

## Mark 10:1-12: Divorce and Remarriage

Jesus is asked by his opponents, the Pharisees, to teach/legislate on whether divorce is acceptable.

- Opponents: God authorizes a man to divorce his wife and give her a written notice of the divorce.
- Jesus: Divorce is contrary to original purpose of God.
- Opponents: If divorce really is contrary to God's original purpose, why are there commands given by God concerning the dissolving of a marriage through divorce?

### Jesus' Teaching on Divorce as Contrary to the Original Purpose of God

Back to last week's discussion:

Jesus quotes from Genesis to establish the original purpose of marriage in creation, prior to the fall into sin and the regulation of sin by the Law:

- v. 6 (Gen. 1:27b): "God made them male and female."
- vv. 7-8a (Gen. 2:24): "Therefore a man shall leave his father and mother [and hold fast to his wife], and the two shall become one flesh."
  - Jesus' inference in v. 8b: So they are no longer two but one flesh.
  - Jesus' conclusion in v. 9: What therefore God has joined together, let not man separate.

So, in God's purpose and original design, man and woman are brought together by God to be one and this is what we should be looking at—

- "How do we discern whether these two people can become one?"
- "What can we do to help them remain one?"

If instead we are looking at the question of how to get out from something that is imperfect, we are not looking at the thing itself, only how to get out from it. And this is not the way to look at things—we need to begin by looking at what things are, not what things are not.

- This is still true today, if we want to arrive at an accurate picture of our own marriage, we need to begin by looking at what it is and what God is doing there. We cannot begin by looking at what it is not.
- Furthermore, if all we can see is what something is not, what are we hoping to achieve? Looking at what a thing is not is only to look at nothing and how things are rapidly becoming less and becoming nothing. There is nothing positive there to look at, nothing that gives us insight into what really is and what is really going on and what God is really doing.

And that is Jesus' principal point here.

### Taking the Opponents' Question Seriously: Why Then Does God Permit Divorce and Issue Commands Concerning How Divorce Is To Be Conducted

Elsewhere (not in our text for today) Jesus does speak further about how our fall away from God and into sin has nuanced the way that marriages are actually experienced and lived out.

So there is some distance between God's original design and our current experience of life and marriage. Sin comes between us and God and between us and the other person we love and this changes the way we experience both God and marriage.

In our current reality, due to the presence of sin, two things are changed:

- First, not everyone will marry.
  - In a world that is made less by sin, not everyone will find a partner with whom the good of Christian marriage can be enjoyed.
    - In looking at this lack, it is not suggested that one should therefore rush into marriage with a person who does not know or love Jesus (2 Cor. 6:14), but rather that one should look to God and depend upon God to provide what is missing (Ps. 34:9-10; Lk. 22:35).
      - ✚ There is no necessity or compulsion to marry in order to be well; God has provided a way forward in the absence of a suitable spouse.
    - If, however, at the time of one's conversion, one is married to a person who does not believe, they should also look to God because he has promised to bless their spouse and children through them (1 Cor. 7:14). God's is not limited by human limits, but goes past our limits to bless and help us.
      - ✚ Consequently, a person can find their sufficiency from God both when they remain unmarried and when they are married to a person who does not believe.
  - Furthermore, God does call some people to give up the good of marriage to work with him in overcoming the obstacles posed by sin and, in a special way, to be co-workers with him as he redeems the world (1 Cor. 3:9; 1 Thess. 3:12; 2 Cor. 6:1).
    - Peter was married when Jesus called him and he remained married while answering God's call to proclaim salvation in Jesus Christ. But this was very hard on his wife—she stayed in Capernaum with her mother (cf. Mt. 8:14; Mk. 1:29-31; Lk. 4:38-39), while Peter traveled with Jesus (Mt. 19:27; Mk. 10:28; Lk. 18:28-29). Later she traveled with Peter to other places and lived in other people's homes (1 Cor. 9:5). None of this was easy for her.
    - Paul was not married at the time he heard the call of Jesus and felt that by remaining unmarried, it was easier for him to do what Jesus called him to do (1 Cor. 7:7-8,32-35).
- Second, when sin enters into the world and into human relationships, marriages do dissolve and end. Note the way that Mk 10: 9 which speaks of man *separating* what God has joined together.
  - The dissolving of marriage at divorce also seems to be assumed in Lev. 22:13; Num. 30:9, where the widow and the woman who has been divorced are treated as single individuals and no longer in relation to a husband or previous marriage.
    - By analogy, compare what is said of the widow, whose marriage has been ended by the death of her spouse, in Rom. 7:2-3 ("she is released from the law of marriage...she is free from that law").

#### Dt. 24:1-3: The Decree of Divorce

This text recognizes the fact that divorce was a present practice and regulates it to limit abuses arising from "hardness of heart."

Reason:

- If the possibility of divorce were denied, the way to end a marriage would be to kill one's spouse (compare "bride burnings" in India). Allowing the existing practice of

divorce to continue (with regulation and restrictions) wronged women, but was preferable to the alternative—ending the marriage by causing the death of one’s spouse.

