

## EXEGETICAL WORK ON DESERTION AS GROUNDS FOR DIVORCE AS LISTED IN THE WESTMINSTER CONFESSION OF FAITH

One's hermeneutical stance or interpretive grid often determines the outcome of theological investigation. Where you start, most often, determines where you end. Therefore, it is necessary to start with the Biblical hermeneutic. One of the insights of Reformed theology as found in The Westminster Standards is that the Old Testament and New are not contradictory but rather complimentary. A corollary is that the successive administrations of the covenant of grace are organic, successive, progressive and complimentary rather than isolated and contradictory. They come to full fruition in Christ and the New Covenant.

Two examples of issues that illustrate this will suffice for our purposes. One is infant baptism versus credo baptism. If one starts with the Old Testament's teaching on circumcision as the sign of the covenant and the teaching that an invisible elect people exist within the visible covenant people of God, i.e., the visible/invisible church distinction, one concludes that children are included in the visible church, Romans 2:25-29; 4:1-12. This is assumed to be the case in the New Covenant **unless** there are **clear** indications otherwise. If one starts with the New Testament and **only** deals with the passages on baptism in isolation from its historic, Old Testament background, one **might** conclude that only adults should be baptized. The unity of the covenants is a demonstrable fact that shapes this issue.

The second is women in combat. Without going into detail here, study the two reports given to the General Assembly of the Orthodox Presbyterian Church, ***Minutes of the Sixty-Seventh General Assembly***, 262-286; ***Minutes of the Sixty-Eighth General Assembly***, 258-284. These two reports are diametrically opposed to one another! The one pair of authors accuses the other of misconstruing the Confession's hermeneutic when in fact the accusers are well intentioned but mistaken. These accusing authors' position **functionally** denies that there is **any** general equity of the Old Testament case laws; and they conclude that since the New Testament has no exegetical data addressing this issue, we therefore, cannot and must not say "no" to women in combat as God's will on the subject. Polar opposites for sure. This committee report takes the position of the WCF Chapter 19:4 and holds that the "general equity thereof" means there **are** principles that accrue to today flowing out of the Old Testament laws. Admittedly, this is not an easy task to execute accurately. But Jesus said that the Old Testament is normative until He fulfills it, Matt 5:17-20. He also said that the Scriptures cannot be broken, John 10:35. Thus the abiding validity, **in some sense**, of the Law cannot be rejected and to do so is to be in conflict with Jesus's own position and that of the Confession. Therefore, based on this assumption, we **must** start with an examination of the Old Testament texts that relate to divorce in general and desertion in particular, ***trying to be sensitive to their redemptive-historical positions in the canon and the difference between them as shadow and Christ as the substance.***

Two renowned American theologians are examples of how American theologians in the tradition of the **WCF** have handled these laws as in some sense normative for today. John Cotton wrote ***Moses and His Judicials*** which proposed that the mosaic legislation including the penal sanctions be that of the Massachusetts Bay Colony. This was a position close to present day Theonomy. His view was rejected by the legislature as not valid. We believe the writers of the Confession would side with the Legislature. However, this shows how much a well-known Puritan respected the Law. Johnathan Edwards was more in line with the Westminster Confession's general equity position. Edwards wrote what amounts to a

legal brief in a paternity suit involving one of his relatives, Elisha Hawley. Without going into details of the case, N.B., what Edwards says about Old Testament legislation. Remember, this was not mere theory for Edwards but the basis for church discipline!

### **SOME REASONS, BRIEFLY HINTED AT**

Some reasons, briefly hinted at, why those rules, Ex. 22:26 and Deut. 22:28-29 relating to the obligation of a man to marry a virgin that he had humbled, ought to be esteemed, as to the substance of them, as moral and of perpetual obligation; with hints of answers to objections.

There are many precepts in the books of Moses that by all are acknowledged to be of a moral obligation, which are intermingled with judicial and ceremonial laws, and are distinguished from them no otherwise in one or the other of these ways: first, some laws are manifestly not typical of anything in the gospel, nor are they grounded on anything peculiar in the state and circumstances of the Israelitish nation, but on the reason and nature of things; there is some equity or some consonance to the general nature, order and reason of things, evident in the precepts themselves. And secondly, with regard to some of these precepts, this ground in reason is expressly pointed forth in the reason annexed to the law. Both these are the case with the rules in question. Never was any typical reason assigned for the establishing these laws; nor can anything be assigned, peculiar to the state of that nation whereby they were distinguished from other nations, as the special reason and foundation of these laws; but they are manifestly founded on the nature of things, fitness, decency, equity, chastity and the order and benefit of human society. (Edited version given by Dr. Roger Schultz)

Later in the brief Edwards goes on to answer correctly and adeptly that the objections that these rules are not moral and binding on all nations: because, one, there are other laws in the same chapter that are judicial and only binding on the Jews but this does **not negate** their abiding validity; two, that the specific exegesis of Deut. 22:28-29 supports his general proposition; three, that the specific exegesis of Ex. 22:26 also supports his general proposition.

