

# **RAW MATERIAL**

**Studies in Biblical Sexuality**

**By**

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**Chapter 16**

**Gender, Divorce and Adultery**

**Matthew 5 & 19**

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## **Gender, Divorce and Adultery**

### **Matthew 5 & 19**

Most modern readers of the New Testament think of its sexual laws as equal and reciprocal between the two genders. Based on such texts as 1 Corinthians 7:3-4; Mark 10:11-12 and Luke 16:18, the two genders seem to have comparable sexual rights and responsibilities within the marriage contract. But we have seen that this is not so in the laws of Moses where polygamy is permitted for men, but women are limited to one husband at a time. In the laws of Moses there are laws which govern a woman's loss of virginity but not a man's loss of virginity, for male "virginity" does not seem to be a functional category. Other examples have been cited, and most readers can supply a few more examples of their own. So there remains a basic shift between the highly gender specific sexual and marriage laws of the Mosaic code and the largely reciprocal marriage laws in the New Testament.

One New Testament work bridges the gap between Mosaic code marriage law and New Testament equality in marriage. In the Gospel of Matthew the law on divorce is discussed twice, first defining adultery through the remarriage of the woman, then later defining adultery through the remarriage of the man. Together these passages provide equality for the two genders under Christian law, but each defines adultery separately by gender in conformity with Jewish law, indeed in conformity with the entire Tanakh. This care on the part of the Gospel of Matthew is shown in other legal issues as well, for Matthew wishes to demonstrate that, "His community is the form of Judaism that fully understands and enacts the law" (Overman 278). Far from displacing, rewriting or revoking the law, Matthew presents Jesus as the one teacher who best understands and upholds the law (Mt 5:17-20).

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

As part of the Sermon on the Mount, this prohibition on divorce is one of the most widely read in the New Testament. However, many modern readers are mystified by its approach to divorce and remarriage. New converts engaged in a Bible study group on the Sermon on the Mount notice in their first reading that the adultery mentioned in these two verses is defined through the wife. When they bring up the issue in discussion it is usually brushed off without an answer.

According to Matthew 5, whoever (masculine) divorces his wife *causes her* to commit adultery (no mention of the husband committing adultery), and whoever marries the

divorced wife commits adultery because she remains married to her first husband in the divine perspective. In short, the man who divorces his wife is cuckolding himself. Novice Bible readers notice that there is no penalty here for the husband who remarries. This is in stark contrast to Luke 16:18 and Mark 10:11-12 where the adultery is equal for the two genders. Should either the wife or husband remarry, the remarried one commits adultery.

Beginner Bible students in a wide variety of conservative churches notice the gender imbalance of divorce in Matthew 5. However, that imbalance receives almost no notice and no formal discussion in scholarly commentaries. Not even the massive commentary on the Sermon on the Mount by Betz grapples with the issue. What is at stake in the text?

The prohibition on divorce occurs within the section of the Sermon on the Mount dedicated to the laws of Moses, and within this law code a man can marry multiple wives. In contrast the wife is restricted to one husband only. Thus when Jesus denies the reality of divorce, this denial would not preclude the husband from taking another wife under the laws of Moses.<sup>1</sup> Basing his statements on the Mosaic code, Jesus emphasizes the husband's complicity in forcing his wife into adultery by divorcing her, and the husband entices another man into adultery by making his "divorced" wife available for remarriage. Jesus implies that complicity includes the guilt of the offence.

Matthew's gospel eventually does forbid remarriage for the divorced husband, but does so in a separate place for it requires a different legal treatment. In the Mosaic code the sexual laws are gender specific, and it is no surprise that Matthew, the gospel most careful about issues of Jewish law, would treat the genders separately and prohibit remarriage of the husband separately from remarriage of the wife.

