

The Teachings Of Jesus

(The Sermon on the Mount)

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SECOND BLOCK (5:17-48)

The Ethics of Jesus: Code Vs Character, Part 2 (5:31-32)

Concerning Divorce

It has been said, "Whoever should send away (apolyo – to send away, divorce) his wife, let him give her a writ of divorcement [Deut 24:1-4]," 32 but I say to you that everyone sending away [divorcing) his wife except for fornication (porneia – forbidden sexual relations outside of marriage) causes her to commit adultery; and whoever marries a woman having been sent away [divorced], he is committing adultery (Matt 5:31-32).

Moral Codes and Divorce

In the first century culture in which Jesus delivered these teachings, marriage was nothing less than a complete mockery of what God created it to be (cf. Gen 2:24-25). In Matt 19:3, a group of scholars asked Jesus to comment on an issue that had been debated among the rabbis, "Is it lawful to divorce one's wife for any cause?" This question reflects what was being done in the first century Mediterranean world; the men were allowed to put away their wives for any cause whatsoever. The rabbinic writings of this period are very revealing on this matter. Professor John Lightfoot, in his 4 volume work on the influence of the rabbinic opinions found in the

writings of the Talmud and Hebraica (*A Commentary on the New Testament from the Talmud and Hebraica*), gives the following insights to the issue Jesus addresses in Matt 19 concerning the issue of divorce:

Christ had said, 'Whosoever looks upon a woman to lust after her hath committed adultery already, but the Jewish lawyers said, 'If any one sees a woman which he is delighted withal above his wife, let him dismiss his wife and marry her.'

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Among the chapters of Talmudical doctrine, we meet with none concerning which it is treated more largely, and more to a punctilio, than of divorce . . . To him that turns over [to] the book *Gittin* (as also, indeed, the whole Seder *Nashim*, that part of the Talmud that treats of women), the diligence of the Masters about this matter will appear such that they seem to have dwelt, not with some complacency, upon this article above all others. (*Talmud and Hebrica*, vol 2:119).

Because it is important to see the extent of the abuse in the treatment of women and the permissive (and promiscuous) attitude of the Jews toward divorce and remarriage, we will quote at length (drawing on the data provided by Lightfoot) on the teaching of the Rabbis concerning the matter of divorce:

The Jews used polygamy, and the divorcing of their wives, with one and the same license: and this, that they might have change, and all for the sake of lust (vol 2:121).

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For what causes they put away their wives there is no need to inquire; for this they did for any cause of their own free will . . .

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Rabbi Solomon express the sense of that place [Deut 24:1] thus: 'It is commanded to put away one's wife, if she obtain not favor in the eyes of her husband . . .' The school of Hillel saith, 'If the

wife cook her husband's food illy, by over-salting or over-roasting it, she is to be but away.'

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Rabbi Akibah said, 'If any man sees a woman handsomer than his own wife, he may put her away; because it is said, If she find not favor in his eyes [Deut 24:1].' (J. Lightfoot, *A Commentary on the NT from the Talmud and Hebraica*, Vol 2:121-22).

Writs of Divorcement

The issue here was not as much about divorce as it was remarriage. If a man in first century Israel attempted to remarry without having a valid writ of divorcement he would have been dishonoring the institution of marriage as given by God in Gen 1:26-28; 2:20-25. Jesus establishes the divine sanctity given marriage as his first reply to the question "Is it lawful for a man to send away (*apoluo* - the word used for divorce) for any cause?" Jesus' reply was "No!" He apparently did not recognize divorce or polygamy as consistent with the Genesis instruction concerning marriage. The response of those not accepting Jesus' answer, presented him with the ruling of Moses in Deut 24, which was a ruling having to do with the return of a woman to the man to whom she was betrothed if he had sent her away. If she had become the wife of another man, she could not be returned to the first man.

If a man put away his wife and married another without being legally released to his marriage bond, he would be making himself an adulterer by remarriage, and his sent away wife would become an adulteress if she remarried. This, however, would only be the case if there were not a legitimate writ of divorcement releasing both parties from the marriage bond.

This appears to be the issue for those presenting this question to Jesus. To properly interpret this text, one must remember that Jesus is answering a specific question; *viz*, whether "any cause" for divorce is legitimate. His answer is "No, any cause is not

permissible!" In Jesus' answer, he made it clear that God's design for marriage was one man to one woman for life. If a married couple divorces, it is a failure to fulfill God's intent in giving man (Adam) the woman (Eve) to be his companion for life.

