Indissolubility of Marriage in the New Testament: Law or Ideal? *

I. — THE WORDS OF THE NEW TESTAMENT

The New Testament texts bearing on our question are the following: Mt 5:31-32; 19:3-9; Mk 10:2-9, 11-12; Lk 16:18; I Cor 7:10-16.

Mt 5:32 and Lk 16:18 probably stem from the Q-document, a non-extant collection of Jesus' sayings compiled about the year 50, and used, along with Mark, by Matthew and Luke in composing their own Gospels. Mt 19:3-9 is dependent on Mk 10:2-12. [1] Thus we have four mutually independent traditions of Jesus' teaching on the indissolubility of marriage: one in Q, one in Paul and two in Mark.

(a) *Luke 16:18 and Its Parallels*

It is generally, though not universally, held that Lk 16:18 preserves the words of Jesus most faithfully: [2] Everyone who divorces his wife and marries another commits adultery, and he who

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1 The two-source theory is, of course, still a theory, and will likely remain such. But it is the best, and almost universally accepted, solution of the synoptic problem.

2 See R. BULTMANN, *History of the Synoptic Tradition*, New York, Harper & Row, 1963, p. 132; H. BALTENSWEILER, *Die Ehe im Neuen Testament: Exegetische Untersuchungen über Ehe, Ehelosigkeit und Ehescheidung*, Zürich, Zwingli, 1967, p. 60-64; D.W. SHANER, *A Christian View of Divorce: According to the Teachings of the New Testament*, Leiden, Brill, 1969, p. 50-57. Baltensweiler presents reasons which argue strongly for the authenticity of the logion: it reflects the Jewish background while breaking with an accepted Jewish tradition. Shaner arrives at the conclusion that Lk 16:18 is the earliest attainable form of the logion by comparing its various forms found in the synoptic Gospels (Lk 16:18; Mt 5:32; Mk 10:11-12; Mt 19:9); Lk 16-18a is confirmed by Mk 10:11a, and Lk 16:18b by Mt 5:32b. We feel that their views are more convincing than D. CROSSAN's contention ("Divorce and Remarriage in the New Testament", *The Bond of Marriage: An Ecumenical and Interdisciplinary Study*, W.W. Basset, ed., Notre Dame, Ind., University Press, 1968, pp. 10-11) that Mt 5:32 (without the exceptive clause) is the most primitive form. A. ISAKSSON (*Marriage and Ministry in the New Temple: A Study with Special Reference to* Mt 19:3-12 and I Cor 11:3-16, Lund, Gleerup, 1965, pp. 74, 91-92, 112-14, 127-42) defends the view that Mt 19:9 preserves the original logion of Jesus better than the rest.

marries a woman divorced from her husband commits adultery. [3] The phrase "from her husband" is likely a later addition to the original logion. [4] The opinion that the phrase "and marries another" is secondary also [5] is not very probable for the simple reason that divorce by itself can hardly be characterized as adultery. [6] The saying is cast in a literary form which we meet in the Wisdom books of the Old Testament where it serves the purpose of teaching, enlightening and exhorting in that it explains the true character of a given action. Lk 16:18 states that divorce and remarriage fall under the prohibition of the sixth commandment: an action that was not considered to be adultery is now declared to be such. [7] It also gives certain rights to the wife: the very fact that the man who has divorced her and married another is characterized as an adulterer indicates that the wife is no mere object but a subject of marriage; their marriage is not only his but hers also, for it continues even after the divorce. [8] In this Jesus differs from the Jewish ideas of marriage according to which the man could not commit adultery against his wife, but only against the husband of the woman with whom he had sexual intercourse. Jesus' statement must have been harsh for Jewish ears, for they were proud of their law on divorce. They looked upon the letter of dismissal handed to the wife as protection for her: with that letter, she could find another man to marry her and protect her. Jesus, moreover, implicitly criticizes the Torah, the divine instruction given to the Jews. [9]

Monogamy is not necessarily implied or presupposed in Lk 16:18. Though we have evidence of some strong Jewish voices raised against polygamy a century before the time of Jesus, [10] and

[3] Biblical passages are quoted according to RSV.
[4] See D.W. SHANER, *op. cit.*, p. 56.
[5] Held by H. BALTENSWEILER, *op. cit.*, p. 62.
[6] See P. HOFFMANN, "Jesus' Saying about Divorce and its Interpretation in the New Testament Tradition", *Concilium*, 55 (1970) 52, n. 3.
[7] See K. BERGER, "Zu den sogenannten Satzen des heiligen Rechts", *NTS*, 17 (1970-71), pp. 28-32, 38.
[8] See H. BALTENSWEILER, *op. cit.*, p. 63; J. DUPONT, *Mariage et divorce dans l'évangile : Mathieu 19, 3-12 et parallèles*, Bruges, Desclée de Brouwer, 1959, p. 66-69.
[9] See J. JEREMIAS, *The Sermon on the Mount, FBBS*, Philadelphia, Fortress, 1970, p. 27.
[10] For references, see J. DUPONT, *op. cit.*, p. 25-27. It seems that the LXX translation of Gen 2:24 presupposes monogamy, for it speaks of "the two" where the MT has "they".

though polygamy was not widely practised at the time of Jesus, [11] we cannot affirm with certainty that Lk 16:18 insists on monogamous marriage. It is conceivable that a man marrying a second wife while retaining the first would not be accused of adultery on the strength of Lk 16:18 alone.