### **Matthew 19:3-12**

In this section of the Gospel of Matthew various issues are brought to Jesus, including the issue of divorce. The Pharisees query Jesus on the cause for divorce, "testing him." There is no indication why the Pharisees should consider this a test question, and Matthew indicates no attempt at trickery. Rather these religious leaders seem aware that Jesus has a variant viewpoint on the issue of remarriage, apparently due to the Sermon on the Mount 14 chapters earlier. To them the new teaching is a direct contradiction of Moses, but Jesus

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<sup>1</sup> Keener (189, n. 87) recognizes the problem of polygamy here, but somehow finds in Matthew 5 a rejection of polygamy based on the text in Mark (not its parallel in Luke)!

counters by claiming that Moses provided them with a substandard law because they were not capable of following a better set of principles.

There are two interesting points in Jesus' treatment of the laws relating to divorce and remarriage in chapter 19. First, this teaching is specific to the divorcing husband. Although some manuscripts include a phrase specific to the wife in verse 9, many commentators assume that this is a harmonization with Luke 16:18 and/or Matthew 5 and was not part of the original text. Also, a number of variant readings replace the husband-specific law of this chapter with the wife-specific law of Matthew 5 (Parker 85-86), which would leave the Gospel of Matthew without a husband-specific law against remarriage. The text which seems to make the best sense within context, and which is found in the best manuscripts, is the text which is husband-specific in chapter 19.

Secondly, Jesus bypasses the Mosaic laws to apply a male-specific text on marriage from Genesis 2. In Genesis the text is specific that the *man* leaves his parents to become one flesh with his wife. Genesis 2:24 is a polemic against polygamy, for there is an intrinsic difficulty in leaving one's parents multiple times to become "one flesh" with multiple wives.<sup>2</sup> In contrast with chapter 5 where Jesus works within the Mosaic code, in chapter 19 Jesus bases his argument on a text which leaves little room for multiple marriage, thereby opposing divorce and remarriage.

Also, Matthew 19:5 quotes the Septuagint which has a slightly longer text of Genesis 2:24, including the words "the two" (οἱ δύο), "the two shall become one flesh." This places emphasis on the monogamy implied in the text (Loader 42).

Jesus also quotes Genesis 1:27, "male and female he created them," a text which may not seem to specify monogamy in translation. However, this text is used to oppose polygamy in the *Damascus Covenant* 4.21 of the Dead Sea Scrolls (Saunders 257-259; Davies and Allison 10). The *Damascus Covenant* specifies the wrong of taking a second wife while the first is still alive, citing Genesis 1:27 and 7:9 against polygamy. Genesis 7:9 tells how Noah took animals in pairs into the ark, and 1:27 likewise is used to indicate a single pair. The *Covenant* understands Genesis 1:27 as "*a* male and *a* female he created them," i.e. one man and one woman, namely Adam and Eve (so Gaster 71), and Matthew 19:4 may be translated

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<sup>2</sup>

Note also that Genesis takes a strong interest in the dysfunction within multi-wife households, emphasizing the discord between Sarah and Hagar, then Leah and Rachel. The narrative of Genesis, specifically the J material, is not friendly toward the practice of polygamy.

the same way.<sup>3</sup> Read this way, Genesis 1:27 identifies the ideal marriage as a single pair, just as Genesis 7:9 specifies pairs as the ideal for animals as well. Thus Jesus' citation of Genesis 1:27 joins Genesis 2:24 as a specific polemic against polygamy.

One early commentator who understood the monogamy standard of Genesis 1:27 is Athenagoras (*Embassy* 33.5-6). He quotes Mark 10:11, "whoever puts away his wife and marries another commits adultery," and then paraphrases the text of Mark 10:6 and Matthew 19:4 as, "In the beginning God made a single man (ἕνα ἀνδρα) and a single woman (μὴν γυναῖκα)." Athenagoras was so opposed remarriage that he considered remarriage for the bereaved to be adultery. He probably avoided quoting Matthew 19:9, "except for fornication," because he wanted no loopholes on his ban on remarriage.

For some reason neither Matthew 19 nor Mark 10 add a reference to the pairs of animals in Noah's ark. But the purpose of the pairs in the flood story is to explain how reproduction survived the flood. Consistent with a New Testament which avoids linking sexuality and marriage to procreation, these Noah texts are not mentioned in Matthew 19 and Mark 10.

