

The Question of Divorce Based on Matthew 19:1-12: Did Jesus legalize divorce on grounds for sexual immorality?

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Abstract

The paper was guided by the question of divorce based on Matthew 19:1-12, on whether Jesus legalized divorce on grounds for sexual immorality. After evaluating the Jewish setting, historical and geographical background, and the immediate context of Matthew 19:1-12 suggests that by the exception clause ("except for *porneia*") Jesus permitted divorce only in the case of an unlawful marriage to a near relative and betrothal period. By means of the *porneia* exception, Jesus did not intend to impose the Levitical norms for legitimate marriage, but simply to declare that when such norms were violated, there was a valid reason for the dissolution of marriage. This view is consistent with the absolute value that Mark, Luke, and Paul placed on the saying of Jesus. I can conclude that by the exception phrase about *porneia*, Jesus did not intend to open the way for divorce and remarriage in the case of sexual misconduct. Rather, he wished to reaffirm the creation account of permanence of the marriage union but allowing divorce in a case of an unlawful marriage specifically during betrothal period and incestuous relationship. The teaching of Jesus in Matthew 19:1-12 can be summarized in two points. First, divorce is forbidden because it violates God's intention of marriage as a permanent union of two persons. Second, remarriage after divorce is adultery because divorce does not dissolve the marriage union.

Keywords: *Divorce, Marriage, Sexual immorality*

1.0 Introduction

The question of divorce is common in the Synoptic gospels except John. It arose from the Pharisee primarily to test Jesus hoping to incriminate him through failure of interpret the Law. Jesus accordingly addressed the issue of divorce, and his statements are found in Matthew 5: 31-32 and 19:1-12, Mark 10:1-12 and Luke 16:18. In this essay, I focus on Matthew 19 when the Pharisees asked Jesus whether it is lawful for a man to divorce his wife for any reason and every reason (19:3-12). I am particularly interested in carrying out the analysis of the text to determine the clause 'there is no divorce except on grounds of *Porneia*'.

The essay has five sections. The first section explores the background of the Gospel of Matthew and specifically looks at audience to which the gospel was written to and its purpose because insights from the audience will give a better understanding why the question on divorce was raised and help in proper interpretation of the text. The second section surveys the Old Testament understanding of marriage and divorce because in the text there are quotations from the Old Testament and their insights might be useful in understanding Jesus answers and Pharisees' counter questions and answers. The third section covers analysis of the text of Matthew 19:1-12 and the dialogue between Jesus, Pharisees and the disciples. This analysis

will give insights into why the Pharisees asked the question and also establish whether Jesus legalized divorce or not. The fourth section looks at the application of divorce in the context of Matthew 19 to the question of divorce in the Agikuyu community. This is useful in understanding the views of the Agikuyu community and compare with the views of divorce in Matthew 19 and possibly draw out lessons which can be helpful to the church in dealing with the increased incidences of divorce. Finally, the fifth section is a conclusion which includes my personal reflection on the question of divorce.

1.1 Background Survey of The Gospel of Matthew

Authorship, Destination and Audience

The Gospel of Matthew according to citations found in early Christian writers was the most widely read and used in the formative years of the church. According to traditions, Matthew seemed to have written the Gospel after A.D 70 in or near Palestine. His Gospel was viewed as an attempt to respond to the crisis posed by the destruction of the temple in Jerusalem. It was also widely understood to have been written for Jewish community and so, Matthew articulated the story of Jesus with Jewish readers in mind.¹

According to Harrington, the first Gospel was believed to be the writing of an apostle and was written in Syria or northern Palestine and it was accepted thus because it was believed that the area had a large Jewish population to accommodate the Matthean community and their Jewish opponents. The other fact cited for his authorship, was since the gospel was composed in Greek for a Greek speaking community, it must have been a place in which Greek was known and used. The comments in the text about Gentiles show that there was a significant non – Jewish population in the area. So, the places that matched the criteria of a large Jewish population and Greek language were cities of Antioch, Damascus, and Edessa in Syria.²

Wilkins, like Harrington, Matthew wrote the gospel and he supports his authorship by stating that, records of the earliest church traditions unanimously ascribe the first Gospel to Matthew, the tax collector who was one of the twelve disciples of Jesus. It was written towards the end of the first century and the *Didache* demonstrated direct knowledge of the first Gospel by quoting it more than three times. He further shows that the first explicit mention of this Gospel was dated to the 3rd decade of the 2nd Century by Papias, Bishop of Hierapolis in Asia Minor (c.135) and later by Irenaus, Bishop of Lyons in Gaul (c.175). The testimony of these church fathers to the apostolic authorship of the Synoptic Gospels confirmed and supported that Matthew wrote the Gospel.³

The purpose of the Gospel of Matthew

Matthew mission was to write to all peoples although his first audience was the Jewish Christians. Price, states that, he wrote a manual of instruction to be used by teachers in the church, in order to confirm faith that Jesus was the Messiah who fulfilled the Old Testament prophecies and Jewish apocalyptic hopes. He also wrote to confirm to the community of believers that Jesus was Messiah and he was the new Israel and the people of the new covenant unto whom the promise of God was given and the words of Jesus the Messiah constituted the

¹ Wendell Stephen Reilly, "The Origin of St. Matthew's Gospel," *Catholic Biblical Quarterly* 2, no. 4 (October 1, 1940): 320–29.

² Daniel J. Harrington, *The Gospel of Matthew*, Sacra Pagina Series 1 (Collegeville, Minn: Liturgical Press, 1991), 9.

