaria.

I further suggested in yesterday's paper that Adam's expulsion from Eden, and with him, all his progeny, is consciously portrayed as a divorce—it follows that all mankind are divorcees. And that Jesus, as God in the flesh, is portrayed as 'divorcing' Judah in his declaration of Jerusalem's destruction as recorded in Matthew 23 and Luke 13.

¹⁸ Raymond Westbrook, “Adultery in Ancient Near Eastern Law,” *RB* 97 (1990): 577.

¹⁹ Vanhoozer sees that Jacques Derrida's approach allows words to go the way the reader determines, the original context no longer defining their meaning: “By reading texts in light of other texts and contexts, the reader forces the words to go *another way*”: Kevin J. Vanhoozer, *Is There Meaning in this Text?* (Grand Rapids, MI: Zondervan, 1998), 163

²⁰ Peggy L. Day, ‘Yahweh's Broken Marriages as Metaphoric Vehicle in the Hebrew Bible Prophets,’ in Nissinen and Uro, *Sacred Marriages*, 226

Thus, in the Gospels, all the parties invited to the marriage supper of the Lamb—Israel, Judah, the Samaritans, and the Gentiles—even the Bridegroom Messiah himself, are all portrayed as divorcees.

The question we must now ask is: Would the Bible use such imagery if it was either (1) sinful, or (2) not permitted in the source domain of the metaphor (that is, human marriage)? The first would create ethical problems for the imagery, and the second make the metaphor meaningless—rather like the Psalmist (and John) suggesting that God is our shepherd, but actually he is not like a shepherd at all. The two ‘halves’ of the metaphor must have corresponding characteristics. Westbrook’s comment about the OT marital imagery surely applies equally to the NT imagery:

If God's relationship with Israel is to be explained by a metaphor drawing upon the everyday life of the audience then that metaphor, to be effective, must reflect accurately the reality known to the audience. If the narrator were to invent the legal rules on which the metaphor is based, it would cease to be a valid metaphor.²¹

But what specific lessons from the imagery can be applied to human marriage? I suggest there are several. I choose four:

- 1 Marriage was considered to have asymmetrical gender-based responsibilities
- 2 Divorce was based on a breach of those specific asymmetrical gender-based responsibilities
- 3 Both divorce and remarriage are considered ethically acceptable
- 4 The wife is not bound in a marriage against her will

These four points are all clear in the imagery. God provided the promised land for Israel, miraculously feeding them on the way. And although there were many rules, Israel in the end was only divorced (that is, exiled) for one thing—apostasy, described in the imagery as adultery, or more frequently, as prostitution.

Jesus provides a heavenly home for the elect, and their responsibility is to believe in him and not to deny him—that is, not be apostates (e.g. 2 Tim 2:10–13). As pointed out in yesterday’s paper—Israel was always free to walk away from God, and we know from NT teaching that no-one comes to Christ against their will. The rich young man of Matthew 19 and Mark 10, who asked Jesus the way to life, but in the end walked away from him, is a clear demonstration of

²¹ Raymond Westbrook, ‘Adultery in Ancient Near Eastern Law,’ *RB* 97 (1990), 577

such. Nor are we held to Christ against our will. However, any true believer with a renewed, circumcised heart, will never choose to leave the Saviour.

But what about the ‘control mechanisms’ I have referred to for validly reverse cross-mapping these aspects of the *Divine Marriage*? In other words, do we find these four posited reverse cross-mapped principles taught in the Bible, or evidenced in contemporary marriage practice? The answer is yes to both.

Exodus 21:10–11 is an example of a protasis and apodosis ruling. In other words, if this happens, then this is the rule. These verses in Exodus state that a slave wife is entitled to receive from her husband food, clothing, and marital rights, and if she did not get them, she was free to leave.²² Ancient Israel took this teaching as a basis of their marriage law. It is rather like case law in the UK, when a judgement in a trial sets a precedent for how other cases are to be treated. Case law in Israel was based, not on legal trials, but on deductions from hypothetical examples in the Pentateuch. In contrast, the protasis and apodosis ruling of Deuteronomy 24:1–4 teaches, as we shall see in a moment, that a husband can only divorce his wife if she is sexually impure.