- At the same time, divorce could not be allowed to continue in its present form, where the threat of divorce could be used by a man to bully, manipulate or abuse his wife.
  - “If the food gets burned or you aren’t as young and appealing as you used to be, this marriage is over!”
  - “I divorce you, but later, if you grovel enough, maybe I’ll take you back!”
- It’s also important to recognize that in the ancient Near Eastern context, a man could treat his wife like a piece of property, divorcing her and giving her to another man, then taking her back later.

Dt. 24:1-4 forbids divorcing one’s wife, trading her off with another man and then taking her back (cf. also Jer. 3:1). She is a person, not property or a tradable commodity.

- The difficulties in wiping out temporary marriage (sometimes used in Near Eastern culture to legitimize a relationship that was little more than prostitution) should not be underestimated.
  - Yoma 18b describes rabbis wishing to be married for a single day in a strange place and then to be divorced.
  - Compare the institution of *muta’* (temporary marriage) in Shi’a Islam (see [http://en.wikipedia.org/wiki/Nikah\\_mut'ah](http://en.wikipedia.org/wiki/Nikah_mut'ah))

The Bible elsewhere affirms that a man who has pledged to protect and care for a woman (indicated symbolically by placing a corner of his cloak over her; cf. Ezekiel 16:8; Ruth 3:9) wrongs her when he goes back on his pledge and divorces her (see Mal. 2:16).

#### The Condition for Issuing a Divorce in Dt. 24:1

In this passage, which is intended to limit and regulate the practice of divorce, a decree of divorce may be issued only where the husband has found “something indecent” in his wife.

- The Hebrew *’erwat dabar* means literally “the nakedness of a thing,” which almost certainly refers to sexual activity outside the marriage (one of those things that cannot be directly talked about in Near Eastern societies, so an indirect way of speaking is used). Compare the use of *’erwah* in Lev. 18. This is the assumption made by the school of Shammai (a rabbi who lived at the end of the first century B.C. and was an influential minority view in early rabbinic thought) and in the Gospel of Matthew, which uses the Greek word *porneia* (Mt. 5:32; 19:9: “fornication,” i.e., any kind of sexual activity outside of marriage).
- Another interpretation, which is probably wrong but was very popular in the first century and in early Rabbinic Judaism, was that a similar Hebrew phrase was used earlier in Dt. 23:15 and means only “an indecorous/disgraceful thing.” This considerably expands the range of reasons for which a husband could issue a divorce.
  - The school of Hillel held that spoiling a dinner could be grounds for divorce.
  - Rabbi Akiba extended this position, holding that if a wife had lost her beauty and prettier women were available, that was enough reason (in m. Git. 9:10, the phrase from Dt. 24:1, “if...she has found no favor his eyes” is interpreted to mean “if he found another fairer than she”).
  - That this broader interpretation was the more common position is also suggested by Ecclesiasticus 25:26 (“If she does not go as you direct, cut her off

from your flesh”) and Josephus *Antiq.* 4.8.253/4.8.23 (“He that desires to be divorced from his wife for any cause whatsoever (and many such causes happen among men)...”).

- Note that in the Gospel of Matthew, Jesus’ disciples also appear to have assumed this broader grounds for divorce to be the case (Mt. 19:3: “for any cause”) and seem to be trying to get Jesus to back down from his restriction on divorce (Mt. 19:10: “If such is the case...it is better not to marry”), which Jesus refuses to do even though he knew his teaching would not be well received (Mt. 19:11: “Not everyone can receive this saying, but only those to whom it has been given”).
- It was also sometimes argued that the broader interpretation was more likely because elsewhere in Deuteronomy (Dt. 22:22; cf. Jo. 8:5), adultery is said to be punishable by death, so the questions of divorce and remarriage following adultery would therefore have been irrelevant in ancient Israel.
  - ✚ Whether such capital punishment was regularly carried out or when it ceased to be practiced is nonetheless unclear; see e.g. Ecclesiasticus. 23:24-25 (c. 200 B.C.), where nothing more than public examination and censure takes place.
  - ✚ The power of capital punishment seems also to have been suspended or not in use in Roman times (see T.J. Sanh. 18a, T.B.41a), so the question of how divorce and remarriage should follow after adultery was certainly relevant then.

The certificate of divorce (Hebrew *gēt*) showed that the person’s marriage was ended and that the woman was therefore free to remarry (which most but not all women did).

- The certificate of divorce had to include certain language (“you are put away” or “you are thrust away” to clearly indicate the marriage was cut off and the partner dismissed and was now able to remarry “You are herewith permitted to be married to any man” or “You may go and be married to any man you like”).
- The husband had to write it out, have it signed by witnesses and was responsible to see that it was delivered to his wife (since she was entitled to it).
- Sometimes the time required to produce the certificate of divorce seems to have been intended to force people not to act quickly out of anger, but in a more measured way, to see if divorce was really what they wanted.

