

# A New Testament Hermeneutic for Divorce and Remarriage in the Catholic Tradition

Francis J. Moloney\*

Jesus' teaching on divorce is a question of central importance to the Christian churches.<sup>1</sup> The ministry of Pope Francis, and the agenda of the Synod of Bishops on the Family, has again drawn attention to the issue. Given the paucity of material on marriage and divorce in the entire Bible, it is not surprising that very little material in the New Testament is dedicated to Jesus' attitude to the issue.<sup>2</sup> But what is found in Paul, Mark, Matthew and Luke is confronting to contemporary sensitivities, and calls for clear analysis. An uncritical affirmation that Jesus prohibited divorce does not do justice to what is recalled in our inspired Scriptures. The fact that he did so must be given its due importance, but Jesus' prohibition of divorce and remarriage is not the only word on marriage and divorce in the pages of the New Testament.<sup>3</sup> A neglect of the

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\* Francis J. Moloney, SDB, AM, FAHA, Institute for Religion and Critical Inquiry, Australian Catholic University.

1. John P. Meier, *A Marginal Jew: Rethinking the Historical Jesus*, Anchor Bible Reference Library/Anchor Yale Bible Reference Library, 4 vols (New York/New Haven: Doubleday/Yale University Press, 1991–2009), 4:128–39 provides twelve densely printed pages of a 'sample of representative works'. I will limit my consultation of secondary literature to the detailed work of Meier; Raymond F. Collins, *Divorce in the New Testament*, Good News Studies 38 (Collegeville, MN: Liturgical Press, 1992); David Instone-Brewer, *Divorce and Remarriage in the Bible* (Grand Rapids, MI: Eerdmans, 2002); and the classical and recent commentaries on 1 Corinthians, Mark, and Matthew.
2. This essay is a reworked version of the final chapter of my recent *A Body Broken for a Broken People: Divorce, Remarriage, and the Eucharist* (Melbourne: John Garratt, 2015).
3. The recent study of William R. G. Loader, 'Did Adultery Mandate Divorce? A Reassessment of Jesus' Divorce Logia', *New Testament Studies* 61 (2015): 67–78, raises a doubt about Jesus' prohibition of divorce. For Loader, Jesus' prohibition of divorce may only appear to be absolute. As a person of his time and tradition, Jesus took it for granted, on the basis of Genesis 2:24, that adultery necessarily led to divorce. He did not need to say it. As Loader recognises, the weakness of suggestion is its argument from silence.

subtleties expressed across the pastoral and theological reinterpretations of Paul, Mark, and Matthew, accepted by the church as the inspired Word of God, call for close attention.

In terms of the texts, Jesus' teaching on divorce and remarriage appears in 1 Corinthians 7:10-11; Mark 10:1-12; Matthew 5:32; 19:1-12; and Luke 16:18. The material itself, however, comes from three sources:

1. Paul (1 Cor 7:10-11)
2. 'Q' (Matt 5:32 and Luke 16:18)<sup>4</sup>
3. Mark (Mark 10:11-12 // Matt 19:9).

On the basis of these three sources the following reflection on the teaching of the New Testament on divorce and remarriage responds to four questions:

1. Can we claim with certainty what Jesus said about marriage and divorce, on the basis of our earliest traditions: Paul, 'Q' and Mark 10:11-12?
2. Using that tradition, what does Paul say about the question in 54 CE, as he speaks to the situation of the Graeco-Roman Christian community at Corinth in 1 Corinthians 7:8-16?
3. How does Mark use that same Jesus tradition, in the context of the Roman Empire about 70 CE, as he reports Jesus' debate with the Pharisees, and in his subsequent discussion with his disciples in Mark 10:1-12?
4. Finally, how does Matthew use it, both in his adaptation of his 'Q' source, and in his rewriting of Mark 10:1-12 in Matthew 19:3-12, in the latter half of the 80s CE?

### ***A New Testament Hermeneutic***

The Gospels bear witness to what Jesus did and said during his lifetime; they also reflect the pastoral and theological agenda of the inspired Scriptures that have been accepted by the church as its New Testament. The earliest Christian writers looked back to Jesus and inform their audience about Jesus of Nazareth; but they go further. They also instruct a Christian audience about what God has achieved for humankind in and through the event of Jesus. One leads to the other, but the latter very regularly develops the traditions that come from Jesus to speak to the needs of the community for which any single author is writing. These 'writings' subsequently became part of the Christian Sacred Scriptures because

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4. No document called 'Q' is found in the New Testament. It is a sigla used by critics to indicate early material common to Matthew and Luke, but not found in Mark, that would have been earlier than Mark. See John S. Kloppenborg, *Q, the Earliest Gospel: An Introduction to the Original Stories and Sayings of Jesus* (Louisville, KY: Westminster John Knox, 2008), 1-40, and Ivan Haverer, *Q: The Sayings of Jesus*, Good News Studies 19 (Wilmington, DE: Michael Glazier, 1987). The most complete treatment of 'Q' is James M. Robinson, Paul Hoffmann and John S. Kloppenborg, *The Critical Edition of Q: Synopsis including the Gospels of Matthew and Luke, Mark and Thomas with English, German, and French Translations of Q and Thomas*, Hermeneia (Minneapolis, MN: Fortress, 2000).

they were recognised as speaking to the ongoing history of the church as a ‘Word of God’ (see *Dei Verbum*, 11–13).

This simple affirmation hides a very important principle of interpretation for a church that takes the New Testament as part of its inspired Scriptures (see DV, 17–20). The Word of God in the New Testament is not *only* to be identified with the words of Jesus that we can confidently find within its pages. The Word of God is *also* the ongoing interpretation and application of those words developed within the teaching of the earliest and inspired Christian authors to address the church.

It is universally accepted that the Gospel of John, which appeared about 100 CE, is the most theologically developed document in the New Testament. Without hesitation, it proclaims that Jesus of Nazareth was the Christ, the pre-existent Logos of God (John 1:1-2), the only begotten Son of God (1:14), I AM HE (8:24, 28, 58; 13:19; etc.), the Son of Man (1:51; 3:13-14, 5:27; 6:27, 53; 8:28; etc.) and the Messiah (20:30-31), who was always aware of his oneness with God, and thus made God known in an authoritative and unique fashion (6:25-59; etc.). Having come from a oneness with God that the Logos has occupied since before all time (John 1:1-2, 14), Jesus returns to the Father (17:5; 20:18) to send the gift of the Paraclete (14:15-17, 25-26; 15:26-27; 16:7-11, 12-15; 19:30; 20:21-23). The Christology of John’s Gospel became the backbone for the eventual articulation of the Christian church’s faith at the Councils of Nicea (325 CE), Constantinople (381 CE), Ephesus (431 CE), Chalcedon (451 CE), and again at Constantinople (553 CE).<sup>5</sup> As Christians make their confessions of faith, they do so in a language that has been shaped by the Gospel of John, not by what we can determine about what Jesus of Nazareth *actually said* between 28 and 30 CE.

