

## Rethinking the Exception Clause on Divorce in Matthew 5:31-32: An Exposé

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### **Abstract**

*The Nigerian society today is greatly bedevilled with growing cases of divorce, leading to single parenting, men and women living in and celebrating adultery because they are not properly married in the context of the Bible. The paper thus examined the exception clause on divorce in Matthew 5:31-32 with the aim of articulating the original intentions of God in creating one man and one wife in a marital union. The work adopted the exegetical and expository approaches in interrogating the text while the phenomenological method was used in the sociological interpretation of the phenomenon in the context of the society. It discovered that the permission given to Moses by God was based on the nature of the peoples' heart which was hardened and should not be seen and considered as a license for a life of divorce. It recommended a cherished love-life, filled with mutual accommodation between married couple, giving room for forgiveness even though, a party may have failed. This is the model espoused by Jesus in His preaching and ensuring a lasting marital union that is capable of recreating a healthy society.*

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**Keywords:** Exception Clause, Divorce, Marital Relationship, Love and Adultery

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### **Introduction**

The issues bothering on divorce are many confronting marriages today. Through the Prophet, God declared his intention when He said, "I hate divorce" Mal. Shaner (1969) said that, of many moral problems facing society in these contemporary times, only few persons pay more attention to the question of divorce. The experiences in some families are quite pathetic, yet, none seem to figure out the role of divorce as the brewing furnace where some of these challenges take their roots. It is quite subtle in operation hence, the key actors are primarily discussed without the ripple effects on the society. The overriding impetus lies on the power of disagreements and misunderstanding between the couple about ethical values.

Hudson (1973) observed that divorce has been a continuing problem throughout history as it remains one of today's major social and moral problem. Indeed, divorce has now become a cankerworm that is eating deep into the fabrics of many families in Nigeria. Moreover, scholars are of divided opinions over this teaching of Jesus Christ in Matthew 5:31-32 which, has remained enigmatic otherwise considered as the exception clause. It became more problematic in terms of understanding if the teaching should be considered as a command to divorce or a permission for couples to explore in times of marital challenges.

With the exploration of the two Jewish school of taught Hillel and Shammai. Idamarhare (2005), stated that Hillel was the grandfather of Gamaliel, one of the members of the Sanhedrin (the highest Jewish religious body), who advised the Jews to leave the Apostles from being persecuted (Acts 5:34-40). Hillel was the founder of the liberal Pharisaic school. He was highly honoured as the first seven Jewish rabbis to be accorded the honoured title "Rabban" (which means our teacher or rabbi). Hillel taught that the Jews ought to give the greeting 'Shalom' to the Gentiles. He also taught that Gentiles ought to be allowed to gather gleanings like their Jewish counterparts. He held the view that divorce cannot proceed without the knowledge of the wife. The Shammai school teaches the reverse. He liberalized the dissolution of marriage and held that the man is at liberty to let go of the wife on the account of finding love in another beautiful woman and or failing in her domestic work within the home. However, Paul who studied under Gamaliel held a contrary view. He took to Hillel's school of thought which rejects divorce except that death separated the partners. Paul did not even allow divorce in the case of adultery or fornication or if the women were married to non-believer.

Berlin (2004) noted that it is getting increasingly difficult for many to manage their families and as such, people are using divorce as a way of sidestepping the problem. For more than a decade now, the number of divorce cases in Nigerian have risen geometrically, constituting societal menace even though there are no appropriate records like birth and death statistics. This is best explained in the words of Garland (1995), who noted that divorce has become a growing reality in the church of today and portends to continue. The rate of divorce has become a matter of great concern. Since divorce is rapidly increasing, the general opinion about it is also changing. Divorce is no longer looked upon as a tragic failure on the couples' part or the breaking of solemn vow or a deviation from the original purpose of God for marriage. It is now one of those common things. Thus, this study clarifies misconceptions and ambiguities about Jesus' concept of divorce especially as recorded in Matthew 5:31-32 across denominations today.