³ Michael J. Wilkins, *Matthew: From Biblical Text-- to Contem*, NIV Application Commentary (Grand Rapids, Mich: Zondervan, 2004), 21–22.

new law of God for the church. In this regard, Matthew sought to show proof that Jesus was the true messiah by starting the Gospel with the genealogy of Jesus and also by using quotations from the Old Testament messianic prophecies as a testimony to that fact.⁴

Matthew also wrote to show the believers in Jesus formed the new Israel and not a purified remnant with Judaism but the new Israel which composed of both Jews and Gentiles and the church was given the power to interpret the law of the old Israel. Therefore, the church, new Israel was expected to teach about Messiah as the New Law or Torah of God. The law was amplified by the teaching of Jesus and his teachings did not destroy the law but filled it with the meaning God intended; a meaning which the teachers in Israel failed to comprehend. So Mathew emphasized the teachings of Jesus as new law and as one who taught with authority.⁵

2.0 Old Testament Understanding of Marriage and Divorce

Understanding Marriage

Any Biblical study of the question of divorce must begin with a consideration of God's original plan for marriage. House et al reminds us, the plan for marriage is revealed in Genesis 2:24 and its revelation is that marriage is divinely designed and instituted as a lifelong relationship; a union that joins man and a woman in a permanent, covenantal, one flesh relationship. It is a commitment of a man and woman to live together in unity and its very essence is companionship, monogamous, and for procreation. Therefore, marriage came from God and it was good in His eyes just like all his creative work in Genesis 1:4, 10, 12,18,21,25 and 31.⁶ Marriage is therefore not a human creation and we are not free to abandon it at whim.

Further the Bible calls marriage a covenant (Mal 2:14, Prov. 2:17) involving a vow of promise which makes the obligation binding. God's Word instructs that a man shall not violate his word; 'he shall do according to all that proceeds out of his mouth' (Num. 30:2); Ecclesiastes 6:4-6 warns of God's displeasure towards those who make a vow they refuse to keep. Psalms 15:4 highlights the priority of faithfulness to one's word in spite of the personal cost.⁷ These Scriptures enhances the permanency of marriage.

Understanding of Divorce

The Biblical records shows that, unlike marriage, divorce was not instituted by God but there are provisions regarding divorce in the Bible. Deuteronomy 24:1-4 records the provisions for divorce as hardness of heart and Jesus in his teachings supports that divorce was not part of God's order but because of the "hardness" of human heart that Moses "allowed" divorce (Matt 19:8). To allow a practice is not the same as instituting it because when divorce first appears in the Bible, the practice was already in existence and what God did through Moses was to regulate it in order to prevent its abuse (Deut. 22:19,29; 24:1-4; Num. 5:11-30).⁸

The Teaching of Moses

⁴ James L. Price, *Interpreting the New Testament* (New York: Holt, Rinehart and Winston, 1961), 200–201.

⁵ John Nolland, *The Gospel of Matthew: A Commentary on*, New International Greek Testament Commen (Grand Rapids, Mich. : Grand Rapids, Mich: W.B. Eerdmans Pub. Co. ; Paternoster Press, 2005), 36.

⁶ H. Wayne House et al., eds., *Divorce and Remarriage: Four Christian Views* (InterVarsity Press; Downers Grove, Illinois, 1990), 16–21.

⁷ *Ibid.*, 21.

⁸ Jay Edward Adams and Jay Edward Adams, *Marriage, Divorce, and Remarriage in the Bible*, The Jay Adams Library (Grand Rapids, Michigan: Grand Rapids, Michigan: Baker Books House ; Ministry Resources Library, 1980), 27.

In the pre-Mosaic period, divorce was common in the ancient Near Eastern societies; a man could divorce his wife for any reason simply by telling her before witnesses that she was no longer his wife. The divorced wife would have no recourse but to leave her home with only the few belongings she could carry on her back. This made women very insecure and as such they used to wear all their rings, jewelry, and coins on their bodies because they provided a financial resource in case they were divorced. Due to easy divorce, the practice became common among the Hebrews and was encouraged by absence of regulations to restrict it. It was this situation that occasioned the legislation found in Deuteronomy 24:1-4. The chief concern of the law was to discourage hasty divorce by preventing remarriage after divorce. The law contained three elements: the grounds for divorce (Deut. 24:1a), the process of divorce (Deut. 24:1b), and the result of divorce (Deut. 24:2-4).⁹

The Grounds for Divorce

Deut. 24:1a states that a man could take a wife and marry her but if she found no favor in his eyes because he had found some indecency in her, then he could write her a certificate of divorce. In Hebrew, 'indecency' is described as '*ervat dabar*'. The word *ervat* signifies 'sexual organs' hence 'something to be covered' or 'shamefulness' so '*ervat dabar*' is literally translated to mean 'a shameful thing'.¹⁰ In view of the cause of ground of divorce on grounds for indecency, there arose conflicting opinions and rabbinical interpretation of Deut.24:1 was sharply divided. The school of Shammai interpreted it as 'something morally shameful' seemingly adultery or the wife's failure to observe the Jewish law of going out with her head uncovered, running around the streets, or speaking with every man she met. The school of Hillel viewed '*ervat dabar*' as not only some moral fault in the wife but also any failing on her part which could cause annoyance or embarrassment to her husband; for example, it would be "a shameful thing" for a wife to burn her husband's dinner.¹¹

Shammai's view was discredited by the fact that in the Old Testament, divorce was not granted on grounds for adultery because the penalty of adultery was death (Lev 20:10; Deut. 22:22) or a wasting disease (Num.5:23-31). If a man morally defiled one's wife before marriage, the law stipulated the he should marry her and never divorce her as long as he lived (Deut. 22:28). This suggests that the "indecency" of Deut. 24:1 must have referred to something else other than adultery or sexual uncleanness.¹²

Hillel's looser interpretation 'anything displeasing' also does not have Biblical support. In the rabbinic era, *ervat davar* was held to mean, 'something unclean'. The alternate meaning to 'uncleanness' become lost with time and the school of Hillel, exploited the latitude in the meaning of "something unclean" to divorce unwanted wives for trivial reasons. The phrase was interpreted to mean that a woman may be divorced because of *ervah*, something and even simply because of *davar*, anything. Given this convenience, and because the legislation was not more explicit, the intended meaning was lost.¹³ Hence, teaching in Duet.24:1-4. This

⁹ Daniel Isaac Block, *Deuteronomy*, The NIV Application Commentary, n.d., 558.

¹⁰ Thomas V. Fleming, "Christ and Divorce," *Theological Studies* 24, no. 1 (March 1, 1963): 106-20.

¹¹ Ibid.

¹² Andrew Canes, *Divorce and Remarriage: Biblical Principles and Pastoral Practice* (London: Hodder & Stoughton, 1993), 133.