The same must be said for the formative role of the letters of Paul, written in the 50s of the first Christian century, in the development of the later Christian Tradition. Jesus understood his forthcoming death as in some way ‘for others’, but the inspired writings of Paul the apostle make the saving significance of the death and resurrection of Jesus Christ so central to his thought and teaching that it has shaped all subsequent Christian teaching—and practice.<sup>6</sup> The revelation of God to the world is not found in *either* the Word of God in the Bible, *or* the formal teaching of the councils. It is found in *both*. Indeed, without John and Paul, there would be very little in the teaching of the councils. Scripture and Tradition ‘flow from the same divine well-spring’ (DV, 9). ‘Tradition and scripture make up a single sacred deposit of the word of God, which is entrusted to the Church’ (DV, 10).

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5. Most, but not all, mainstream Christian churches have continued the use of the pre-Reformation creeds, originally forged through vigorous debate at the early councils, as an essential statement of what they believe.

6. On Jesus’ approach to his death, see Dale C. Allison Jr, *Constructing Jesus: Memory, Imagination, and History* (Grand Rapids, MI: Baker Academic, 2011), 387–433. On the centrality of the saving effects of Jesus’ death and resurrection in Paul, see, among many others, James D. G. Dunn, *The Theology of the Apostle Paul* (Grand Rapids: Eerdmans, 1998), 207–65.

Obviously, therefore, God's revelation is not only found in those words of Jesus that can be reliably traced to the life and teaching of Jesus of Nazareth. What follows will initially trace what Jesus of Nazareth taught about divorce and remarriage. Once that is in place, we must examine what the earliest church (Paul, Mark and Matthew) passed on to their own communities in their letters and Gospels, accepted as an integral part of the Word of God to the church. As with the example of the use of the Christologies of the Gospel of John and the letters of Paul for the eventual formation of the Catholic Tradition, so also with the church's understanding and practice of marriage and divorce, we must *see the entire picture*.

### *Jesus of Nazareth and Divorce*

Jesus of Nazareth was a product of traditional Palestinian Jewish thought and practice. He would have been shaped by the teaching of the Mosaic Torah.<sup>7</sup> Adultery was a capital crime. According to Leviticus 20:10 and Deuteronomy 22:22 both offending parties involved must die, and its prohibition is found in the Decalogue (Exod 20:19; Deut 4:10; 5:20-21).<sup>8</sup> Surprisingly, however, the question of divorce and remarriage was not a major concern for the Jewish legal tradition. It was taken for granted that divorce and remarriage would take place. The tradition ensured that the male partner was always in command of the situation. There is only one passage in the Torah that deals with the question in any detail: Deuteronomy 24:1-4.<sup>9</sup> The text itself is a single long Hebrew sentence. Its major concern is to ensure that a woman who is dismissed from the household by the male not be permitted to return to the intimate situation of man and wife by returning to the husband who dismissed her. This is regarded as bringing 'sin upon the land' (v. 4). 'That, remarkably, is the extent of the divorce laws in the Pentateuch.'<sup>10</sup> The same basic approach to the question is found in the Prophets (already part of Israel's Sacred Scripture) and the Wisdom literature (an important pseudo-philosophical reflection showing Israel's gradual integration with its surrounding Hellenistic world, but with ancient roots in Israel's tradition).<sup>11</sup>

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7. For much of what follows, I am indebted to the work of Meier, *Marginal Jew*, 4:74–181.

8. See the discussion in Elaine A. Goodfriend, 'Adultery', in *The Anchor Bible Dictionary*, ed. David N. Freedman, 6 vols (New York: Doubleday, 1992), 1:82–6.

9. See Collins, *Divorce*, 89–91.

10. Meier, *Marginal Jew*, 4:80.

11. See Meier, *Marginal Jew*, 4:81–6; Instone-Brewer, *Divorce and Remarriage*, 34–58. One anomaly needs attention. Archaeologists have uncovered documents from a Jewish community in Elephantine in Egypt that reflects the thought and practice of a diaspora Jewish military community from the fifth century BCE. The practice of divorce is taken for granted, but the documents indicate, for the first time, that a 'bill of divorce' had to be prepared, and that it was not only possible for the man to divorce the woman, but also for the woman to divorce the man. This was a quite unique diaspora situation, and should not be given too much weight in trying to establish divorce practices in first-century Palestinian Judaism. See Meier, *A Marginal Jew*, 4:83–4.

Recourse is often had, by Christian scholars, to the prophet Malachi 2:10-16. The RSV renders v. 16: 'For I hate divorce, says the Lord the God of Israel'. It has come down to us in a corrupted Hebrew text, and does not make sense the way it stands. Using an image found elsewhere in the Prophets (e.g. Isa, Jer, Ezek and Hos),<sup>12</sup> Malachi 2:10-16 criticises Jerusalem and Judah for their unfaithfulness to God by paralleling their behaviour with husbands unfaithful to their wives. After careful consideration of the Hebrew of v. 16, however, John Meier states categorically that the text does not say: 'I hate divorce'. The closest he can come to generating a confusing English translation for the confused Hebrew is 'For [or: 'if'; or 'when'; or 'indeed'] he hated [or possibly: 'hating'], send away! [or possibly 'to send away']'.<sup>13</sup> The same confusion is found in the Greek translations, and the Latin Vulgate for 2:16 is *cum odio habueris dimitte* ('when [or: since] you hate [her], send [her] away'. Later Christian interpreters and rabbinic thought have turned to Malachi 2:16 for biblical support for the absolute prohibition of divorce. But this is a misuse of the original text (which remains confused), and would not have influenced Jesus of Nazareth in any way. When Jesus comes to discuss divorce, he turns to the Torah texts of Deuteronomy and Genesis. He never mentions Malachi.

There are other witnesses to Jewish thought that come from the same period, notably Philo of Alexandria (20 BCE–40 CE), a Jew who worked strenuously to make Jewish traditions relevant to a Hellenistic world, and Josephus (37–100 CE), a Jewish historian who wrote significant commentaries on the Jewish War and the history of Jewish life and practice. They both demonstrate minimal interest in the matter of marriage and divorce, and repeat the legislation of Deuteronomy 24:1-4.<sup>14</sup>

The texts found at the Dead Sea raise further questions about the attitude of a first-century Jewish sect that produced those documents, generally recognised as the Essenes. Much has been made of two texts that suggest a prohibition of divorce, the Damascus Document (CD 4:20-21) and the Temple Scroll (11QTemple 57:15-19). The former is a difficult text to interpret. It has been widely translated as a condemnation of those who take two wives in their lifetime, but it may be better understood as the prohibition of multiple wives. The second envisions the way things will be when the ideal king rules in the near future. One of the telling arguments against the prohibition of divorce at Qumran is that there is no suggestion of any such practice in the Community Rule (1QS). The Damascus Document was written for Essene communities at large; the Community Rule determined the life of the Essene community at Qumran.<sup>15</sup>

12. See Instone-Brewer, *Divorce and Remarriage*, 34–58.

13. Meier, *Marginal Jew*, 2:82. For the discussion, see pp. 81–2, and the associated footnotes on pp. 144–9. The options in the square parentheses generate a translation: 'Indeed he hated to send away'.

