

DIVORCE IN MALACHI 2:10-16

WALTER C. KAISER, JR.
Trinity Evangelical Divinity School, Deerfield, IL 60015

Mal 2:10-16 is at once one of the most important and one of the most difficult pericopes in the book of Malachi. It is also one of the most succinct statements we have on our Lord's attitude toward divorce.

I. Mal 2:10-16: Its Importance and Difficulty

The importance of this pericope may be seen in the fact that it treats the topic of individual family life from the perspective of its ties with the life of the nation, the realm of spiritual development, and also as a covenant made in the presence of God. The outbreak of ethical problems that this passage attempts to rebuke are: disloyalty to the spiritual unity of the national family (2:10), disloyalty to the family of faith (2:11-12), and disloyalty to the marriage partner to whom one pledges covenantal loyalty before God (2:13-16). The evidences of these disloyalties can be seen in spiritual harlotry, mixed marriages with unbelieving partners, adultery, and finally divorce!

Part of the difficulty of this text is the state of the MT. Almost every commentator has taken his/her turn bemoaning the difficulties found in Mal 2:10-16. This is especially true of v 15 where J. G. Baldwin complains:

Here the text becomes difficult, having suffered perhaps at the hand of scribes who took exception to its teaching. . . . It is impossible to make sense of the Hebrew as it stands and therefore each translation, including the early versions, contains an element of interpretation.¹

¹ J. G. Baldwin, *Haggai, Zechariah, Malachi* (Downers Grove, IL: Intervarsity, 1972) 240.

Likewise A. C. Welch said, "The text is so corrupt and the sense so uncertain that the verses cannot form the basis of any sure conclusion."² And in utter frustration, R. C. Dentan wrote, "In Hebrew this is one of the most obscure verses [v 15] in the entire Old Testament. Almost every word raises a question."³

The other part of the difficulty is in knowing what position the OT has previously taken on the issue of marriage and divorce. Many have assumed, as Baldwin did in the citation already quoted from her, that Malachi advocated a new or different opinion on marriage and divorce from that which had already been espoused by earlier OT texts. Such an assumption, however, remains just that--an assumption which must be demonstrated by the actual texts themselves.

II. Mal 2:10-16: Its Structure and Argument

The literary form continues the prophetic dispute⁴ which the prophet Malachi has been using thus far in this book. Up to this point the disputants have been the priests and God. Now, however, the scope is enlarged to embrace all the people. Since the spiritual level of the leadership was low, it could not be expected that the spiritual attainment of the people would be any higher.

The pericope opens with a double question which amounts to a double premise (much as the proverbial nature of the two-fold assertion in 1:6 functions): 1) all Israel has one Father (God); 2) God created that nation; therefore, they should be one happy family. However, the sad truth was that they were dealing treacherously with each other by profaning the covenant that God had made with the fathers (v 10).

Before the people could dispute this charge, another was leveled in vv 11-12. Israel was openly indulging in marrying women who worshiped pagan gods. This action flew right in the face of warnings against religiously mixed marriages, such as Exod 34:12-16, Num 25:1-3, Deut 7:3-4, and 1 Kgs 11:1-13.

And the accusations continue: "And this again you do" (v 13). You cause the Lord's altar to be flooded with tears and mourning

² A. C. Welch, *Post-Exilic Judaism* (London: Blackwood, 1935) 120.

³ R. C. Dentan, "Malachi," *IB* 6.1136, as quoted by R. L. Smith, *Micah-Malachi* (Waco: Word, 1984) 321.

⁴ See E. Pfeiffer, "Die disputationenworte im Buche Maleachi," *EVT* 19 (1959) 546-58; J. A. Fisher, "Notes on the Literary Form and Message of Malachi," *CBQ* 34 (1972) 315-20; G. Wallis, "Wesen und Struktur der Botschaft Maleachis," *Dax Ferne und nahe Wort: Festschrift Leonard Tost* (ed. F. Maass; Berlin: A. Topelmann, 1967) 229-37; and W. C. Kaiser, Jr., *Malachi: God's Unchanging Love* (Grand Rapids: Baker, 1984) 17-19.

because the Lord refuses to accept your sacrifices (v 13). And if you ask "why?" Why does God not pay attention to our offerings any longer? The answer is, because of the broken marriage vows to which God was a party since marriage is a covenant to which He is a witness. Plainly stated, the result is this: "I hate divorce, says the Lord" (v 16).