The dominant alternative to reading Genesis 1:27 as requiring monogamy is reading Genesis 1:27 as support for "one flesh" in Genesis 2:24. Others argue that Genesis 1 implied an androgynous human who is divided into male and female, and the two genders become one again in marriage (Keener 464 n. 10). However, this argument has failed to convince many scholars because the androgynous reading of Genesis 1:27 seems somewhat foreign to the thought-world of Matthew. It is far simpler to add the indefinite article to the English translation, following the example of Athenagoras and Gaster.

A few commentaries have noted that the concluding statement (Matt 19:9), "indirectly condemns" polygamy (Davies and Allison 18).<sup>4</sup> Most commentators are more interested in the specifics of the *porneia* clause (see below), and miss the fundamental argument which Jesus uses here, the argument that polygamy is contrary to the divinely created order, thus divorce and remarriage are likewise against the divine order.

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<sup>3</sup> Neither Hebrew nor Greek has the indefinite article. As English has the indefinite article a strong distinction in meaning comes through in translation. "Male and female" are abstract categories of gender, but "a male and a female" specifies two individuals – a pair. Either reading is acceptable in translation.

<sup>4</sup> Davies and Allison (1997) seem to touch every point in this chapter without seeing a unified picture. For instance, they notice with apparent surprise that in Matthew 19 the husband is prohibited from marrying any other woman, and not only a divorced woman such as in the prohibition of Matthew 5 (p. 16).

It is important to recognize that in the gospels Jesus attacks divorce and remarriage with the image of polygamy. For many international churches polygamy is juxtaposed to divorce in church policy, promoting divorce. Often polygamous converts are made to divorce all but one wife in order to receive baptism and join the church. Although the gospel texts are opposed to polygamy, some caution is in order when a church decides to solve the polygamy problem through the exercise of divorce. Also, such policies should be compared to policies on converts who have been divorced and remarried prior to joining the church. Are these remarried couples forced to end their adulterous second marriages through the exercise of divorce?

The final point of interest in the divorce text of Matthew 19 is the reaction of the disciples. The disciples respond to this teaching from Jesus with shock. They exclaim if this is true, then it is better not to marry at all! Jesus counsels them about their only alternative – celibacy, which he describes under the term "eunuch" (cf. Keener 470-472). Some scholars see the eunuch speech as a separate unit which was redacted into this part of the marriage discussion (Dewey). Even so, it was placed here for a reason, and in this context eunuch is used as a term for celibacy.

As the story stands, the response of Jesus to their exclamation indicates that the disciples did not assume the one alternative to marriage was celibacy. Again it is well to remember that the laws of Moses do not forbid the practice of taking mistresses / concubines, nor was prostitution illegal (though it was despised). It would seem the disciples assumed that they still had access to non-marital sexual outlets. Jesus then carefully ruled out those outlets.

In 1 Corinthians 6:15-16 Paul argues that prostitution creates a situation of being "one flesh" with the prostitute. Paul's teaching may have been based on this logion of Jesus which not only prohibits divorce and remarriage but also non-marital intercourse.<sup>5</sup> Otherwise Paul's use of Genesis 2:24 indicates that this use of Genesis was already current in the church at that time. Until Genesis 2:24 is applied to non-marital sexual relationships the disciples might well assume that non-marital sexual relationships allowed in the laws of Moses were still available.

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<sup>5</sup>

Paul cites the text not with "it is written," but rather, "he says" (φησιν, *phesin*). Some scholars understand the speaker as God within the creation narrative, but this may also indicate a saying of Jesus, more specifically a tradition in which Jesus quoted Genesis 2:24 against non-marital sexual activity.

If the disciples assumed that non-marital relationships were still a possibility, their exclamation makes sense, as does Jesus' caution to their exclamation. When the disciples state that non-marriage is preferable to marriage without the possibility of divorce, Jesus must caution them that the only appropriate alternative to marriage is being a "eunuch," that is to say celibacy. Unless we conclude that Jesus assumed a man with testicles cannot be celibate (a widespread assumption, c.f. *Augsburg Confession* 23, 27; *Smalcald* 3.11), Matthew 19:12 need not specify castrati, but also uses eunuch as a term for celibate and/or impotent men.