The Matthean variant of the Q saying found in 5:32 differs from the Lucan version in two important respects. It contains the exceptive clause which, in the opinion of most exegetes, was added by Matthew himself. [12] We shall consider its meaning later. The other difference consists in the wording of the first part of the logion: against Luke's "every one who divorces his wife and marries another commits adultery", Matthew has "every one who divorces his wife ... makes her an adulteress." The man is not accused of committing adultery, but of being guilty of his repudiated wife's adultery when, by marrying again, she sins against her still existing marriage. The legitimacy of polygamy is not questioned. Matthew's version of the saying is closer to the Jewish conceptions and rabbinic formulations on marriage. [13]

Another parallel to Lk 16:18 is found in Mk 10:11-12. This passage is of great interest for a number of reasons. It does not stem from the Q-document for Mark was, in the view of most exegetes, not familiar with it, nor does it stem from the source, whether written or oral, of Mk 10:2-9. Jesus' private instructions to his disciples are a constant redactional feature of Mark's Gospel; these instructions represent an updating and an adaptation of Jesus' public statements to the situation of the community for which Mark writes. [14] The adaptation to the conditions of the community manifests itself, first, in the greater similarity of the saying to the form of

[11] See J. JEREMIAS, *Jerusalem in the Time of Jesus : An Investigation into the Economic and Social Conditions during the New Testament Period*, London, SCM Press, 1969, p. 369-70.
[12] For arguments, see D.W. SHANER, *op. cit.*, p. 50-57, and G. STRECKER, *Der Weg der Gerechtigkeit : Untersuchung zur Theologie des Matthäus* (FRLANT 82), Göttingen, Vandenhoeck & Ruprecht, 1971, p. 130-32.
[13] See J. DUPONT, *op. cit.*, p. 74-75, and H. BALTENSWEILER, *op. cit.*, p. 68-69; also D. CROSSAN, *loc. cit.*, p. 10-11.
[14] Some of these private instructions could hardly exist apart from what they explain (e.g., 4:14-20). The verses under discussion are not, however, an expansion of Jesus' statements in vss. 2-9 but an adaptation of a parallel to the Q-saying found in Lk 16:18.

the casuistic law.[15] Secondly, the saying spells out more clearly the wife's rights in marriage: the husband is said to commit adultery "against her". Verse 12, found only in Mark, "if she divorces her husband and marries another, she commits adultery", tells us that Mark is writing within a non-Jewish context. The words presuppose Greek and Roman marriage customs and legislation according to which the wife too could initiate divorce proceedings. These two verses presuppose a monogamous relationship, for marriage is seen primarily as a personal life-bond between husband and wife where their rights in regard to marriage are equal.[16] They show us the unwillingness of the primitive Church to tamper with the full extent of Christ's demand by clinging to the letter of his words which spoke only of the husband's effecting the divorce.

In Lk 16:18, Mt 5:32 and Mk 10:11 we thus have variant forms of the saying of Jesus which brands divorce and remarriage as adultery.

(b) *Mark 10:2-9*

In this passage we have to do with a controversy. It concerns the permissibility of divorce: "Is it lawful for a man to divorce his wife?" The presumption is that the opponents already know of Jesus' condemnation of divorce and remarriage, and wish to corner him into contradicting either himself or the Mosaic law. Jesus counters the opponents' question with a question of his own, and this question already contains the answer. He asks them, "What did Moses *command* you?" Their answer, "Moses *allowed* a man to write a certificate of divorce, and to put her away," missing the point of his question, delivers them into Jesus' hands: "For your hardness of heart he wrote you this commandment." We should note the formulation of the sentence: the hardness of heart is not presented as the cause of Mosaic legislation on divorce, as if God were willing to condone it. The hardness of heart is, rather, the object of the legislation: by demanding that a Jew sign the letter of divorce along with two witnesses, Moses forces him to admit publicly that he is

[15] See J. DUPONT, *op. cit.*, p. 53. K. BERGER, (*loc. cit.*, p. 28) sees its literary form as primarily sapiential, but does admit that it is "relatively isolated" in this regard. We would agree with Berger that its gradual drift toward lawform does not make it into a law.

[16] See H. BALTENSWEILER, *op. cit.*, p. 65-67.

doing wrong. God's will has never changed in regard to marriage; His very act of creation manifests His demand that the union of husband and wife be indivisible.[17] By quoting Gen 1:27 and 2:24, Jesus bases his argument on what God has done at the very beginning. The completion of God's plan of salvation in the hidden, but nonetheless real, arrival of the Kingdom through Jesus, opens men's eyes to the full depth and breadth of God's will at the moment of creation.[18] Vs. 9, "What therefore God has joined together, let not man put asunder", is the climax of the story and Jesus' own conclusion based on the biblical quotations. Marriage is no merely human arrangement or a legal institution. It is the will of God that husband and wife become "one flesh". Since the word "flesh" means the entire human being, a great deal more is implied than sexual union. This is already suggested by vs. 7: the intimacy, security, mutual protection and husband and wife now find in their marriage.

Jesus' words in this passage reach more deeply and have a broader sweep than those discussed in the previous section. While the Q-logion and its Marcan parallel speak of divorce and particularly of remarriage, this passage speaks of the entire married life. It should also be noted that it clearly presupposes a monogamous marriage: "they are no longer two but one".[19]

On the question of historicity of this story, exegetes are divided.[20] We feel that it contains at least a kernel of historical authenticity although it is impossible to deny that it was changed in the course of transmission.