Two key words dominate this pericope: The word "one" (אֶחָד) which occurs four times (2:10, 10, 15, 15), and the word "to be faithless," "deceitful" or "treacherous" (רָגַל), which appears five times in this brief passage (2:10, 11, 14, 15, 16).

The identity of the "One" in v 10 is not "Abraham your father" (Isa 51:2) as Jerome and Calvin thought or Malachi's frequently mentioned patriarch Jacob (Mal 1:2; 2:12; 3:6) from whom the twelve-tribe nation descended. Instead, as in Mal 1:6 where this long indictment began, God is the "One" who "created" Israel (cf. Isa 43:1, "Thus says the Lord, that created you, O Jacob"). The implication is that people who have the same creator should be one family. But no, they were dealing treacherously with each other.

Just as pivotal is the decision on the identity of the "one" in v 15. Once again it is incorrect to refer the "one" to Abraham⁵ and make it the subject of this sentence in this manner: "Did not one [viz., Abraham] do so?" [i.e., take a pagan Egyptian named Hagar to wife?]. In this case, the prophet would be viewed as conceding the point and replying, "Yes, he did."

But Abraham is never called "the one" nor could his conduct in "putting away" Hagar be considered to be the issue here in Malachi since the wives in the Malachi text who were divorced were covenant wives and not pagan wives. Indeed, Hagar had been brought into the picture in Genesis because of Sarah's wishes, not in disregard for the wishes of the wife of his youth as here in Malachi.

The subject of v 15, then, must be God and "the one" would be the object of the sentence, not its subject. As such, "the one" would parallel the "one flesh" of Gen 2:24, for what could be more natural in a disputation on covenant-breaking divorces than for the prophet to return to the originating passage where the biblical norm for marriage had been set forth? It would be as conclusive an argument as our Lord would later make when confronted by the same topic of divorce, "Have you not read, that he who made them from the beginning made them male and female, and said, 'For this reason a man shall

⁵ C. F. Keil, *The Twelve Minor Prophets* (2 vols.; reprinted, Grand Rapids: Eerdmans, 1949) 2.453. See also S. R. Driver, *The Minor Prophets* (New York: Oxford University Press, American Branch, Henry Frowde, 1906) 316.

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" (Matt 19:4-6; cf. Mark 10:7-8).

Even though there is no explicit indication in the first clause of v 15 that it is an interrogative or that by "he," the prophet means God, both possibilities are accepted here as being consistent with the context and Hebrew grammar and syntax. The resulting thought would be this: why did God make Adam and Eve only one [flesh] when he might have given Adam many wives, for God certainly had more than enough residue of the Spirit in his creative power to furnish multiple partners? So why only one? Because! God was seeking a godly offspring, but multiple partners would not have been conducive to this result.⁶

The other key word is **בגד**, "to act treacherously, to be faithless, deceitful." This verb possibly is derived from the noun **בגד**, "garment." C. Isbell says this:

As a verb, it originally meant the taking of a *beged*, "garment," but it soon came to describe other acts that were improper within the setting of a community composed of equal partners in covenant with God. Cheating, swindling the gullible, defrauding poor or helpless members of society, etc.--all were called *begeding* or "garmenting."⁷

Perhaps an even more contemporary expression for "dealing treacherously" would be tantamount to being involved in a "cover-up" job: a masking of the covenant that God had made with his people.⁸

The two examples of faithlessness in this passage are: 1) "marrying the daughter of a foreign god" (v 11) and 2) "breaking faith with. . . your partner, the wife of your marriage covenant" (v 14). Both were violations of God's holy law and therefore both acts profaned the holiness of God and reduced the holy people to a common and profane level.

Just as those who acknowledge and serve the living God are called his "sons and daughters" (Deut 32:19), so those who worshiped and served false gods were, on the same grounds, daughters of that god.⁹ It is doubtful that the phrase "marrying the daughter of a foreign god" merely meant worshiping an idol, indeed a female idol

⁶ For further discussion on this analysis of the text, see Kaiser, *Malachi*, 69-74.