How much precision should we require from a gospel image? The mustard seed is not the smallest of seeds ( *contra* Matt 13:32) and eunuchs need not be celibate, though they cannot reproduce. In this context "eunuch" is offered as the sole alternative to marriage without divorce. Either eunuch does function as a term for a celibate or impotent man, or Jesus is suggesting that men who do not marry should have themselves castrated. The former seems more likely and is assumed in this study. We should avoid imposing the sex lives of castrati (and modern studies on castrati) on the reading of this text.

The consternation of the disciples indicates a bit of wry humor here. The exclamation tells of male fears that they cannot threaten an unruly wife with divorce to keep her in line. Nor can they be rid of her should they not be satisfied. It implies that many marriages are unhappy and a prudent man should not take the plunge and commit himself. Jesus deprives his disciples of their male privilege, and then compounds their anxiety by offering to make them eunuchs as well. Maybe marriage without the possibility of divorce is not so bad after all. The disciples, it seems, had nothing more to say on the topic.

The final statement of Jesus, "some make themselves eunuchs for the sake of the Kingdom of Heaven," is one of the few statements in the New Testament which suggest that celibacy could be a service to God or to the church. The most important statement of this type is Paul's declaration that he wishes everyone could be like him, unmarried and celibate (1 Cor 7:7). But Paul is also clear that many, if not most, church members cannot be like him. Jesus likewise surrounds his eunuch statement with cautions, "Not everyone can receive this, but only those to whom it is given," and, "whoever can receive this may receive it." It is significant that the two principal New Testament texts which promote celibacy in the church have strong disclaimers attached to them. The life of celibacy, even in service to God, is definitely not for everyone.

There are some important points of contact between the teaching on divorce in Matthew 19 and Paul's comments in 1 Corinthians 6-7. Both use Genesis 2:24 to promote monogamy and oppose extra-marital sexual activity. Both describe celibacy as part of special

service to God, and both hedge this with disclaimers that celibacy is not for everyone, but rather only for those who have a special gift or calling. Both seem to imply that celibacy should not be imposed on an individual by the authority of the church. This concentration of parallels is not accidental, even though there is little verbal linkage between the two passages. Likely there was an oral tradition or written source which lies behind both 1 Corinthians 6-7 and Matthew 19 linking these topics together. In the Gospel of Matthew this tradition encouraged the evangelist to attach the eunuch passage to the teaching on divorce found in Mark.

### **The Commentaries**

Few commentaries allow the divorce teachings of chapter 5 and chapter 19 to stand distinct from each other. Most collapse the two together, citing the teaching in chapter 19 as a fuller or more detailed version of the teaching in chapter 5. Otherwise the logion in chapter 5 is paralleled with Luke and the dialogue in chapter 19 is paralleled with Mark, assuming for both texts in Matthew the gender-inclusive prohibitions of Luke and Mark. Though some commentators collapse the two Matthew texts without comment, others do so explicitly, stating that this is the proper way to read either logion (Gundry 1994, 90). Those few who notice the distinction rarely study it, but hasten to show how the two texts complement each other (e.g. France 123, 281; Johnson 251).

Betz (258) manages to note an important difference between Matthew 5 and 19, with the former based on the Mosaic code but the latter based on "the order of creation." Yet he does not notice that one denies remarriage to the wife and the other to the husband. Nolland's study (1995, 27-32) focuses on definitions of *porneia*, including the distinction between the genders. Although he gives attention to the two very different texts in Matthew, and attends to gender distinction on *porneia*, he pays no attention to the fundamental gender distinction on divorce law between the two texts. The scholarly blindness to the gender distinction between these texts seems almost deliberate.<sup>6</sup>

One of the clearest modern commentaries recognizing gender distinction is Glasscock on Matthew 5:31-32 (129-130), though he loses sight of this distinction in his exposition of

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<sup>6</sup> C.f. James 4:4 where adulterers are addressed in the feminine plural. Later copyists sensed a lack of balance here and added the masculine plural. The Letter of James has several significant parallels with Matthew's gospel, including a willingness to have some gender disparity. The later church sensed the gender disparity in both documents and did not approve, changing the texts. This tradition is carried on in modern commentaries.

