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APPENDIX 7

THE NEW TESTAMENT TEACHING ON MARRIAGE AND DIVORCE

Memorandum prepared by
The Reverend Professor G. D. Kilpatrick, D.D.

THE FOLLOWING passages, Mark 10. 1-12; Luke 16. 18; Matt. 5. 31 f.; 19. 1-9; 1 Cor. 7. 10-16, are relevant to a discussion of the New Testament teaching on marriage and divorce. Before we compare their evidence we must first determine their text in a few particulars. Secondly, we have to examine the relationship of the passages in the Synoptic Gospels to try to establish which form of the tradition is most likely to be original and to account for the peculiar features of the sayings in Matthew. Thirdly, we shall relate the evidence of the Synoptic Gospels to 1 Cor. 7. In the fourth place one subsidiary point is treated.

Note: In the following discussion I use Souter's *Novum Testamentum Graece* and indicate where another reading seems preferable or where the text is doubtful. I have discussed the passages in Matthew in my book, *The Origins of the Gospel According to St Matthew*, pp. 19, 29 f., 101-3. The present treatment is independent.

I. *The Synoptic Gospels: Text*

Mark 10, 1-12

(a) Verse 2, omit *προσελθόντες Φαρισαῖοι*.

In general, other things being equal, the shorter text is more likely to be right and here it is in keeping with Mark's style. The evangelist frequently uses the third person plural of verbs without any subject separately expressed. Scribes often added a subject, sometimes from another Gospel. Here the additional words may have been derived from Matt. 19. 3. This argument is derived from C. H. Turner, who stated it briefly in Gore's *New Commentary on Holy Scripture*, Vol. II, p. 86, where he commented on this verse. He gave the detailed evidence in the *Journal of Theological Studies*, Vol. XXV (1924), pp. 377-86, Vol. XXVI (1925), pp. 225-40, cf. Vol. XXIX (1927), p. 5. Turner was not concerned in his discussion with our problem. We shall see the relevance of the reading when we discuss the relation of this to the corresponding passage in Matthew.

(b) Verse 12, for *ἀπολύσουσιν τὸν ἄνδρα αὐτῆς* read *ἐξέλθῃ ἀπὸ τοῦ ἀνδρὸς καὶ*.

Most discussion of this verse has assumed the text in Souter's edition without noticing the alternative. Dr Charles, for example, apparently considered only the reading in Souter's text and argued that Mark is here unhistorical. According to him, "The law allowed no Jewish woman to divorce her husband."¹ There are two comments on this.

First, the reading preferred above would cover desertion or separation as well as divorce. It would be rash to assert that no Jewish woman ever left her husband. So with the change of text Mark is no longer open to Dr Charles' comment, even if his statement were true.

¹ See R. H. Charles, *The Teaching of the New Testament on Divorce*, pp. 27 ff., 85 ff.

This brings us to the second point. Dr Charles' statement is mistaken. No Jewish woman had an unrestricted right of divorce, but for certain prescribed grounds she could have the marriage dissolved.

This limited right of divorce goes back to the period of the schools of Shammai and Hillel, i.e., the first century A.D. A Jewish wife could have her marriage dissolved:

- (a) if the illness or calling of her husband brought in its train certain nuisances which made the marriage intolerable (for example, leprosy or copper-smelting);
- (b) if the husband compelled his wife to make promises, or made demands on her, which were demeaning or impossible;
- (c) if a woman had been betrothed or given in marriage as a minor (i.e., under 12 years of age) after her father's death by her mother or her brothers, she could terminate the betrothal or marriage by a formal refusal. Against her father's disposition she had this right only if she had been divorced by her husband as a minor. In these divorces the wife had the right of remarriage.

The details will be found in Strack-Billerbeck, *Kommentar zum Neuen Testament aus Talmud und Midrasch*, Vol. I, pp. 318 f., Vol. II, pp. 23 f., Vol. IV, pp. 754 f.
The passage, Josephus, *Ant.* 15. 259, is ambiguous and can be translated somewhat as follows:

In the course of time it happened that Salome quarrelled with Costobarus and at once sent him a bill dissolving the marriage in a manner contrary to the laws of the Jews. For with us it is lawful for the husband to do this but not even a divorced woman who is on her own is allowed to marry unless her former husband permit.