Chad (2003) noted that divorce entails the breaking of the marriage covenant; it goes contrary to the pattern of one man, one woman, a lifetime marital relationship as revealed by God in Genesis 1:27; 2:21-25. The root idea implies the breaking of the marriage bond. The Encyclopaedia Britannica (1953) goes further to define divorce as the dissolution of marriage. In an attempt to give a clear understanding of this word, it gives an ideal situation of marriage, as divorce cannot take place without marriage. It is a relationship which envisages in its inception a lifelong union of the parties. Many legal codes, however, provides for the dissolution otherwise known as divorce. Anderson (2002) posited that divorce is the legal dissolution of a legal marriage. It is the official process taken to put an end to a legal marriage. It is the separation between a wife and her husband after several considerations have been taken especially by the court of law.

Separation means, 'to part; to cease to live together as a married couple; to withdraw; to secede; to come out of combination or contact; to become disunited. Separation is putting away though may not follow official process or a legal backing. Separation may be seen also as a temporary withdrawal of husband from the wife or vice versa with the intention of coming together later in life. This separation may be due to several issues in which they remain apart for a while till the issue is resolved.

However, Shoremi (2002) contended that marriage is a special institution that was established by God right from creation in the Garden of Eden (Genesis 2:18). He initiated marriage life between Adam and Eve and it was the first marriage experience after the creation of all things. God had planned it that a man will leave his father and mother to be united with his wife and they will become “one”, no more two as “individuals” from different families. However, it is a pity that despite this good plan of God for man and woman to live peacefully in their marriage life, many marriages do not still last long. In which, the man and the woman are not one but either half-half or two-third depending on who walked out of the marriage. Divorce had no space in God’s plan for marriage according to the teachings of Jesus in Matthew 19:8-9, 5:31-32 but man allowed it against God’s will.

Most couples vow on agreement to all what the Pastor had mentioned to them, that “What the Lord has joined together, let no man separate it” to stay together “till death do them part” on the wedding day, before the Pastor joined them but most of the marriage did not last long due to the fact that most did not understand what is meant by marriage before rushing into it. Divorce is much more complex than it appears on the surface. Ending a marriage relationship is not a one-time event that occurs in a court; it is a process. Usually, a series of events and behaviours on the part of one or both spouses erode the positive feelings towards one or the other or both. Over a period of time, one or both of them becomes convinced that the relationship is intolerable, or at least is not working.

### **Background and Exegesis of Matthew 5:31-32**

The Gospel of Mathew is the first book in the New Testament. Barclay (1966), noted that this gospel is accorded important place in Christendom as a singular book with complete genealogy, life and the teachings of Jesus; a pro-book to the synoptic including John. The Gospel of Matthew does not name its author, but the ancient Church Fathers unanimously agreed that the author was Matthew, a disciple of Jesus. Mark and Luke both use the name Levi, Matthew’s other name, but the book of Matthew does not. Tasker (1996) said it is believed that the Gospel of Matthew was composed by Matthew, a disciple of Jesus. Tenny (1961) added that Matthew, the apostle, wrote the Gospel. Goodspeed (1959) a great New Testament scholars, has written at eighty-eight years of age a vigorous defence of authorship by Matthew, the companion of Jesus. DeSilva concluded that this gospel has traditionally been ascribed to Matthew, one of the twelve apostles.

The Matthean account was considered to be the first among the Gospel writers with a mission to his own Jewish people hence, we find detailed information about the Jewish tradition .According to Edwards (2009), the extant Greek copy was originally preserved at the library of Caesarea. It has formed the basis for transcription and interpretation; Jerome comes to mind as a recipient of the copy. Also, The Nazarene community remained grateful to God for the privilege. However, many authors do not believe that Matthew the apostle wrote the Gospel of Matthew in its present form. Tasker (1961), notes that as to who actually composed the Greek Gospel of Matthew we are as ignorant as was Jerome. Brown (1962) stated that great majority of introductions and commentaries in English or German hold the same general view.

