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# "GIVE HER A WRITING OF DIVORCEMENT"

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## QUESTIONS:

- 1) In Mt 5:31, does the word "whoever" mean everyone in the world?
- 2) In OT, divorce was never granted for ... what cause?
- 3) How many Hebrew words are translated "fornication" in the Bible?
- 4) What are six reasons men could divorce under the OT law?
- 5) What does the OT call a man who has two living wives?
- 6) What is the difference between fornication and adultery?
- 7) Is it possible for a married person to commit fornication?
- 8) When a person performs the action of divorce, is there ever an exception which allows them to remarry?
- 9) When a person receives the action of divorce, is there ever an exception which allows them to remarry?
- 10) Is it possible to "live in adultery"?

## INTRODUCTION

### **Matthew 5:31-32**

31 "Furthermore it has been said, 'Whoever divorces his wife, let him give her a certificate of divorce.'

32 "But I say to you that whoever divorces his wife for any reason except sexual immorality causes her to commit adultery; and whoever marries a woman who is divorced commits adultery.

The subject before us is very controversial and serious. If we misunderstand this subject one of three things could result:

- We could find ourselves in an adulterous marriage
- We could find ourselves encouraging adulterous marriages
- We could be forbidding people to marry who have the right to be married

### **1 Timothy 4:1-3**

1 Now the Spirit expressly says that in latter times some will depart from the faith, giving heed to deceiving spirits and **doctrines of demons**,  
2 speaking lies in hypocrisy, having their own conscience seared with a hot iron,  
3 **forbidding to marry**, and commanding to abstain from foods which God created to be received with thanksgiving by those who believe and know the truth.

To forbid people the right of marriage when God gives that right is a "*doctrine of devils.*" Again:

### **Matthew 19:6**

6 "... what God has joined together, let not man separate."

If we attempt to breakup marriages that God allows, then we are actually "*putting asunder what God has joined together.*"

So we are dealing with a very serious subject.

## **THE SETTING**

To understand this passage we must understand the setting. Jesus is continuing a thought which began in v17:

### **Matthew 5:17**

17 "Do not think that I came to destroy the Law or the Prophets. I did not come to destroy but to fulfill.

Throughout all of Matthew 5 Jesus is giving specific examples of how He will fulfill the law:

- By **retaining** the strong points
- By **strengthening** the weak points
- By **erasing** the bad points

Each time Jesus says, "*You have heard it was said ...*" He is quoting from the OT. In Mt 5:31 He is quoting Dt 24:1.

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**NOTE:** He does not say, "*It is written ...*" or "*You have read ...*" because He is preaching to common people who, for the most part, can't read. They hear it read and taught, but they have not personally read it themselves.

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Each time Jesus says, "*But I say unto you ...*" He is teaching new truths not taught in OT.

If Jesus explaining the OT we would expect:

**"What Moses really meant was ..."**

OR

**"You have heard it said, Whoever divorces his wife let him give her a writing of divorcement, but other passages in OT also teach only for fornication."**

Jesus said none of these things. He was teaching:

- The gospel of the kingdom (Mt 4:23)
- "His sayings" (Mt 7:24)
- "His teachings" (Mt 7:28)

The people were not astonished at Moses' doctrine, but at Jesus' doctrine.

## "GIVE HER A WRITING OF DIVORCEMENT"

### **Matthew 5:31**

31 Furthermore it has been said, 'Whoever divorces his wife, let him give her a certificate of divorce.'

"whoever" – only Jews; physical Israel. This commandment did not apply to Gentiles.

### **Deuteronomy 5:2-3**

2 "The LORD our God made a covenant with us in Horeb.

3 "The LORD did not make this covenant with our fathers, but with us, those who are here today, all of us who are alive.

Although the word "*whosoever*" seems to be unlimited, it is limited by other passages. This divorce regulation applied only to physical Israel – the OT church.

(This fact will become important later when we study v32)

To fully appreciate what Jesus is teaching we need to understand what the OT taught about divorce. The amazing thing we learn from the OT is that a Jew could not get a divorce on the grounds of fornication, or adultery!

### **1) Premarital unchastity between two unmarried, unengaged people.**

This resulted in a marriage, or a fine. No divorce could take place over this:

### **Deuteronomy 22:28-29**

28 "If a man finds a **young woman who is a virgin**, who is **not betrothed**, and he seizes her and lies with her, and they are found out,

29 "then the man who lay with her shall give to the young woman's father fifty shekels of silver, and she shall be his wife because he has humbled her; **he shall not be permitted to divorce her all his days.**

### **Exodus 22:17**

17 "If her father utterly refuses to give her to him, he shall pay money according to the bride-price of virgins.