Matthew 19. Glasscock insists that the quotation of Genesis 1:27 is about gender complementarity (383-386), even though gender complementarity is not raised as a divorce issue here, and Genesis 1:27 clearly is quoted against remarriage for the divorced husband. Somehow Glasscock failed to notice the gender complementarity between Matthew 5 and 19. Only F.W. Beare recognized the clear gender distinction for both Matthew 5 and 19 (pp 154, 389), but without exposition of the significance of the distinction in Matthew's argument. Even the complementarity of the two passages is not discussed, but merely implied (p 389). The observations of Beare and Glasscock on the gender distinction of these two passages are ignored by all other major commentaries on Matthew.

One other author who noticed the gender distinction is Warren Carter (56-89) because he focused on issues of patriarchy and power specific to Matthew chapters 19 and 20. His study also provides some rationale for the placement of the divorce text in chapter 19. The second prohibition on remarriage in Matthew occurs in a setting where power structures are being challenged. The husband who can divorce and remarry at will holds inappropriate power in the marriage relationship, and by the time Jesus makes his disciples understand the commitment required by the husband as well as the wife, their (male) response is a horrified exclamation that it is better no to marry at all. The disciples clearly felt a loss of male privilege, and the Pharisees ask their question from the perspective of male privilege, an androcentric position. When Jesus appeals to creation he recasts the issue with a theocentric perspective.

A less deliberate blindness surrounds the interpretation of Genesis 1:27 as quoted here. The problem of the indefinite article seems to blind most readers of the text. Because the standard translation of Genesis 1:27 in modern European languages speaks of abstract categories by not using the indefinite article, most modern readers cannot sense the possibility that Matthew 19 requires a reading best translated with the indefinite article. Thus the anti-polygamy content recognized for Genesis 1:27 is understood only through association with Genesis 2:24 (Instone-Brewer, ch 6). No intrinsic polemic against polygamy is found in Genesis 1:27 because most scholars are trained to not read "a male and a female" in Matthew 19 or Mark 10. Davies and Allison approach this reading, but do so by paraphrasing, "God created the first pair as mates." (p 10) But two ancient commentators, The *Damascus Covenant* and Athenagoras, did find explicit support for monogamy in Genesis 1:27, indicating some recognition of this use in the ancient world. Gaster's translation of The *Damascus Covenant* and Athenagoras suggest a simple reading of this text in Matthew 19 and Mark 10 by using the indefinite article.

### **Luke 16:18; Mark 10:2-12**

Of the parallel gospel passages on divorce Luke's is the shortest. It is introduced with Jesus' statement that not one jot of the law can pass away (16:17). Yet the statement on divorce has none of the legal context present in Matthew and Mark. Rather Luke presents a single, unadorned statement covering both genders.<sup>7</sup> As Luke 16:17 is parallel to the Sermon on the Mount / Q, the following verse is assumed to be Luke's counterpart to Matthew 5:31-32.

Mark's text on divorce is related to the dialogue of Matthew 19. Of the three gospels only Mark contemplates the wife initiating divorce (10:12), something not found in Jewish law, though present in other cultures of the Roman Empire (Gundry 1993, 533-534; cf. 1 Cor 7:10,13). As Overman notes (p 279), Mark is "less connected" to the Jewish issues of this and other logia of Jesus. Mark 10 joins Matthew 19 in quoting Genesis 2:24 and Mark presents this text as forbidding a divorce initiated either by the wife or the husband. But the best manuscripts of Mark leave out part of the Genesis quote. In these manuscripts, and therefore most recent translations, Mark does not quote, "and cleave unto his wife." The word for "man" is *anthropos* (ανθρωπος), a term which includes women as well as men and is best translated as "person." "Therefore shall a person leave his father and mother and the two shall be one flesh." This is in accord with the distinction between Matthew 19 and Mark 10 – Matthew 19 is specific to the husband, but Mark 10 condemns remarriage of both genders. Mark's abbreviated quote of Genesis 2:24 can apply to the wife as well.