⁷ C. Isbell, *Malachi* (Grand Rapids: Zondervan, 1980) 50.

⁸ Kaiser, *Malachi*, 67.

⁹ T. T. Perowne, *Malachi* (Cambridge: University Press, 1890) 25, citing Pocock.

such as the goddess Asherah. C. C. Torrey,¹⁰ while having acknowledged that all interpreters from Jerome to the present have seen two evils rebuked in these verses: 1) marrying heathen women and 2) divorce, nevertheless, argued that the passage rebuked Israelites for being wedded to a strange cult. Such a "marrying" was an encroachment on their covenantal position before God. But such a view presses the figurative meaning of the text without any textual warrants.

Another more recent reaction to the traditional or literal view that this passage refers to mixed marriages and divorce is the cultic interpretation exemplified in A. Isaaksson.¹¹ Isaaksson lists five arguments:

1. The meaning of **שְׁנֵא שְׁלַח** is unclear because no subject is given for **שְׁנֵא** and no object is mentioned for **שְׁלַח**.
2. The OT concept of **בְּרִית** "covenant" is incompatible with the idea of marriage in the OT.
3. "Covered the altar of Yahweh with tears" must allude to ritual mourning.
4. Neither the LXX nor the Tg take v 16 as a prohibition against divorce; instead, they grant permission to divorce one's wife in this passage.
5. The interpretation which views this portion as an attack on apostasy to an alien cult fully agrees with the rest of the book of Malachi.

Each of these five arguments has been successfully refuted.¹²

1. The speaker of the words **שְׁנֵא שְׁלַח** clearly is Yahweh--**אמר יהוה**. **שְׁנֵא** is to be regarded as a participle,¹³ the pronominal subject being omitted, as often happens in Hebrew.¹⁴ The reading "I hate divorce" is to be preferred even though the Hebrew words have an element of uncertainty about them. As L. Kruse-Blinkenberg affirmed, "In my opinion, the meaning of ii. 16 is that Yahweh hates divorce."¹⁵

¹⁰ C. C. Torrey, "The Prophecy of Malachi," *JBL* 17 (1898) 4-5, and Welch, *Post-Exilic Judaism*, 120 also supported the figurative meaning.

¹¹ A. Isaaksson, *Marriage and Ministry in the New Temple* (Lund: 1965) 31-32, as cited in Smith, *Micah-Malachi*, 323. See also G. W. Ahlstrom, *Joel and the Temple Cult of Jerusalem* (Leiden: Brill, 1971) 49-50 for a similar view.

¹² I am indebted to Smith, *Micah-Malachi*, 323 for his fine discussion of these arguments.

¹³ J. M. P. Smith, *A Critical and Exegetical Commentary on the Book of Malachi* (ICC; Edinburgh: T & Clark, 1912) 60 disagrees: "It seems better to follow Du. Pro [Duhm, *Die zwölf Propheten* (1910)] in keeping **שְׁנֵא** as a pf. and reading **שְׁלַח** in asyndetic construction with it."

¹⁴ GKC §1165, adds, however, "But these passages are all more or less doubtful."

¹⁵ L. Kruse-Blinkenberg, "The Book of Malachi according to Codex Syro-Hexaplaris Ambrosianus," *ST* 20 (1966) 103-4.

2. The concept of "covenant," *ברית*, is used in the OT for marriage as witnessed by Gen 31:50, Prov 2:17, Ezek 16:8,¹⁶ and Hosea 1-2.

3. The only positive reference to cultic tears in the OT is found in Ezek 8:14 where women are weeping for the goddess Tammaz. The tears of Mal 2:13 are the tears of the divorced wives which poured forth as a mist that figuratively clouded the altar from the view of God as the Tg and Jerome infer or (more preferably) the tears of guilty worshipers whose offerings God no longer paid attention to or accepted.

