



Sermon on the Mount  
**D**ivorce

## Divorce

Welcome to Jesus Time where we spend time with Jesus in His time and culture.

Jesus continues with His "Sermon upon the Mount."

✠ It was also said, 'Whoever divorces his wife, let him give her a certificate of divorce.' <sup>32</sup> But I say to you that everyone who divorces his wife, except on the ground of sexual immorality, makes her commit adultery, and whoever marries a divorced woman commits adultery.

Matthew 5:31-32 ESV

Jesus is speaking against the ease and widespread use of Divorce which had become accepted as normal within Jewish society. But did you notice that Jesus holds the husband to a greater guilt if he does in fact Divorce his wife without a legitimate cause.

A cause that would hold up to scrutiny in GOD'S sight. The abuse of Divorce Law had become rampant particularly amongst the Pharisee's so much so that Jesus condemns the remarriage of a man unto a woman not properly Divorced according to GOD'S Law.

As per this thought; the late great former Principal of Princeton Theological Seminary Charles Hodge from his Systematic Theology Vol.III page 391 writes:

*"Our Lord makes the guilt of marrying after separation to depend on the ground of the separation."*

Meaning if any Divorce was Justifiable in GOD'S eyes, then the marriage is legally & morally dissolved.

Also, GOD'S Law does in fact legally recognize remarriage even if a former Divorce is found lacking of a permitted reason in GOD'S sight because; if you recall from our previous lesson "Lady at the Well" of when Jesus met with the Samaritan woman, and Jesus asked her to quote "go get her husband and then return" to Him as a couple-

It was then the Samaritan Lady replied to Christ that she had no husband.

Our point being here is; Jesus then informed the woman that by His Divine knowledge & recall, Christ knew she had been previously married unto 5 husbands and that the man she had now was not married to her. (John chapter 4)

Get that?

Even if Jesus did not fully agree with any of the Samaritan woman's previous Divorces-

The Lord did in fact acknowledge that she had been legally remarried 4 more times.

As in her choices were hers and they were what they were.

She had indeed been remarried multiple times & thusly recognized and acknowledged by Jesus.

Israel was a very public Patriarchal society in Jesus Time with a young maiden's father legally overseeing and responsible as for her care & needs.

Responsibilities for the wife shifted when she married thusly passing unto her husband.

While privately behind closed doors it was of course the Matriarchal side that controlled the home.

Divorce in "Jesus Time" was usually initiated by men, however there were certain instances by which Jewish wives alone- meaning not a Gentile wife, who could petition her local or 'lessor" as they were known Sanhedrin court for a Divorce.

As in a Jewess being a daughter of Abraham had certain legal recognized rights:

If her husband worked within a trade considered to be obnoxious E.g. such as being a tanner, or if he became a dreaded publican. (Roman tax collector)

Other reasons a Jewish wife could petition for Divorce were: abandonment, suspected adultery, unwilling to support her physically, emotionally, or Spiritually.

If her husband became perceived as insane or struck by a catastrophic disease such as leprosy. If he became a convicted criminal with a long prison sentence, then unless the wife was independently wealthy or had grown sons, she had to be Divorced in order for her to survive.

Additionally:

Abuse- be it physical emotional or intellectual, incompatibility of disposition, lack of affection or intimate attention. Addictions such as Alcohol or being suspect of sedition against authority.

Temperament- as in being totally disagreeable or cruel, such as these could also be considered as grounds for a Divorce for a Jewish wife with full marital rights.

However, a Gentile bride unto a Jewish husband had no such legal rights at all within Israel.

Now for most women within Jewish society these above-mentioned examples of cause for Divorce represent the bulk of Jewish Divorce Law.

With one final addition; Jewish wives could Divorce as she wished if her husband had decided to marry an additional wife. This being a lesser concubine wife beneath her status.

That is if a husband could afford, or the wife employed a Gentile concubine seen as a lesser wife within the proper Jewish wife's home.

She- the Gentile subordinate wife, if not bound in servitude (free) she could legally desert her husband and his chief wife and then be Divorced.

Or being as such a Gentile lesser concubine wife, the main wife could dismiss the Gentile woman.

If she was Gentile and not a Jewess concubine, thusly having marital rights of her own.