Kirby (2006) noted that it is near universal position of scholarship that the Gospel of Matthew is dependent upon the Gospel of Mark. This is the common view espoused in the Two document Hypothesis otherwise preferred by Farrer-Goulder hypothesis affirming that Matthew's usage of Mark's Gospel and the source Q with Luke as a later account dedicated to Theophilus. From the early church Fathers such as Papias and Irenaeus. There are contentions as to the authorship of the Gospel, which point out that the evangelist was not the apostle Matthew. His message otherwise considered as oracles (of the Lord) was written in the Hebrew language. Hence, interpreters find it pretty difficult to handle which afforded many individual interpretations. These are some of the difficulties encountered in ascertaining the authorship of Matthew, whose cistern holds no water. Irenaeus and Papias however, helped to debunk the above claims of Matthew writing in Hebrew and not dependent on Mark.

Ridderbos (1987) opined that the traditional view of Matthew's authorship should be discarded based on the fact that that Matthew wrote with Aramaic language and not Hebrew which do not accommodate Greek text as a translation of an Aramaic original. More so, Matthew being a disciple of Christ, with first-hand experience would have borrowed so much from Mark who possibly heard the stories about Jesus recounted to him without being a witness to the public outings and ministry of Jesus. It has remained increasingly difficult as noted by Brown (1962), that if not for inconsistencies, what on earth would make anyone to think in that direction; projecting Mark as the first writer when he had no first-hand information as an eyewitness.

### **Destination and Recipients of the Gospel of Matthew**

There are various suggestions regarding the precise location of the recipient of this Gospel, although the available data are wholly insufficient to produce certainty. Guthrie (1990) submitted as follows: One suggestion is a Palestinian Jewish environment. The Jewish flavouring of the Gospel would seem to support this view. But not all would agree that might be true of the author is necessary true for the readers, there is no sufficient evidence to suggest that the readers were a mixed group, mostly Jewish but with an increasing number of Gentiles. The Palestinian destination has been challenged on the grounds that it seems mainly from Papias, who may not have been referring to the Gospel at all. It could be argued that if the original language was Greek this would not support Palestinian destination. If this is correct it could be argued that an important centre is most likely, and what better place than Antioch?

Mare (2004) stated that with what we have from the internal evidence, the recipients most certainly are Jewish believers, with prior knowledge of the Old Testament and its fulfilment in the person of our Lord Jesus Christ, the messianic hope and the Kingdom of God in heaven in focus (cf. Matthew. 13:11, 24,31). However, there is no indication as to the exact place where these people were living. But probably it was somewhere within the Roman province of Syria. As far as Green (2000) was concerned, the gospel must be read at two levels. On the one hand, it is the record of what Jesus said and did. On the other hand, it is written to correlate with Matthew's readers and their situation. The Evangelist takes the material from the time of Jesus and intentionally applies it to the lives and times of his readers. And, significantly enough, in most of

the chapters of this Gospel, there were three audiences in view. First, there were disciples; second, the crowds; and the third, the teachers of the law and Pharisees.

### Passage in Context

Green (2000) noted that the whole of Matthew 5-7 is generally called Sermon on the Mount. And Jesus was mentioning several issues pertaining to life and the issue of marriage is very crucial though in comparison with the issue of divorce in Matthew 19:3-9, the Pharisees from Perea came to test Jesus on a debatable issue of the time. They came tempting Him with a problem that is equally difficult as we have it today. The major challenge which is the crux of this paper, is the exception clause which was mentioned in other Gospels that refer to marriage. Moses had made reluctant legislation to control its worst excesses. Differences between the two Jewish schools arose over the interpretation of “something indecent” (Deut. 24:1). Lemke (1973) posited that Jewish teaching on divorce at this time was divided. A conservative minority followed Rabbi Shammai, who taught that the only ground for divorce was conjugal infidelity. The vast majority of the Jewish people followed Rabbi Hillel, who taught that anything displeasing to a husband was sufficient for divorce, even as such as burning a meal.