4. The Tg, LXX, Vg, Luther's translation and the Peshitta of 2:16 have all been corrected from the MT to bring it into line with what these translators believed Deuteronomy was saying.¹⁷ These translators avoid the ordinary sense of *כי*, "for, because," and instead translate it "if": "if he hate her, let him put her away." This translation also rejects the Piel infinitive construct, as we find it in the MT, and substitutes a Qal perfect verb which also has no pronominal suffixes with it.

5. It is true that much of the book of Malachi attacks the pagan cult, but not everything in the book need be interpreted from this single point of view. The literal view of marriage is the one found most frequently in the commentaries and articles on this passage.¹⁸ We conclude that Mal 2:10-16 does deal with the two issues of marrying heathen women and divorce.

III. Mal 2:10-16: Its Theology of Marriage and Divorce

How, then, may we apply the teaching of this pericope to the Church's current dilemmas concerning the topics of marriage and divorce? In fact, these two topics must always come as a unit. As J. R. W. Stott affirmed, "The biblical teaching on divorce must never be studied in isolation, but always against the background of the biblical understanding of marriage."¹⁹

The biblical teaching on marriage is given its earliest OT definition in Gen 2:24. It consists of a "leaving" one's parents and a "cleaving" to one's partner of the opposite sex. The "leaving" and the "cleaving" go together in that order. Therefore, marriage is an act,

¹⁶ Cf. M. Woudstra, "The Everlasting Covenant in Ezekiel 16:59-63," *Calvin Theological Journal* 6 (1971) 25.

¹⁷ Kruse-Blinkenberg, "Malachi," 103-4.

¹⁸ Isaaksson, *Marriage and Ministry*, 30.

¹⁹ J. R. W. Stott, "The Biblical Teaching on Divorce," *Churchman* 85 (1971) 165.

which is publicly recognized ("leaving"), to establish a permanent relationship ("cleaving") and is sexually consummated ("becoming one flesh").²⁰ Marriage is in principle such a lifelong union that any breach of the marriage covenant may be labeled an act of "treachery" which God hates (Mal 2:13-26).

Scripture clearly regards marriage as a "covenant of God" (Prov 2:17), instituted as well as witnessed by him. The covenant relationship established in marriage is far more enduring than those found in friendship pacts (e.g., between Jonathan and David), suzerainty treaties (e.g., between the great king of the Hittites and their vassal kings), or even business compacts. The result of the marriage treaty is "one flesh." In the words of G. Wenham,

With our understanding of biology we can readily see that our children are an extension of ourselves; they are in a vertical blood relationship with us. But foreign to our way of thinking is the idea that a wife's nakedness is her husband's nakedness and vice versa. In other words, marriage, or more precisely sexual intercourse, makes the man and wife as closely related as parents and children. In the words of Genesis 2:24, "they become one flesh."²¹

So fundamental and inviolable is the union created by this marriage covenant that nothing less than a rupture in sexual fidelity can begin to affect its durability. Only the distortion of that which originally made them "one flesh" can serve as possible grounds for dissolution of that abiding covenant. Not only is this apparent from the "one flesh" argument, but our Lord will make this single offense the sole exception which might permit a divorce (Matt 5:31-32; 19:3-12).

But already in the OT there are additional hints that such an exception exists. For example, in Ezekiel 16 God's marriage covenant with Jerusalem is described in detail. "I gave you my solemn oath [KJV "I plighted my troth, to you"] and entered into a covenant with you" (v 8). Sadly, Jerusalem "used [her] fame to become a prostitute" (v 15) "with. . . increasing promiscuity" (v 26) and became an "adulterous wife" (v 32). Therefore, "I will judge you as women who break wedlock. . . are judged. . ." (v 38, New KJV). Nevertheless, even though Jerusalem has "despised my oath by breaking the covenant" (v 59), "yet I will remember the covenant I made with you in

²⁰ Note Paul's quotation of Gen 2:24 in I Cor 6:15-17 concerning the case of a Christian becoming sexually involved with a prostitute.