Jewish law provides only for husband - initiated divorce, so Matthew does not contemplate the wife's adultery in Matthew 19, but Mark 10 includes wife-initiated divorce and condemns the remarriage of both genders. Because Luke does not follow Mark, but rather keeps divorce law within Jewish parameters (only the husband initiates divorce) in spite of his lack of interest in the details of Jewish law, therefore some commentators have concluded that Luke's version of the divorce law is "*more primitive*" (Fitzmyer 1985, p 1120; author's emphasis; Betz 255; see also Q Seminar, *JBL* 109, p 501).

Oddly, commentaries on Mark and Luke are most likely to pay attention to the differentiation between the divorce laws of Matthew 5 and Matthew 19 (e.g. Nolland 1993,

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<sup>7</sup> Beare (154) incorrectly claims that the husband's divorce and remarriage is not part of Luke 16:18.

818; Marshall 630-631; Johnson 251). But it should be noted that none of these commentaries discuss the legal basis for the gender specificity in the Matthew passages.

Because Matthew only recognizes husband initiated divorce, both Matthew 5:31-32 and 19:3-9 address the males, not the females in the audience. John Chrysostom made a great deal of this gender bias in arguing that males are the primary audience of Jesus and the gospels (Homily 17 on Matthew). Whatever value Chrysostom's observation has elsewhere in the Gospel of Matthew, in this case the gender bias is derived from the legal tradition which Jesus critiques.

### **The *Porneia* Clause**

The two divorce logia of Matthew are distinct from Mark and Luke in one other particular. The Mark and Luke statements of law have no exceptions. Both Matthew texts specify the same exception – *porneia* (πορνεία, fornication, 5:32; 19:9). Saldarini (149) sees this exception clause as a demonstration of the legal precision in the Matthew divorce texts. As this clause is part of both divorce texts in Matthew, they provide one more indication that the two texts are complementary, in spite of their different contexts. Notably the question of the Pharisees in chapter 19 was about grounds for divorce. In spite of Jesus' attempt to turn the question to the ideals of marriage, a great deal of commentary space is given to the *porneia* clauses, the all-consuming question of grounds for divorce which interested the Pharisees. Because Matthew included the *porneia* clauses in these divorce texts, Jesus' goal seems to have been sidelined. Like the disciples who reacted with shock, today clergy, scholars and laity alike focus on that all-important escape clause.

Most commentators relate the *porneia* clause to the beginning of the divorce law in Deuteronomy 24:1 which specifies an '*erwath dabar* (ערוה דבר, indecent matter; LXX ασχημον πραγμα), and tie the ruling of Jesus to a dispute between the schools of Hillel and Shamai over what constitutes an '*erwath dabar* (Allen 52, 201-202; Gundry 1994, 91). *Porneia* is often noted to be a more general term than adultery (μοιχευω, Betz 249-251), though non-adulterous *porneia* would have to describe rape or a pre-existing condition, such as incest or a bride's non-virgin status. Niehr (347) insists that the '*erwath dabar* be something other than adultery on the weak grounds that adultery elsewhere carries the death penalty.

'*erwah* comes from the verb ערה, to uncover, and is used for nakedness or exposed genitals in the incest laws of Leviticus 18. '*erwath dabar* occurs in Deuteronomy 23:14/15 to

refer either to exposed excrement or the exposure which might occur during a bowel movement. The Septuagint translation for Deuteronomy 24:1, *ασχημον πραγμα*, is used in Susanna 63 (LXX Θ) to refer to adultery for which Susanna might have been executed. There are strong reasons for reading *'erwath dabar* as specific for a sexual offence which could well be indicated by the Greek term *porneia*.

The *porneia* clauses in Matthew 5 and 19 are attached to the prerogative of the husband to initiate divorce, and therefore seem specific to the wife. In Matthew 5 and 19 it is assumed that only the husband initiates divorce proceedings, and it is less than likely that a husband would initiate divorce on the grounds of his own *porneia*. Rather the text implies that the husband would initiate divorce on the grounds of either his wife's *porneia* or because the marriage is incestuous.