¹³ Anthony Garrett, "A New Understanding of the Divorce and Remarriage Legislation in Deuteronomy 24:1-4," *Jewish Bible Quarterly* 39, no. 4 (October 1, 2011): 245-50.

probably made the basis of the question to Jesus by the Pharisee whether it was unlawful to divorce on any and every reason in Mathew 19:3

The Process of Divorce

The procedure required a man intending to divorce his wife write out a bill of divorce and give it to her (Deut. 24:1). The bill of divorce served several purposes; first it deterred a hasty action on the part of the husband by restraining frivolous and rash dismissal. Secondly, it testified to the woman's freedom from marital obligations from the husband who had sent her away and protected her reputation, particularly if she married another man.¹⁴

The Result of Divorce

The primary purpose of the divorce procedure was to close the way forever for the husband to remarry his former wife once she had remarried. Even if her second husband divorced her or died, she could not return to her first husband. If the man married her again, it would be offensive to the Lord (Deut. 24:4). Another possible reason for the Deuteronomic ban on the remarriage of divorcees to each other after one of them had married someone else was that such a marriage would constitute an incestuous relationship which was prohibited in Lev. 18.¹⁵

In summary, Moses regulated a practice that was already taking place. Deut. 24:1-4 indicates that Moses sought to curb the evil of divorce by requiring the husband to give a bill of divorcement to his wife and to protect her after her marriage to another man. The Mosaic concession therefore, did not alter God's original plan for marriage to be a sacred and permanent covenant. It simply provided protection for the divorced wife when sinful hearts violated God's original plan for marriage. This knowledge is necessary to have a proper understanding of the Gospels.

The Teaching of Malachi

Many of the Jews who returned from the Babylonian exile married unbelieving heathen women living in the land of Judah. Such marriages were strictly forbidden by the Mosaic Law because they would inevitably lead to them to worship of heathen gods (Deut. 7:1-4; Judges 3:5-6; 1 Kings 11:1-8). Malachi identified and condemned the sin which had caused God to reject the offering and worship of His people, and among them was, violation of the marriage covenant by marrying foreign idolatrous women (2: 13-16). He speaks of the sin of divorce as faithlessness. To him, God saw marriage as a sacred covenant binding two persons in a permanent relationship before God (Gen 31:50; Prov. 2:17). He expressed God's attitude toward divorce and likened it to "covering one's garment with violence." This figurative expression may refer to the custom of spreading a garment of protection over a woman by a man who wanted to claim her as his wife (Ruth 3:9). But on the contrary, those Jews who had divorced their wives had acted treacherously, spreading over them a garment of violence rather than of protection. Malachi closed his prophesy by repeating his plea for faithfulness to the marriage covenant (Mal 2:16).¹⁶ So to Malachi, marriage is a covenant and faithfulness is important. Divorce is sin and God hates divorce (2:16).

In sum total Moses and Malachi teachings are important in understanding the discourse of Matthew 19:1-12.

¹⁴ Canes, *Divorce and Remarriage*, 134.

¹⁵ Adams and Adams, *Marriage, Divorce, and Remarriage in the Bible*, 30-31.

¹⁶ House et al., *Divorce and Remarriage*, 28-31.

3.0 Textual Analysis of Matthew 19:1-12

3.1 Background to the Question about Divorce Matthew 18 – 19:2

Matthew 19 is preceded by a conversation between Jesus and His disciples. In spite of the different geographical locales, there are strong connections between Matthew 18 and 19. These include the terms “disciples;” “kingdom;” “children”. At the beginning of chapter 18, the disciples asked the question “Who then is greatest in the Kingdom of Heaven?” (18:1), Jesus’ answered by mentioning a child, the little ones, and the sin of a brother (18:2-20). After His response, Peter asked another question dealing with the issue of forgiveness of sins (18:21). Jesus replied with a short statement and gave the parable of the unforgiving servant (18:22-35). This answer connects to the Chapter 19 in this way: 18:1-35, Jesus’ dialogue with the disciples (children, Kingdom of Heaven); 19:1-9, Jesus’ dialogue with the Pharisees; 19: 10-15, Jesus’ dialogue with the disciples (Kingdom of Heaven, children,).

Mt. 19:1 starts with when Jesus had finished saying those things; he left Galilee and went into the region of Judea to the other side of the Jordan. Large crowds followed him, and he healed them there. Given the foregoing discourse, 19:2 showed that Jesus' ministry included healing as well as teaching and that despite Jesus' present concentration on the disciples (to whom the preceding discourse was exclusively addressed); he still had compassion on the needy multitudes.

Jesus’ Speeches on Divorce, Remarriage and Celibacy and their Interpretation Mt: 19:3-12

Jesus’ Dialogue with the Pharisees (Mt 19: 3-9)

First question of the Pharisees (Mt. 19:3)

V3 Some Pharisees came to him to test him. They asked, “Is it lawful for a man to divorce his wife for any and every reason?”

The Pharisees' present question may be viewed as a clever means of helping the "large crowds" (19:2) to see what they themselves had long known that Jesus was a dangerous enemy of Moses, and by implication God. Furthermore, they sought to force Jesus to become entangled in a controversy over the proper interpretation of Mosaic Law. And so, some Pharisees came to him to test him and asked Jesus “Is it lawful for a man to divorce his wife for any and every reason?” An important term in 19:3 is *apolyo*, which in this context means “to send away” or “to divorce.” The phrase “for any and every reason” can also be translated “for any reason at all.” The first option reflects the position of Hillel and seems to be preferable in this context.¹⁷

The question is viewed to have two prong bases: Theological and Political. Theologically the question was controversial because it was presented as a test question by the Pharisees deliberately entering into a controversial issue on which Jesus might be expected to give a teaching which could easily be seen as a contradiction to the Mosaic Laws. According to Morris, the question about divorce apparently had two different views and the Pharisees were looking for whatever position that Jesus took so that it would antagonize those who held the opposite position. It was a common accepted practice throughout Judaism that a man had the right to divorce his wife though a woman had no such right to divorce her husband. But on rare occasions, the wife could petition the court, and the court could direct her husband to divorce