(c) *I Cor 7:10-11*

> To the married I give charge, not I but the Lord, that the wife should not separate from her husband (but if she does, let her remain single or else be reconciled to her husband) — and that the husband should not divorce his wife.

[17] See H. GREEVEN, "Ehe nach dem Neuen Testament", GREEVEN *et al.*, *Theologie der Ehe*, Regensburg-Göttingen, Pustet-Vandenhoeck & Ruprecht, 1969, p. 58-61.

[18] See H.-D. WENDLAND, *Ethik des Neuen Testaments* (*NTD* Ergänzungsreihe 4), Göttingen, Vandenhoeck & Ruprecht, 1970, p. 11.

[19] See E. SCHWEIZER, The Good News According to Mark, Richmond, Va., John Knox, 1970, p. 203.

[20] Two recent examples: H. BALTENSWEILER (*op. cit.*, p. 51-53) argues for its historicity, P. HOFFMANN (*loc. cit.*, p. 54-55) argues against it.

Paul's wording differs from that of the Synoptics, but the message is the same: remarriage of an already married person is forbidden. Paul states that he is speaking in the name of the highest authority that he can invoke, that of Jesus who is now the risen Lord. [21] The words in brackets are in all likelihood Paul's own insertion into a tradition which he received; [22] they show us how he understood it.

Thus we have in the New Testament four mutually independent traditions transmitting an undoubtedly authentic teaching of Jesus concerning the indissolubility of marriage: Lk 16:-8, par Mt 5:32, Mk 10:2-9; Mk 10:11-12; I Cor 7:10-11. Their message is unequivocal: marriage must not be dissolved.

(d) *Matthew's Exceptive Clauses*

These clauses are found in 5:32 ("except on the ground of unchastity") and 19:9 ("except for unchastity"). They have caused some embarrassment to Catholic exegetes for obvious reasons. But they have also troubled Protestant exegetes for more exegetical reasons: what is the meaning of the term *porneia* (generally translated as "unchastity"), why do we find it only in Matthew's Gospel? As already mentioned, it is commonly agreed today that Matthew himself is responsible for inserting these clauses. [23]

For many, the answer to the problem presented by these clauses is to be found in the meaning of the word *porneia,* for others, in the permanence of the bond despite *porneia.* Many explanations have been proposed which we cannot discuss here. [24] Most exegetes today accept one of the following three:

21 See H. CONZELMANN, *Der erste Brief an die Korinther* (Meyer V), Göttingen, Vandenhoeck & Ruprecht, 1969, p. 144.

22 See H. BALTENSWEILER, *op. cit.*, p. 190-91.

23 One notable exception is A. ISAKSSON, (*op. cit.*, p. 140) who thinks that they stem from Jesus.

24 For a presentation of various opinions, see B. VAWTER, "The Divorce Clauses in Mt 5,32 and 19,9", *CBQ* 16 (1954), p. 155-65. We might add A. ISAKSSON's opinion (*op. cit.*, p. 127-42; published in 1965) that *porneia* refers to the wife's pre-marital unchastity. Against this opinion, at least two arguments can be adduced: first, the phrase *epi porneia* of 19:9 indicates a condition or a state (see J. BONSIRVEN, *Le divorce dans le Nouveau Testament*, Paris, Desclée, 1948, p. 49; and J. DUPONT, *loc. cit.*, p. 97); secondly, to make the marriage contract null and void fraudulent silence about the bride's non-virginity was required (see A. ISAKSSON, *op. cit.*, p. 139-141); the New Testament says nothing of this dishonesty on the part of the bride or her father.

(a) *Porneia* in these passages has the meaning of adultery; the term can describe a wide variety of unchaste emotions and conduct. Mattthew's position is thus that of Shammai's school which, contrary to Hillel's more permissive interpretation, interpreted the "indecency" of Deut 24:1 as referring to adultery alone. [25] It is probably safe to say that more exegetes today hold this opinion than any other. [26]

(b) Adultery is reason for separation but not for divorce and remarriage. [27]

(c) *Porneia* refers to types of marriage forbidden by the Mosaic law. [28]

Despite its wide acceptance, the first of the three opinions exposes itself to a number of telling objections. If *porneia* has the meaning of adultery, why does the evangelist not use the precise term for it *(moicheia),* particularly in a context where the verb *moicheuo* is already used? Moreover, would the evangelist insert a clause into a saying of Jesus which, in effect, contradicts it? Would a man who has just written, "Unless your righteousness exceeds that of the scribes and Pharisees, you will never enter the kingdom of heaven" (Mt 5:20), proceed to give the interpretation of one of the two accepted scribal schools in Judaism on an Old Testament text (Deut 24:1) which Jesus is presented as rejecting (Mt. 5:31)? [29] If *porneia* has the meaning of adultery, vss. 31-32 present us with an antithesis which is not an antithesis; it is the only antithesis in 5:21-48 which does not reject or radicalize an Old Testament prescription and/or its scribal interpretation. It seems, furthermore, rather difficult to find any instance of *porneia* in the Old Testament, intertestamental literature and the New Testament which would refer to adultery alone without other overtones. [30]

25 See, for example, G. BORNKAMM, G. BARTH, H. J. HELD, *Tradition and Interpretation in Matthew,* Philadelphia, Westminster, 1963, pp. 25-26, 94.