There is yet another tantalizing part of the divorce clause in the laws of Moses. Deuteronomy 24:4 states that the first husband who divorces his wife is forbidden from remarrying her if she has married another man and been divorced or widowed. For the first husband the remarried wife is described as defiled (*האמזת*, LXX *μιανθηναι*) and such a return is an abomination (*העבת*, LXX *βδελυγμα*). Though the Septuagint of Deuteronomy does not use *porneia* for this divorce law, both *aschemon* (*ασχημον*, v. 1) and *mianthenai* (*μιανθηναι*, v. 4; cf. Gen 34:5; 49:4; Job 31:11) may be used for practices specified elsewhere as *porneia*. The remarriage segment of the divorce law is tantalizing because Jesus could be treating adultery itself as remarriage – making the wife off limits to her husband and voiding the marriage contract (Bockmuehl 1989, 292; 2000, 17-21). In fact, it is possible that the logia in Matthew use the ban on return remarriage to interpret *'erwath dabar*, resulting in a unified adultery interpretation of the Deuteronomy law on divorce. Also the Deuteronomy divorce law is referenced explicitly in Matthew 5 and 19.

On the other hand, this understanding of the exception clause in the divorce law of Matthew has some shortcomings. The term *porneia* selected for Matthew does not occur in any known Greek text of Deuteronomy 24, even though Deuteronomy does seem to reference a sexual offence. The exception clauses of Matthew do not require divorce, but merely make it possible. If the exception clauses were based on Deuteronomy 24:4 it would seem that a stronger statement would be in order. However, few husbands in that culture would retain an adulterous wife, making the imperative less necessary. A special example would be Joseph who, in the first chapter of Matthew, sought to dissolve his marriage contract when he found

out that his new bride was already pregnant (Allison). This Joseph is noted for being "just", which implies some approval for his reaction prior to his dream.

If we focus on the divorced wife, Betz (250) argues that the remarriage of a wife guilty of *porneia* would not change her status of impurity for the worse. However, divorce of a non-*porneia* wife would be an occasion for adultery through remarriage.

Matthew uses the *porneia* exception clause for both the female-specific explanation of the law in Matthew 5 and the male-specific statement of the law in chapter 19, thus seeming to cross gender lines. Of course, Genesis 1:27 also crosses gender lines as a polemic against polygamy, and Deuteronomy 24 is cited as the lemma in both texts in Matthew, so the exception clause may stand for both genders. Even so, Genesis 1:27 is used against males practicing polygamy, for female practice of polygamy is never contemplated, and Matthew only recognizes divorce initiated by the husband. None of these problems are fatal, but they do highlight the hypothetical nature of reconstructing the legal basis for the *porneia* exception clauses in Matthew 5 and 19.

## **Conclusion**

It is important that Matthew nowhere attempts to integrate the two statements of Jesus on divorce. Matthew clearly kept the gender differentiation in his treatment of divorce and remarriage so that the two divorce passages would be complementary. For Matthew, and the Jesus of the Gospel of Matthew, remarriage of a divorced wife is distinct from remarriage of a divorcing husband. The disappearance of gender differentiation in sexual laws in the New Testament, a disappearance assumed by a large segment of the church, may be argued from the treatment of divorce in Mark and Luke, but not presupposed in Matthew's gospel.

If the Gospel of Matthew is based in part on the Gospel of Mark (or a proto-Mark), then it is significant that Matthew carefully separates the two genders in divorce law. The author of Matthew's gospel was not comfortable with the simple equation of the two genders in divorce law, and found it significant and necessary to return divorce law to the gender specificity of the laws of Moses. Even though the end result of Matthew's two texts on divorce makes the two genders roughly equal in divorce law, Matthew makes sure this result does not come at the cost of treating the two genders as ruled by a single, simple sexual law. Gender differentiation remains a part of sexual law in the Gospel of Matthew.