¹⁷ Fleming, “Christ and Divorce.”

her but the actual divorcing was done by the husband. The husband was given that provision by the law (Deut. 24:1-4).¹⁸

So, when the Pharisees asked whether it was unlawful for the husband to divorce his wife for any and every reason, they were in effect asking Jesus to take sides in a first century rabbinic schools of controversy, the school of Shammai and Hillel. According to the school of Shammai, a man could not divorce his wife for just any reason but only on grave reason of some sexual immorality while the school Hillel said that a man could divorce his wife for almost any reason at all for example, for burning his food or even finding a more attractive woman.¹⁹ Therefore the question by the Pharisees reflected the position of Hillel and seemed to be preferable in this context and their question aimed at Deuteronomy 24:1:

‘If a man marries a woman who becomes displeasing to him because he finds something indecent about her, and he writes her a certificate of divorce’

Politically the Pharisees hoped that Jesus’ answer could expose him as the enemy of Herod Antipas. Jesus was in Peraea when the Pharisees asked whether divorce was unlawful; this place was under the jurisdiction of Herod - the Herod who divorced his first wife (the daughter of the Nabataean king Aretas IV) in order to marry Herodias, the wife of his half-brother Herod Philip. So, the Pharisees hoped that Jesus’ answer would underscore John’s own preaching on the subject of divorce (14:4) and that Herod will learn of this, and confirm in his belief the reports about Jesus (14:1) and proceed to treat him as he had treated John. In this, the Pharisee hoped that Herod would get rid of Jesus who was becoming an increasingly dangerous adversary.²⁰

First answer of Jesus (Mt 19: 4-6)

“Haven’t you read,” he replied, “that at the beginning the Creator ‘made them male and female, and said, ‘For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh’ ? So they are no longer two, but one flesh. Therefore, what God has joined together, let no one separate.”

Jesus answered the question of the Pharisees and declined to go along with the accepted rabbinic methods of understanding the question. He answered the question with Scripture avoiding taking sides with one of the rabbinical schools. He used a higher authority than the interpretation of famous rabbis. According to Morris, by Jesus appealing to the creation, he was making use of rabbinic method of disputation which favored the ‘more original the weightier’. This meant that what happened as early as the creation narrative was weightier than what Moses said considerably later. This method did not do away with the Mosaic regulations because it was part of the law and was to be respected but should be interpreted in light of the more original statement.²¹

With this background, Jesus answered the Pharisees by referring to the creation in which he stated that God created male and female (Gen 1:27) and this showed God’s will in creation. “Have you not read that He who created them from the beginning made them male and

¹⁸ Leon Morris, *The Gospel according to Matthew* (Grand Rapids, Mich. : Grand Rapids, Mich: W.B. Eerdmans ; Inter-Varsity Press, 1992), 480.

¹⁹ Frederick Dale Bruner, *Matthew: A Commentary*, Rev. and expanded ed (Grand Rapids, Mich: Eerdmans, 2004), 249.

²⁰ Robert Horton Gundry, *Matthew: A Commentary on His Handbook for a Mixed Church under Persecution*, 2nd ed (Grand Rapids, Mich: W.B. Eerdmans, 1994), 377.

²¹ Morris, *The Gospel according to Matthew*, 481.

female?” This answer may contain some sort of rebuke. The Pharisees should not have asked such a question. Scripture has already answered it. He shows sexuality is of divine ordinance which is intended to be exercised in a monogamous relationship because the man leaves his parents and cleaves to his wife (Gen 2:24) and when a man marries, he enters into a new and intimate relationship with his wife and that takes precedence over all previous ties. Man and wife belong together and they become ‘one flesh’ referring to sexual act which unites husband and wife in a most intimate fashion. In reference to creation, Jesus underlined the closeness of unity and the married couple should not be separate individuals. This showed that the schools of Hillel and Shammai and the Pharisees lost that sight of the truth that marriage is not a casual union subject to the whims and desires of the male. It is a close and binding union and must be treated with respect because marriage was created by God and what He has joined no man should separate. In this response Jesus rejected the Pharisees thoughts and called his hearers to take it seriously the Scripture that marriage is from God and what He has joined together strengthens the idea of marriage indissolubility and the husband in this context cannot break the bond.²²

So, in this first question Jesus declared all divorce unlawful. The Pharisees asked whether divorce was lawful "for any and every reason" (v. 3). Jesus, rather than taking sides in the debate between Shammai and Hillel, he stated categorically: "therefore what God has joined together, let man not separate" (v. 6). Jesus' unqualified statement showed the Pharisees' question seemed to be irrelevant. It is not a matter of distinguishing between the right and wrong reasons for divorce; but it should be judged by the standard of Gen 2:24, meaning that there is no valid reason for divorce. Such an action is always unlawful, for by its very nature it severs the marital bond which God has established. Therefore, under the original creation intent of God for men and women in marriage there is no compromise or casuistry. Jesus bluntly states the holy will of God for marriage from the creation, calling attention to the ultimate significance of marriage in terms of which divorce was inconceivable.²³

Second question of the Pharisees (Mt 19: 7)

“Why then,” they asked, “did Moses command that a man give his wife a certificate of divorce and send her away?”

The Pharisees responded to Jesus’ speech by asking why Moses gave the certificate of divorce, if divorce was not possible. Like Jesus they also used Scripture and referred to Deuteronomy 24: the Torah seemed to teach that divorce was both unlawful (Gen 2:24) and lawful (Deut. 24:1). In their second question the Pharisees pointed to the authority of Moses. It seemed they understood very well that Jesus had argued against divorce and by referring to the creation order he had surpassed Deuteronomy 24:1, the only reference in the Old Testament in which Moses mentioned the certificate of divorce. At this point they tried to create a conflict between Jesus and Moses. An important difference between them and Jesus was the respective interpretation of Deuteronomy 24:1, 2 and Jesus must have foreseen that argument and that was why he used Genesis 2:24 as an original word of God Himself. To the Pharisees, Moses commanded a certificate of divorce to one’s wife and so there should be no discussion about it.²⁴

²² Ibid., 481–482.