Thus, both these biblical pericopae, Exodus 21 and Deuteronomy 24, support the understanding of the marital imagery, in that failure in the gender-based marital duties is grounds for divorce. Furthermore, this perception is supported by contemporary marriage practice. The wife’s entitlement to an Exodus triad of care, and her obligation to be sexually faithful, is extensively evidenced throughout the ancient Near East, and in the marriage and divorce contracts right through to NT times.²³

And although the NT describes further marital duties for both the husband and the wife, for example in 1 Cor 7:1–5, the failure of either partner to fulfil such are nowhere articulated in Scripture, or portrayed in the marital imagery, as divorce grounds.

2.1 The Hermeneutic of the Bible’s Marital Imagery Applied to 1 Corinthians 7

The frame of reference derived from the marital imagery that we are going to employ in the exegesis of this passage, is that: marriage has asymmetrical gender-based responsibilities; divorce is based on a breach of those specific responsibilities; both divorce and remarriage are considered ethically acceptable; and the wife is not bound in the marriage against her will.

Paul starts in 1 Corinthians 7:1–5 by saying that the marriage partners have duties to each other, and then he lays out a general principle:

1 Corinthians 7:10–11 has:

²² See discussion in: Hamer, *Marital Imagery in the Bible*, §5.8

²³ See: Hamer, *Marital Imagery in the Bible*, §4 and §8

To the married I give this charge (not I, but the Lord): the wife should not separate from her husband (but if she does, she should remain unmarried or else be reconciled to her husband), and the husband should not divorce his wife. (1 Cor 7:10–11)

In verse 12–14 he presses home his teaching of no separation even for those in mixed marriages:

To the rest I say (I, not the Lord) that if any brother has a wife who is an unbeliever, and she consents to live with him, he should not divorce her. If any woman has a husband who is an unbeliever, and he consents to live with her, she should not divorce him. For the unbelieving husband is made holy because of his wife, and the unbelieving wife is made holy because of her husband. Otherwise your children would be unclean, but as it is, they are holy. (1 Cor 7:12–14)

In Matt 19 Jesus gives his ‘no divorce’ principle first, and then after that, he explains when divorce *is* allowed. Paul is doing the same here, he starts with his principle in vv. 10–14, then, in v. 15, he says:

But if the unbelieving partner separates, let it be so. In such cases the brother or sister is not enslaved. God has called you to peace. (1 Cor 7:15)

Some have argued that with his ‘not enslaved’ Paul does not necessarily mean that a divorce is possible. But (using our social and literary hermeneutic) the very same terminology is used in a wide range of contemporary divorce documents and Paul would have to have *avoided* saying that if he was not talking about a divorce.²⁴

And our marital imagery hermeneutic also suggests that the wife is free to leave her husband—Israel was always free to walk away from her God.

And from the biblical text itself we can see that even the *slave* woman of Exod 21 was not *enslaved* to her husband. If we apply these principles to 1 Corinthians 7:15, we can see that that is precisely what Paul is saying. If the husband has gone, his wife is then free to divorce him, because he is obviously not providing her the care she is entitled to. And if it is the wife that has gone, she has in effect, divorced her husband, as she is entitled to.

But Paul does not say that the husband is free to *initiate* a divorce. This can only be for her sexual impurity as is spelt out in Deuteronomy 24, and repeated twice in Matthew (Matt 5:31–32; 19:9). However, once a separation has occurred, he cannot give care to a wife who is no longer there, and so he can take his wife’s separation as *her* divorcing *him*.