For an examples of a certificate of divorce, see J. Lightfoot, *A Commentary on the New Testament from Talmud and Hebraica*, v. 2, 124 on Mt. 5:31 (reproduced below)

### *A Bill of Divorce.*

“ On the day of the week *N.*, of the month of *N.*, of the year of the world’s creation *N.*, according to the computation by which we are wont to reckon in the province *N.* ; I, *N.*, the son of *N.*, and by what name soever I am called, of the city *N.*, with the greatest consent of my mind, and without any compulsion urging me, have put away, dismissed, and expelled thee ; thee, I say, *N.*, the daughter of *N.*, by what name soever thou art called, of the city *N.*, who heretofore wert my wife. But now I have dismissed thee, —thee, I say, *N.*, the daughter of *N.*, by what name soever thou art called, of the city *N.* So that thou art free, and in thine own power, to marry whosoever shall please thee ; and let no man hinder thee, from this day forward even for ever. Thou art free, therefore, for any man. And let this be to thee a bill of rejection from me, letters of divorce, and a schedule of expulsion<sup>h</sup>, according to the law of Moses and Israel.

REUBEN the son of Jacob witness.

ELIEZER the son of Gilead witness.”

### Jesus on Remarriage Following Divorce

Jesus recognizes that sexual activity outside the marriage can dissolve a marriage (Mt. 5:32; 19:9), but he wants to point out that when a husband divorces a wife for other reasons, he is in the wrong.

- He is wrong to rashly enter another marriage.
  - Mt. 19:9: “And I say to you: whoever divorces his wife, except for sexual immorality, and marries another, commits adultery.”
  - Mk. 10:11: “And he said to them, ‘Whoever divorces his wife commits adultery against her.’”
  - Lk. 16:18: “Everyone who divorces his wife and marries another commits adultery.”
    - The same is said of the wife who initiates divorce in Mk. 10:12 (“and if she divorces her husband and marries another, she commits adultery”).
      - A wife divorcing her husband was only possible under Greco-Roman law (used against Jewish custom and Jesus was possibly offering a criticism of Herodias, who had deserted her husband to marry Herod Antipas (Josephus, *Antiquities* 18.110/18.5.4); compare John the Baptist’s criticism of this adulterous union in Mk. 6:17-18. Since the setting for Mk. 10 is probably in Peraea (having crossed over the Jordan into the territory where Herod Antipas was tetrarch), Jesus’ opponents are asking if Jesus is willing, like John the Baptist, to criticize Herod Antipas’ marriage on the ruler’s own territory and consequently to suffer a similar death (cf. Mk. 10:2 where the Pharisees are said to be testing/tempting Jesus [with an evil in view]; note the plotting of the Pharisees and the Herodians against Jesus in 3:6; 12:13).
        - ✚ In *Ant.* 15.7.10, Josephus also notes that previously the princess Salome (Herodias’ grandmother) had done something similar, sending her

husband Costobarus a contract dissolving the marriage, which Josephus criticizes as being “not in accordance with Jewish laws.”

✚ Compare also Josephus *Ant.* 20.7.2, where Drusilla leaves Aziz to marry Felix.

- He is wrong to force his wife into another marriage (if she is to find protection and support) (Mt. 5:32) and
- He also wrongs the person his wife remarries (Mt. 5:32; Lk. 16:18), who assumes her to have been lawfully divorced.

Husband and wife have the same dignity and are called to the same faithfulness.

### Paul: Another Condition of Divorce in the Non-Jewish (Greco-Roman) World

In Jewish law, only the man had the ability to initiate a divorce.

- The wife could ask for a divorce due the husband’s impotence, denying conjugal rights, or unreasonably restricting her movement, but the granting of the divorce always remained the husband’s act.
  - A betrothed woman could break off an engagement/betrothal and a married woman could compel a husband to divorce her by refusing to live with him or having sexual relations with him (see e.g. Lightfoot on 1 Cor. 7:10), but neither of these was the same as initiating the divorce.

In the Greco-Roman world, either husband or wife could initiate the divorce by sending the other person out of the house (divorce *a foro*).

Paul asks both husbands and wives not to initiate a divorce from a Christian spouse or from a non-Christian spouse who is willing to live with them (1 Cor. 7:10-12).

A person who rashly divorces a his/her spouse should not remarry but create space for reconciliation with their former spouse by remaining unmarried (1 Cor. 7:11).

Paul also recognizes that if a non-Christian spouse refuses to live with the Christian and divorces them by sending them away, there may be nothing that can be done about this.

- Marriage requires a willingness to live together and to be married. If one of the persons refuses to live with the other and to be married, reconciliation becomes impossible and the marriage cannot continue to exist.
- The believing spouse is then no longer bound to the former marriage (1 Cor. 7:15; compare what is said of the widow in Rom. 7:2-3; 1 Cor. 7:39) and, as no longer married, is free to remarry (compare vv. 27-28: “Are you free from a wife...But if you do marry...”), although Paul advances various reasons why some persons should consider remaining single (see vv. 8, 26-27, 29-40; compare the discussion in 1 Tim. 5:11,14).