²³ Harry G. Coiner, “Those Divorce and Remarriage Passages,” *Concordia Theological Monthly* 39, no. 6 (June 1, 1968): 367–84.

²⁴ Ibid.

According to Hagner, with Jesus' prohibition of divorce, the Pharisees must have felt they had trapped him since it was clear that Moses had in fact allowed and regulated divorce according to Deuteronomy. The authority of Moses for the Pharisees was evident in the use of the word 'commanded' and the certificate of divorce was a legal document that protected her from never again to become the wife of her former husband and she could enter into a new marriage (Deut. 24:4).²⁵

To France, there was a discrepancy between what Jesus deduced from the texts in Genesis and the facts in Deut. 24:1-4 which legislated for what may follow from a divorce a remarriage. The Pharisees used that discrepancy and interpreted to read commandment which was not the fact there: giving of a divorce certificate and the resultant divorce was not commanded. Matthew wording of the exchange carefully observed this distinction with Jesus using 'permit' in the response to the Pharisees verb 'command'. This version put the Pharisees more clearly in the wrong and allowed Jesus to withhold from Deuteronomy text the status of 'commandment' which would more nearly put it on a par with the Genesis principle.²⁶

Second answer of Jesus (Mt 19: 8, 9)

V8 Jesus replied, “Moses permitted you to divorce your wives because your hearts were hard. But it was not this way from the beginning”.

Jesus' second answer consisted of a defense of Moses. At the same time, Jesus surpassed Moses in verse 8 with His authoritative statement, “I tell you.” Jesus defended Moses when he clarified that Moses did not give a command. He mentioned the human hardness of heart as a reason for the concession that Moses made. Divorce was practiced and Moses could not prevent such inhumane behavior in his generation and the subsequent generations to take place. He only tried to keep the damage to a minimum. So, Moses allowed for divorce under certain circumstances but did not command it and his intentions were similar to those portrayed in the creation account, although certain openness to divorce was given, it was not God's intention for marriage.²⁷

Jesus continued: “but from the beginning it has not been this way.” Divorce was not part of God's plan. Jesus had already used the phrase “from the beginning” in his first response to the Pharisees (v. 4), there was connection to creation, as it was here. The topic of creation connected Jesus' two answers to the Pharisees. Jesus' entire argument rested on the creation account. Whatever marriage meant right from the beginning was still valid and binding, especially in view of the coming of the Kingdom of God in the person of Jesus Christ, and it did not allow divorce.²⁸

Morris clarifies that, in Moses' time, divorce evidently needed regulation and primarily to protect the wife from her husband arbitrarily reclaiming her. So, permission for divorce was a concession made because of men's heart hardness. This was not part of the original provision of marriage and there was no concession to any human weakness but God's provision was that

²⁵ Donald A. Hagner, *Matthew 14 - 28*, Word Biblical Commentary 33b (Word Books Publisher, Dallas, Texas, 1995), 548.

²⁶ R. T. France, *The Gospel of Matthew*, New International Commentary on the New (Grand Rapids, MI: William B. Eerdmans Pub, 2007), 719.

²⁷ Fleming, “Christ and Divorce.”

²⁸ Bruner, *Matthew*, 258–261.

man and woman should live together and produce family.²⁹ Gundry supports that argument by saying:

“God’s intent at creation, Jesus argued, weighs more than the later Law of Moses. Yet even that Law testifies indirectly to God’s original intent in the later permission to divorce arose only in a set of instructions designed to check haste in divorce, the loaning of wives and similar abuses by prohibiting resumption of the initial marriage. In fact, the second marriage of the woman ‘defiles’ her according to Deut. 24:1-4. Thus, Moses’ law runs in the opposite direction from divorce and remarriage. Jesus recognized this tendency, notes the secondary nature of the allowance, identifies its reason as men’s hardheartedness, extends the defilement of a second marriage by the woman to include a second marriage by the man and demands that his disciples avoid such defilement. In this Jesus does not pit God’s original intent against the Mosaic provision so much as he harmonizes Mosaic provision with God’s original intent”³⁰

V9. I tell you that anyone who divorces his wife, except for sexual immorality, and marries another woman commits adultery.”

This verse gives a summary of Jesus teaching on marriage, divorce and remarriage. It starts with an emphatic command ‘I tell you’. Whenever Jesus started a sentence with ‘I say to you’, it meant that Jesus was in his deepest conviction of God’s highest will and his will had been presented in Genesis account of creation and was explicitly proclaimed in Malachi’s prophesy that husband and wife be faithful to each other for life. Moses under duress permitted divorce but Jesus commanded no divorce proclaiming God’s original will.³¹

However, Jesus on the same note stated no divorce except for ‘*porneia*’. Popular understanding of *porneia* is adultery while the Greek word for adultery is ‘*moicheia*’. These two different words with two different meanings clearly were a center of the debate on whether Jesus gave a verdict that allowed divorce on grounds of *porneia* and remarriage which make people commit adultery (‘*moicheia*’). According to Fleming, to explain this text, it is helpful to compare it with the similar saying in the Sermon on the Mount: "But I say to you that whosoever shall put away his wife, excepting for the case of fornication (*parektos logou porneias*), makes her to commit adultery; and he that shall marry her that is put away commits adultery" (Mt 5:32).³²

In Matt. 5:32, *porneia*, this word means "fornication". In the Bible it also has other meanings: Jer. 3:9: "And it came to pass that she counted fornication (*porneia*) as nothing, and commits adultery (*emoicheuse*) with wood and stone." According to Hebrew parallelism, *porneia* here is equivalent to *moicheia*. Elsewhere, however, they are distinguished, e.g., in Mt 15: 19: "For out of the heart come forth evil thoughts, murders, adulterers (*moicheiai*), fornications (*porneiai*)” .We can reconcile the preceding two texts by saying that *porneia* signifies "unlawful intercourse". Therefore, the word, *porneia* means "fornication," that is, when no special circumstances aggravate its guilt; but in different contexts it could be identified with adulterous or incestuous intercourse. St. Paul used the word in the latter sense when he wrote: "It is absolutely heard that there is *porneia* (unnatural intercourse) among you, and such

²⁹ Morris, *The Gospel according to Matthew*, 482.