14. See Meier, *Marginal Jew*, 4:84–7.

15. For excellent treatments of CD 4:20–1 and 11QTemple 57:15–19, and wideranging scholarship that surrounds the interpretation of these texts, see Meier, *Marginal Jew*, 4:87–93, and the associated notes on pp. 155–62.

Regularly regarded as a minority sectarian group that advocated the prohibition of divorce, reflecting a sectarian strain within Judaism to which Jesus also belonged,<sup>16</sup> recent detailed analysis of the situation at Qumran is more reserved. While such a view of divorce and remarriage at Qumran is not ruled out, the majority position nowadays is that ‘the Essenes did forbid polygamy; their position on divorce remains a question mark’.<sup>17</sup>

This is the cultural, religious, and legal setting for Jesus’ teaching on divorce. Our earliest witness is 1 Corinthians 7:10-11. Addressing this enthusiastic community, Paul regularly opens his reflections with the expression ‘now concerning’ (Greek: *peri de*: 7:1, 25; 8:1; 12:1; 16:1). He responds to queries concerning the Corinthians’ state of life, now that they live in the new existence generated by the death and resurrection of Jesus.<sup>18</sup> His general principle is that they should stay as they are,<sup>19</sup> and this is what he tells them to do concerning their marital state, in 7:1-9. To this point in his argument he is expressing his own opinion. He will resume giving advice on these grounds in vv. 12-16 (see v. 12: ‘I say, not the Lord’). However, in vv. 10-11 he leaves his own opinion to one side, and gives a word of Jesus on divorce:

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 the wife.

There are two remarkable aspects to these words that Paul claims come from Jesus. Most significantly, Paul reports that Jesus forbade divorce. The wife was not to leave her husband (v. 10), and if she does, she must return to him (v. 11a). No husband should divorce his wife (v. 11b). Secondly, unlike anything we find in Jewish tradition, Paul takes it for granted that a woman could leave her husband on her own initiative.

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16. See e.g. Joseph A. Fitzmyer, ‘The Matthean Divorce Texts and Some New Palestinian Evidence’, *Theological Studies* 39 (1976): 221–3.

17. Meier, *Marginal Jew*, 4:93. But see Joseph A. Fitzmyer, ‘Marriage and Divorce’, in *Encyclopedia of the Dead Sea Scrolls*, ed. Lawrence H. Schiffman and James C. VanderKam, 2 vols (Oxford/New York: Oxford University Press, 2000), 1:512, who interprets these same documents as the prohibition of divorce, and not only polygamy. Meier’s uncertainty is shared by Ulrich Luz, *Matthew*, Hermeneia, 3 vols (Minneapolis, MN: Fortress, 2001–07), 2:494. William R. G. Loader, *The Dead Sea Scrolls on Sexuality in Sectarian and Related Literature at Qumran* (Grand Rapids, MI: Eerdmans, 2009), 107–19, argues that the availability of all the Qumran material now makes it clear that ‘the cited prohibition is best taken as referring not to divorce but to polygyny’.

18. See Benjamin A. Edsall, *Paul’s Witness to Formative Early Christian Instruction*, Wissenschaftliche Untersuchungen zum Neuen Testament 2.365 (Tübingen: Mohr Siebeck, 2014), 99–109; Collins, *Divorce*, 11–13.

19. On this principle, see Joseph A. Fitzmyer, *First Corinthians*, Anchor Yale Bible 32 (New Haven: Yale University Press, 2008), 305–7.

There may be a number of possible explanations for the latter element from the teaching of Jesus (the initiative of the woman),<sup>20</sup> but our concern is with the former. We have no verbatim use of the words of Jesus of Nazareth. But Paul's consistent claim that he is teaching on his own authority (vv. 1-9 and vv. 12-16), and the dramatic change to a 'charge' that comes from the Lord (v. 10) when he prohibits divorce, is early evidence of Jesus' prohibition of divorce and remarriage.<sup>21</sup> Paul has not provided a setting for this 'word of the Lord'. The early evidence of Matthew 5:32, paralleled in Luke 16:18 (thus 'Q' material), provides two different narrative settings for a tradition that looks back to the words of Jesus.<sup>22</sup>

In the Gospel of Luke, Jesus addresses the question of divorce only once: in Luke 16:18. These words are found in a rather loosely connected series of teachings poised between Jesus' parable on the dishonest steward (16:1-9) and the parable on the rich man and Lazarus (vv. 19-30). Most of these teachings are connected in some way with the theme of wealth and possessions that is present in the two parables (see vv. 10-13, 14-15), while vv. 16-17 touch upon important Lukan concerns: the place of John the Baptist, and the Law and the Prophets in God's design. Oddly, v. 18 follows: 'Everyone who divorces his wife and marries another commits adultery, and he who marries a woman divorced from her husband commits adultery'.<sup>23</sup>

The issue of divorce appears twice in Matthew.<sup>24</sup> In 19:1-12 Matthew reports, in his own way, an encounter between Jesus and the Pharisees originally found in Mark 10:1-12. Although Matthew reports this discussion of divorce between Jesus and the Pharisees by using Mark 10:1-12 as his source, he does so in his own way. In a fashion that fits its narrative context more coherently than Luke 16:18, Matthew deals with the question of divorce in 5:32, in the series of ethical instructions located in the antitheses of 5:17-48. Commenting on the words of the Decalogue forbidding divorce (Exod 20:14 and Deut 5:18), Jesus extends his commentary to the legislation of Deuteronomy 24:1-4. He comments: '*But I say to you that everyone who divorces his wife, except on the*

20. The possible remembrance in the tradition of the new world that Jesus created for women could be one of the motivations. Most explain it by indicating the Corinthian situation in the Roman colony of Corinth. See Richard A. Horsley, *1 Corinthians*, Abingdon New Testament Commentaries (Nashville, TN: Abingdon, 1998), 98-9; Collins, *Divorce*, 13-22; Meier, *Marginal Jew*, 4:165-6, n. 92.

21. See Collins, *Divorce*, 29-39; Raymond F. Collins, *First Corinthians*, Sacra Pagina 7 (Collegeville, MN: Liturgical Press, 1999), 263-5.

22. For the discussion of possible links between 1 Cor 7:10-11 and Synoptic sayings, see Collins, *Divorce*, 32-8.

23. For a discussion of the problems surrounding Luke's narrative composition at this point of his Gospel, see Collins, *Divorce*, 175-9.

24. In fact, as Dale C. Allison Jr, 'Divorce, Celibacy and Joseph (Matthew 1.18-25 and 19.1-12)', *Journal for the Study of the New Testament* 49 (1993): 3-10, points out, Matthew raises the issue of divorce *three times*: Joseph's decision to divorce his wife 'quietly' is recorded in 1:19. Allison's main concern is to show that *porneia* in 19:9 means adultery, and that Joseph's celibacy in 1:24-25 clarifies what is meant by the eunuch saying in 19:10-12. However, he

*ground of unchastity*, makes her an adulteress; and whoever marries a divorced woman commits adultery' (Matt 5:32).

The closeness between the two teachings is clear. Once the Matthean redactional additions, 'But I say to you that', and 'except on the ground of adultery', are removed, then the possibility that Luke 16:18 and Matthew 5:32 come from the same source ('Q') is very real.