All this need mean is that Jewish wives lacked the right of arbitrary divorce that their husbands had, not that they had no right of divorce at all.

Luke 16. 18

There are no problems of text or interpretation peculiar to this verse.

Matt. 5. 31 f.; 19. 1-9

There are few textual points in these verses.

(i) At 19. 9 some manuscripts read *παρεκτός λόγου πορνείας* instead of *μη̄ ἐπῑ πορνεία*. Probably the reading *παρεκτός λόγου πορνείας* at 19. 9 represents an attempt to assimilate this verse to 5. 32, where *παρεκτός λόγου πορνείας* occurs without variant. At 19. 9 one fifteenth-century manuscript, 1574, of Mount Athos, has according to von Soden neither *μη̄ ἐπῑ πορνεία* nor *παρεκτός λόγου πορνείας*. Tischendorf cites Tertullian and Athenagoras as having this omission. There is, however, nothing in their quotations to show that it is Matthew that they are quoting. I have not been able to find that any other witness has this omission. In these circumstances it seems probable that Matt. 19. 9 had *μη̄ ἐπῑ πορνεία* rather than *παρεκτός λόγου πορνείας* and most improbable that it had neither phrase.

(ii) At 19. 9 after *μοιχᾶται* many manuscripts add *καὶ ὁ ἀπολελυμένην γαμήσας μοιχᾶται*. This clause could easily have dropped out after the previous *μοιχᾶται* through homocoteleuton (*μοιχᾶται . . . μοιχᾶται*).

(iii) At 5. 32 some manuscripts are without the clause *καὶ ὅς ἐάν ἀπολελυμένην γαμήσῃ μοιχᾶται*. This variation corresponds to that in 19. 9 discussed just above. Homocoteleuton may be responsible for the absence of the clause (*μοιχευθῆναι . . . μοιχᾶται*).

We may now summarize the results of our inquiry into the text of these passages:

- (a) Mark 10. 2, omit *προσελθόντες Φαρισαῖοι*.
- (b) Mark 10. 12, read *ἐξέλθη ἀπὸ τοῦ ἀνδρὸς καὶ φοιτᾷ ἀπολύσασα τὸν ἄνδρα αὐτῆς*.
- (c) Matt. 19. 9, keep *μὴ ἐπὶ πορνείᾳ* in the text.
- (d) Matt. 19. 9 after *μοιχᾶται* add *καὶ ὁ ἀπολελυμένην γαμήσας μοιχᾶται*.

II. *The Synoptic Gospels: Literary Relationships*

We must discuss our passages in the light of our views on the relationships of the Synoptic Gospels as a whole. Theories about them are roughly of two kinds:

- (i) The theories of fundamentalists who uphold the inerrancy of all Holy Scripture and are loath to describe any part of it as secondary to another part. They usually argue with various elaborations in detail that Matthew is the oldest Gospel.
- (ii) The theory about the relationships of the Synoptic Gospels held by many scholars, apart from the fundamentalists, that Mark is the oldest Gospel, that Matthew and Luke both used Mark and used in addition a second source called Q. Furthermore, for their peculiar discourse material Matthew and Luke each probably used another source (M, L). I shall discuss our passage in the light of this theory.

(1) *The Relationship of Mark 10. 1-12 and Matt. 19. 1-9*

On this theory Matthew will depend on Mark, and we shall explain any differences between the two as editorial revision of Mark by Matthew or as due to the use of another source by Matthew. If we read, as I have suggested, the longer text at the end of Matt. 19. 9, we have one agreement between Matthew and Luke which we may ascribe to the use of Q.

