

Understanding Divorce
Matthew 5:31-32
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The Gospel of Matthew opens with a series of proofs that Jesus is the Christ, the King of the Jews. The first four chapters of this book examine the person of Christ, including His incarnation and preparation for ministry. He is the rightful legal authority over God's people based upon His lineage as a descendant of Abraham and David and His fulfillment of many prophetic Messianic Old Testament passages.

He is also the right ethical authority over God's people by fulfilling all righteousness in the baptism by John and by resisting the temptation of the devil. This led to the calling of His disciples and His instruction of the Sermon on the Mount in chapters 5-7.

Matthew 5:31-32 is the third in a series of six specific examples that contrast the traditional teaching by the scribes and Pharisees with the teaching of Jesus. It ends the first set of three units that are building toward the conclusion of what it means to "be perfect, as your heavenly Father is perfect" (Matthew 5:48).

Divorce was common in Judea during the first century and Jesus' teaching was a stark corrective to the conventional understanding of divorce at the time. Like today, many people of Jesus' day were willing to seek divorce for practically any reason and the society as a whole was willing to accept this. This resulted in a well entrenched deviation from the will of God among a nation that was intended to be God's shining example of righteousness to the world. *"I will also make You a light of the nations so that My salvation may reach to the end of the earth."* (Isaiah 49:6).

The traditional teaching (5:31)

The statement "it was said" is different from the other five introductions to traditional teachings in Matthew 5. It is similar to "you have heard that it was said" (5:27, 38 and 43) but truncated. It should be understood in the same fashion.

Matthew 5:31 is a reference to the oral teaching of the Jews regarding the divorce. Jesus' reference of Deuteronomy 24:1-3 is not a direct quotation but is rather a summary of this Old Testament text. The certificate of divorce was instituted by Moses in Deuteronomy 24:1 and 24:3.

“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, and he writes her a certificate of divorce and puts it in her hand and sends her out from his house, and she leaves his house and goes and becomes another man’s wife, 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, then her former husband who sent her away is not allowed to take her again to be his wife, 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.” (Deuteronomy 24:1-5).

This passage prohibits a man from remarrying a woman that he has been previously married to and divorced if she has subsequently become married to someone who has died or divorced her. The description of this case includes the provision of a certificate for divorce. This was understood by the Jews to allow for divorce since there is an inclusion in the Law to provide a certificate of divorce. The Jewish perspective was that if divorce were forbidden then the Law would not have included this allowance.

The use of the certificate of divorce, also referenced in Isaiah 50:1, was taken by many Jewish teachers to allow for divorce for a wide spectrum of reasons. The oral tradition codified in the Mishnah two centuries after Christ references leading rabbi Hillel the Elder (active 30 B.C. to 10 A.D. and grandfather of Gamaliel of Acts 5:34) as teaching an allowance for divorce on the basis of a spoiled meal. The Mishnah also references leading rabbi Akiva (active 90-135 A.D.) as permitting divorce if a more beautiful woman was available.

Jewish practice at the time of Christ had become similar for the man to the no-fault divorce that has become the rule in every state in the US. First enacted in California in 1970, no-fault divorce allows a family court to grant a divorce in response to a petition by either party of the marriage without requiring any evidence of a breach of the marital contractual relationship. The similarity is furthered by the presence of a certificate that provides evidence of the divorce.

Jewish divorce only could occur when the man issued his wife a certificate of divorce. The wife could not divorce her husband because women could not enter into contracts and because of the prevailing view of the husband having property rights over the wife. Indeed, not only was divorce limited to the act of the husband but the wife could not object and there were also restrictions against a husband being forced to enter into divorce. The Mishnah states, *“A woman is divorced in accordance with her will or against her will. A man cannot divorce his wife except of his own free will.”*

This perspective of marriage exists even to modern times among orthodox Jews. Rabbi J. David Bleich wrote in 1998, *“Understanding that the essence of marriage lies in a conveyance of a “property” interest by the bride to the groom serves to explain why it is that only the husband can dissolve the marriage. As the beneficiary of the servitude, divestiture requires the husband’s voluntary surrender of the right that he has acquired.”* This sense of the woman as the property of the husband is deeply rooted and helps us to appreciate the significance of Jesus’ teaching in Matthew 5:31-32.

The certificate of divorce provided the wife with an important safeguard, a written legal document proving that she was not an adulterous wife if she married another man. Without such protection she may be vulnerable to punishment, as seen in the case of the scribes and Pharisees' reference to the stoning of an adulteress in John 8:3-5. The certificate instituted in Deuteronomy 24 served women with significant protection from a false accusation of adultery.

The existence of the certificate of divorce was seen as a key argument in the debate within Judaism of whether a man could divorce his wife for any reason at all. Jewish scholar Shammai, contemporary of Hillel, and who died at the outset of Jesus’ public ministry, argued that divorce was only allowable for serious offenses, contra Hillel. This gave rise to the question that Pharisees posed to Jesus in Matthew 19:3, *“Some Pharisees came to Jesus, testing Him and asking, “Is it lawful for a man to divorce his wife for any reason at all?””*

The response of Jesus was stricter than even Shammai’s position when He said in Matthew 19:6, *“What therefore God has joined together, let no man separate.”* Jesus did not entertain the contemporary debate between trivial or serious offenses but answered with a clear statement concerning what God intended from the beginning of creation, which was marriage for life (Matthew 19:4).