However, the most significant support of this report's position is not recent eminent American theologians but the Apostle Paul himself who follows Jesus's hermeneutic. Paul's use of Deut. 25:4 in his arguments for proper pay for pastors in 1 Cor. 9:8-14 and 1 Tim. 5:18 make it impossible to deny the

general equity position of the ***Westminster Confession of Faith*** 19:4. For an extensive discussion of this issue see “General Equity and Counseling” by G Scipione presented at the Greenville Presbyterian Theological Seminary Spring Conference, 2015.

We now turn to the passages in Holy Scripture that deal with the issue of divorce either directly or indirectly.

## OLD TESTAMENT

### ***Genesis 2:18-25***

This is not about divorce but God’s original design for marriage. Whenever Jesus got into debates on marriage and divorce with the Jewish leaders he always refers to this passage, Matt 19:4-6. Everything hinges on the truth of this passage. There is ***no legislation or passage*** in the ***entire*** Old Testament that negates its normative and abiding validity. Jesus says as much in his teaching. This is the God ordained purpose/goal of marriage. Men invented divorce as they did polygamy. In the Old testament God prohibits the most egregious deviations/violations thereof while tolerating the general devolution from his standard.

### ***Exodus 21:7-11***

This passage is imbedded in a larger section, 21:1-23:19, which gives rules for Israel post- Sinai and after the giving of the 10 commandments. These govern relations among Israelites. The immediate context is about Hebrews as indentured servants or slaves. The male servant goes free after 6 years of service; this is true for his wife if she comes with him and their children. If he is given a wife by the master, she and the children of the marriage are the master’s; they do not go free. The man can choose to go or to stay because of love of his family and master. If he stays, then he becomes a permanent servant. The female servant sold by her father does ***not*** go free. If the master has treated her as a concubine, i.e., designated her for himself, she is now to be treated differently. She is now to be treated as part of the family. The same holds true if she is given to a son as a concubine. If the man is displeased and he does not like her, she or her family can buy her freedom. She must not be sold because the master has broken faith with her. However, if he cuts off food, clothes, or sexual contact because of another woman (or by inference just out of hatred or laziness or some other reason) ***she goes free at no cost***. The failure to feed, clothe and cohabit sexually is a serious egregious sin. The Hebrew says he has “dealt treacherously or deceitfully or faithlessly” with her; the idea is of betrayal. In short, a terrible bait and switch has been foisted on her! The treachery of the master is punished and he gets no remuneration. She is not merely property but a person who gets protection. While the context is another woman, there seems to be no reason to limit the faithlessness to that particular circumstance. Even a concubine deserves better

treatment. Some may argue, “she is not a full wife”. True, but this makes the legislation all the more remarkable.

Arguing from the lesser to the greater, lighter to the heavier principle of interpretation which Jesus himself employs in the Sermon on the Mount in the context of birds, flowers and his children, the free Israelite woman would get the same protection. These three requirements are, of course, minimal. But this would amount to a minimal requirement and his failure to fulfill this minimum requirement gives her the legal right to her freedom. It seems impossible to find a typological, Christological new covenant fulfillment in the text; rather it is an equity issue. Thus, to fall below this bare minimal requirement can cause a man to lose his contractual bond with the woman whether slave or free. This is the equity. This then could possibly function as a concrete definition of desertion which then is defined covenantally/contractually and not merely spatially. The text clearly implies she is still physically present in the home of the master. God’s concern for the oppressed is clear. Since men are the providers and are the primary offenders in this regard God focuses on their responsibility not to abuse their power. To argue against this, one would have to argue that the free woman gets no such protection. This would require an explanation that seems to be strained at best. Also there is the similar or parallel case of **severe** physical harm to a slave that would also be grounds for freedom if the above lesser to greater principle holds true, Ex 21:26-27.

#### ***Leviticus 21:1-15***

The context is 21:1-24 and deals with the purity of the priests. Since they offer the sacrifices to Jehovah, they have requirements of holiness that exceed the general Israelite populace. They can only help with burial of close relatives but not others. They must marry within certain parameters. They cannot marry those who are **defiled in certain ways**: no prostitute, no defiled woman, nor **a divorced** woman. She is symbolically defiled to him. They are “unclean” to him. The high priest has the same limits plus one more. As to marriage, all these other limitations accrue plus he is not to marry even a widow; he must marry a virgin. She must be from his people. In some way the divorced woman is defiled to the priest but not to other Israelites. Also, the High Priest is not even to defile himself for a relative who dies; he must remain in the tabernacle.

Here we do see ceremonial requirements that are ended in the New Covenant. Christ does fulfill all the symbolic purity laws and thus brings us to the mercy-seat as the final High Priest. Perfection must come but through the Spotless One. One carry over of substance versus shadow may be a higher standard for the marriages of elders in the New Covenant as in 1 Timothy 3/Titus 1.