²¹ G. Wenham, "The Biblical View of Marriage and Divorce: 2--Old Testament Teaching," *Third Way* (Nov. 3, 1977) 8; also see R. C. Campbell, "Teachings of the Old Testament Concerning Divorce," *Foundations* 6 (1963) 174-78; also G. Wenham, "The Restoration of Marriage Reconsidered," *JJS* 30 (1979) 36-40.

the days of your youth" (v 60). Divorce is not always the necessary and only outcome of even this, the sole reason why any marriage covenant could be broken,

But the result was not always as bright as it was in this text. In Jer 3:8 God warns "I gave faithless Israel her certificate of divorce (ספר כריתתיה) and sent her away because of all her adulteries."²² In effect, God divorced Israel! And his grounds were the same as those found in the NT "exception clauses" of Matt 5:31-32 and 19:3-12.

Accordingly, we must acknowledge the fact that the Bible is silent neither on the subject of divorce nor the circumstances under which it may be granted. Yet when God emphatically states, "I hate divorce" (Mal 2:16), we may also gather how passionately strong is his deep desire to see that marriage covenants succeed. Everything that frustrates that goal is the object of his holy hatred--no more and no less.

This statement of Mal 2:16, however, must not be taken to mean that there is nothing that could provide grounds for any divorce. "If God Himself became involved in divorce proceedings with Israel [Jer 3:8], it is surely wrong to condemn any and all divorce out of hand."²³ J. Adams continues:

It is altogether true that God hates divorce. But He neither hates all divorces in the same way nor hates every aspect of divorce. He hates what occasions every divorce--even the one that He gave to sinful Israel. He hates the results that often flow to children and to injured parties of a divorce (yet even that did not stop Him from willing divorce in Ezra 10:44, 11). And He hates divorces wrongly obtained on grounds that He has not sanctioned.²⁴

The OT word for divorce occurs in the phrase, certificate of "divorce" (כריתת); literally, it reads "certificate" or "bill of cutting off."²⁵ Thus the other party was "cut off" by the one divorcing him/her. However, even though the vocabulary for "divorce" is in

²² It is worth noting that the LXX uses the same word that figures in the "except" clauses in Matthew, viz. *πορνεία*, Jer 3:9. This word is used interchangeably with *μοιχεία*, "adultery" in this passage, thereby underscoring the marital context of the act of immorality.

²³ J. Adams, *Marriage, Divorce, and Remarriage in The Bible* (Grand Rapids: Zondervan, 1980) 23.

²⁴ *Ibid.*, 23-24.

²⁵ The phrase occurs in Deut 24:3; Isa 50:1; Jer 3:8. The other Hebrew words are *גרש*, "to expel, put away"; Lev 21:7, 14; 22:13; Num 30:10; Ezek 44:22; *חלש*, "to dismiss, send away, let go"; Deut 21:14; 22:19, 29; 24:1, 3, 4; Isa 50:1; Jer 3:1, 8. The NT "certificate of divorce" is *βιβλίου ἀποστασίους*; Matt 5:31; 19:7; Mark 10:4. There is also *χωρίζω* "separate [by divorce]"; Matt 19:6; Mark 10:9; I Cor 7:10, 11, 15; and *ἀφίημι*, "to leave, divorce, send away"; I Cor 7:10-11.

place in both testaments, one must not automatically infer that there were two opposing views to the permanence of marriage in the OT, as some have held--especially in those popular or scholarly treatments which falsely pit the strong disdain for divorce found in Mal 2:13-16 against an imagined approval of divorce in the Mosaic legislation of Deut 24:1-4.

In fact, the purpose of the Mosaic regulation was neither to encourage divorce, enjoin it, nor to approve it; instead, it was given to prescribe certain procedures if and when it tragically took place. What it did do was to force the one divorcing his spouse to give his former wife the protection of a "certificate of divorce" lest the one divorcing her engage in a type of polygamy--now claiming he was divorced, later claiming he was still married to her when he wanted to indulge his passions with his former "wife."

But the main teaching of Deut 24:1-4 specially forbids a man to remarry his first wife after he had divorced her and she had remarried--even if her second husband had subsequently died or also divorced her.

It is unfortunate that the KJV, the English RV, and the ASV adopted a translation of Deut 24:1-4 which added to the confusion and misunderstanding of this key Mosaic passage. On their rendering, divorce is not just tolerated or permitted; it is commanded when the "uncleanness" described in the protasis of these verses occurs.