Then at any time even if she (Gentile wife) be bound in servitude, she could be sent away by the fully legal Jewess wife such as Sarah ultimately did with Hagar (Abraham) the Gentile mother of Ishmael.

However, this practice of additional wives was actually by Jesus Time somewhat rare.

Make no mistake these forementioned conditions of Divorce for a Jewess were for her protection. However, there were virtually no limiting social nor moral regards for Jewish men seeking a Divorce.

Get that?

Jewish woman had understandable legal marital rights pertaining as too Divorce, while Jewish men had nearly no restriction at all. Biblical Jewish family men were not the problem, it was the selfish using & abusing men who were. Such as these were the ones Jesus was referring to as for Divorce.

Now presented here were the Jewish men's legal rights for divorce:

In Jesus Time there were two main Theological Seminary colleges in Jerusalem.

According to "Mishna" (Legal Jewish oral tradition) from Gittin 9:3 & 10.

The more liberal "Hillel" school permitted Divorce for any shortcoming whatsoever of any perceived indecency of a wife. Whereas the more traditional "Shammai" school permitted Divorce only for Adultery, which would have automatically invited the wife's prosecution so most Jewish Divorces were based upon charges against the Jewish wife for immodesty or indecency.

Now the definition of immodesty or indecency could be for as little as a wife being seen publicly with her face uncovered or of indecency for even uttering a single word to a man like "thank you."

The exact wording of the Jewish Divorce certificate for the woman was;

"Lo thou art free to marry any man." That's it- years of marriage could be annulled with 8 words.

Jewish Divorce was also permissible for either the Jewish Bride or Groom upon religious grounds. This included both parties.

When someone did not keep their Faith, or when a partner was expected to give up or convert to another Faith because their spouse wished it.

Ancient Jewish Law presumed it was better to Divorce than to force a religious conversion.

It was automatically assumed one of the partners had become a threat unto Rabbinic Judaism.

Of course, as for Jewish men residing within Arab districts or territory, they too Divorced Arab style. Meaning Arab Divorce was recognized as legal for Jewish men who lived within Arabian communities. The Arab Divorce at this time merely consisted of the husband in the presence of his wife in public to announce loudly 3 times:

“ I Divorce thee.” and they were legally Divorced. She- being the wife had no such legal right.

Ok, moving on.

Also, by GOD’S Law as for the Jews, it was considered an even higher Sin for a Divorced couple- if either one to be married unto another & then Divorced again, or even having been separated by death, it was considered a grievous Sin for the original couple to come back together again. (No redo’s) Jewish custom did allow for a Divorced couple to reconcile just as long as neither of them had ever married again. Presented below are the Biblical Passages this provision was based upon:

✝ If a man marries a woman who becomes displeasing to him because he finds something indecent about her, and he writes her a certificate of divorce, gives it to her and sends her from his house, <sup>2</sup> and if after she leaves his house she becomes the wife of another man, <sup>3</sup> and her second husband dislikes her and writes her a certificate of divorce, gives it to her and sends her from his house, or if he dies, <sup>4</sup> then her first husband, who divorced her, is not allowed to marry her again after she has been defiled. That would be detestable in the eyes of the LORD. Do not bring sin upon the land the LORD your God is giving you as an inheritance. Deuteronomy 24:1-4 NIV

Moses gave this Divorce directive for when the husband found some perceived “indecency” in his wife. The Hebrew word for indecency used here most Biblical scholars state is for something wrong. Something indecent, something offensive, something improper or for some perceived indecency.

Earl S. Kalland, Dean of each the Western Baptist Seminary, & the Denver Conservative Baptist Seminary, Dr. Kalland also served on the original board for the NIV Translation while later near death he contributed to The Expositor’s Bible Commentary, Zondervan Publishing 1992 vol. 3. p. 145.

Here Dr. Kalland made his comment about the word “indecency” for Divorce from Deuteronomy 24:1 *“Something less than adultery must be meant here, since the punishment for adultery is death. (Deuteronomy 22:22-27; Lev. 20:10) Being guilty of “something indecent,” however, is more than trivial.”*

This means a woman cannot remarry her first husband after being married to another because they had each; the original husband and wife- had broken their vow, as in their combined promise to GOD with GOD, to be with each other.

As in they had used Divorce as a means of their perceived needs for something other than Adultery and had not valued their solemn vows as a sacred partnership with GOD Himself.