There are difficulties in this treatment of the relationship of the two passages, as was indicated by Canon B. H. Streeter in *The Four Gospels*, p. 259. Matthew is "more closely related to Jewish usage than the parallel in Mark (Mark 10. 2-12)". This is true not merely for this passage but also for other passages where Mark and Matthew are parallel. Matthew seems the more Jewish of the two and so, it is argued, the more original. Consequently we must throw over the results of the labours of many scholars on the Synoptic problem and in this and similar instances follow Matthew as being more reliable than Mark.

Not merely is this argument drastic. It is also mistaken; and the mistake lies in our taking in an uncritical way the evidence of certain sources as the norm of Judaism in our Lord's time. It is as though we were to take accounts of the restored French monarchy of 1815 as reliable evidence for France before 1789. Even though the monarchists of 1815 were anxious to put back the clock, great differences in circumstances and outlook made anything like a real restoration impossible, and pictures of France from 1815 and later were quite inapplicable to the eighteenth century. In the same way Rabbinic Judaism of A.D. 70 has a number of statements about Judaism which are often taken as the norm for all accounts or statements relating to the earlier period.

After A.D. 70 the Pharisee Johanan ben Zacchai and his followers and supporters set about reconstructing Judaism on the Pharisaic pattern as they saw it. Their two principles in this reconstruction were uniformity and conformity. They had to start by bringing about uniformity in the teaching of Pharisaism or Rabbinic Judaism itself, a process that seems to have taken place in A.D. 70-90. It is in this connection that we hear so much about the various Pharisaic schools, especially about the differences between the disciples of Hillel and those of Shammai, and it is in this period that decisions were made between the views

of the schools, including decisions on the grounds for which a man could divorce his wife. We have seen that the ruling that in certain conditions a wife could have her marriage dissolved goes back to this period.

If this picture is reliable the Judaism to which Matthew is "more closely related" is the Rabbinic Judaism of after A.D. 70, and this very resemblance is a ground for treating Matthew, not as the more original, but as the later and historically secondary account.

Let us see how this applies to Mark 10. 1-12 and Matt. 19. 1-9. In Mark there is probably no reference to Pharisees or Rabbinic leaders and the issue is a general one: can a man divorce his wife? Matthew differs from Mark in the following three particulars among others:

- (1) verse 3, the addition of a reference to the Pharisees;
- (2) verse 3, the addition of *κατὰ πᾶσαν αἰτίαν*;
- (3) verse 9, the addition of *μὴ ἐπὶ πορνείᾳ*.

These changes bring the story into line with the features of A.D. 70-90. In these years the issue between Hillelites and Shammaites which the Rabbinic leaders had to solve was not whether a man could divorce his wife, but what were the grounds on which he could do so. The school of Shammai argued that a man could divorce his wife only for unchastity. The school of Hillel held that he could do so for almost any reason. The issue was decided in favour of the school of Hillel. We can now see how the form of the story in Matthew fits in with these conditions as the Marcan form does not.

If we accept this interpretation, it becomes unnecessary to jettison so much scholarly work on the Synoptic problem. On the other hand, it follows that in comparison with Mark Matthew is entirely secondary from the historical point of view. If we want to find out what our Lord said we have to start from Mark, not Matthew.

In support of this conclusion there is one piece of evidence in Matthew which W. C. Allen pointed out. Unless Matt. 19. 10 f. is an argument for an incredible laxity, we must conclude that the ruling that the disciples considered so hard is not that of Matt. 19. 9 but that of Mark 10. 11 f. This is another indication of Matthew's dependence on Mark.

(2) *Luke 16. 18 and Matt. 5. 32; 19. 9*

We can see from the synopses that Matt. 5. 32 and 19. 9 have agreements with Luke 16. 18 against Mark 10. 11. The agreements cover nearly all the wording of Luke 16. 18. From these facts we may infer that at this point Matthew and Luke are using Q, as Luke differs more from Mark. Luke follows the wording of Q closely.