**Matthew 5:32**

(a) Everyone who divorces his wife  
*except on the ground of unchastity*

(b) makes her an adulteress

(a) and whoever marries a divorced  
woman

(b) commits adultery.

**Luke 16:18**

Everyone who divorces his wife  
*and marries another*

commits adultery

and the one who marries a woman  
divorced by her husband

commits adultery.

Allowing for stylistic and slight changes of content made by the two authors using the same source (Luke clarifies, while Matthew takes the details of divorce between a husband and a wife for granted), the literary structure and the message of this passage indicates that Matthew and Luke are using the same source. The passage (from 'Q') points back to a very early record of a word from Jesus that prohibited divorce, prior to Matthew and Luke, but not found in Mark. Unlike Paul's words, 'from the Lord', the 'Q' passage makes no allowances for the initiative of the woman. At least in that respect, it continues Jewish tradition.

Calling upon the data provided by 1 Corinthians 7:10-11, where Paul appears to be paraphrasing a word of Jesus, Matthew 5:32, and Luke 16:18 ('Q'), scholars are able to suggest the probable 'primitive form' of this word of Jesus that had its origins on the lips of Jesus of Nazareth during the course of his ministry. Reflecting a Semitic balance, intricacy, and a density worthy of the importance of the subject being dealt with, a two-part saying emerges:

Part 1a: Everyone who divorces his wife and marries another

Part 1b: commits adultery.

Part 2a: And the one who marries a divorced woman

Part 2b: commits adultery.<sup>25</sup>

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makes an important point when he suggests that the description of Joseph as a 'righteous man' (Greek: *dikaïos*) demands that there be an exception to Jesus' absolute prohibition of divorce. It is 'righteous' to divorce the unfaithful wife. Not to do so would bring 'sin upon the land' (see Deut 24:4). Joseph 'is to be regarded as a model of behaviour in accord with God's will' (p. 5). Coherently, therefore, Matthew *must* add the exception clauses to Matt 5:32 and 19:9. If divorce was necessary for Joseph, the just man, it must be fine for the followers of Jesus. Loader, 'Did Adultery Mandate Divorce?' 68-9, understands Joseph's 'righteousness' as a judgement of his decision to divorce Mary, rather than execute her. But he agrees that this decision is closely linked to the addition of the exception clauses in 5:32 and 19:9.

25. See Meier, *Marginal Jew*, 4:107-8 for the reconstructed text, and reflections upon its structure and meaning. This is also the reconstruction of Robinson, Hoffmann and Kloppenborg, *Critical Edition of Q*, 470.



Whether or not one accepts this ‘reconstruction’ as words of Jesus himself, there is no doubt that Jesus of Nazareth forbade divorce and remarriage.<sup>26</sup> Our glance at the Jewish society and religious practice of Jesus’ time indicates that such teaching stands alone. ‘Jesus the Jew clashes with the Mosaic Torah as it was understood and practiced by mainstream Judaism before, during, and after his time.’<sup>27</sup>

Although centuries and worlds apart, there is a certain parallel between the challenge of Jesus’ teaching then and now. Modern society is structured, legally and socially, to accept and even encourage (in certain circumstances) the practice of divorce and remarriage. Although the practice of divorce and remarriage was not as widespread at the time of Jesus, Deuteronomy 24:1-4 indicates that a man could dismiss his wife and marry another (see Mark 10:3-4; Matt 19:7).<sup>28</sup> Jesus contradicted this teaching and practice.

John Meier indicates how Jesus’ prohibition of divorce and remarriage must have appeared to his contemporaries.

Jesus consciously presented himself to his fellow Jews as the eschatological prophet, performing Elijah’s task of beginning the regathering of Israel in the end time while also performing miracles like Elijah’s. These miracles were interpreted as signs of the kingdom that was coming and yet that, in a way, was already present in Jesus’ ministry. In this highly charged context of future-yet-realized eschatology, the eschatological prophet named Jesus may have inculcated as already binding certain types of behaviour that pointed forward, as did his whole ministry, to the final period of Israel’s restoration as God’s holy people.<sup>29</sup>

### ***1 Corinthians 7:8-16: God Has Called Us to Peace***

In 1 Corinthians 7:1 Paul turns his attention to a number of issues related to marriage, with his usual indication of ‘now concerning these matters’ (Greek:

26. See also Collins, *Divorce*, 214; Fitzmyer, *First Corinthians*, 290–1. However Loader, ‘Did Adultery Mandate Divorce?’ 67–78, has indicated his serious doubt. He claims that, on the basis of Gen 2:24 (see pp. 75–6), Jesus took it for granted that divorce would follow adultery. ‘The exception now found in Matt 5.32 and 19.9 was already presupposed in Mark 10.11-12, Luke 16.18 and 1 Cor 7:10-11. Matthew, rather than uncharacteristically softening Jesus’ demand, simply spelled out what has always been assumed’ (p. 74).

27. For an application of the usual ‘criteria’ used by historians to detect the historicity of material found in such sayings, see Meier, *Marginal Jew*, 4:112–19. The citation comes from p. 114. Not all would be so clear-cut. See, among many, Collins, *Divorce*, 178, who suggests that Moses did not mandate divorce, so therefore there is some ‘room’ for Jesus’ hard line in these debates. Most recently, see Gerhard Lohfink, *Jesus of Nazareth: What He Wanted, Who He Was*, trans. Linda M. Maloney (Collegeville, MN: Liturgical Press, 2012), 202–4.

28. A huge social and legal chasm exists between the time of Jesus and modern society and practice in the acceptance of ‘partners’ (heterosexual or homosexual) rather than ‘wives’ and ‘husbands’.

29. Meier, *Marginal Jew*, 4:127. See also Collins, *Divorce*, 218–22.

*peri de*). Writing to his over-enthusiastic new Christians, in vv. 1-7 he informs them that there should not be anything 'new' in the way husband and wives should relate, although he expresses his personal support for his own way of life, most likely celibate, admitting that not all have this gift from God (v. 7).<sup>30</sup> He then addresses, in sequence, the issues face by the unmarried and the widows (vv. 8-9), the married (vv. 10-11), and the situation of a woman married to an unbeliever (vv. 12-16). On the first and the third question he provides his own opinion: 'I say' (v. 8); 'I say, not the Lord' (v. 12). In dealing with the married, he indicates: 'I give charge, but not I but the Lord' (v. 10), taking us back to our earliest record of Jesus' prohibition of divorce.

As he has done in his general discussion of matters sexual (vv. 1-7), in vv. 8-9 Paul asks that people maintain their current status. But in vv. 12-16 he moves on to discuss what must have been a common enough reality in Pauline Corinth: a man (v. 12) or a woman (v. 13) married to an unbeliever.<sup>31</sup> Paul recommends that they too remain in their current sexual situation. He provides reasons for this recommendation: the potential for mutual consecration of a couple through marriage, and the subsequent consecration of the children (see v. 14).<sup>32</sup> Critically, however, 'if the unbelieving partner desires to separate, let it be so; in such a case your brother or sister is not bound' (v. 15abc). He again provides a reason for this decision: there can be no certainty that such a mixed marriage will lead to salvation (v. 16).<sup>33</sup> The fundamental principle of human relationships must be maintained: 'for God has called us to peace' (v. 15d). Immediately after reporting Jesus' word that there be no separation between married couples, Paul addresses the difficult situation of couples and families in Corinth where the union of a believer and an unbeliever is damaging an essential element in God's calling (see the Greek of v. 15d: *keklēken*) the Christians to live in peace (Greek: *en de eirēnēi*).<sup>34</sup> He reads that situation in the light of God's call of the Christian to peace and salvation, and instructs the Christians in Corinth that a separation should take place.