This statement gave rise to the argument from the certificate of divorce in Matthew 19:7, *“They said to Him, “Why then did Moses command to give her a certificate of divorce and send her away?””* This question implies that the purpose of the certificate of divorce was beyond the protection of the woman but also to allow for divorce to take place. The belief was that the certificate validated divorce.

At the outset of Christ's public ministry, Jesus in Matthew 5:31 spoke initially to this common belief that the certificate of divorce makes the divorce morally acceptable. His purpose in addressing this was to counter the prevailing teaching and show how far the Jewish people had drifted from God’s will and the Father’s requirement for perfection.

The teaching of Jesus (5:32)

Jesus counters the common belief that divorce was morally permissible with two direct assertions:

1. *“Everyone who divorces his wife, except for the reason of unchastity, makes her commit adultery.”*

This first teaching of Jesus connects the issue of divorce with the sin of adultery. The result of divorce is adultery. The motivation behind divorce is typically a desire for another person. Even in cases where the initial desire for divorce is not motivated by an interest in someone else, a relationship with someone else typically develops. Jesus addresses this result of divorce.

Notice this statement is directed toward the man. This is because women did not have the right to divorce their husbands in ancient Israel. Not only is the man the one able to divorce but the perspective is that the woman will be made to commit adultery if the man divorces his wife.

In order to understand this we must account for the society of the time Jesus spoke. Women would often be dependent upon a man for their ability to live, which is why when there was a dowry involved in the marriage it was required to be returned by the husband. The woman would end up in financial need and move to become married in order to be provided for.

The only way to understand the words of Jesus is by also understanding that divorce does not eradicate the marriage relationship. The woman is made to commit adultery because the marriage remains in existence. There is no other way to understand Jesus' statement other than to conclude that divorce does not inherently end the marriage regardless of public perception. This realization is fundamental to the understanding of the biblical teaching on divorce.

There is an exception provided for by Jesus. The phrase *“except for the reason of unchastity”* (NASB) or *“except on the ground of sexual immorality”* (ESV) provides an exclusion to the statement that the husband's divorce produces adultery by the wife. If the wife has already practiced that act of adultery then the husband's divorce does not then make her commit adultery. Her guilt of adultery already existed prior to the divorce and the divorce then does not cause the adultery to occur. The man cannot be held culpable under such a circumstance.

However, in Matthew 19:9 the exception clause is not related to causing the woman to commit adultery. Jesus states in Matthew 19:9, “*And I say to you, whoever divorces his wife, except for immorality, and marries another woman commits adultery.*” In this case it is the man who commits adultery when he marries another woman. The exception is for immorality, so then if immorality exists then the divorce and remarriage does not result in adultery. The conclusion is that the marital bond has been broken by the immorality of his wife and therefore he may divorce and remarry without being an adulterer.

There is debate over the meaning of “unchastity” (Matthew 5:32) and “immorality” (Matthew 19:9) which are two different words each translating the Greek word *porneia*, or sexual infidelity. Certainly this involves sexual activity not exclusive to one’s spouse. The specific nature of such activity is undefined but it would necessarily involve another person who is not the spouse.

2. *Whoever marries a divorced woman commits adultery.*

This second statement by Jesus asserts that a divorce does not render a woman free to marry. A divorced woman must be bound to the original marriage in order for Jesus to call the one marrying a divorced woman an adulterer. This statement opposed the prevailing teaching of the day that approved of divorce as a legitimate means to end a marriage. Jesus plainly states that a divorce, even properly executed, does not change the state of the marriage.

This statement is not only opposed to the prevailing teaching in Jesus’ time but is opposed to the understanding of our society as well. When people divorce today they are considered no longer bound to their marriage by Christians and Non-Christians alike. To suggest that a divorced couple were not free to remarry would be met with almost universal disdain since almost everyone knows people who have divorced without a biblical cause.

The challenge of divorce has increased in our transient society. People come and go without a clear understanding of their true marital relationship. When a married couple joins a church they are accepted without an inquiry regarding their marital history. If the couple were asked they would likely be the sole source of information regarding their situation, which serves to discourage any investigation.

What is a church to do? The answer is to teach the Bible. The truth of God’s word is the means by which the Holy Spirit will convict people of sin. Apart from teaching, people are left to their own understanding.

Our goal in ministry is to encourage everyone to believe in Jesus Christ and walk by faith in Him according to the word of God. *“Faith comes by hearing and hearing by the word of Christ”* (Romans 10:17). As people grow in faith *“we proclaim Him, admonishing every man and teaching every man with all wisdom, so that we may present every man complete in Christ”* (Colossians 1:28). This instruction is individual to each person and even with admonishment we must *“be patient with everyone”* (1 Thessalonians 5:14). Patience is particularly necessary in potentially complicated situations involving many years and children.