We may summarize our conclusions as follows. Mark 10. 2-12 is a primary source. For the tradition contained in Mark 10. 2-9 we are entirely dependent on Mark. Mark 10. 10 ff. is parallel to Q, Matt. 5. 32/Luke 16. 18, where the saying seems to have circulated independently of any context. This difference in tradition between Mark 10. 2-9 and 10. 10-12, verses 10-12 being parallel to Q, corresponds to the fact that in Mark there is a real break between 10. 9 and 10. 10-12. We may conjecture that the new setting in Mark 10. 10 is provided by the evangelist, but the important thing to realize is that the second saying has been handed down in the Synoptic Gospels in two traditions, that of Mark 10. 11 f. and that of Luke 16. 18/Matt. 5. 32. As we shall see from 1 Cor. 7, St Paul probably knew this saying in a form somewhat like that of Mark. If these conclusions are sound, the passage must be old indeed and can scarcely have better credentials. If the saying does not come from Jesus, it must have entered the Christian tradition in the years immediately

after his death, when the number of first-hand witnesses of what Jesus said and did was at its greatest. One difficulty alleged against the form of the saying in Mark is that it provides for divorce by the wife, a form of divorce not recognized by Jewish law. We have discussed this difficulty above and have suggested reasons for discounting it. We must, however, recognize that Rawlinson, *St Mark*, p. 135, and W. Knox, *The Sources of the Synoptic Gospels*, Vol. I, p. 69, regard 10. 10-12 as secondary. Vincent Taylor, *St Mark*, pp. 419 ff., is more cautious and would adopt the same reading in Mark 10. 12 as is suggested in this memorandum.

(3) *The Modification of Matt. 5. 32; 19. 9*

We can scarcely account for this modification by appealing to the difference between *Halakah* and *Haggadah*. The Beatitudes are *Haggadah*, edification. On the other hand, Mark 10. 11 f., Luke 16. 18, Matt. 5. 31-7 seem to be examples of *Halakah*, rules governing conduct. We must remember that even John 15. 12, "that ye love one another", is described as *ἐντολή*, though we would regard "love one another" as a general principle rather than as law.

An explanation of how such modifications arose can, however, be drawn from the nature of *Halakah*. If by *Halakah* we understand the body of Jewish Law as determining conduct, we must recognize that it displayed a flexibility that is not always realized. For example, the law of the Sabbath was modified to permit of self-defence in war on the Sabbath (1 Macc. 2. 29-41), even though the law of the Sabbath was divinely given at Sinai. Again, according to Deut. 15. 1-3, all loans were cancelled at the beginning of every seventh year. This provision made it impossible to obtain credit in the fifth or sixth year. Hillel introduced a device, the *prosbol*, which got round the provisions of Deut. 15. 1-3 and enabled the creditor to retain his rights despite the Torah. Other examples and a discussion will be found in Moore, *Judaism*, Vol. 1, part 1, chapter III, "The Unwritten Law". From this evidence it becomes clear that the law was not treated as a rigid and inflexible code that could not be modified. Where it had become intolerable it was relaxed by explicit amendment or legal fiction or reinterpretation.

We may go on to argue that where a case was made out a similar flexibility would be practised in Christian communities under the influence of Jewish tradition. Even if they felt that they were dealing with divine Law, Christians might have no qualms in adjusting the teaching of Jesus to the circumstances, as Israel had adjusted the Law of Moses.

We may have an example of such modification in 1. Cor. 7. 11a, 15. It was clear that a union of a Christian and a pagan might become intolerable and so, if the pagan partner wished to dissolve the marriage, it was to be dissolved. There was no call to tolerate the intolerable.

The rule about almsgiving provides another instance of modification. The Gospel said "Give to him that asketh thee" (Matt. 5. 42). Already the abuses suggested by such a command are causing difficulty in the *Didache* 1. 6 and the commandment itself is modified in Clement of Alexandria (GCS. iii. 225): "We must give alms, but with discrimination, and to the worthy only."

III. *The Synoptic Gospels and 1 Cor. 7. 10f.*

We have suggested that we depend on Mark 10. 2-12 and Luke 16. 18 for our knowledge of what Jesus said about divorce, where Mark 10. 11 f. is parallel to Luke 16. 18. In order to determine the relation of these passages we must refer also to 1 Cor. 7. 10f.