³⁰ Gundry, *Matthew*, 380.

³¹ Bruner, *Matthew*, 261.

³² Fleming, "Christ and Divorce."

porneia (unnatural intercourse) as the like is not among the heathen that a man should have his father's wife."³³

According to, the Greek Lexicon, Thayer gives the meaning of ‘**porneia**’ as: illicit sexual intercourse either adultery, fornication, unchastity, homosexuality, lesbianism, intercourse with animals etc., sexual intercourse with close relatives (Lev. 18), sexual intercourse with a divorced man or woman (Mk. 10:11,12).³⁴

Although the lexicons and Greek dictionaries give those ranges of ideas of what *porneia* is, the perceived meanings are debatable. In Matt. 19:9 accordingly, *porneia* signifies “**unnatural intercourse**” or **incest**. In this regard, I wish to support my thesis that Jesus allowed divorce on grounds for incestuous marriage or sex during betrothal period. The following are the evidences that show that Jesus allowed divorce on grounds for *porneia* as incestuous marriage or sex during betrothal period:

The betrothal Period

Jazen, in his article the ‘*Meaning of Porneia*’, explains that Matthew's use of *porneia*, a term that scholars and translators translate variously as 'unchastity', 'fornication' or 'adultery', give us the key to see the clause that was at the center of the question of divorce with a just cause. He believes that Matthew wished to convey to his readers, that Jesus indeed authorized divorce, but only divorce with just cause; and the just cause amounted to intercourse with someone other than her husband on the part of the woman during betrothal or marriage. Intercourse in such situations is what Matthew uses to identify with *porneia*. He further says that if Matthew used *porneia* instead of *moicheia*, it is likely that his wish was to indicate that it was not simply sex during marriage that constituted a permissible reason for a man to divorce, but also sex during betrothal.³⁵

Jones supports **betrothal view** as a facet of the Jewish practice of betrothal. In Jewish practice infidelity during the betrothal period was a cause for dissolution of the relationship. The betrothed couple was considered married for moral and legal purposes and the termination of such a relationship on account of unfaithfulness was not regarded as a divorce as such, but rather as an annulment of the marriage itself. In other words, infidelity during the betrothal period was not viewed as an act that could end a marriage, but rather as an event that demonstrated that there had never been a legitimate marriage in the first place. The practice of a husband divorcing such a wife (one who has been unfaithful during the betrothal period) was described as the annulment of an unfulfilled contract of sale as a divorce. A divorce granted under such circumstances (infidelity of one of the parties) would be the equivalent of a declaration that there had never been a true marriage. So, the betrothal view asserts that this practice of nullifying an unconsummated marriage during the betrothal period because of unfaithfulness is the event in view in the Matthean exception clause.³⁶

Evidence cited by many proponents of the betrothal view corroborates the contextual support for this interpretation is the betrothal of Mary and Joseph. Advocates of the betrothal view note

³³ Ibid.

³⁴ “Blue Letter Bible :Book of Beginnings - Genesis Chapter 1 - King James Version,” *Blue Letter Bible*, accessed February 13, 2015, <http://www.blueletterbible.org/lang/lexicon/lexicon.cfm?Strongsg=G4202&t=KJV>.

³⁵ David Janzen, “The Meaning of Porneia in Matthew 5.32 and 19.9: An Approach from the Study of Ancient Near Eastern Culture,” *Journal for the Study of the New Testament*, no. 80 (December 1, 2000): 66–80.

³⁶ David W. Jones, “The Betrothal View of Divorce and Remarriage,” *Bibliotheca Sacra* 165, no. 657 (January 1, 2008): 68–85.

that only Matthew, in his Jewish-oriented Gospel, mentioned Joseph's intent to divorce Mary on account of her apparent unfaithfulness during their betrothal period. Given Matthew's description of Joseph as a "just man" (Matt. 1:19), champions of this interpretation suggest that it was necessary for Matthew to publish Jesus' teaching on divorce and remarriage in a format that would vindicate, not implicate, Joseph for his previously reported intent to divorce Mary.³⁷

Incestuous relationships and marriages

Nolland, in his article '*The Gospel Prohibition of Divorce*', sees two possible meanings for πορνεία in the Exception Clause. First, he sees πορνεία as the sexual impurity involved in a marriage within degrees of kinship proscribed in the Old Testament (Lev. 18.6-19, 20.11-21, Deut. 27.20 and Ezek. 22.10). In this case, πορνεία can carry this sense and it is supported in the Qumran text CD 4.20-5.10, and is applied to marriage within such prohibited degrees of kinship.³⁸

The second possibility is based on the cultural setting for the exception clause where Nolland feels that the more likely setting for πορνεία was in incestuous marriage as understood by the customs of a strict Jewish view of adultery. In the Old Testament period adultery was a capital offence (Lev. 20.10; Deut. 22.22), which therefore left no practical possibility for a marriage to continue beyond a (proved) act of adultery.³⁹

To support this view was Heth in his article, '*The Meaning of Divorce: Matthew 19:3-12*', caught by Jesus' absolute prohibition of divorce, Matthew solved their dilemma by inserting the clauses which indicated that 'marital' unions within the prohibited degrees (Lev. 18:6-18) were in fact non-marriages and did not come under Jesus' absolute prohibition of divorce where a valid marriage was concerned. On the contrary, the exception clauses seemed to be precisely framed in the light of two things: Jesus' absolute prohibition of divorce (Matt. 19:4-6), and a Jewish legal and social environment, hinted at elsewhere in Matthew's gospel (1:18-19), which demanded that a man's unfaithful wife be divorced. The exception clauses thus neither sanctioned divorce for *porneia*, nor permitted remarriage should this kind of separation occur. They merely exempted the follower of Jesus from the responsibility of breaking his command not to divorce, should the customs of one's social world dictate otherwise.⁴⁰

A further clarification to show that Jesus did not allow divorce is shared by Guenther, who did a grammatical study of the prohibition in Greek. Μη ἐπι, Mt.19:9, and presented Jesus as granting divorce except on the matter of πορνεία. To Guenther, his reasons for interpreting πορνεία as incestuous relationships and marriages are consistent to what is found in other Gospels and Deuteronomy. They contain records of two original logia on divorce and remarriage, one in response to the challenge by Jesus' opponents to interpret Deuteronomy 24:1-4 (Mt. 19:3-12; cf. Mk. 10:2-12) and the other as a part of his explicit body of teaching directed at his disciples (Mt. 5:31,32; cf. Lk. 16:18).⁴¹

³⁷ Ibid.