So I am suggesting from the marital imagery model that both divorce *and* remarriage are considered ethically acceptable. In the imagery, a divorce is a divorce. Israel when they separated

²⁴ Hamer, *Marital Imagery*, §10.4.3

from God were free to do as they chose. They were not prevented from entering into other relationships. And so we find, as John Murray points out, there is no teaching (and I would add, no example), anywhere in the Bible, to suggest that only the ‘innocent’ party is allowed remarriage.²⁵ It is a teaching that does not square either with the marital imagery, or with the social and literary context of NT times. *Any* divorced person, ‘brother or sister,’ as Paul teaches, is not bound, that is, is free to remarry.

But does Paul’s teaching only apply to mixed marriages? I haven’t the time in this paper to address this. But I think I could have demonstrated that the concept is actually the *opposite* of what Paul is saying. The idea that mixed marriages are to be treated differently, a teaching embraced by many evangelicals is, I believe, derived directly from the Roman Catholic sacramental concept of mixed marriages.

Summary

This analysis demonstrates that it is possible to see that Paul’s teaching in 1 Corinthians 7 is fully consonant with the Bible’s marital imagery. As expected, human divorce and remarriage rules mirror those in the *Divine Marriage*.

²⁵ John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed, 1961), 100

3.0 THE SOCIAL AND LITERARY CONTEXT

Consider this hypothetical newspaper headline in the South Wales Evening Post: “Police say that most crime committed in Bridgend on a Saturday night is caused by young people drinking to excess.”

What word is missing? It is of course *alcohol*. We subconsciously insert the word. But if we were reading that headline in a library archive in the year 2500, and alcohol was no longer available, we might struggle to make sense of it.

Another newspaper article you find in the same archive relates how the government is considering revising the UK motorway speed limit to 80 mph. But the article does not mention that all the various exceptions to this, for example if there were road works, or sections of ‘controlled’ or ‘smart’ motorways, would not be impacted by the potential change. But that would have been understood at the time the article was written.

The understanding of any historical statement can change, if it is accepted that something obvious at the time it was made, might not be said.

3.1 Social and Literary Context of the Gospel Teaching

We will now apply our first century social and literary context hermeneutical key to Matt 19:3 and Mark 10:12.

Divorce initiated by the husband

Matthew 19:3 addresses divorce initiated by the husband:

And Pharisees came up to him and tested him by asking, “Is it lawful to divorce one's wife for any cause?”

The use of rabbinic material to interpret the NT is disputed, but there is a broad academic consensus that the ‘any cause’ of Matt 19:3 is a reference to the rabbinic debate about the meaning of עֲרוּת דְּבָר (some indecency) in Deut 24:1 that permits a husband to give his wife a divorce certificate. As mentioned above, from this Deuteronomic teaching Israel had developed, as with Exod 21, what we would in the UK call case law.

However, there was a dispute. The Hillelites had come up with the novel idea that Deuteronomy 24:1 meant divorce by the husband was legitimate for ‘any cause’ *and* indecency, but the Shammaites stood firm, and said that divorce was legitimate for indecency only.²⁶ Not surprisingly, it became known as the ‘any cause’ debate.

²⁶ Instone-Brewer, *Divorce and Remarriage*, 134–36; similarly: Craig S. Keener, *And Marries Another: Divorce and Remarriage in the Teaching of the NT* (Peabody, MA: Hendrickson, 1991), 38–40; Blomberg, ‘Marriage,’

There is a dispute among Christian exegetes today as to what Jesus meant in his reply. I suggest that the documentary evidence from NT times strongly indicates that Jesus affirms the Shammaite understanding of Deuteronomy 24:1–4 and endorses that restricted basis for any husband validly initiating a divorce.²⁷

A collection of eight marriage and two divorce contracts were discovered to the west of the Dead Sea in the 2nd half of the 20th century that date back to NT times (known as the Judaean Desert Documents, or JDD). Hannah Cotton comments:

I maintain ... that they are representative of Jewish society as a whole in the period under discussion. They present a faithful picture of the realities of life at the time that they were written.²⁸

All eight marriage contracts, signed and witnessed, specify the Exodus triad of care that a wife was entitled to from her husband-to-be—that was the basis of the contract. The clear implication is that, if she did not receive it, she could have a divorce. Five of the ten papyri unambiguously reference divorce, and another three (5/6Hev 37, XHev/Se 69, and 5/6Hev 18) appear to do so.