## **2) Premarital unchastity with an engaged girl.**

This resulted in death. No divorce granted here:

### **Deuteronomy 22:23-27**

23 "If a young woman who is a virgin is betrothed to a husband, and a man finds her in the city and lies with her,

24 "then you shall bring them both out to the gate of that city, and **you shall stone them to death with stones, the young woman because she did not cry out in the city**, and the man because he humbled his neighbor's wife; so you shall put away the evil from among you.

25 "But if a man finds a betrothed young woman in the countryside, and the man forces her and lies with her, then only the man who lay with her shall die.

26 "But you shall do nothing to the young woman; there is in the young woman no sin deserving of death, for just as when a man rises against his neighbor and kills him, even so is this matter.

27 "For **he found her in the countryside, and the betrothed young woman cried out, but there was no one to save her.**

God was giving the girl the benefit of the doubt.

**Q:** Suppose a man discovers his bride is not a virgin?

## **3) Premarital unchastity discovered in the marriage.**

This results in death. No divorce granted here:

### **Deuteronomy 22**

13 "If any man takes a wife, and goes in to her, and detests her,

14 "and charges her with shameful conduct, and brings a bad name on her, and says, 'I took this woman, and when I came to her I found she was not a virgin,'

20 "... **if the thing is true, and evidences of virginity are not found for the young woman,**

21 "then they shall bring out the young woman to the door of her father's house, and the men of her city shall **stone her to death with stones**, because she has done a disgraceful thing in Israel, to play the harlot in her father's house. So you shall put away the evil from among you.

#### 4) **Adultery**

This resulted in death. No divorce here:

##### **Deuteronomy 22:22**

22 "If a man is found lying with a **woman married to a husband**, then both of them shall die; the man that lay with the woman, and the woman; so you shall put away the evil from Israel.

#### 5) **Suspected adultery**

This is dealt with in Num 5:11-31. The woman in question was taken to the priest and given some special water to drink:

##### **Numbers 5:27-28**

27 'When he has made her drink the water, then it shall be, **if she has defiled herself and behaved unfaithfully toward her husband**, that the water that brings a curse will enter her and become bitter, and her belly will swell, her thigh will rot, and the woman will become a curse among her people.

28 'But if the woman has not defiled herself, and is clean, then she shall be free and may conceive children.

So, the guilty woman died a slow death, but no divorce was granted.

In summary, no divorce was granted for fornication, or adultery because the penalty was death.  
***NO NEED FOR A DIVORCE!***

## **HARD HEARTS?**

When divorce was granted in OT it was for reasons less than fornication. God permitted these Jews to divorce for trivial reasons because of the "***hardness of their hearts***":

### **Matthew 19:8**

8 [Jesus] said to them, "Moses, **because of the hardness of your hearts**, permitted you to divorce your wives, but from the beginning it was not so.

A man is not "*hard hearted*" who divorces an impenitent adulterous wife!

### **Proverbs 12:4**

4 An excellent wife is the crown of her husband, But **she who causes shame is like rottenness in his bones.**

God divorced His wife Israel, but He was not "*hard hearted*":

### **Isaiah 50:1**

1 Thus says the LORD: "Where is the certificate of **your mother's divorce**, Whom I have put away? ...

If fornication is not a "*hard-hearted*" reason to divorce, what were some of the "*hard-hearted*" reasons?

## **REASONS FOR DIVORCE IN OT**

There were at least six "*hard-hearted*" reasons:

**1) "She pleases not her master"**

### **Exodus 21:7-8**

7 "And if a man sells his daughter to be a female slave, she shall not go out as the male slaves do.

8 "If **she does not please her master**, who has betrothed her to himself, then he shall let her be redeemed. He shall have no right to sell her to a foreign people, since he has dealt deceitfully with her.

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**NOTE:** She did not deal deceitfully with him! No fornication here.

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## **2) He no longer wants to provide for her**

### **Exodus 21:9-11**

9 "And if he has betrothed her to his son, he shall deal with her according to the custom of daughters.

10 "If he takes another wife, he shall not diminish her food, her clothing, and her marriage rights.

11 "And **if he does not do these three for her**, then she shall go out free, without paying money.

## **3) If husband "delights not in her"**

In this particular case a man wishes to marry a P.O.W.

### **Deuteronomy 21:13-14**

13 "She shall put off the clothes of her captivity, remain in your house, and mourn her father and her mother a full month; after that you may go in to her and be her husband, and she shall be your wife.

14 "And it shall be, **if you have no delight in her**, then you shall set her free, but you certainly shall not sell her for money; you shall not treat her brutally, because you have humbled her.