It was their right to Divorce, grudgingly given through Moses but GOD knows what they have done and whom they have done it with after they had promised themselves to be exclusive to each other through Him. As in they do not have the right to swear before GOD asking Him to be a couple once again. They must move on- because GOD has moved on from them, at least from them as a committed couple. This is Why? In the Old Testament & in “ Jesus Time” only Jewish Divorced couples who had never remarried could remarry themselves once again. They had separated but remained unattached and untouched by another meaning their Vows and promises of exclusivity between them and GOD had not been violated.

Now as for the Priests of Israel marrying a Divorced woman:

✝ They (Priest) must not marry women defiled by prostitution or divorced from their husbands, because priests are holy to their God. Leviticus 21:7 NIV

So, a Priest of Israel was forbidden to marry a Divorced woman however it was acceptable and permissible in Israel for a Priest to marry another Priests widow if she had no question of any impropriety as for her previous marriage and character.

Now we have learned that young maidens were cared for by their father or family or legal guardians with responsibility for her passing unto her husband at marriage.

But what about a mature woman finding herself Widowed or Divorced?

✝ Any vow or obligation taken by a widow or divorced woman will be binding on her. Numbers 30:9 NIV

Get that?

A mature woman finding herself Widowed or Divorced was indeed free of any traditional male oversight upon her choice of destiny in her life.

But also, very subtly this Law of Numbers 30:9 also worked both ways as in:

Meaning a Divorced or Widowed woman had all authority including the responsibility pertaining to her monetary resources or property and any legal agreements that she may have made.

However, this clause was also invoked in instances if a woman remarried and had debts or any obligation of promise that she may have made that would still be in effect legally upon her.

It was now her place to inform any prospective new husband of her prior legal commitments.

Once a man married her, the debts might be hers- but he (husband) would also be legally responsible.

Meaning a mature Divorced or Widowed woman could not simply remarry and run away from any legal trouble or financial debts that she may have incurred.

Now despite all of this actual Divorce apart from the Priestly class of the Pharisees, where Divorce was rampant, the Divorce rate in Israel amongst the Jewish population was low. (traditionally)

E.g.: A 100-year span from Bethlehem Jesus's birthplace from 1830-1927 there were 264 Jewish weddings recorded with only 11 ending in Divorce. (Jewish Divorce rates today are higher in western nations)

Remember in Jesus Time for Jewish men Divorce was accessible simply by the accusation of impropriety. Even for a wife showing her face or for talking during any normal day to day activities with a man not her own.

Yet women flocked to Jesus and His freedom while there is not one false charge of indecency- even just for talking leading to a Divorce in the Scriptures, or the Talmud, nor do the Sanhedrin records make a single charge of impropriety leading to a Divorce during Jesus's lifetime. ( After Yes, but not during )

Christ's enemies would have loved to enforce such a charge to dissuade women from following Jesus.

Now consider these facts as we realize Jesus within His Ministry; Jesus was the first to allow women to follow Him. Even to Baptize yet even with extreme scrutiny & accusations being brought against Christ not once was any charge of impropriety ever brought against any male or female within Jesus's Ministry.

Not only this there was now another paradox- Jesus was also the first who taught that marriage was ordained by GOD and could be elevated above Adultery. That if the couple could reconcile and be willingly restored. If the offending partner did repent of their Sin and their aggrieved partner acquiesced.

An unheard-of mercy at this time. ( Because in Genesis GOD intended marriage in this fashion.)

Jesus as Deity holds this mercy stance even for Adultery because Moses was only permitted to grant a Divorce unto those who could not reconcile.

Because of the Genesis account of Creation including each male and female by GOD Himself personally overseeing the Betrothing unto marriage of Adam & Eve.

As such Judeo/Christian ethics have always considered marriage to be each the norm and proper. Jesus introduced His teachings on Divorce within His Sermon upon the Mount. This was within the hearing of the Pharisee's, and some time later nearing the conclusion of Christ's public Ministry, Israel's religious elite will once again bring up this controversial topic of Divorce before the Lord.