26 For recent presentation and references, see D.W. SHANER, *op. cit.*, p. 43-50; and P. HOFFMANN, *op. cit.*, p. 59-61.

27 The main proponent of this view is J. DUPONT in his book *Mariage et divorce dans l'Évangile.*

28 The most articulate recent proponent of this view is H. BALTENSWEILER in his book *Die Ehe im Neuen Testament.*

29 See J. DUPONT, *op. cit., p.* 122-36; B. VAWTER, *loc. cit.*, p. 157-60.

30 For an examination of evidence, see A. ISAKSSON, *op. cit.*, p. 131-35, particularly on the often quoted Sir 23:23.

The proponents of this opinion frequently have recourse to Matthew's redactional additions to his Marcan *Vorlage* in 19:3-9. Jesus' opponents' question in Mt 19:3 is worded, "Is it lawful to divorce one's wife for any cause?", as against Mk 10:2, "Is it lawful for a man to divorce his wife?" In vs. 9, Matthew has the exceptive clause as against Mk 10:11 which contains no such clause. The conclusion drawn from these redactional additions is that Matthew, unlike Mark, has in mind the scribal debate about the grounds for divorce between the schools of Hillel and Shammai and that he opts for the stricter view of Shammai. The answer to the question in vs. 3 is thus contained in the exceptive clause of vs. 9.[31]

We feel that this type of argumentation takes notice only of the redactional additions but fails to take into account the equally redactional restructuring of Mark's pericope by Mattthew.[32] The answer to the opponents' question is found, not only in vs. 9, but also in vss. 4-6 where Jesus quotes Genesis and concludes with, "What therefore God has joined together, let no man put asunder." The opponents object to Jesus' answer by quoting Deut 24:1; Jesus' reply to the objection is given by vss. 8-9 in which Jesus explains that Moses permitted divorce "for your hardness of heart", but that "from the beginning it was not so." While in Mark, Jesus speaks of God's will only once, in Matthew he speaks of it twice (vss. 4, 8). Jesus' demand in vs. 9 can hardly be the same as that of Shammai which claimed to be no more and no less that the correct interpretation of the law of Moses.[33] It is difficult to imagine that Matthew would contradict vss. 4-6 in vs. 9 by reinterpreting a saying of Jesus in such a way that it would become a concession to the hardness of men's hearts. There is, furthermore, an instructive parallel to Matthew's treatment of Mark in 19:3-9, namely 19: 16-22, par Mk 10:17-22. Matthew's restructuring produces three exchanges between the rich man and Jesus instead of Mark's two. Jesus' demand in the third exchange does not mitigate, but

31 See P. HOFFMANN, *loc. cit.*, p. 59-61; G. STRECKER, *op. cit.*, p. 130-32.

32 E. SCHWEIZER's suggestion (*op. cit.*, p. 201) that Matthew restructured Mark's pericope because he no longer understood its train of thought is quite gratuitous.

33 See A. VACCARI, "De matrimonio et divortio apud Matthaeum", *Bib* 36 (1955), p. 150, where he points out that Matthew's *logos porneias* (5:32) cannot be a translation of "indecency" of Deut 24:1.

intensifies, his demand in the second exchange. A similar procedure is found in Mt 9:1-8, par Mk 2:1-12. By shortening Mark's story Matthew lays emphasis on the dispute about the forgiveness of sins,[34] Jesus' reply, in word and in deed, to the scribes' unspoken objection reiterates and confirms his first statement in which he declared that the paralytic's sins were forgiven.

Some serious objections have been raised against the second opinion,[35] namely that adultery is a reason for separation but not for remarriage. Yet they can hardly be said to rob it of tenability. The fact that a divorce without the right to remarry was unknown among the Jews and pagans of the first century can hardly be decisive, for I Cor 7:10-11 shows that it was known among Christians. And it would be somewhat unreasonable to expect of the primitive Church to have its terminology in regard to divorce and separation sorted out so soon.

The third opinion seems to be exegetically more satisfactory than the others.[36] It is not a new opinion, but H. Baltensweiler has recently underpinned it with new evidence.[37] What follows is a brief summary of his view. The meaning of the term *porneia* is elucidated by the "apostolic decree" of Acts 15:20,29. The decree is addressed to Gentile Christian communities in Antioch, Syria and Cilicia, areas known as being settled by many Jewish communities. Acts 15:21 mentions the presence of Jewish communities as the reason for the decree. It is very likely that the decree represents a *modus vivendi* arrived at by Jewish and Gentile Christians in an area where Jews were numerous.[38] It served to assure peace within Christian communities and, very probably, to promote Christian missionary efforts among the Jews. Prohibitions are of a ritual nature: eating of the flesh offered to idols, of blood, meat insufficiently drained of blood, and of *porneia*. The same prohibitions

34 See G. BORNKAMM, G. BARTH, H.J. HELD, *op. cit.*, pp. 175-78, 236-42.

35 See, for example, B. VAWTER, *loc. cit.*, p. 157-58.

36 For the names of the authors proposing this thesis, see D. CROSSAN, *loc. cit.*, p. 19, n. 30,31. The work best known is that of J. BONSIRVEN, *Le divorce dans le Nouveau Testament.*

37 *Op. cit.*, p. 87-102.