### Textual Analysis and Exegesis

Out of several issues discussed in Matthew chapter 5, Jesus also deemed it fit to mention the vital institution that was established by God himself in the beginning which is marriage; though before this time, the institution of marriage has faced a lot of mess probably it was one of the reasons Jesus had to mention it.

Matt 5:31. "ερρεθη δε οτι ος αν απολυση την γυναικα αυτου δοτω αυτη αποστασιον"

Matt. 5:31 “It has been said, ‘Anyone who divorces his wife must give her a certificate of divorce’”

32. "εγω δε λεγω υμιν οτι ος αν απολυση την γυναικα αυτου παρεκτος λογου πορνειας ποιει αυτην μοιχασθαι και ος εαν απολελυμενην γαμηση μοιχεται"

Matt 5:32 "***But I tell you that anyone who divorces his wife, except for marital unfaithfulness, cause her to become an adulteress, and anyone who marries the divorced woman commits adultery***".

Barnes (nd) noted that the instruction by Moses in De 24:1,2 is explicit enough. The husband who chooses to put away his wife should serve the notice of divorce then followed by the certificate; a proof that she was not successful in the marriage institution for certain deficiencies and or behavioural trait that bothers on her character or attitude, for which she is now sent back to her parents. However, a different school of thought is of the view that she can only earn herself divorce if she commits adultery. Here, the husband is the final arbiter. He chooses to make a final pronouncement on the wife, in which case he may forgive her and allow her to undergo the rituals of cleansing and purification according to the Deuteronomic tradition.

The permission granted in Mark 10:1-12, was not the original intention of God for marriage. Jesus drew the attention of the people to the grand plan which was a life-time contract

for the two persons involved in the union. Moses leadership style could not be adjudged as lassie-affair because, it was established and customary to the people to marry more than a wife. Hence, he did not enforce the tradition of one man and woman while upholding the tradition of putting away one's wife for a known offence such as adultery or ordinary behaviour problem.

Brunso (2007) thus strongly posited that the permit granted by God should not be taken as a license because God was not interested in further dialogue with man over his wish that are not in consonance with His will. He has no double standard, one man one woman. He foresaw the challenges that lie ahead and the prospect of living in peace as a household, the joy and harmony therein.

The contravention of the original plan should be construed as sin before God; any man who willingly puts away his wife for no just cause except to marry another is living in adultery. This is not to say that adultery is a sin unto death but it emphasized the passion and attitude of God towards the dissolution of marital relationship, the breaking of marital vows. Hence, Matthew's declaration in affirmation of the acquired status having severed a marital relationship with ones' spouse should be given a second thought with deep reflection in relation to societal stigma or praise.

Chouinard (1997) said marriage is a permanent physical union that can be broken only by a physical cause: death or sexual sin. Man cannot break the union. The passage contains a response of Jesus to the Jewish question on divorce which is based on a faulty reading of Deuteronomy 24: 1-4. Jewish divorce laws granted the authorization of a husband's right to divorce his wife in Deut. 24 by reading the statement "he writes her a certificate of divorce" (24:1) as a legislation of divorce.

The word Ἐρρέθη is a verb, aorist passive indicative, third person singular from the root λέγω meaning say, tell or answer. The verse starts with the statement made by third person. "It has been said" meaning Jesus was referring to a statement made by Moses earlier. It was a statement made by an individual who was also human but at this junction, He made a paradigm shift, moving from the familiar terrain to a new frontier not just in Jewish history but in human history altogether. He addressed the issue from a precedent already laid down. Considering the same issue in the same Book of Matthew 19:3, when Jesus made a statement that 'Have you not read'. So it is obvious that the statement of Jesus in Matthew 5 that it was said must have been written down and passed down from generation to generation since it was the culture of the Jews as God commanded them through Moses to pass on His commandment to their children so that they will not forget God.

So, Jesus was referring to what has been said to link it to the actual thing or statement he wanted to make. That it has been said earlier does not make it final. People could say a lot of things but is that what God is saying in the real sense of it. Being a leader who communes with God face to face does not mean all his statement had God's approved. It was said by Moses but now Jesus addressed the same issue.