No duties for the wife are articulated, and so there is no basis for any divorce grounds for the husband given in these contracts, let alone a divorce for ‘any cause’—so a husband could only have relied on his wife’s sexual impurity to initiate a divorce. That was so obvious it did not need stating, that was the historical understanding of the Deuteronomy 24 passage. And, theoretically at least, adultery still carried the death penalty. (I do not address in this paper whether these restricted grounds for divorce for the husband, which give economic security to wives, come through to our modern western world, where women have a greater social and financial equality than in biblical times.)

Divorce initiated by the wife

We now come to Mark 10:12. Few commentators point out that the Gospel divorce pericopae, except for Mark 10:12, only address men, and it is often presumed by those that hold the traditional views that gender reciprocity in divorce teaching can be assumed. Thus John Murray,

164; Evald Lövestam, ‘Divorce and Remarriage in the NT,’ in *The Jewish Law Annual*/Vol. 4, ed. B.S. Jackson (Leiden: Brill, 1981), 48–49; for an explanation of the basis of Hillelite argument: David Instone-Brewer, *Techniques and Assumptions in Jewish Exegesis before 70 CE* (TSAJ 30; Tübingen: Mohr Siebeck, 1992), 136–38; Blomberg sees that ‘lawful’ in the pericopae embraces any combination of the oral or written Torah: Blomberg, ‘Marriage,’ 165

²⁷ If a husband under OT legislation could divorce his wife at will (as Hillel’s followers claimed Deut 24 taught) there would appear to be no point trying to divorce a wife by suggesting she was not a virgin on marriage and risk the penalties involved (Deut 22:13–19); the more relaxed Hillelite position (divorce for ‘any matter’) Instone-Brewer describes as ‘invented’: Instone-Brewer, *Divorce and Remarriage*, 110

²⁸ Hannah M. Cotton, ‘The Rabbis and the Documents,’ in Martin Goodman, ed., *Jews in a Graeco-Roman World* (Oxford: Oxford University Press, 1998), 172–73

“surely it is necessary to believe ... the same rights and liberties are granted to the woman.”²⁹ Of all the different aspects of the traditional church teaching on divorce and remarriage, I believe that in light of the social and literary context, that this is the most unlikely of them all.

The question posed to Jesus in the Gospels was about a husband’s grounds for divorce, and Jesus specifically in his answer repeatedly makes it clear that he is addressing that specific issue.

Mark 10:12 has Jesus say: “and if she [the wife] divorces her husband and marries another man, she commits adultery.” The fact that wives are now addressed separately underlines the fact that they had not been included in the immediately preceding comments—furthermore, it is difficult to make sense of Jesus’s words if a wife could not initiate a divorce.³⁰

In his teaching about divorce, when Jesus spoke about wives, like our hypothetical article about the proposed 80 mph limit, he does not give any exceptions. Why not? I suggest it is because they were understood. It was not what he was asked about—there was no dispute about a woman’s divorce grounds. The rabbinic evidence is that both the Hillelites and Shammites agreed about this.³¹

But it seems that the Reformers didn’t know this—the rabbinic material has only been readily available to Christian scholarship for 150 years or so.³² So in an attempt to get at Jesus’s meaning, they suggested, as does John Murray, that in Mark 10:12 we can assume that the husband’s exception clause ‘except for sexual immorality’ was understood.