However, instead of demanding "then he shall write a certificate of divorcement" in 24:1 and beginning the apodosis in v 1, most commentators agree that vv 1-3 form the protasis with the apodosis coming only in v 4 ("then her first husband. . . is not allowed to marry her again").²⁶ The conditional "If" which begins v 1 continues through v 3 (not the jussive force of the AV, RV, and ASV). Thus we conclude with R. Campbell, "If Deut 24:1-4 is properly rendered, it cannot be understood as initiating the practice of divorce. No Old Testament oracle or law institutes divorce; Hebrew law simply tolerated the practice."²⁷ The practice of divorce appears fairly frequently in the OT (Lev 21:7, 14; 22:13; Num 30:9; Deut 22:19, 29; Isa 50:1; Jer 3:1, 8; Ezek 44:22), but this is totally different than establishing it as a right or as divinely approved. Permission and toleration may exist for something that is basically evil and wrong. Thus divorce is nowhere commanded or even encouraged in either testament. It is only permissible, and even that on a rather reluctant basis, where there is

²⁶ W. C. Kaiser, Jr., *Toward Old Testament Ethics* (Grand Rapids: Zondervan, 1983) 200-204. See the commentaries and articles cited there.

²⁷ Campbell, "Old Testament Concerning Divorce," 175.

irreconcilable immorality (a violation of the "one flesh" principle) or where there is irremediable desertion (a violation of the "cleaving" principle, 1 Cor 7:10-16).

Even after we are satisfied that there are two grounds for a biblically permissible divorce and after every possible attempt for effecting a reconciliation has failed, there still must be some public expression of sorrow for the failure of what both had promised before God was to be as enduring as life itself. This is necessary ". . . simply because every divorce, even when biblically permissible, is a declension from the divine ideal."²⁸ Divorce must be recognized as another evidence of the effects of sin and a direct violation of the will of God.

It is just as easy to err by adding to scripture as it is to err by subtracting from the divine word. Therefore, when it is taught, "we must remove the option of divorce"²⁹ and declare that divorce is never permitted, period, we exceed the Bible's teaching. All attempts to limit the "except for the cause of immorality" of Matt 5:32 and 19:9 to the unique betrothal custom among the Jewish people fail since our Lord is not applying his rule to an *unconsummated* marriage, but to the one who is divorcing his wife (Matt 19:3; cf. also vv 6, 8, 9). Indeed, the *text* specifically says in Matthew "whoever divorces his *wife*." The idea that the exception applies only to a betrothal situation just will not work here.

Another objection to the position that there are two grounds for a biblically permissible divorce is that the absolute statements of Scripture, such as "I hate divorce, says the Lord," do not admit any exceptions in the same context where this teaching is set forth. If God wanted to qualify his own case, goes this argument, he certainly would have done so right alongside of his absolute statement! Why would the exception clause only be included in the Gospel of Matthew written to a Jewish audience?

But such a situation is not all that uncommon in the Bible or in legal literature. As T. Crater points out:

Romans 13:1-7 and I Peter 2:13-17 give believers the general rule of obeying governing authorities and mention no exception. Yet in Acts 5:29 Peter says, "we must obey God rather than men," justifying his refusal to obey the order of the rulers to quit testifying of Christ. The Bible records other instances (e.g., the three Hebrews and Nebuchadnezzar's order to worship the golden image, Daniel 3) where the saints

²⁸ Stott, "Teaching on Divorce," 173.

²⁹ B. Gothard, *Supplementary Alumni Book*, vol. 5, 1979, "Foreward," as cited in T. Crater, "Bill Gothard's View of the Exception Clause," *The Journal of Pastoral Practice* 4 (1980) 6.

refused to obey the secular authority and were justified in doing so. The fact is that, given the particular needs of his audience, Peter felt the need only to cite the general rule and say nothing of exceptional circumstances. But this cannot be construed as negating the exception cited elsewhere in Scripture. Similarly, the handling of the divorce issue in the synoptic gospels, with Mark and Luke omitting the exception Matthew cites, cannot be construed as negating the exception.³⁰

The whole counsel of God must be consulted on any topic even when we are tempted to make any single statement or context the definitive teaching on that subject.