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30. The likely background to Paul's insertion of this thought is that some of the Corinthians who were not able to live such a life (see v. 9) aspired to live as Paul lived. This would not have been appropriate. See Pheme Perkins, *First Corinthians*, Paideia Commentaries on the New Testament (Grand Rapids, MI: Baker Academic, 2012), 109–10.

31. It was only natural that adult conversion to Christianity (which was the norm in this founding period) brought women and men into Christianity who already had non-Christian spouses.

32. On the idea of the mutual 'sanctification' of spouses and children in the biblical and Jewish tradition, see Collins, *First Corinthians*, 266–7. See also Fitzmyer, *First Corinthians*, 299–301. See p. 301: 'God's sanctifying power is greater than any unbelief'.

33. The interpretation of v. 16 concerning a wife's or a husband's knowledge of the eventual salvation of their respective partner is divided. A positive interpretation supports the permanence of the union, in the hope that the partner might come to salvation. A negative interpretation suggests that there is no point staying in the marriage hoping that salvation will come to one's spouse. That is beyond anyone's knowledge or control; it belongs to God. See Collins, *First Corinthians*, 272, for the discussion.

34. I have drawn attention to the Greek verb 'to call' (Greek: *kaleō*) as this became a technical expression in early Christianity for God's initiative in calling people to the following of Jesus

Paul sees the necessity to *accommodate* the special circumstances of a mixed marriage between a pagan and a Christian, and *reverses* Jesus' decision to prohibit divorce. However, Paul does not permit the believing partner, no doubt instructed and committed to the word of the Lord recalled in vv. 10-11, to initiate the process of separation.<sup>35</sup> Jesus has *reversed* the traditional Jewish understanding of the possibility of divorce; Paul now does the same thing with the teaching of Jesus (vv. 10-11) in *allowing* separation between Christian and non-Christian partners. There were, no doubt, outstanding pastoral reasons for making this decision in support of the God-given peace of Corinthian community.<sup>36</sup> Paul does not appear to be in any anguish over this decision. Juxtaposed with the word of the Lord (vv. 10-11), in vv. 12-16 he gives instructions that are not consistent with vv. 10-11, but which clearly *accommodate* the situation of the church in Corinth.<sup>37</sup> There is no indication from Paul whether or not the Christian spouse would be permitted to remarry; what he said about remarriage in v. 11 ('remain single') may well continue to apply.<sup>38</sup> Pheme Perkins wisely suggests that Paul might expect them to be guided by v. 7: 'I wish that all were as I myself am. But each one has his own special gift from God, one of one kind and one of another'.<sup>39</sup>

There are a number of puzzles associated with the interpretation of 1 Corinthians 7:12-16.<sup>40</sup> What is crucial for this article, however, is that *within the Sacred Scriptures of Christianity* we find an accommodation of Jesus' absolute prohibition of divorce.<sup>41</sup> But Paul is not alone in instituting an exception.

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Christ: 'vocation'. See Collins, *First Corinthians*, 267. Following the RSV, I have used the first person plural pronoun, 'us' (Greek: *hēmas*). This is textually doubtful. The original may be the second person plural, 'you' (Greek: *hymas*). Although the 'us' is more clearly associated with the inner group of the Christian community, the use of 'you' does not alter the argument. The reference to 'any brother' (Greek: *tis adelphos*) in v. 12 makes it clear that Paul is addressing the inner dynamics of a Christian community.

35. See, among many, Horsley, *1 Corinthians*, 99.

36. Perkins, *First Corinthians*, 110, points out that Paul is speaking to 'the social goal of harmony within the household is the divine intent for all marriages'.

37. For an awareness of the sharpness of the contrast, see Fitzmyer, *First Corinthians*, 301-2.

38. Collins, *Divorce*, 63-4, rightly claims that there is a lack of clarity in what Paul thinks about remarriage. Meier, *Marginal Jew*, 174, n. 126, suggests that the texts reflect Paul's own lack of certainty as to 'what the Christian caught in this difficult situation can or should do'. Fitzmyer, *First Corinthians*, 301-2 is more optimistic: 'Paul says nothing against further marriages' (p. 302).

39. Perkins, *First Corinthians*, 110.

40. They are expertly dealt with by Collins, *Divorce*, 40-64.

41. The Catholic Church recognises this 'exception' in its law. Naming Paul, it claims that it has the authority to 'dissolve' a marriage between two non-believers (not baptised) when one of the parties subsequently becomes a Catholic. This so-called *privilegium paulinum* (the Pauline privilege) is carefully legislated in cann. 1143-50. Fitzmyer, *First Corinthians*, 302-3, comments: 'That is a development in Canon Law that goes beyond the limits of the case envisaged by Paul'.

**Mark 10:1-12 // Matthew 19:1-12 (Matthew 5:32 again)**

Matthew regularly uses Mark as one of his major sources. But he generally has something of his own to say, and does not rewrite Mark *verbatim*. The reporting of Jesus' debate with the Pharisees over divorce is a good example of this.<sup>42</sup>

**Mark 10:1-12**

<sup>1</sup> And he left there and went to the region of Judea and beyond the Jordan,

and crowds gathered to him again; and again, as his custom was, he taught them.

<sup>2</sup> And Pharisees came up and in order to test him asked, 'Is it lawful for a man to divorce his wife?'

<sup>3</sup> He answered them, 'What did Moses command you?'

<sup>4</sup> They said, 'Moses allowed a man to write a certificate of divorce, and to put her away.'

<sup>5</sup> But Jesus said to them, 'For your hardness of heart he wrote you this commandment.

<sup>6</sup> *But from the beginning of creation, "God made them male and female."*

<sup>7</sup> 'For this reason a man shall leave his father and mother and be joined to his wife,<sup>8</sup> and the two shall become one flesh.' So they are no longer two but one flesh.

<sup>9</sup> What therefore God has joined together, let not man put asunder.'

**Matthew 19:1-12**

<sup>1</sup> Now when Jesus had finished these sayings, he went away from Galilee and entered the region of Judea beyond the Jordan;

<sup>2</sup> and large crowds followed him, and he healed them there.

<sup>3</sup> And Pharisees came up to him and tested him by asking, 'Is it lawful to divorce one's wife for any cause?'

[**Transposed:** <sup>7</sup> *They said to him, 'Why then did Moses command one to give a certificate of divorce, and to put her away?'*

<sup>8</sup> *He said to them, 'For your hardness of heart Moses allowed you to divorce your wives,*

*but from the beginning it was not so.]*

<sup>4</sup> He answered, 'Have you not read that he who made them from the beginning "made them male and female,"

<sup>5</sup> and said, "For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh"?<sup>6</sup> So they are no longer two but one flesh.