It would appear that the questioners wanted Jesus to disagree with the rabbinic community who were refusing to acknowledge trivial writs of divorcement. Jesus does not give them any comfort in their disregard for the sanctity of marriage. His answer does not appear to have been well received, not even by his disciples, which is evidenced by their response, "If this is the situation between a husband and wife, it is better not to marry," (19:10).

Such a response may give us some indication of the extent to which the Jewish males of the this first century culture were abusing the institution of marriage, and, even more, the abuse of the women of this society who were being divorced and cast away like used furniture or a head of livestock no longer found desirable by its master. What Jesus' answer implies is that if a man does not intend to keep the woman he marries for life, he should not marry at all. It would be better to be a eunuch than to be guilty of such violations of their women; and their understanding of what Moses had said was not in compliance with Gen 2:24, if given a universal application.

Legitimacy of Writs of Divorcement

The question of the universality of the teaching of Jesus in Matt 5:32-33 and 19:1-12, raises a kindred question concerning how Jesus' words are to be understood outside the historical context in which they were originally given? Apparently, in this first century setting, the legitimacy of a writ or decree of divorce was determined by the community to which the couple belonged. This was a critical issue to the Jewish scholars whose extensive interpretations on this matter may be found in the second century Jewish document called the *Mishnah*. Of great concern to the scholars quoted in the *Mishnah* concerned the legitimacy of a divorce decree, if it were issued "from beyond the sea?" This expression obviously meant a decree issued outside the land of Israel. Apparently, a Jew having a writ of divorce

issued outside of Israel was not recognized as having a valid divorce that would set him and his wife free to remarry others.

*The Rabbinic Teaching of the Mishnah
on Writs of Divorcement*

The tractate *Gittin* is found in the third division of the *Mishnah* called, *Nashim* (women). *Nashim* consists of 7 tractates; the 6th is titled *Gittin* (writs of divorce). *Gittin*, itself, consists of 9 chapters (a total of 75 verses), on what makes a bill of divorce valid or invalid. It is one of the best examples of the conflict of opinion among the rabbis and sages of Israel on valid and invalid divorce. The details involved in issuing a bill of divorce made the divorce procedure very difficult, and for this reason, the position of Hillel was very popular among Jewish males.

According to the *Mishnah*, if the decree was written by the man's own hand and not a scribe, and witnessed by only one witnesses, it was not valid. If it was written by a scribe and witnessed by two witnesses but not dated, it was not valid. If one of the witnesses was a Samaritan, it was not valid, if written by a non-Jew it may or may not be valid. If the bill of divorce was written on other soil than that of the land of Israel (i.e., "beyond the sea") it may or may not be valid. If it was written in another language than Hebrew, and signed in a different language, it may or may not be valid. If it was tossed to the woman while she was in her house rather than placed in her hand by the man himself or his representative, it was not valid. The woman could divorce the man according to the *Mishnah*, but the proper rules of tradition she must follow made it virtually impossible to do so.

A Jewish man desiring to rid himself of his wife and take another, could call upon the interpretation of Hillel for their authority. They would write on a piece of papyrus, on a stone, on a post, on the wall, or anything that was approved by the sages, that he was divorcing her and giving her freedom to marry whomever she chose, or she could return to her father because she displeased him and that was supposed to be a legitimate writ of divorcement. If the

father did not think the cause of divorce legitimate, he could require payment for the return of her, or require the return of her dowry, if there was one.

Moral Character and Divorce

The "moral codes" concerning divorce in the first century Jewish world had made a complete mockery of marriage as instituted by God in Gen 2:24. Jesus made this very point in Matt 19:4-6. In response, the Jewish disputants quoted him the divorce "code" of Moses (Deut 24:1-4), a text which Jesus insisted was given to control the abuse of Jewish women in the absence of responsible moral character and behavior on the part of the men in ancient Israel. Upon being told by Jesus that they may not put away their wives for any cause, their response was that it would be better not to marry at all than to not be permitted to put away their wives at will (Matt 19:10). Clearly, the moral codes of Judaism on marriage and divorce had not produced much to commend them in the way of moral behavior. These codes were, to say the least, not very effective.

Here in Matt 5:31-32, Jesus introduces a teaching that he further developed in Matt 19:3-12, as discussed above. What Jesus says here in 5:31-32 is to be taken with what was said in preceding lines (5:27-30). Moral codes, in and of themselves, will never cause a man to treat a woman well; especially, if that man is at a lower stage of moral development, which appears to have been the case with the men of first century Mediterranean world. To enter into a marriage with a man whose motive in taking a wife is the fulfillment of his selfish desires is to enter into indentured servanthood. To enter into a marriage, however, with one whose moral character is a reflection of the very moral character of the God who created him, clearly has much more to commend it.

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