1 Cor. 7. 10f. refers to a saying of Jesus, τοῖς δὲ γεγαμηκόσιν παραγγέλλω οὐκ ἐγὼ

ἀλλὰ ὁ κύριος, and contains two parts, γυναῖκα ἀπὸ ἀνδρὸς μὴ χωρισθῆναι and ἄνδρα γυναῖκα μὴ ἀφίεναι.

Here χωρισθῆναι is a normal term for the divorce of married couples, for example, in the papyrus, PSI 166, ἀπ' ἀλλήλων χωρισθῆναι.

In containing two parts, one referring to the woman and the other to the man, 1 Cor. 7. 10f. resembles Mark 10. 11f., which likewise contains two parts referring severally to the man and the woman. To this extent 1 Corinthians agrees with Mark against Luke 16. 18 where both clauses refer to the man. On the other hand, in this saying Mark and Luke agree against 1 Cor. 7. 10f. in treating of remarriage after divorce and not of divorce itself. Thus Mark stands between Luke and St Paul. In this connection it looks as though St Paul had recast something like Mark 10. 11f. in the light of Mark 10. 9. Thus our argument favours the view that we find the original form of the saying of Jesus in Mark 10. 11f. as against Luke 16. 18.

There is another consideration which points in the same direction. Luke 16. 18 discusses divorce from the point of the man: can he marry again after divorce? and can he marry a divorced woman? Matt. 19 agrees with Luke in this and further authorizes the man to divorce his wife for unchastity, but says nothing about her divorcing him for any reason. The nearest we come to any consideration of the woman is at Matt. 5. 32 ποιεῖ αὐτὴν μοιχευθῆναι.

In St Paul we find both tendencies: one to treat woman as subordinate to man, e.g., at 1 Cor. 11. 3-16; 14. 33-6; and the other to treat the sexes as on an equality, as at 1 Cor. 7. 1-16. There is no need to ask whence St Paul derived his teaching in which woman was subordinate: it was too widespread a point of view at the time. On the other hand, teaching which put woman on an equality with man was less common, and it seems at least possible that St Paul had arrived at it by meditating on some such sayings of our Lord as those of Mark, 10. 1-12. Further, Matthew and Luke, with their insistence on the masculine point of view, both represent to that extent a declension from the teaching of Jesus.

Our argument thus leads to the conclusion that our Lord's teaching is more reliably represented by Mark 10. 1-12. This conclusion arises out of a comparison of this passage with those in the other Synoptic Gospels and with 1 Cor. 7. 10f. To treat Mark as secondary would be to turn our backs on much scholarly work on our documents, and we have found it unnecessary to do this. Where Mark and Q parted company we saw that Mark had the support of St Paul. This fact led to the opinion that Mark gave us our primary account, a view that was supported by the consideration that Mark's account provided a much less one-sided picture of the relation of the sexes than the accounts of Matthew and Luke did. This last point is an important one and in our concern with the problem we often lose sight of it.

IV. *Subsidiary Point*

πορνεία. If we insist on the strict meaning of this word we must translate it by "prostitution". If that is so, Matt. 5. 19 will mean not that a man may divorce his wife for adultery in general, but only for one extreme and repeated kind of adultery. The passages will be quite consistent and intelligible on this interpretation.

On the other hand, the following interpretation is commoner. *πορνεία* can mean unchastity in general, and, in this kind of context, adultery. For example, at Eccclus. 23. 23 we have the expression ἐν πορνείᾳ ἐμοιχεύθη used of the woman. This interpretation harmonizes with the evidence of the Jewish sources. *λόγος πορνείας* can translate the phrase עֲרֵוָה דְּבַר עֲרֵוָה used in this connection at *M. Gittin* 9. 10 and deriving from דְּבַר עֲרֵוָה Deut. 24. 1. This also will give a coherent meaning to our passages.