What therefore God has joined together, let not man put asunder.'

<sup>7</sup> They said to him, 'Why then did Moses command one to give a certificate of divorce, and to put her away?' <sup>8</sup> He said to them, 'For your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so.

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42. The ensuing parallel presentation of the Markan and Matthean texts follows the order of the Markan text. Both texts are presented in full, in regular type. However, passages that Matthew has relocated are presented in *italics*, so that the reader will more easily be able to follow the parallels. They also show Matthew's creative freedom with his source.

**[Transposed:** <sup>11</sup> *And he said to them, 'Whoever divorces his wife and marries another, commits adultery against her; <sup>12</sup> and if she divorces her husband and marries another, she commits adultery.'*]

<sup>10</sup> And in the house the disciples asked him again about this matter.

<sup>11</sup> And he said to them, 'Whoever divorces his wife and marries another, commits adultery against her;<sup>12</sup> and if she divorces her husband and marries another, she commits adultery.'

<sup>9</sup> And I say to you: whoever divorces his wife, *except for unchastity* [Greek: *mē epi porneia*], and marries another, commits adultery.'

The disciples said to him, 'If such is the case of a man with his wife, it is not expedient to marry.'

<sup>11</sup> But he said to them, 'Not all men can receive this saying, but only those to whom it is given.<sup>12</sup> For there are eunuchs who have been so from birth, and there are eunuchs who have been made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven. He who is able to receive this, let him receive it.'

Mark 10:1-9 is shaped like a traditional rabbinic discussion. The question of divorce is posed. Mark indicates the hostility of the Pharisees; they asked the question 'in order to test him' (v. 2). Jesus responds with a further question, asking the Pharisees to locate their query within the teaching of the Law (v. 3). They respond by citing the general meaning of Deuteronomy 24:1-4 (v. 4), but Jesus counters with a correction of the Pharisees' understanding of Torah by showing that this was not God's original design. It was allowed, through Moses, only because of the hardness of hearts in Israel. The *original* design of God, *from the beginning of creation*, is found in Genesis 1:27 and 2:24 (Mark 10:5-8). It provides his response to the original question (see v. 2) with the words, 'What therefore God has joined together, let no man put asunder' (v. 9).<sup>43</sup> Jesus has answered Torah with Torah, and the Pharisees fall silent. But 'in the house', as the disciples ask him about this matter, he shifts the argument from divorce to adultery.<sup>44</sup> Mark regularly uses 'the house' as the location for teaching the disciples (see 3:20; 7:17-23; 9:28, 33). A man or a woman who divorces and remarries 'commits adultery' (10:11-12). Although adultery has been introduced in Jesus' discussion with the disciples, there is a logical link with what Jesus has taught the Pharisees. The Torah legislates against adultery (Exod 20:19; Deut 4:10; 22:22; Lev 20:10). Jesus teaches his disciples (and they are the object of all

43. A crucial distinction is drawn between what God (Greek: *ho theos*) has done and what 'man' (Greek: *anthrōpos*) attempts to undo in v. 9.

44. See e.g. Adela Y. Collins, *Mark*, Hermeneia (Minneapolis, MN: Fortress, 2007), 469-70.

that is found across Mark 10:1-31) that the practice of the Pharisees leads to a breach of Torah, as divorce and remarriage is adultery.<sup>45</sup> Jesus' absolute prohibition of divorce in Mark 10:1-12 echoes the earlier record of 1 Corinthians 7:10-11. Writing in the Roman world, Mark addresses the possibility of divorce and remarriage (and subsequent adultery) on the part of both the man and the woman.

Matthew does not have the parrying back-and-forth that shapes rabbinic discussion. The Pharisees test Jesus by asking if it is lawful to divorce one's wife *for any cause* (19:3).<sup>46</sup> Matthew has Jesus respond immediately in terms of Genesis 1:27 and 2:24 (Matt 19:5-6). Only when the Pharisees are cornered by Jesus' use of the Torah do they turn to Deuteronomy 24:1-4 (Matt 19:7). Jesus replies in terms of Israel's hardness of heart, catching up his earlier response from Genesis by telling them that 'from the beginning it was not so' (Matt 19:8). Mark's location of the link between divorce and adultery (Mark 10:11-12) is used to end the Matthean encounter between Jesus and the Pharisees (Matt 19:9), rather than to the disciples (Mark 10:11-12). Matthew, reflecting a more Jewish tradition, regards the man as the one who might initiate divorce, and thus commit adultery. The woman is not considered. As in Mark (10:10-12), Matthew closes the episode with an explanation to the disciples in 19:10-12, but the discussions are very different. Matthew uses his own special traditions, not found anywhere else in the New Testament.<sup>47</sup> The disciples cannot imagine how such a prohibition could work. If one cannot divorce, then the institution of marriage is to be avoided (v. 10). Jesus' responds that the never-failing gift of loyalty in marriage is 'a special gift from God' (v. 11, recalling 1 Cor 7:1), and closes with the famous saying about being a eunuch because of the kingdom of heaven (v. 12).<sup>48</sup>

Within these parallel narratives in Mark and Matthew, there are two significant issues that call for closer attention:

1. Matthew's report of Jesus' prohibiting divorce 'except for unchastity', in his encounter with the Pharisees (19:9: Greek: *mē epi porneia*). This exception must have been important for Matthew and his Christian community. It was not present in Mark 10:11-12, which Matthew was using as a source. He also inserts the same sentiment, 'except for

45. On the focus upon teaching the disciples across 10:1-31, see Francis J. Moloney, *The Gospel of Mark. A Commentary* (Grand Rapids, MI: Baker Academic, 2012), 192–203.

46. It has long been argued that Matthew's addition of 'for any cause' reflects the difference of opinion between the school of Shammai, who allowed divorce only on the basis of moral disorder on the part of the woman, and the school of Hillel, who allowed divorce 'for any cause'. This debate is widely recorded in rabbinic documents. See, among most, Fitzmyer, 'Matthean Divorce Texts', 197–226. This position is strenuously opposed by Meier, *Marginal Jew*, 94–5; 163, n. 80. He claims the rabbinic texts are too late (written early in the third century CE) to be used in the interpretation of a first-century document.

47. See Collins, *Divorce*, 119–20.

48. It is beyond our scope to discuss the history and meaning of Matt 19:10-12. For more detail, see Francis J. Moloney, 'Matthew 19:3-12 and Celibacy: A Redactional and Form Critical Study', *Journal for the Study of the New Testament* 2 (1979): 42–60.

unchastity', in 5:32 (Greek: *parektos logou porneias*), whereas the original 'Q' passage (see Luke 16:18) did not allow any such possibility (see Luke 16:18).

2. Jesus' use of Genesis in both accounts, and his explanation that the prohibition of divorce is based upon God's design 'from the beginning of creation' (Mark 10:6a) and 'from the beginning' (Matt 19:4b, 8c).