38 See E. HAENCHEN, *Die Apostelgeschichte* (*Meyer* III), Göttingen, Vandenhoeck & Ruprecht, 1965, p. 410-14; J.A. FITZMYER, "A Life of Paul", *JBC* 2, p. 220.

are found in Lev 17:1-18:18. Lev 18:6-18 prohibits marriage among relatives; these marriages are referred to by rabbis as *zenuth (porneia)*, i.e. prostitution. While marriages of close relatives were quite permissible and frequent among Greeks and Egyptians they were forbidden to the Jews. The Roman law forbade such marriages also, but it applied to Roman citizens alone; and we know that only a small percentage of subject peoples in the Roman empire attained this distinction.

Matthew's Gospel was written for a community which, though heavily Jewish, was not entirely such; his insistence on the mission to the Gentiles shows this (cf. 28:19-20; 21:43; 8:10-12). His reference to *porneia* should be seen against the background of the Jewish treatment of proselytes. Jewish rabbis looked upon a pagan converted to Judaism as a new-born child; his relatives who remained in paganism were no longer considered to be related to him. Rabbis debated the question whether a proselyte might marry a former relative, and a respectable number of them answered affirmatively; a proselyte could enter what, for a Jew, would have been an incestuous marriage. It is thus likely that the origin of Matthew's exceptive clauses is to be sought in the debate between Jews and Christians on the subject of marriage of pagan converts to Christianity and Judaism: what was permitted to a pagan convert to Judaism was forbidden to a pagan entering the Christian community for which Matthew was writing his Gospel, for Matthew demands that their righteousness be greater than that of the scribes and Pharisees (5:20).

If this opinion is correct, we find in Matthew's exceptive clauses what we meet in Mk 10:11-12: an application of Jesus' demand to a set of concrete circumstances.

(e) *I Cor 7:12-16*

In these verses we meet another application of Jesus' teaching to a situation which did not exist in Jesus' time and environment. Paul is answering two questions: (a) may Christians continue their married life with partners who have not become converted? [39]

[39] It should be kept in mind that Paul came to Corinth in 51, and wrote I Cor between 55 and 57.

(b) what happens if the pagan partner demands divorce? The answer to the first question is affirmative: the Christian not only may but must remain with the pagan spouse. In answering the second question, Paul is aware of the fact that he cannot impose Christ's prohibition of divorce and remarriage on pagans. [40] Should the pagan wish to divorce, "the brother or sister is not bound" (lit. "enslaved"). Does Paul permit the Christian to remarry in this case? Most exegetes answer affirmatively; a comparison of the phrase "is not enslaved" with such passages as I Cor 7:27,39; 9:19; Rom 7:2-3 argues in favour of such an answer. [41] Yet this argumentation is not so convincing as to remove all doubt. [42]

Paul's attitude towards "mixed marriages" in Corinth is very positive. His optimism may be due partly to his reaction to Corinthians' fear of being quasi-magically contaminated by their intimate contact with their pagan spouses. Yet these verses show clearly his confidence in the divine power which, through Christians, is sanctifying the world. He stresses the missionary task of the Christian spouse in mixed marriage. The "peace" to which, according to Paul, God calls Christians (vs. 15) is no mere psychic well-being, and vs. 16, "Wife, how do you know whether you will save your husband?...", need not be understood as an expression of resigned acceptance of failure but as an expression of hope: "perhaps you may save him." [43] Paul sees the marriage of Christians as a great deal more than a civil arrangement. For him it is a salvific arrangement willed by the Lord within which the husband and wife sanctify each other and their children.

(f) *Conclusion*

The New Testament does not deal with every aspect of marriage. But it gives us the essentials: marriage is a life-long union

[40] See H. CONZELMANN, 1 *op. cit.*, p. 145-49.
[41] See D.W. SHANER, *op. cit.*, p. 64-66.
[42] See R. SCHNACKENBURG, "Die Ehe nach dem Neuen Testament", H. GREEVEN *et al.*, *op. cit.*, p. 33; H. BALTENSWEILER, *op. cit.*, p. 192-93; see also H. CROUZEL, *L'église primitive face au divorce* (Théologie historique 13), Paris, Beauchesne, 1971, p. 371-72.
[43] See J. JEREMIAS, "Die missionarische Rufgabe in der Mischehe", *Abba: Studien zur neutestamentlichen Theologie und Zeitgeschichte*, Göttingen, Vandenhoeck & Ruprecht, 1966, p. 292-98; SCHNACKENBURG, *loc. cit.*, p. 33-35.

of two people, willed as such by God from the very beginning, encompassing their entire existence. Christians' marriage plays a salvific role. Anything that tends to destroy this union is contrary to God's decision that "the two shall be one flesh." What is particularly condemned is the final destruction of the union through divorce and remarriage.

The New Testament tells us of Jesus' teaching on the subject, and shows us the primitive Church obediently clinging to its Lord's command in the face of vastly different religions and cultures of the Jews and the Gentiles. Among the Gentiles themselves, the Church encountered a variegated scenery of religious and social contexts and traditions. It did not feel to possess the right to change its Lord's command in circumstances which differed from those in which his words were first spoken.

There are two cases where remarriage probably could take place after a divorce: a pagan convert entering the Matthean community and married within the degree of consanguinity or affinity forbidden by Lev 18 was, in all likelihood, asked to terminate what the community considered an invalid marriage. And, if the majority opinion is correct, Paul permits remarriage to a convert whose spouse remains in paganism and wants to separate. These are only cases; I doubt whether they should be considered exhaustive. Yet they possess two common denominators: the marriages under discussion were contracted in paganism; the reason for divorce has to do with religious values: in one case the radical obedience to God's will as expressed in Lev 18, peace and harmony within the community and its missionary effectiveness, and in the other, the peace to which God calls us. It is, to my mind, quite impermissible to use these two cases as precedents for dissolving marriages among those who, through their faith and baptism, have subjected themselves to the One whose coming and words have opened men's eyes to the will of God at the moment of creation.