One more serious question has recently been raised by W. A. Heth:³¹ There is no right to remarry implied in the act of biblically permissible grounds for divorce. This argument takes a curious turn. It argues that "one flesh" is not to be equated with any concepts of sexual union, but instead it denotes kinship or blood relationship. If this definition can be established biblically, then that "one flesh" "cannot be obliterated by legal divorce or post-marital relations with a third party."³² However, none of the texts that Heth cites prove that "one flesh" is equivalent to blood relatives. The metaphor must not be pressed beyond its own limits. Therefore, we affirm the solidarity that exists between husband and wife without affirming that they have become actual blood relatives.

A second line of argumentation in Heth's recent writings centers on Lev 18:6-8³³ where he attempts to show that exposing nakedness in a marriage relationship makes the husband and wife a brother and sister.

But nothing in Leviticus 18 suggests such a "brother and sister relationship" or that this context is dealing with divorce or the remarriage after death. For if it did, what would this suggest, we might also ask, about levirate marriage which was approved in the OT (Deut 25:5-10; cf. Gen 38:8-10)?

Heth appeals for this third argument to Deut 24:1-4. Heth conjectures that the reason why a man is forbidden to remarry his former wife who has been married to another man is that this would create an incestuous relationship because she would be marrying back into

³⁰ Crater, *ibid.*, 9.

³¹ W. A. Heth, "The Meaning of Divorce in Matthew 19:3-9," *Churchman* 98 (1984) 136-52. Also see his International Council of Biblical Inerrancy paper at the December 1986 Chicago Conference, "Divorce and Remarriage." Note also W. A. Heth and C. Wenham, *Jesus and Divorce* (Hodder and Stoughton, 1987).

³² Heth, "The Meaning of Divorce," 147. Heth cites these proof texts: Gen 29:14; Judg 9:1-2; 2 Sam 5:1; 19:12-13.

³³ See our discussion on this whole text, especially the vexing text of Lev 18:18 in Kaiser, *Ethics*, 93-94, 114-16, 185-86, 189.

the family. But the text does not give this explanation of incest; that is Heth's construction which remains to be demonstrated.

Heth's argument that remarriage is never permitted by Christ in Matt 19:3-9 fails for these reasons:

1. Jesus' use of ἀπολύω in vv 8 and 9 has the same meaning as the Pharisee's usage rather than the two different meanings sought by Heth.³⁴
2. Both Hillel and Shammai assumed the right of remarriage; this point Jesus did not contest.
3. Ἀπλύω "has now turned up in the clear sense of 'divorce' in a Greek document of remarriage from Palestine."³⁵
4. There is no passage where ἀπολύω signifies a separation while prohibiting at the same time any remarriage.
5. The phrase μη ἐπί is best understood as modifying both phrases ("divorces. . . and marriages") in Matt 19:9. To say this phrase only modifies the one would leave the sentence without meaning and does not take into account the Greek syntax. Normally in Greek, the statement is first given in its entirety and then the exception is stated.

Therefore, we cannot adopt Heth's restrictions against any remarriage when a biblically permissible divorce takes place. Do any of these three arguments, or any other Scriptures, demand that those who divorce their spouses by biblically permitted reasons remain unmarried? We have not found any such arguments in Scripture. In fact, the NT specifically teaches that the man who does divorce his wife by reason of adultery, does not himself commit adultery when "he marries another [wife] ."

Nevertheless, God's ideal for the married couple remains at the same high level originally announced in Gen 2:24. His utter disdain and adamant rejection of divorce likewise remains as it is stated in Mal 2:16--"I hate divorce."

³⁴ Contrary to Heth, "The Meaning of Divorce," 140.

³⁵ J. A. Fitzmyer, "The Matthean Divorce Texts and Some New Palestinian Evidence," *TS* 37 (1976) 212. It is from Murraba'at Cave II of the Bar Kokebah era, dated A.D. 124.

This material is cited with gracious permission from:

The Criswell College
4010 Gaston Ave.
Dallas, TX 75246
www.criswell.edu

Please report any errors to Ted Hildebrandt at: thildebrandt@gordon.edu