### 1. 'Except for Unchastity' (Matthew 5:32; 19:9)

When Matthew uses two of his major sources, 'Q' (see Luke 16:18) and the Gospel of Mark (see Mark 10:1-12), he *accommodates* the absolute prohibition of divorce found in both of them. What is perhaps more remarkable for the contemporary interpreter of the New Testament is that he uses exactly the same expression to describe the motivation for this exception. The Greek word used, *porneia*, is a notoriously difficult word to translate with any precision. This is so because a number of different Greek expressions are used with reference to specific sexually immoral acts, but *porneia* is a more generic word that can refer to any one of them, or to all of them.<sup>49</sup> In his use of 'Q' Matthew softens Jesus' absolute prohibition by adding 'except in the case of *porneia*', and his rewriting of Mark is similarly softened by the words 'except for *porneia*'.

Understandably, given the importance of these two exceptions, what Matthew meant by his use of *porneia* has long been the source of debate and discussion.<sup>50</sup> A decision need not be made here, and what I am about to suggest is one possibility among many. The situation of the early Christian community addressed by the Gospel of Matthew was, as we have seen, marked by the presence of both Jews and Gentiles. No doubt the inner-community marital situation addressed by Paul in 1 Corinthians 7:12-16 would have again been present, even though the cultural and religious settings of Corinth and Antioch were different. In the newly founded Christian community, there would have been marriages that had been entered into by the pre-Christian *Gentile* members of some of the new Christians. For the Christian community, and especially for the Matthean community where an observance of the Law was required (see Matt 5:17-19), these pagan marriages were regarded as *porneia*.

We need not decide precisely what that meant, and the generic word used by the RSV, 'unchastity', serves well. I suspect that Paul's use of the expression *porneia* to refer to the incestuous relationship between a man and his father's wife in 1 Corinthians 5:1 is a pointer to its meaning in Matthew 5:32 and 19:9.<sup>51</sup> Whatever one makes of that suggestion, Matthew asks that marriages marked by

49. For a very good survey, see William R. G. Loader, *The New Testament on Sexuality* (Grand Rapids, MI: Eerdmans, 2012), 244–50.

50. For a survey of this discussion, see Luz, *Matthew*, 1:250–9.

51. As we have seen, Loader, 'Did Adultery Mandate Divorce?' 67–78, challenges this suggestion. He claims that *porneia* certainly meant adultery, and that it was taken for granted, even by Jesus, that divorce would follow adultery.

what the Christian community considered *porneia* be ended. In rewriting Mark 10:1-12, he adds vv. 10-12, found only in Matthew, to his Markan source, instructing his disciples (again in a way that echoes 1 Corinthians 7:8-9) that, once freed from this unacceptable marriage situation, they should remain single.<sup>52</sup> Such a request, however, is recognised as extremely difficult. It is not possible for everyone to live that way, and only those gifted for such a lifestyle should practise it (v. 12d. See 1 Cor 7:7-9).<sup>53</sup>

Whatever the precise situation addressed by Matthew, and whatever the exact meaning he wishes to give to the word *porneia*, the decisive matter is that he uses two sources that record the memory of Jesus' absolute prohibition of divorce and remarriage ('Q' and Mark), and he modifies *both* of them (Matt 5:32; 19:9). We are dealing with another moment in the developing theological and pastoral consciousness of the earliest church that quite freely *and consistently* accommodates a teaching of Jesus. This is a further indication *within the inspired pages of our Christian Sacred Scriptures* that shows the need for the church to rethink Jesus' fiercely eschatological teaching in the light of the long-term pastoral situation of the developing Christian church. As Craig Keener has pointed out: 'In practice, the early Christians immediately began to qualify Jesus' divorce saying; other principles of Jesus, such as not condemning the innocent (12:7) or the principle of mercy (23:23), would have forced them to do so in some circumstances. ... Paul and Matthew's exceptions (Mt 5:32; 19:9; 1 Cor 7:15, 27-28) constitute two-thirds of the extant first-century Christian references to divorce'.<sup>54</sup>

## 2. *From the Beginning (Mark 10:6; Matthew 19:4, 8)*

The dispute between Jesus and the Pharisees over divorce and remarriage in Mark 10:1-12 swings upon the use Jesus makes of the Torah texts of Genesis 1:27 and 2:24 to overcome their use of the Torah text of Deuteronomy 24:1-4 as the reason for allowing divorce. Whether or not this use of a text that comes 'before' the legislation handed down through Moses in Deuteronomy 24:1-4 because of the hardness of heart of Israel closes the issue, Jesus' explanation of why the Genesis texts close the discussion is provided with the words 'from the beginning of creation' (Greek: *apo de arches ktiseōs*), which open his citations from Genesis (Mark 10:6. See also Matt 19:8). A crucial theological point needs to be made here: Mark (followed by Matthew) presents Jesus' teaching as the reconstitution of God's original design: 'from the beginning [*archē*] of creation' (Mark), 'from the beginning' [*archē*]' (twice in Matthew).

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52. This case is argued at length in Moloney, 'Matthew 19:3-12 and Celibacy', 44-60. In support of the meaning of 'incestuous relationship', see also Fitzmyer, 'Matthean Divorce Texts', 221.
53. The verb used by Matthew in 19:12d, translated in the RSV in the command 'He who is able to receive this, let him receive it', is *chōreō*. Its primary meaning is not 'receive', but 'make space' (see Mark 2:2). It carries the idea of being open to a gift, and thus 'accept'.
54. Craig S. Keener, *A Commentary on the Gospel of Matthew* (Grand Rapids, MI: Eerdmans, 1999), 191.



Jesus' appeal to texts from Genesis, and his explicit reference to 'the beginning', situates his description of the situation between a woman and a man in the Garden of Eden! Genesis 1:27 and 2:24 describe the situation between a man (Adam) and a woman (Eve) *before* the introduction of sin into the human story (see Gen 3:1-24). As Joel Marcus has correctly commented, 'Jesus and the Markan Christians are people who rejoice in the dawning light of the new age—which is also the recaptured radiance of Eden'.<sup>55</sup> But sin has entered the world, and we now claim that only Jesus of Nazareth has embodied what God has designed for the human condition. That perfection has been represented in the biblical account of Adam and Eve, but such perfection has been lost to the human condition (Gen 3). The loss of the glory of these beginnings through the sin and disobedience of Adam has been overcome by the universal significance of the obedience of Jesus, revealed in his death and resurrection. But the story of Adam and the story of Jesus Christ continue to run side by side throughout the human story. Nowhere has this been more eloquently stated than in the close, contrasting parallels that Paul draws between Adam and Christ in Romans 5:12-21. The Christian must live the in-between-time, called to join the Christ story and reject the Adam story.<sup>56</sup> As history eloquently demonstrates, humankind is 'in process': the ideal of God's original creative plan has never been fully present in the ambiguity of that history.<sup>57</sup>

The introduction of Pauline thought on the 'new creation' (see Gal 2:15; 2 Cor 5:17) raises a further question. Reflecting upon Jesus' bold rejection of Torah in forbidding the practice of divorce, we earlier saw John Meier arguing that Jesus understood himself as, and was understood by his followers as, the eschatological prophet.