II. — THE WORDS OF THE NEW TESTAMENT — LAW OR IDEAL?

To answer this question, we must attempt to discover how the New Testament writers look upon the words of Jesus which they report. We shall consider Matthew and Paul because they

offer us the best possibility of discovering their thought on the subject and because, in certain respects, they are at opposite poles of the New Testament thought. We shall also have to consider their attitude to law; not to the Mosaic law primarily but to rules and regulations which they either make for their churches or receive from Christian tradition. Let me anticipate the result of my brief investigation by saying that I find the choice placed before me, "law or ideal", inadequate. One of the reasons for this is that I do not see them as exclusive of each other, another reason lies in the term "ideal" itself which can be taken to mean the object of a utopic velleity.

One of the contexts of the logion on indissolubility of marriage is the Sermon on the Mount. We may speak of a general consensus among exegetes today in regard to the Sermon on the Mount.[44] Matthew did not intend it to be a guide for chosen souls within the community, neither did he see it as an impossible ideal designed to bring us to a recognition of our invincible sinfulness, nor did he intend to use it as a means of inculcating proper attitudes, nor are the commands contained in it meant to be valid merely for the short period of intense expectation of the return of the Lord, nor is it a collection of examples designed merely to stress the necessity of radical obedience to God's inherently intelligible will. It is rather an early Christian catechism[45] containing many, though by no means all, of the commands of Jesus obliging all Christians; they are conditions of entry into the future Kingdom of heaven.[46] The conclusion of the Sermon indicates quite clearly that Matthew insists on doing what Jesus commands: "Every one then who hears these words of mine *and does them* will be like

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[44] Some recent literature: R. SCHNACKENBURG, *The Moral Teaching of the New Testament*, Freiburg, Herder, 1965, p. 54-89; *Christian Existence in the New Testament*, Notre Dame, Ind., University Press, 1968-69, I, 128-57; H.-D. WENDLAND, *Ethik des Neuen Testaments*, p. 16-33; J. JEREMIAS, *The Sermon on the Mount;* G. BORNKAMM, G. BARTH, H.J. HELD, *Tradition and Interpretation in Matthew*, p. 58-105; T.W. MANSON, *Ethics and the Gospel*, London; SCM Press, 1960, p. 43-57; B. HÄRING, "The Normative Value of the Sermon on the Mount", *CBQ 29* (1967), p. 375-385. For a detailed discussion of various exegetical views of the Sermon on the Mount, see T. SOIRON, *Die Bergpredigt Jesu: Formgeschichtliche, exegetische und theologische Erklärung*, Freiburg, Herder, 1941, p. 1-96.

[45] See J. JEREMIAS, *op. cit.*, p. 19-23.

[46] See R. SCHNACKENBURG, *Moral Teaching*, pp. 79-80, 84; *Christian Existence*, I, pp. 135-39, 144-47; G. BORNKAMM *et al.*, *op. cit.*, p. 60.

a wise man who built his house upon the rock", "And every one who hears these words of mine *and does not do them* will be like a foolish man who built his house upon the sand" (7:24, 26). There is no doubt in his mind about the obligatory character of these very concrete and explicit demands, nor does he wonder about his readers' ability to fulfil them. The commands are given to be fulfilled; their non-fulfilment is sinful precisely because, as the eschatological and salvific will of God, they can and must be obeyed.[47] They can be obeyed because they do not call upon unaided human strength and effort but simply spell out the response on the part of man to the grace of eschatological salvation already given by God; they articulate the ethical dimension of the state into which God, by His own initiative, has placed us.[48] Matthew has no intention of replacing the Old Testament code of laws with his own. Jesus' demands on his followers are so all-encompassing and radical that no set of explicit rules or legislative code can do justice to them. How can "Love your enemies and pray for those who persecute you" (5:44), be adequately articulated in terms of concrete conduct in various circumstances, or how can "Every one who looks at a woman lustfully has already committed adultery with her in his heart" (5:28) be legislated? If Mt 6:6, "But when you pray, go into your room and shut the door and pray to your Father who is in secret", should be understood as a law, it would contradict Mt 18:20 which clearly asserts the excellence of public prayer. In order to deliver its message, each statement of the Sermon on the Mount must be studied within its immediate context and the larger context of the entire Gospel. Yet the fact that the statements of the Sermon cannot be considered as laws does not turn them into an optional piece of advice. The commands of Jesus, manifesting as they do the eschatological will of God, are obligatory. Matthew has,

47 See H.-D. WENDLAND, *op. cit.*, p. 27-29. The mistake is made sometimes of approximating 5:32 to such impossible demands in the immediate context as "plucking out one's eye" (e.g., B. VAWTER, "The Biblical Theology of Divorce", *Proceedings of the Twenty-Second Annual Convention*, The Catholic Theological Society of America, 1968, p. 242). This should be seen, as J. JEREMIAS (*op. cit.*, p. 8) points out, as a paradoxical exaggeration using picture language — like the saying on the speck and the log in 7:4-5. On "turning the other cheek" (5:39), see J. JEREMIAS, *ibid.*, 29-30; on "not swearing at all" (5:34-37), see R. SCHNACKENBURG, *Christian Existence* I, 150.