- She is a P.O.W.
- She is a virgin (because only virgins were spared in war – Num 31:15-18)
- Her husband humbled her (violated her virginity)



There is no evidence whatsoever of unchastity. The husband himself is the very one who took away her virginity!

#### 4) **"Some uncleanness"**

##### **Deuteronomy 24:1**

1 "When a man takes a wife and marries her, and it happens that she finds no favor in his eyes because **he has found some uncleanness in her**, and he writes her a certificate of divorce, puts it in her hand, and sends her out of his house,

What did this word "*uncleanness*" mean back in Bible days?

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**ILL:** "*Baptism*" today is defined as "*sprinkle, pour, or immerse,*" but in Bible days the word meant only immerse.

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**uncleanness** (Heb: ervah) – "*a thing offensive*" (Young)

The Hebrews had at least three words meaning fornication:

- ***zanah*** (Isa 23:17)
- ***tumah*** (Num 5:19)
- ***taznuth*** (Ezk 16:29)

But none of these words are used in Dt 24:1. Whatever the "*uncleanness*" in Dt 24:1 was, it was something less than fornication – because the woman was not killed for adultery.

#### 5) **"Hate"**

##### **Deuteronomy 24:3-4**

3 "if the latter husband detests her and writes her a certificate of divorce, puts it in her hand, and sends her out of his house, or if the latter husband dies who took her as his wife,

4 "then her former husband who divorced her must not take her back to be his wife ...

This was pretty hard hearted!

## 6) **If wife was a heathen**

### **Ezra 10:10-12**

10 Then Ezra the priest stood up and said to them, "**You have transgressed and have taken pagan wives**, adding to the guilt of Israel.

11 "Now therefore, make confession to the LORD God of your fathers, and do His will; **separate yourselves** from the peoples of the land, and **from the pagan wives.**"

12 Then all the assembly answered and said with a loud voice, "Yes! As you have said, so we must do.

### **SUMMARY**

None of this was in God's original plans for marriage.

In studying God's dealings with Israel, He sometimes allowed them to do things which He really didn't like.

- Permitted a **king**, but He really didn't like it (1 Sam 8:7).
- Permitted **polygamy** (Dt 21:15), but this was not His original plan for marriage (Gen 2:24).

Likewise, God permitted divorce for trivial reasons because of "**hard hearts**," but He didn't like it:

### **Matthew 19:8**

8 ... from the beginning it was not so.

## "BUT I SAY UNTO YOU"

### Matthew 5:32

32 "But I say to you that whoever divorces his wife for any reason except sexual immorality causes her to commit adultery; and whoever marries a woman who is divorced commits adultery.

Jesus is now restricting the reason why divorcement may be granted. He is giving a new law.

"whosoever" – *"spiritual Israel"* – NT church; not everyone in the whole wide world. Just like *"whosoever"* in v31 meant only physical Jews.

These divorce laws apply only to Christians!

We are not saying aliens have no marriage laws.

- We are saying that **the divorce laws** which make multiple marriages adulterous do not apply to aliens.
- Those laws are **not retroactive**.

This commandment does not apply to alien sinners. Even Paul applied this to two married Christians (1 Cor 7:10-12).

There is no Biblical evidence that anyone was required to dissolve a second marriage that occurred prior to baptism.

- An alien sinner becomes a **new creature** when baptized, but
- A Christian is **not** a new creature when confessing sins.

## THE RULE

Before noticing the *"exception"* to the rule, we need to understand the rule itself. The rule all by itself is found in Luke's account:

### **Luke 16:18**

18 "Whoever divorces his wife and marries another commits adultery; and whoever marries her who is divorced from her husband commits adultery.

The general rule is:

- **Everyone who divorces and remarries commits adultery.**
- **Anyone who marries the divorced person commits adultery.**

This is simple enough. Now let's notice the "*exception*" to the rule.

### **EXCEPTION TO THE RULE**

Jesus gave an exception to the general rule in Mt 5 and 19.

### **Matthew 19:9**

9 "And I say to you, whoever divorces his wife, **except for sexual immorality**, and marries another, commits adultery; and whoever marries her who is divorced commits adultery."

It must be remembered that the OT permitted polygamy (Ex 21:10) and on occasions required it (cf. Dt 25:5; 2 Sam 12:8).

Adultery in the OT was not a man having two, or more wives. The OT allowed polygamy.

Notice, then, the complete contrast between the OT and the NT:

- **OT** – allowed *many wives* and *many reasons* for divorce
- **NT** – allows *one wife* and *one reason* for divorce

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The "no-exception" position says: Jesus is teaching in Mt 5 & 19 that if a man divorces and remarries, he's committing adultery because **he has two living wives**.