✝ 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?" Matthew 19:1-3 ESV

Why? Would the Pharisees bring this subject of Divorce up yet once again at this place and time. Because Large crowds were following Christ while He was healing people in droves supernaturally. Meaning they- the Pharisees, could not touch Jesus without risking a riot and enflaming the Romans. Think about it; Matthew has just stated for us that Jesus had now traveled from the more distant remote areas of Galilee into Judea near the Jordan River.

Get that?

Exactly where John the Baptist had earlier centered his Ministry- right in the heart of Herod Antipas's territory. You know; the Roman appointed Governor of Galilee/Perea- the Jordan Valley Area.

The very same Herod Antipas that by Biblical Law was now illegally married to Herodias, his half brother Phillip's wife. (Mark 6:17) (not the Tetrarch)

Herod Antipas himself a son of King Herod the Great & Malthace, a Samaritan born Queen of Israel. Meaning with an Idumean father and a Samaritan mother Antipas was despised by the Jewish elite. While Herodias was grand daughter of Herod the Great, with Aristobulus and Bernice being her parents. Yes! This makes Herodias a niece to each of the half brother Governor's "uncles" as her husbands.

Such was politics and betrayal for advancement within the Roman Empire in Jesus Time.

Each the Bible and history do record it was Herodias who was politically ambitious and was easily enough provoked and threatened by John the Baptists stern warnings. Each to herself and Antipas of their Sin of Adultery and illegitimate marriage. Meaning the Pharisee's are at it again.

With their knowledge that Jesus is promoting reconciliation if possible, instead of Divorce, Christ has very specific reasons for this which we are now about to study that are His legal grounds for Divorce.

As in the Pharisee's are trying to stir up legal being marital trouble, between Jesus and Herodias. The very same trouble that had ultimately doomed & destroyed John the Baptist.

Continuing

✝ He (Jesus) answered, "Have you not read that he who created them from the beginning made them male and female, <sup>5</sup> and said, 'Therefore a man shall leave his father and his mother and hold fast 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 separate." Matthew 18:4-6 ESV

Jesus has just informed the Pharisee's the keepers and teachers of GOD'S Law- that they are indeed breaking GOD'S Law when it comes to the subject of Divorce.

Now you are about to be surprised just Why? Jesus is saying this.

You see it was the Pharisee's who were themselves the biggest abusers of women in Israel.

They hid behind their own authority, prestige, and power to use and abuse women in Jesus Time.

In fact; the Babylonian Talmud even records actual clauses to protect innocent women from unjust unproven charges that were used as improper grounds for Divorce by powerful Rabbis at this time.

This "protection clause" was no doubt initiated and approved by the Jerusalem Sanhedrin ( Supreme Court ) due to the Pharisaical abuse pertaining as to Divorce. More on this in a moment.

Continuing

✠ They ( Pharisee's ) said to him, ( Jesus ) "Why then did Moses command one to give a certificate of divorce and to send her away?" <sup>8</sup> He ( Jesus ) said to them, "Because of your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so. <sup>9</sup> And I say to you: whoever divorces his wife, except for sexual immorality, and marries another, commits adultery."

Matthew 19:7-9 ESV

Long story short what Jesus knew:

Unscrupulous Pharisees especially younger Priests assigned to remote areas outside of Jerusalem were well know to "Romance" and lure away for himself a young Jewess Bride.

Then- when, the young Priest received a promotion to a more prominent assignment all too often the young Priest simply made-up charges and "Divorced" his country wife, whereas in the city she would not suffice to garner him position nor power as would a daughter of a higher-ranking Priest.

First the Priest was shamelessly using her temporarily until he needed her no more.

He was abusing her with his authority. If the young wife refused Divorce on whatever made up charges that were presented, then she would be threatened with even more severe charges would be placed upon her even up to risking her death. Who was she going to appeal to? He was Priest.

Meaning he was the one in charge of the determining and deciding any local legal accusations.

Get that? She- the disposed of wife, will literally be shamed and shunned upon Divorce from a Priest. Standard procedure in Israel being forever more barred from ever entering into the Temple.

Thusly then the Priest can mercifully I say that in irony grant to her the privilege of synagogue in her hometown only, but he will never see her again. (No future embarrassing confrontations)

Because she was now forever banned from Sacrifice in The Temple in Jerusalem.