Moses was a man but Jesus was fully God. In the real sense of it Moses was not there when God established the institution of marriage so his word can never be final compared to the

creator's word. Jesus referred to that statement to correct a notion. Considering the word of Jesus from Matthew 19:4 on the similar issue when he asked the Pharisee who came to tempt him on the issue of divorce that have you not read? Jesus was trying to refer them to the written law which an average Jew knows. To complement what is written in Matthew 5, Jesus was trying to tell them that the issue of marriage was not new, it was ordained from the beginning of all beginnings is Genesis and it established the truth, all other places such issue is mentioned in the book of the law must have agreement with that which has written in Genesis as spoken or established by the creator.

Another key word in that verse is ἀπολύση. It is the “present active participle nominative singular masculine from the root word λύο meaning “loose” hence put away. It is from the word ἀπο “from”, “away from”, “asunder”, “ceasing from”, “depart from” while λύο means “to loose”, “unbind”, “release from bonds”, “to dissolve”, “break up”, “weaken”, “breakdown”, “do away with”, “to undo”, “put an end to”, “to annul”, to break the law or treaty. The issue of divorce is a serious matter it has to do with breaking a law, putting an end to divine ordained programme.

In the same verse 31, another key word ἀποστάσιον means a letter of divorce. Packer (1997) said it is a public document that grants the woman the right to remarry without civil religious sanction. Divorce could not be done privately. A document declaring the separation of a husband and wife mandated by Mosaic Law (Dt. 24:1-4; Mt 5:31; 19:7; Mk. 10:4). Elwell (1988) said the certificate of divorce protected the woman's rights, providing evidence of her freedom and ensuring that her husband could not claim her dowry. An example of the wording of such a certificate is Hosea 2:2: “She is not my wife, and I am not her husband.” The Old Testament prophets used this statement figuratively to portray God's desire to separate himself from his rebellious people (Is 50:1; Jer. 3:8). It is a document a husband is expected to give his wife if he divorced her. It is believed that the document will contain the identity of the husband and the details of their marriage.

Considering the next verse, it starts with an emphatic statement, ἐγὼ δὲ λέγω ‘I however say’ meaning that the previous statement was not my statement; it was only a quote to refer to another statement. Now Jesus was saying categorically, to establish the main idea, the ideal thing which cannot be denied. The word “I” in the passage was referring to an authority on a particular issue. Verse 32 was establishing the validity of the word of Jesus to that of the previous verse. As far as any issue is concerned the word of the master is the authentic. The statement of Jesus superseded whatever anybody or human could say. The word ὑμῖν means “you”. It connotes specificity meaning that Jesus was particularly referring to a group of people who were aware of the law. Considering the contents of the passage from verse one, he was referring to the Jews who were in covenant relationship.

They knew the Mosaic Law that was why he referred them back to the law. The context in which Jesus was talking should not be generalized to all cases of divorce, in that divorce to a believer is quite different to that of an unbeliever. So the statement of Jesus was within a context and when it is not understood it will be misinterpreted. πᾶς ὁ ἀπολύων τὴν γυναῖκα αὐτοῦ. Meaning that everyone divorcing his wife or anyone who divorces his wife. Jesus was still addressing the Jews that anyone who put away his wife. ‘Anyone’ was referring to all and sundry

within the covenant relationship as long as you are married, since divorce cannot be possible without marriage as far as that context was concerned.

The main exception clause is the preceding statement "παρεκτός λόγου πορνείας". "παρεκτός is a preposition from the root word "εκτός" which means: except, out, beside. While πορνείας means sexual intercourse between people not married to each other. Fornication, prostitution, whoring, Harlotry. πορνεία is an equivalent word to (sunousia) which renders copulation, fornication, coition, fucking and fuck. Walvoord (1983) interprets παρεκτός λόγου πορνείας to mean except for marital unfaithfulness. The major issue in this passage which is the focus of this paper is the word 'except' as used by Jesus in the passage. The "exception clause," is only available on the ground of marital unfaithfulness. "Πορνείας" is a noun - genitive singular feminine, meaning: harlotry (including adultery and incest); figuratively, idolatry – fornication. *Porneias* has been variously understood among scholars with different understanding ranging from the act of adultery, betrothal (Matt. 1:19), incest and promiscuity (Lev. 18:6-18).