**A:** *If this is true*, if Jesus is teaching in Mt 5 & 19 that a divorced, remarried man is committing adultery because he has two living wives, **then Mt 5 & 19 cannot refer to the OT** because an OT man was allowed to have many wives.

**Whether he divorced** his first wife or **whether he kept her**, he was not committing adultery.

To put it another way:

- **OT** – calls a man with two living wives a saint
  - **NT** – calls a man with two living wives a sinner
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Mt 19:9 is NT legislation! It could not possibly refer to the OT which allowed polygamy.

Jesus makes it clear that a man who divorces for trivial reasons is guilty of adultery if he marries again.

BUT, Jesus also makes it clear that one who divorces a mate who is a fornicator is an **EXCEPTION TO THE RULE**.

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**NOTE:** An "exception" allows a person the right to do what otherwise would be wrong.

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## 1) **Wives obeying husbands**

### **Ephesians 5:24**

24 Therefore, just as the church is subject to Christ, so let the wives be to their own husbands **in everything**.

Ordinarily it would be wrong for a wife to disobey her husband. BUT there's one exception; there's one time she may disobey her husband:

### **Colossians 3:18**

18 Wives, submit to your own husbands, **as is fitting in the Lord.**

## **2) Children obeying parents**

### **Colossians 3:20**

20 Children, obey your parents **in all things, ...**

Ordinarily it would be wrong to disobey parents. BUT there's one exception; there's one time they may disobey their parents:

### **Ephesians 6:1**

1 Children, obey your parents **in the Lord**, for this is right.

## **3) Divorce and remarriage**

### **Luke 16:18**

18 "Whoever divorces his wife and marries another commits adultery; ...

Ordinarily it would be wrong for a man to divorce his wife and marry another. BUT there's one exception; there's one time a man may divorce and remarry:

When the spouse is guilty of fornication (Mt 5:32; 19:9)

## **DEFINING KEY WORDS**

If fornication is an exception to the rule, what is fornication?

**fornication** (πορνεία) – "*illicit sexual [relations] in general ... used of adultery*" (Thayer, 531)

Fornication is a general term, adultery is specific. Fornication is *"illicit sexual relations in general."*

<b>DOG</b> (category)	<b>FORNICATION</b> (category)
Collie Hound Cocker Shepherd	Premarital Homosexuality Bestiality Adultery Incest, etc.

Jesus is saying divorce may be granted for fornication!

### **FORNICATION BY MARRIED PEOPLE**

Someone (long ago) got it in their head that fornication could not be committed by a married person!

**Q:** Can a married woman commit fornication?

**A:** Yes. Judah illustrates the point:

Judah is pictured in OT as being married to God:

#### **Ezekiel 16:32-33 (w/LXX)**

32 You are **an adulterous wife** (ἡ γυνὴ μοιχωμένη) who takes strangers instead of her husband.

33 Men make payments **to all harlots** (τοῖς ἐκπορνεύσασιν) but you made your payments to all your lovers, and hired them to come to you from all around for your **harlotry** (τῆ πορείᾳ).

Obviously a married woman can commit fornication and thus be guilty of adultery (cf. Jer 3:6-9 LXX).

This "*fornication*" and "*adultery*" which Judah committed broke the wedlock with God.

**Ezekiel 16:38**

38 "... I will judge you as women who **break wedlock** ...

God divorced these wicked nations because they broke wedlock by fornication:

**Jeremiah 3:8**

8 "Then I saw that for all the causes for which backsliding Israel had committed adultery, I had **put her away and given her a certificate of divorce**; ...

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**NOTE:** For the same reason God divorced His unfaithful, impenitent wife, Jesus says a Christian may divorce his unfaithful, impenitent spouse and be free to marry another.

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**WHO MAY REMARRY?**

Now: Who may remarry following a divorce?

**When fornication is NOT involved**: Neither party may remarry someone else; only reconcile (1 Cor 7:10-11).

**When fornication is involved**: There are two parties:

- *Innocent party*
- *Guilty party*

Now ... what do we have?



Innocent man	Guilty wife
a) <b>He has put away his guilty wife</b> (performed the action)  b) <b>He may remarry.</b>	a) <b>She has been put away</b> (received the action)  b) <b>She may not remarry.</b>

- Jesus explicitly stated when the innocent party divorces their guilty spouse, they are an exception to the rule.
- Ordinarily the one divorcing and remarrying would be committing adultery, but not so when one is innocent and the other guilty of fornication.
- So the innocent party has authorization to remarry.