The protective Talmud tractate put in place because of the Priestly abuse of women does state:

*"The very Altar of GOD cries when a Priest Divorces his wife."* Further that there was a "special" reward for a Priest remaining married to even the most "disagreeable" or "quarrelsome" wife.

This was of course an effort by the Sanhedrin at curtailing Priests from enticing women whom they knew having perceptible faults that they could later easily legally exploit to readily dismiss them as wife. As in when they were done with them. & if that was not bad enough; to not prepare a single meal on time or to the Priests satisfaction, or to run out of salt, & get this- as this teaching of reconciliation of Jesus grew in popularity, that the Pharisees themselves should be the very example of marriage, that they should be very careful in their relationships, historical records do contain a Pharisee named "Akiba" who sued/argued and had added to Jewish Law in order to counter against Jesus & the Babylonian Talmud tractate protecting Jewish wives was this hypocrisy:

*'If a wife no longer had favor in his (husband Priest) eyes, then it was his duty to Divorce her, and she stand symbolically naked and shamed when the Priest found another more suitable to replace her.'* Get that? The Pharisees just literally made Adultery & Divorce legal in their favor & a death sentence upon everyone else. So, the Pharisee's had legal licenses to "cheat" as well as "steal."

Now adding insult to injury, the “Mishna” the collection of legal Jewish oral traditions as to the “Akiba” additions unto the Pharisaical Divorce regulations was this:

If a wife continued to persist that she was innocent of any charges pursuant to a Priestly Divorce- Then she would lose all of her assets, including her very own property or Dowery that she may have brought into the marriage.

Remember the Priest could claim any unprovable offense for Divorce and his word was golden.

If she, his wife had appeared in public with her face uncovered, that she did not Tithe correctly from her Dowery or allowances, even being overheard just once saying a single word to a man not her own or even perceived as being rude even once to her Priestly husband or her in laws.

This is what Jesus was challenging. Divorce as a means for a selfish Pharisaical lifestyle.

Jesu was prohibiting the Pharisee’s from pleasure Marriages intending to Divorce.

While the Pharisees were demanding such was their legal right.

To use and abuse women at their beck and call and then to dispose of them any & all.

Because against GOD’S Law- the Pharisee’s had wrote Divorce regulations in favor of themselves.

Even the Sanhedrin had ruled against them, so the Pharisee’s simply added layers of manmade tradition in opposition to each GOD’S Law, Christ’s Words, and even Jewish legal rulings.

Thusly making the Pharisee’s alone above all Law or moral accountability of responsibility.

The Pharisee’s had practically obliterated the Godly institution of Marriage by demanding instant Divorce whenever and wherever it suited their selfish perceived lusts or needs.

Common sense are the proper infractions for Divorce, unfaithfulness- which can mean being unfaithful in more ways than just Adultery, it can also mean; neglect or lack of marital respect, inflicting emotional pain or outright physiological or physical abuse or even abandonment.

Such as these are amongst the legitimate reasons for Divorce.

Broken pledges and vows also mean broken hearts and shattered families.

Jesus still maintains Marriage is a solemn Vow before GOD between the legally Wedded couple and as such Heavenly Father recommends reconciliation when ever that is possible.

In fact, the Talmud according to the Jewish New Testament commentary from Yevamot 62b-63a states: “ an unmarried man is not fully a man.” implying people; men and women alike are incomplete without each other.

So, Jesus alike also recommends reconciliation within a strained marriage as for promises made before GOD. Christ personally only accepts fornication as grounds for Divorce, but if you notice Jesus did not outright forbid Divorce.

In fact, He grudgingly admitted; due to the Sinful human heart sometimes, people just drift apart.

So, then is Divorce a Sin?

Yes.

A Sin tis a Sin- any and all.

Yet things and circumstances do happen & are often beyond our control or we as Sinful human beings regrettably allow things to get out of control.

So, can Divorce be forgiven?

Yes. (not the unforgivable Sin- Rejecting and Blaspheming Him/work of or the calling of the Holy Spirit is)

The Blood of Christ covers and washes away all Sin when we believe in Him.

The whole point being Jesus teaches that we all need to be more aware and sober minded with determination when we wed with vows as GOD allows. To be more careful & attentive.

So much so- that this is the next subject Jesus addresses as He continues within His Sermon upon the Mount, “Vows and Oaths.” Or should we say Promises Promises. Stay tuned!