In this highly charged context of future-yet-realized eschatology, the eschatological prophet named Jesus may have inculcated as already binding certain types of behavior that pointed forward, as did his whole ministry, to the final period of Israel's restoration as God's holy people.<sup>58</sup>

Both Paul (in the 50s CE) and Mark (about 70 CE) continue to portray Jesus in this fashion. However, they not only continue Jesus' teaching by looking to 'the end' as the explanation for the uniqueness of Jesus and his teaching.<sup>59</sup> They reach back to

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55. Joel Marcus, *Mark*, Anchor Yale Bible 27–27A, 2 vols (New York/New Haven: Doubleday/Yale University Press, 2000–09), 2:710.

56. On Paul's concept of the Adam story, and the 'new creation' of Jesus' death and resurrection, see Francis J. Moloney, *Reading the New Testament in the Church* (Mulgrave, VIC: Garratt, 2015), 97–102.

57. Some may query this statement in the light of the saints, and especially the Mother of Jesus, in Catholic teaching. Such holiness, which is a restoration of God's original design, is possible only because of a positive response to the gift of God's grace. It is not *natural*.

58. Meier, *Marginal Jew*, 4:127.

59. Jesus' looking to 'the end' as the basis for an understanding of his person and message has been splendidly shown by Allison, *Constructing Jesus*.

the beginnings of all creation. This tendency grew as the early church developed an ever-deepening understanding of Jesus' significance.<sup>60</sup> Paul refers to a pre-existent Christ in Philippians 2:6-11, but this development finds its highest expression in the Prologue to the Gospel of John, where Jesus is described as the Logos of God, who dwelt in a unique oneness of time 'in the beginning' (John 1:1-2. Greek: *en archēi*).

Mark 10:1-12 and Matthew 19:1-12 are bearers of this theological tradition. The strength of Jesus' prohibition of divorce comes from his indication that there was no divorce in the Garden of Eden. Christians do not live in the Garden of Eden, but within the ambiguity of the contemporary human story. Contemporary Catholic legislation prohibits divorce on the basis of the fact that Jesus did so. This position misses an important theological truth in its presupposition that the 'ideal' of God's original creation is in place from the very first moment of the long, and often complex, 'real' journey of Christian marriage. It transfers what was primarily a christological intuition of the early church into an essential element of its marriage legislation (can. 1141). The confusion of the 'ideal' with the 'real' in the lives of imperfect people, striving (and sometimes failing) in their Christian lives, calls for re-examination by the church's highest authority.

### **Conclusion**

The Christian church does not base its teaching and practice only on what can be shown as the authentic teaching and practice of the historical Jesus. The foundational councils that produced much of the Christian Tradition ranged widely across *everything in the New Testament*, especially the Gospel of John and the letters of Paul, to establish its rule of faith, and to articulate it in the creeds. There should be no 'picking and choosing' with the Word of God. These debates are often coloured by the suggestion that the church is selective in what it chooses from the teaching of Jesus, and point to such requirements as cutting off the hand, the foot, and plucking out the eye (see Mark 9:43-47). They are not legislated in canon law, but Jesus' prohibition of divorce (found only in 1 Cor 7:10-11 and Mark 10:1-12) is found there (see can. 1055). Such debates can sometimes be superficial, but they contain a challenge. Martin Hengel has devoted detailed attention to a saying of Jesus, found in 'Q', that he argues lies at the heart of Jesus' personal sense of his charism: 'Leave the dead to bury their own dead; but as for you, go and proclaim the kingdom of God' (Luke 9:60 // Matt 8:22).<sup>61</sup> Living the Word of God in the Christian church is no easy matter.<sup>62</sup>

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60. There is considerable contemporary interest in the relationship between Pauline and Markan theology, initiated by Joel Marcus, 'Mark – Interpreter of Paul', *New Testament Studies* 46 (2000): 473–87.

61. Martin Hengel, *The Charismatic Leader and His Followers*, trans. James C. G. Greig, *Studies of the New Testament and Its World* (Edinburgh: T. and T. Clark, 1981). This study rightly points to the importance of Jesus' intense eschatological understanding of his mission, shared by his followers.

62. This statement could lead to a discussion of the need for all the Christian churches to reflect a 'shared wisdom and experience' when they face such difficult questions. This is not the place

An important hermeneutic has always been at play in the development of Christian tradition, and in the church's necessary commitment to play an effective role in an increasingly informed world. It has never been a simple process. It generates tension and misunderstanding, as the story of the ecumenical councils, from Nicea (325 CE) to Vatican II (1962–65 CE), indicate.<sup>63</sup> But the church does not simply look back to the identifiable words of Jesus to establish its doctrinal and moral bedrock truths: it reflects upon its biblical and ecclesial tradition in dialogue with an ever-expanding body of knowledge and experience.

The church's treatment of the divorced and the remarried must take into account *the entire picture*. As the early church recognised that Jesus had begun a 'new creation', it challenged believers to resist and overcome sin, guided by the example of Jesus, enlivened by the pardoning and life-giving grace generated by his death and resurrection (see Rom 5:12-21; Mark 10:6; Matt 19:4, 8). The earliest Tradition recognised that only Jesus incarnated the 'new creation'. The rest of humankind strives to live a Christian life, caught in the ambiguity of the ongoing presence of both the Adam and the Christ story (see Rom 5:12-21), confident that 'where sin increased, grace abounded all the more' (Rom 5:20). Consequently Paul and Matthew, without compunction, accommodated Jesus' absolute prohibition of divorce for its fragile members (1 Cor 7:14-16; Matt. 5:32; 19:9).

This is the *authentic Tradition* generated within the Spirit-filled formative decades of Christianity. It should direct us as we *read the entire New Testament*, seeking the guidance that is found there.<sup>64</sup> No-one has stated this more authoritatively than Joseph Fitzmyer:

If Matthew under inspiration could have been moved to add an exceptive phrase to the saying of Jesus about divorce that he found in an absolute form in either his Marcan source or in 'Q,' or if Paul likewise under inspiration could introduce into his writing an exception on his own authority, then why cannot the Spirit-guided institutional Church of a later generation make a similar exception in view of problems confronting Christian married life of its day or so-called broken marriage?<sup>65</sup>

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for such a debate, but the Catholic Church stands alone among Christian churches that also look to the Word of God for their founding and formative Traditions in the matter of divorce and remarriage. This calls for some self-examination.

63. The tensions surrounding Vatican II have been graphically documented by Yves Congar, *My Journal of the Council*, trans. Mary John Ronayne and Mary Cecily Boulding, ed. Denis Minns (Adelaide: ATF Theology, 2012).
64. This hermeneutic was hesitatingly proposed to the teaching authority of the church thirty-five years ago by Pierre Benoit, 'Christian Marriage according to Saint Paul', *Clergy Review* 65 (1980): 309–21. See especially pp. 320–1.
65. Fitzmyer, *First Corinthians*, 298. Fitzmyer first made this suggestion in 1976 ('Matthean Divorce Texts', 224–6).

Recognising this *authentic Tradition*, the church's leadership should see that its current legislation is based on a late, biblically unfounded *tradition*. The church must face the confusing challenges of contemporary society through an examination of its Tradition, and not purely on the basis of mercy and compassion—however precious these hallmarks of Francis' papacy might be.

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