³⁸ John Nolland, "The Gospel Prohibition of Divorce : Tradition History and Meaning," *Journal for the Study of the New Testament*, no. 58 (June 1, 1995): 19-35.

³⁹ Ibid.

⁴⁰ William A. Heth, "The Meaning of Divorce in Matthew 19:3-9," *Churchman* 98, no. 2 (January 1, 1984): 136-52.

⁴¹ Allen R. Guenther, "The Exeption Phrases: Except Porneia, Including Porneia or Excluding Porneia? (Matthew 5:32; 19:9)," *Tyndale Bulletin* 53, no. 1 (January 1, 2002): 83-96.

He states that when preposition ἐπί appears together with a dative (πορνεία) in a Greek construction, as found in Mt. 19:9, it should be understood that μή ἐπί means ‘exclusion’ meaning ‘apart from πορνεία, ‘πορνεία aside’, or ‘excluding the subject of πορνεία’. So, apart from incestuous relationship there is no divorce.

Furthermore, the construction of μή and verbs in Aorist tense and subjunctive mood exhorts a reader against doing something he/she has not yet started doing. In this case, the Greek construction shows there was a prohibition to ‘ἀπολύση’ (divorce) and ‘γαμήση’ (shall marry) in reference to divorce and remarriage. These two Greek verbs are Aorist Subjunctive emphasizing the fact that Jesus did not allow divorce. Guenther further confirms the accuracy of the translation of the Jerusalem Bible of this text in reading 19:9 as exclusively: ‘the man who divorces his wife: I am not speaking about fornication and marry another’ supports the argument that Jesus did not allow divorce.⁴² So, Greek prohibitions support no divorce except in incestuous marriage and there were instructions about that in Leviticus 18:8-18; 20:11-21; Deut.27:22-23.

In summary, "Is it lawful for a man to put away his wife for every reason?" Jesus’ reply condemns the lax doctrine of Hillel and is stricter than the teaching of Shammai and the Pharisees see that He has answered their question (although not as they would have wished) and they do not press the point any further. The disciples, however, are not satisfied with the partial answer given to the Pharisees, so they seek fuller information.⁴³

Jesus’ Dialogue with the Disciples (Mt 19: 10-12)

First question of the disciples (Mt 19: 10)

V10. The disciples said to him, “If this is the situation between a husband and wife, it is better not to marry.”

The disciples’ reaction to Jesus’ answer and the ongoing debate between him and the Pharisees became a shock. Jesus gave the full truth to the disciples, since they were better disposed than the Pharisees to receive it. Even to them it came as a shock and expressed that it was better not to marry. According to Hagner, disciples’ reaction may have been as a result of their understanding of the strict view of Jesus concerning the permanence of the relationship between husband and wife. The risks of becoming inseparably linked with unsatisfactory wife in whatever way were too great in their estimate.⁴⁴ It seemed the disciples’ reaction reflected a strict interpretation of Jesus rule in v9 specifically that only sexual immorality gave permission for divorce and that was why they sensed marriage was not only good but also dangerous.

Gundry further states that the disciples’ reaction seemed to show that they understood the law of Christ and not merely as an agreement with the strict but tolerable interpretation of the Shammaites who allowed divorce with remarriage in cases of sexual infidelity but as a seemingly intolerable prohibition of remarriage even though divorcing a wife for sexual infidelity was allowed. Jesus himself recognized the seeming intolerability of his teaching. The disciples’ reaction showed they understood that marriage is permanent with unbreakable bond

⁴² Ibid.

⁴³ Fleming, “Christ and Divorce.”

⁴⁴ Hagner, *Matthew 14 - 28*, 549.

but with the teaching of Jesus they misunderstood the marriage commitment is a torturous obligation. If that is the case they mistakenly conclude, it is better not to marry.⁴⁵

Third answer of Jesus (Mt 19: 11, 12)

V11 -12 Jesus replied, “**Not everyone can accept this word, but only those to whom it has been given.** ¹² **For there are eunuchs who were born that way, and there are eunuchs who have been made eunuchs by others—and there are those who choose to live like eunuchs for the sake of the kingdom of heaven. The one who can accept this should accept it.”**

Jesus picked up the disciples comments and told them that not all men can live up to the teaching of marriage. He did not challenge the disciples’ assessment of the difficulty of abiding by his high standards of the kingdom but admitted that the alternative of not to marry was the will of God and it was for them to accept it. Jesus did not contradict his earlier confirmation that the right order of God’s creation for men and women was to marry and remain so permanently but neither did he adopt the disciples’ attitude towards to a life of singleness. Singleness was an appropriate alternative for those for whom it had been given in life whether born or were made by man or eunuchs.⁴⁶

The basic flow of thought Mt.19:3-12, is very clear. V. 3-9 stress the complete dedication of marriage as a life long relationship. Verse 10 gives the disciples' objection that it better not to marry. To Quesnell, this seems inappropriate as if the attraction to marriage depends on easy divorce. This serves the literal purpose of introducing the eunuch saying in v12. By implication if the disciples think that the teachings of a man who has put away his wife must remain forever unmarried is hard; it is also hard like all mysteries of the kingdom of heaven. Not all men can understand such mysteries. But some are given the necessary understanding and these live up to it as best as they can. For just as we see about us men physically incapable of marriage, men born eunuchs or made eunuchs by man, so too we see men who, having grasped this truth, are trying to live by it. Their devotion to the ideal of marital fidelity leaves them forever incapable of marrying again. Their resolve to live out the complete dedication to singleness means they have made themselves eunuchs for the kingdom of heaven.⁴⁷

According to Harrington, the practice of celibacy was unusual in ancient Judaism. Later rabbinic statements were strong on this matter and there were expressions that any Jew who did not have a wife was not a man. But in the first century Essences and the Therapeutae, members of the Jewish sects who lived a monastic life were celibate for example, John the Baptist, Jesus and Pau. The rabbinic emphasis on the duty of marriage need not read back to cover all forms of first century Judaism but the importance for voluntary service on account of the Kingdom of Heaven.⁴⁸

4.0 Application

Traditional African views of Divorce in the Agikuyu community

⁴⁵ Gundry Robert H, *Matthew: A Commentary on His Literary and Theological Art* (William B. Eardmans Publishing Company Grand Rapids, Michigan, 1982), 381.