48 See J. JEREMIAS, *op. cit.*, p. 24-35.

furthermore, no intention of abolishing the Decalogue or, for that matter, the Old Testament law. He radicalizes the Decalogue. It is quite impossible to force him into the straight-jacket of modern situation ethics or into some kind of antinomianism.[49] He is not allergic to disciplinary rules regulating the conduct of the members of the community.[50]

Jesus' word on indissolubility of marriage in Mt 5:32 is not law. Read, as it should be, in conjunction with 19:3-9, it is a command of Christ revealing to his followers the will of God from the very beginning of creation. No set of ethical maxims or laws can provide adequate guidance for the growth of each, or any, individual marriage into the type of union which God wills it to be. But this does not imply that husbands and wives may disregard Christ's command; to the degree in which they fail to obey it in their daily life they sin. The evangelist clearly sees it as his duty to proclaim the demand of Christ. He rejects the Old Testament law which was understood by the Jews to sanction divorce and thus remove the sinfulness of which it was a visible and publicly documented manifestation. Any act on the part of the Church which would condone this sinfulness and rob Christ's command of its radical character would be contrary to the subjection which it owes to its Lord.[51] The claim that "perfect and absolute indissolubility of marriage was the object of a hope to be fully realized only at the end of time" (press release of the *Société canadienne de Théologie*, August 24, 1972) is misleading for it seems to forget that "in the resurrection they neither marry nor are

49 See B. HÄRING, *loc. cit.*, p. 379-82.

50 An example of such a rule is 18:15-17. For a discussion, see H. BULTMANN, *op. cit.*, pp. 141, 148; H. BERGER, *loc. cit.*, p. 39; W. TRILLING, *Das wahre Israel: Studien zur Theologie des Matthäus-Evangeliums*, München, Kösel, 1964, p. 113-22.

51 See G. BORNKAMM, "Ehescheidung und Wiederverheiratung im Neuen Testament", *Geschichte und Glaube* I, München; Kaiser, 1968, p. 59. Though his views on divorce and remarriage may be questionable, his insistence that the Church refuse to condone the guilt of divorce and remarriage is welcome. For a criticism of BORNKAMM's and others' rigid distinction between Jesus' words and the law, see A. ISAKSSON, *op. cit.*, p. 85-86: various applications of Jesus' words to concrete situations show that the early Church did not make such a rigid distinction. The gradual drift of the logion on divorce towards the form of a casuistic law seems to confirm ISAKSSON's view. The notion, moreover, that the New Testament writers have absolutized the words of an existentialist Jesus can stem only from a decision, not supported by exegesis, to remake Jesus in the "image and likeness" of a contemporary philosophical trend.

given in marriage" (Mt 22:30). Jesus' command was given for the life in this aeon.

Paul's negative attitude towards the law of Moses is well known. He knows that it is a gift of God to Israel, but insists that it cannot make man just in the eyes of God. For it does not have the power to liberate him of his slavery to the cosmic power of Sin. The best it can do is to make him aware of his inability to become just by his own ethical striving, and thus lead him to Jesus Christ through whom God is purifying the world of Sin. The only way of salvation open to man is his acceptance of it as a free gift of God by believing in Jesus Christ. Now that God has carried out this definitive act of salvation, the Old Testament law is no longer necessary or obligatory, for it has lost its meaning and function. [52]

Paul's attacks on those who wish to force the observance of Old Testament law on Gentile Christians and his insistence on the freedom enjoyed by those who have received the gift of justification do not mean, however, that Paul is an anarchist labouring under the illusion that the freedom of Christians is ever so complete in this life that there is no necessity for further ethical striving, instruction and exhortation. [53] The very existence of Paul's letters to his communities is a witness to the salvation and freedom brought by Jesus Christ and, at the same time, to the fact that this salvation has not yet taken full possession of their members. Christian ethical teaching has its place and function in the time between Jesus' resurrection and his return at the end of time. [54] Though Sin has been definitively overcome in the death and resurrection of Jesus, its powers are still at work in men. Paul knows all too well that he cannot leave his communities to their own devices and to their embattled faith, but must watch over them and spell out for them the ethical consequences of their subjection to God through faith

[52] For a brief and clear presentation of Paul's view of the Old Testament law, see J.A. FITZMYER, "Saint Paul and the Law", *Jurist* 27 (1967), p. 18-36.

[53] See R. SCHNACKENBURG, *Christian Existence* II, p. 46-53.

[54] See H.-D. WENDLAND, *op. cit.*, p. 50-51; G.O. FORDS, *The Law-Gospel Debate: An Interpretation of Its Historical Development*, Minneapolis, Augsburg, 1969, pp. 182-94, 216-33; G. BORNKAMM, "Baptism and New Life in Paul (Romans 6)", *Early Christian Experience*, New York, Harper & Row, 1969, p. 79-81; "On the Understanding of Worship", *Early Christian Experience*, p. 162-66.

in Jesus Christ. Thus he gives commands to his communities without fear of curtailing their freedom, for true freedom consists in obedience to God's will. He gives commandments that are universally binding (Rom 12:2; I Cor 4:17; 6:12-28); the Decalogue, positively radicalized, still obliges according to him (Rom 13:8-10; Gal 5:14). The love of God and neighbour is the commandment which encompasses, but does not abolish or devalue, all other commands (cf. 1 Cor 7:19). The permanent function of God's commandments is to lead Christians to adhere firmly to God's will, to give their God-given freedom content and direction so that it does not degenerate into freedom for sin. [55] The alternative, "the command or the Spirit" is quite invalid for Paul, for the Spirit given to us by God and manifesting His will through commands is one and the same. Spirit without commandments will lead to moral anarchy, commandments without the Spirit will lead into self-justifying ethics of unaided moral effort on the part of man. Paul is convinced that Christians can fulfil the commandments because of the presence of the Spirit within them. [56] Let us mention finally that Paul is not afraid of giving very concrete directives for the conduct of worship in Corinth (I Cor 14:26-33). These directives are based on the principle of "building up the church" (14:12).