There is one other exception that allows for divorce and remarriage in addition to the exception of immorality. This exception is found in 1 Corinthians 7 and involves the desertion of an unbelieving spouse.

“But to the rest I say, not the Lord, that if any brother has a wife who is an unbeliever, and she consents to live with him, he must not divorce her. And a woman who has an unbelieving husband, and he consents to live with her, she must not send her husband away. For the unbelieving husband is sanctified through his wife, and the unbelieving wife is sanctified through her believing husband; for otherwise your children are unclean, but now they are holy. Yet if the unbelieving one leaves, let him leave; the brother or the sister is not under bondage in such cases, but God has called us to peace.” (1 Corinthians 7:12-15).

If a believer is abandoned by their unbelieving husband or wife, they are no longer bound to the marriage. Whether this exception applies is related to how two factors are understood: (1) the meaning of “leave” and (2) the evaluation of “unbelieving.”

The word “leave” means “to separate” or “to separate one’s self.” There is the sense of a physical separation involved. The word was used in ancient papyri as a technical term for divorce. If an unbelieving spouse initiates a divorce proceeding, the believing spouse is not bound to the marriage once the divorce is final. If the unbeliever leaves without initiating a divorce proceeding there would be a need to consider the length of the departure and the potential for a return.

In our modern society, many are willing to profess allegiance to Christianity without possessing true saving faith. Regarding the evaluation of belief, the Scripture teaches that there are people who think they are Christians but who are not (cf. Matthew 7:21-23; James 2:14-26) and there are tares among the wheat in the church (Matthew 13:24-30). This determination may not be easy and ultimately is the responsibility of the one abandoned to apply.

To be clear, the two exceptions of sexual immorality and desertion that provide biblical grounds for divorce do not require a divorce to occur. Forgiveness may be extended by the offended spouse and the marriage may be restored if this is their desire. The sinning spouse remains obligated to the marriage in such a case.

One interesting path that those who seek to leave their spouse for another person take is to marry the person who is not their spouse. This has become more common with the ease of obtaining a divorce and a remarriage. Those who desire to ethically solidify their sinful action think that this second marriage makes it impossible for any return to the first marriage. Deuteronomy 24:1-4 is a proof text used to justify such action in saying that she is prohibited from returning to the first marriage.

This is an erroneous use of Deuteronomy 24:1-4 since the purpose of this text was to protect the wife from being temporarily traded in for someone else. The certificate of divorce was to formalize the man's decision and to bring security to the wife. The first husband's decision to divorce is so serious that he cannot expect his wife to return. This prohibition on the husband receiving her back is to serve to preserve the original marriage by increasing the finality of it.

This is completely different from the one initiating the adulterous relationship to claim they are prohibited from returning to the spouse they have sinned against. Jesus' teaching made it clear that a marriage is not inherently dissolved by a divorce. It is possible for a second marriage to be arranged that does not negate the original marriage and in such cases the righteous act would be to divorce the second spouse.

There is even evidence of the people of God being instructed to divorce in the Old Testament:

"Then Ezra the priest stood up and said to them, "You have been unfaithful and have married foreign wives adding to the guilt of Israel. Now therefore, make confession to the Lord God of your fathers and do His will; and separate yourselves from the peoples of the land and from the foreign wives"" (Ezra 10:10-11).

The Israelites were not to marry foreign wives (Exodus 34:16; Deuteronomy 7:3) and the people ought to return to God's will. This parallels the meaning of Malachi 2:16, *"For I hate divorce," says the Lord, the God of Israel, "and him who covers his garment with wrong," says the Lord of hosts. "So take heed to your spirit, that you do not deal treacherously.""* Jewish men were divorcing their wives to marry foreign women (Malachi 2:11,13), which was the opposite of protecting them ("covering his garment"). Simply put, divorce to end adultery is proper. Divorce to cause adultery is sinful.

Conclusion

The Lord intended marriage to be for life. Jesus made it clear God's plan from the beginning of creation was not one to bring separation to married couples.

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

"For the married woman is bound by law to her husband while he is living; but if her husband dies, she is released from the law concerning the husband. So then, if while her husband is living she is joined to another man, she shall be called an adulteress; but if her husband dies, she is free from the law, so that she is not an adulteress though she is joined to another man" (Romans 7:2-3).

The current state of divorce in our society has made this teaching difficult for many to hear. Furthermore, when people divorce without having biblical grounds for divorce there are often complexities that create challenging extenuating circumstances. This is particularly true when many years have lapsed since the divorce and children are involved. Sometimes it takes great wisdom to navigate through the different bad outcomes.

We must teach these words of Jesus about marriage faithfully so that all who enter into the marital covenant will understand the gravity of their commitment. Left to the perspective of the world, marriage becomes optional when dissatisfaction arises. This attitude taints our testimony to the people we are called to reach for the sake of our Lord.