The privilege of remarriage was never granted to the guilty fornicator. As a matter of fact, Jesus explicitly stated that anyone marrying one who received the action of divorce would be committing adultery.

Listen again:

**Matthew 19:9**

9 "... whoever marries her who is divorced commits adultery."

**Q:** What if a wife was divorced for trivial reasons? Suppose she was divorced simply because they was no longer attractive? May she remarry another?

- No.
- She received the action of divorce.
- "Whoever marries her who is put away (divorced) commits adultery" – Mt 19:9.

**Q:** What if a wife was divorced for fornication? May she remarry another?

- No.
- She received the action of divorce.

- "Whoever marries her who is put away (divorced) commits adultery" – Mt 19:9.

## **"NEITHER PARTY IS MARRIED"**

**ARGUMENT:** *"If the marriage bond is broken for one, it's broken for the other."*

**A:** We admit that neither party is married after divorce for fornication. BUT, it is not true that every unmarried person has an automatic right to get married.

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**EXAMPLE:** A widow does not have an automatic right to remarry simply because her spouse is dead. She has the right of remarriage only because God authorized it (1 Cor 7:9).

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A guilty fornicator does not have an automatic right to remarry just because the marriage bond has been dissolved. God must authorize it!

BUT, God never gave authorization to the guilty fornicator to remarry!

## **A HARSH PUNISHMENT?**

### **QUESTIONS:**

- Is God being unmerciful for not allowing the guilty fornicator to remarry?
- Are we being unforgiving for not allowing the guilty fornicator to remarry?

To keep this in perspective we must remember that the OT required death of the guilty fornicator (Dt 22:22).

The NT does not require that we stone adulterers to death. Rather than bewailing their self-inflicted state of celibacy, the divorced fornicator ought to rejoice that their lives are spared and they have ample time to seek forgiveness.

(But instead, all these guilty fornicators can do is cry that they are being mistreated!)

Everyone admits: "When there's no fornication, no one can remarry!"

Some say: "When there is fornication, everyone can remarry!"

This is absurd. This is not the way our God operates!

### **"CAUSES HER TO COMMIT ADULTERY"**

Jesus states that a man can cause his wife to commit adultery:

#### **Matthew 5:32**

32 "But I say to you that whoever divorces his wife for any reason except sexual immorality **causes her to commit adultery**; ...

A man who divorces an innocent wife may be guilty of causing her to commit adultery:

- She will have physical desires which will drive her to seek another husband.
- She will suffer financial hardships which will drive her to seek another husband.

HOWEVER, if the wife departs on her own and commits fornication, the husband is innocent.

- He was available to satisfy her physical desires.
- He was working to provide her financial needs.

But she departed on her own because of sinful lust. The husband was not the cause of that! She made herself an adulteress.

So, one must think very seriously about divorcing an innocent spouse because he can contribute to her committing sin.

## **"LIVING IN ADULTERY"**

Now if one ignores the Lord's teachings on divorce and remarriage, he may find himself "*living in fornication*":

### **Colossians 3:5-7**

3 Therefore put to death your members which are on the earth: **fornication**, uncleanness, passion, evil desire, and covetousness, which is idolatry.

6 Because of these things the wrath of God is coming upon the sons of disobedience,

7 in which you yourselves once walked when **you lived in them**.

### **Mark 6:17-18**

17 ... Herod himself had sent and laid hold of John, and bound him in prison for the sake of Herodias, his brother Philip's wife; for **he had married her**.

18 For John had said to Herod, "**It is not lawful for you to have your brother's wife.**"

Now John was not beheaded because he wanted Herod to just make a confession! John died because he demanded the marriage be dissolved!

### **Romans 7:2-3**

2 For **the woman who has a husband is bound by the law to her husband as long as he lives**. But if the husband dies, she is released from the law of her husband.

3 So then if, **while her husband lives**, she marries another man, **she will be called an adulteress**; but if her husband dies, she is free from that law, so that she is no adulteress, though she has married another man.

**"while her husband lives"** – means the woman continues to "*live in an adulterous state*" so long as her first husband lives.

- A confession of fault will not do any good without repentance.
- Repentance requires that the sin be stopped.

So, the Bible teaches that some marriages are sinful and the only solution is to dissolve the unholy union.

## **CONCLUSION**

There are many things which we could study on this subject, but time will not permit.

These things we speak as a warning to all, but especially to young people! Marriage is not to be taken lightly. You may not simply "*back out*" if it was not everything you thought it might be.

It is possible to forfeit your right to marriage because of carelessness and sin.

It would be a sad experience to have to decide someday between the church and being married. Sometimes you can't have both at the same time!