Thus when Paul gives the Lord's teaching on indissolubility of marriage, he is not offering advice; neither is he counselling or exhorting his readers to strive for a beautiful ideal. For him, Jesus' teaching is God's will which must be obeyed.

III. — CONCLUDING REMARKS.

In the last few years, we have been made more strongly aware of the fact that mere obedience to the law does not make us good Christians. The ultimate criterion of our justice in the eyes of God is not our compliance with a set of rules and regulations but God's gift of obedience to His Spirit. Thus, law must never become an instrument of self-justification.

[55] See H.-D. WENDLAND, *op. cit.*, pp. 56-58, 85-86; J.A. FITZMYER, "Saint Paul", pp. 30-33, 36.

[56] See H.-D. WENDLAND, *op. cit.*, p. 87-88.

Pride in our obedience to the law is, however, not the only form that self-righteousness can assume. We have seen enough "glorying in disobedience" to know that. But there is a form of self-righteousness a great deal more insidious than such infantile poses of illusory freedom. It consists in socially fully acceptable disobedience to God's will which corrodes, slowly but steadily, the sense of guilt which should accompany it. Concretely, divorce and remarriage are practised so widely in our society, they are so taken for granted that the sense of any wrongdoing is in danger of becoming extinct.

It is the duty of the Church to proclaim the will of God in all aspects of its being: not only in the pulpit and classroom, but in its life and practice and suffering. One aspect of this pilgrim community's life is the law.[57] The need of the law and, for that matter, of proclamation and catechesis will cease only with the return of the Lord. Paul closes his series of directives on the conduct of Christian worship in Corinth by saying: "If any one thinks that he is a prophet, or spiritual, he should acknowledge that what I am writing to you is a command of the Lord" (I Cor 14:37). Though this text must not be abused to canonize every law that the Church has promulgated, it does indicate that Paul did not consider rules and regulations as being incapable of manifesting God's will in the new dispensation. Aware of its role and its limitations, the law must manifest what the Church is and what it stands for.

In the matter of divorce and remarriage, as in all other matters, the law of the Church is subject to the command of Christ. The Church cannot claim to have the God-given power to disobey its Lord. Undoubtedly it must proclaim God's mercy to sinners; this mercy must manifest itself through its law and in the manner in which the law is administered. And yet the law, in its theory and practice, must never condone or connive with disobedience to God's will. Jesus' words to the woman caught in adultery, "Neither do I condemn you; go, and do not sin again" (Jn 8:11), express divine mercy without suggesting that she committed no sin. Any reform

[57] See K. RAHNER, "Die Disziplin der Kirche, I. Grundsätzliches", F.X. ARNOLD *et al., Handbuch der Pastoraltheologie: Praktische Theologie der Kirche in ihrer Gegenwart,* Freiburg, Herder, 1970, p. 367-77.

of Canon Law which would obscure the seriousness of Christ's demand for the unity of marriage would not be a reform but its opposite. The rising number of divorces in our society makes it all the more necessary that the Church proclaim this demand with all the resources, the law among them, at its command. One asks oneself, in fact, whether the law could not do more, within the bounds of its effectiveness, than it does now to insure the maturity of those entering marriage and to contribute to the stability and harmony of existing marriages. Lately we have heard a great deal about the need of the Church's service to the world. The Church has served the world well by insisting on the indissolubility of marriage. There is every reason to think that this service is necessary today even more than in the past. Robbed of permanence, marriage is in serious danger of becoming a means of individual convenience and gratification instead of being a relationship calling forth an ever-deepening love and selflessness.

If it is true that Christian marriage is, in its quiet, unspectacular, constant, and for that very reason most real, way, a witness to God's creative love for man, it is true also that God's fidelity to His people shines perhaps most brightly when they are unfaithful to Him; the spouse who remains faithful to a marriage which has broken up reflects God's own fidelity. Married people have not been called to celibacy, but they have been called to fidelity to each other even under the most trying circumstances. When ecumenical considerations are brought forward in support of a more lenient law on indissolubility, we should keep in mind that ecumenism is not a matter of compromise among various Churches but one of mutual help in coming to know God more deeply and serving Him more faithfully. Nor should ecumenism be thought of as a one-way street.

In its effort to update, often painful and frustrating, the Church must listen to what God is saying through modern developments in every branch of theoretical and practical knowledge. None of us, however, is so naive as not to realize that God's voice, speaking to us through history, is, to a degree, distorted by the weakness, imperfection and fragmentariness of perception on the part of those through whom it speaks. In our efforts to update, we must struggle continually to separate the wheat from the chaff in what the modern

world, its development and its science have to offer; this we shall accomplish by our obedience to the word of God communicated to us in the Bible and proclaimed by the Church through the centuries.

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