⁴⁶ Wilkins, *Matthew*, 645.

⁴⁷ Quentin Quesnell, “Made Themselves Eunuchs for the Kingdom of Heaven (Mt 19:12),” *Catholic Biblical Quarterly* 30, no. 3 (July 1, 1968): 335–58.

⁴⁸ Daniel J. Harrington, *The Gospel of Matthew*, Sacra Pagina Series 1 (Collegeville, Minn: Liturgical Press, 1991).

In many African Traditional Societies marriage was highly esteemed and it was communal, for procreation and was indissoluble. Marriage was not just an affair between two individuals but also an alliance between two families and that was the reason why marriage ceremony involved the whole clan. Marriage helped members of the community to fulfill their personal goals by getting children. The desire for children usually was the main motive inspiring the Africans to marry. The attributes of marriage being communal, indissolubility and children accounted for low divorce rates in African communities.⁴⁹

For the Agikuyu community, marriage and its obligations occupy a position of great importance. One of the outstanding features was the desire for every member of the tribe to build up his family group by getting married. Marriage was communal, for procreation to propagate the family tree, and was indissoluble. There were prohibitions of marriage based on blood relationships, or between two individuals from the same clan. Divorce was a rare because of the fact that a wife was regarded as the foundation rock on which the homestead was built. Without her the homestead was broken, and therefore it was only after all efforts were made to keep the husband and wife together failed that an action for divorce was taken.⁵⁰

According to the Gikuyu customary law a husband could divorce his wife on the grounds of barrenness, refusal to render conjugal rights without reason, practicing witchcraft, being habitual thief, willful desertion and continual gross misconduct. And the wife had the same right to divorce her husband on grounds of impotence, cruelty and drunkenness. To solve a dispute between a husband and the wife, the parents of the man intervened and discussed the matter and the immediate family could not solve the extended family was involved to forestall divorce.⁵¹ Even if the wife committed the said crimes and she had children divorce was allowed but separation was encouraged; the presence of the children was a sure sign of keeping the couple together in harmony.⁵²

In comparing with issue of divorce in Jesus' time and the Agikuyu community, in both marriage was highly regarded and divorce was not an acceptable practice. Besides the Gikuyu had prohibitions of marriage between blood relatives and also among clan members compares well with the Jewish traditions and prohibitions in Leviticus. In this case culture preserved marriage and considerable social pressure to stay married was evident. Jesus' explanation to Pharisees question of divorce compares very well to the Agikuyu community's efforts to forestalling divorce. Therefore, the Biblical account and the Agikuyu's understanding of marriage as indissoluble can be used by the church to show that divorce is not a desirable practice and so any effort should be made to reconcile members contemplating divorce.

5.0 Conclusion

After evaluating the Jewish setting, historical and geographical background, and the immediate context of Matthew 19:1-12 suggests that by the exception clause ("except for *porneia*") Jesus permitted divorce only in the case of an unlawful marriage to a near relative and betrothal period. By means of the *porneia* exception, Jesus did not intend to impose the Levitical norms for legitimate marriage, but simply to declare that when such norms were violated, there was a valid reason for the dissolution of marriage.

⁴⁹ Theology Advisory Group (TAG), ed., *A Biblical Approach to Marriage and Family in Africa*, TAG Theological Reflections 5 (Machakos, Kenya: Scott Theological College, 1994), 65.

⁵⁰ Jomo Kenyatta, *Facing Mount Kenya; the Tribal Life of Gikuyu* (London: Secker and Warburg, 1938), 163,183.

⁵¹ *Ibid.*, 183–185.

⁵² Theology Advisory Group (TAG), *A Biblical Approach to Marriage and Family in Africa*, 83.

This view is consistent with the absolute value that Mark, Luke, and Paul placed on the saying of Jesus. I can conclude that by the exception phrase about *porneia*, Jesus did not intend to open the way for divorce and remarriage in the case of sexual misconduct. Rather, he wished to reaffirm the creation account of permanence of the marriage union but allowing divorce in a case of an unlawful marriage specifically during betrothal period and incestuous relationship.

The teaching of Jesus in Matthew 19:1-12 can be summarized in two points. First, divorce is forbidden because it violates God's intention of marriage as a permanent union of two persons. Second, remarriage after divorce is adultery because divorce does not dissolve the marriage union.

6.0 Personal reflection

Divorce is a difficult subject to tackle because it is an emotional issue and carries significant social and religious implications. There many debates that Jesus allowed divorce on grounds of 'porneia' which is commonly understood to be adultery and it is difficult to have a consensus.

Current realities show that divorce is on the rise in the society and also common in the church. People divorce for varied reasons such as adultery, cruelty, sexual abuse, sexual deprivation, incompatibility, and desertion. Whatever the reasons are, marital breakdown frustrates God's plan but cannot destroy it. I think marriage is the ideal situation a state of peace that was envisaged at creation but in areas where violence and the trauma associated with it becomes unbearable then separation can be a possible solution. Paul in 1 Corinthians 7 gives his counsel, that human nature is perverse and that even a Christian husband or wife can make marriage intolerable for the other partner and so separation can be possible. If separation becomes a necessity, Paul leaves Christian partners with two options to remain permanently unmarried, or to be reconciled to one's partner.

This is a reality that the church will continue to grapple with and I guess the matter needs to be addressed pastorally. Pastoral care should seek to lead one to say yes to the judgment of his conscience, yes to the judgment of God, and yes to the promises of the Gospel (2 Cor. 1:18-20).

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