MacDonald (1997) argued that the discrepancy is probably best explained as that neither Mark nor Luke recorded the entire saying. Therefore, even though divorce is not ideal, it is permitted in the case where one's partner has been unfaithful. Jesus allows divorce, but did not command it. Hendrickson (2001) opined that what Jesus is saying, then, is this: Whoever divorces his wife except on the ground of infidelity must bear the chief responsibility if as a result she, in her deserted state, should immediately yield to the temptation of becoming married to someone else. The erring husband should be given an opportunity to correct his error, that is, to go back to his wife. This also explains the closing clause, according to which anyone who rushes into remarrying the deserted wife is involving himself in adultery. Hence, is committing adultery. Thus Jesus countered the looseness in morals prevailing in his day.

The Greek word translated unchastity (*porneia*) can have one of several meanings, of which the two most likely are adultery and incest. Incest would refer to marriages of Gentile converts in which, the partners were related in a way forbidden by Jewish law (cf. Lev. 18:6-18; 1 Cor. 5:1; Acts 15:20). Whether the issue is adultery or incestuous marriage, the exception clause was added to deal with marital situations that Jewish Christians found offensive. Note that divorce in Jewish society is quick and easy for the husband without recurs to the woman's affair. A man can discard his wife for the slightest reason by giving her a certificate.

But Jesus teaches that there is only one reason to divorce a wife according to the Jewish law; when she herself has cancelled the marriage by committing adultery. To divorce her for any other reason according to Shammai and Hillil School of philosophy is wrong, because the marriage is still valid in God's sight. The Pharisees interpreted Moses' teaching on divorce (Deut. 24:1) to mean that a man could divorce his wife at virtually any whim. Jesus here counters their abuse, restricting divorce to the grounds of sexual immorality, a term which means any deviation from the clearly defined biblical standards for sexual activity (for example, homosexuality, adultery, fornication, and prostitution).



## Conclusion

Conclusively, the researcher's perception on the pericope is that, the only ground for divorce as stated by Jesus in the passage is sexual immorality which could be in any form. The context in which Jesus was talking was to the Jews who were in covenant relationship. They knew the penalty for sexual immorality as stated in the Law of Moses as death. So, to reduce sexual immorality and encourage sanctity in the society Jesus said the only ground for divorce is sexual immorality and at the same time to reduce divorce among the Jews especially those who believe that divorce can happen based on any reason. Jesus further states that anyone who divorces apart from sexual immoralities made the other person to commit adultery.

At the same time, Jesus was trying to caution the people and discourage divorce since it is expected of a woman in a covenant relationship to keep herself within the confine of marriage. In case such thing happens, there is need to critically look at the reasons why the woman ventures into such as some husband can be the cause why their wives commit adultery especially in the case of denial of sexual intercourse or not performing well in bed and such a man is not ready for change. Although the researchers are not encouraging women to look outside when the husband fails to perform his responsibility at home, in terms of sex, but when adultery is committed, judgement should not be passed without looking into the issue. Also, the verdict seems to support man meaning that a woman cannot divorce her husband though the society can bear witness to some changes in recent times.

The author recommends that forgiveness and accommodation are the oil that lubricates mutual union of marriage relationship. Jesus' permission of divorce on the account of fornication and adultery does not rule out the place of forgiveness. However, in a situation wherein a woman has confessed to have been involved in adultery knowing the implications that she has broken the marital covenant between herself and the husband, if she realised and becomes remorseful, a kind hearted husband or a man who is willing to forgive should accept his wife to build a mutual marital relationship, thus contributing to a healthier society; though in some traditions, the woman may be subjected to some level of discipline. Therefore, Christians should not take Matthew 5:32 (the divorce exceptive clause) as an apian way to marriage dissolution, rather, love and forgiveness should be encouraged.

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