But this would mean that in the one sentence recorded in Mark 10, the NT audience are to assume an implicit inclusion of the husband’s exception clause in a wife’s grounds for divorce, and further assume a simultaneous implicit exclusion of her own grounds for divorce as outlined in Exod 21. It is an exegesis that relies on a presumption that Jesus’s audience would make two

²⁹ Murray, *Divorce*, 98

³⁰ Although it is possible, as some believe, that Jesus was referring to non-Jewish divorce, for example Brody: “but [Mark 10:12] is plausibly explained as reflecting Mark’s Gentile milieu, and the familiarity of his readership with Roman law, in which husband and wife were on equal footing with regard to divorce”: Robert Brody, ‘Evidence for Divorce by Jewish Women,’ *JSL*, No. 2 (Autumn 1999), 231. But it has to be considered how probable this is when the context is an answer to the Pharisees about the Pentateuch’s teaching, and Ilan argues that the context of the conversation suggests Jesus was confining his comments to Jewish divorces: Tal Ilan, ‘On a Newly Published Divorce Bill from the Judean Desert,’ *HTR* Vol. 89, No. 2 (April 1996), 201–02

³¹ Instone-Brewer states: “There are no records of disputes among the rabbis about any of the grounds for divorce based on Exodus 21:10–11 except in matters of detail ... From at least the beginning of the first century it was recognized that the obligations of Exodus 21:10–11 could form the basis of a claim for divorce”: Instone-Brewer, *Divorce and Remarriage*, 102

³² David Instone-Brewer, *Divorce and Remarriage in the Church* (Carlisle, UK: Paternoster, 2003; repr., Milton Keynes, UK: Paternoster, 2011), 125

assumptions, both of which involve a remarkable *volte face* in first century ethics in Jewish Palestine.³³

Furthermore, such an exegesis strains our second hermeneutical key, in that it would mean that Jesus's teaching, as recorded by Mark, was not congruent with Mark's own marital imagery, or with the marital imagery of the rest of the NT.³⁴

Summary

Matthew and Mark must have thought that they would be understood by their readers—but to get to that understanding when the teaching is so brief we need to consider the contemporary social understanding of gender-based divorce, and the rabbinic literature, that indicates that the Hillelites were trying to expand the divorce grounds for husbands. If the Gospel writers were overturning millennia of divorce and remarriage teaching and practice, they would have had to say so. And not leave their readers to assume it in one brief polemical exchange with the Pharisees.

A contextually sensitive exegesis supports a straightforward interpretation of Matthew and Mark's teaching. Divorce was permitted for the husband, but only for his wife's sexual impurity. Although Jesus did not explain the divorce grounds for wives, the most secure assumption is that his audience would understand that the wife's divorce grounds stayed the same, as they had done so for millennia across much of the ancient Near East.

Conclusion

We have used three hermeneutical keys:

- 1 The Hebraic understanding of Gen 2:24
- 2 The Bible's marital imagery
- 3 The social and literary context of NT times

—to try and take us back to NT times and see some aspects of its teaching with first century eyes.

I have had to be selective in this paper, but I believe my published study, although the focus there is on the marital imagery, demonstrates that all three hermeneutical keys are not only

³³ Instone-Brewer states: 'a wife could not gain a divorce by claiming her husband had been unfaithful': Instone-Brewer, *Divorce and Remarriage*, 99

³⁴ In that Mark's marital imagery, as elsewhere in the NT, was rooted in contemporary marital practices that were based on the understanding of marriage evidenced in ancient Israel, where a husband had a duty to provide for his bride, and any repudiation of him by her was to be based on the failure of such.

consonant with each other, but are consonant with all the Bible's teaching about divorce and remarriage.

Jesus comments in Matthew 5:17, "Do not think that I have come to abolish the Law or the Prophets; I have not come to abolish them but to fulfil them"; and Paul in Acts 16:22 says, "To this day I have had the help that comes from God, and so I stand here testifying both to small and great, saying nothing but what the prophets and Moses said would come to pass."

In summary, using our three hermeneutical keys, I have suggested that Jesus, as recorded in Matthew, applies the case law of Deut 24, and Paul, in 1 Cor 7, applies the case law of Exod 21.

Colin Hamer
September 2017