#### ***Leviticus 22:1-16***

This passage also has to do with the priests and who can eat of the sacrifices that are given to Jehovah which then in turn belong to the priests. A priest who has a disease or who is ceremonially unclean cannot eat until he is cleansed. Even though the sacrifices are his “wages” he must be clean to participate. If he is defiled, after cleansing, he can eat them again. Laymen are not allowed to eat of these sacrifices. Guests, strangers and hired servants cannot participate. However, the priests’ family, including a purchased slave, can. Accidental eating can be dealt with by a fine. Obviously, this is fulfilled in the New Covenant where all believers can come to the Communion Table and celebrate the final Passover as the sons of God through the work and purity of the final High Priest Jesus. Of course, unworthy eating still does have consequences for believers as “priests” to the LORD. One provision

touches on divorce. A daughter who marries outside of the Levitical tribe cannot eat as she could before marriage. If she is widowed or divorced and without a child, she can come back to her father's house and assume his authority again; she then is including in the right to eat the sacrifices. The assumption is that if she had a child, then she and the child would remain in the other tribe. N.B., a widow and a divorced woman have the same legal status. This is significant because of the **covenant bond as it is viewed by God**. Whatever the grounds for the divorce, God does NOT view either the widow or divorced woman as still married in His sight. This means a divorce **really does sever the covenant bond of marriage** which of course must be wrong as to the grounds because God does not give **any** legitimate grounds for divorce. As in Chapter 21 above, the divorce is the **legal equivalent of death**. This is clearly an equity/legal justice issue that does not end in the New Covenant. (Some might point to Romans 7 which will be dealt with later). This is consistent with the Leviticus 21:1-15 passage. While much of these ceremonial, shadowy trappings are fulfilled in Christ, surely the **legal status** of a widow and a divorced woman must not be a symbolic typological issue but be a general equity or fairness issue. It is impossible to see this just a rule for Israel and not for all nations on the legal nature of divorce.

### **Numbers 30:9-15**

This chapter is about vows. Vows are very serious since they are to Jaweh. He takes them and subsequent renegeing of them very seriously. The obligations for men making vows is covered in verses 1-2. Verses 3-5 cover a single woman under her father's authority. He has the right to affirm or cancel the vows if he knows of them. She is forgiven for not following through because of his ruling that she may not keep her word. Verses 6-15 covers the rules for married women. The same executive power falls to the husband that the father had. Then the Spirit/Moses adds parenthetically, that a widow or a divorced woman who vows a vow is held accountable for her vow. He goes on to continue the instructions for married women. If the husband says nothing, she is bound. If he cancels her vow the iniquity is on him for the canceled vow. N.B., the same legal status accrues for a widow and a divorced woman. They are in the same legal **and** moral position because they are **not under authority** but exercise it for themselves. They are fully functioning in their relationship to God and do not have to go through the ex-husband. They are not under his authority or that of anyone else. As in the Leviticus passages, the divorce is **the legal equivalent of death**. The husband has no covenantal bond to her. Therefore, they are **not** married in God's sight. Again, this position is consistent with the passages in Leviticus and is an equity issue and not something for Israel as a redemptive-historical particular or completed in Christ. This will have great import when we get to the New Testament.

### **Deuteronomy 21:10-14**

This section clarifies what to do with captured women as a result of warfare against a city outside of Canaan. Peace has been offered but rejected. The men of the city/state are dead due to the war. The captured women can become servants. Israelites were not to marry someone outside of the nation of Israel. But "boys will be boys" and they may desire these beautiful woman. She is in an unprotected, vulnerable condition. He takes her home. She gets a full month to lament her lost family. Her hair, nails, clothing are changed. Now she is taken as his wife. She now is part of the community and under Jaweh's care. This should lead to love and care from the veteran husband. But "boys will be boys" and they can quickly tire of their trophy wives and view them as toys. If he dumps her by divorce, then she gets protection. He cannot sell her as a slave nor treat her as a slave. She was his wife. She is "free to go wherever her soul desires". The grounds of these prohibitions: he has "humiliated her". The Hebrew is a

verb that means to be afflicted. In the Piel which is used here, it can be used for forcible rape. This is especially egregious treatment by a man of his wife. This shows that the divorce is real and she is legally unattached to the man. This afflicted woman gets protection from further affliction because she is not property but a person under Yahweh's wings. She is free and legally can make full decisions for herself. There is no indication that she is not free to remarry, go back to her home country or whatever her soul desires. Again, it is to be noted how God protects vulnerable victims. This is similar to the care seen in Exodus 21. It is hard to imagine reasons that this care of Yahweh is canceled due to Israel's special redemptive-historical position or that this is fulfilled in Christ. Of course, he would not dump His bride like this! While God may permit marriage to a captive war-bride, he regulates this reality and limits the abuse to which it may lead. The permission for or toleration for divorce is limited by severe sins. See the prophets below.

#### ***Deuteronomy 22:13-21***

This deals with a marriage gone sour. What initiates this is the husband's "hatred" of his wife. The husband accuses his wife of not being a virgin when they married which is a serious charge. If the accusation is true she is executed by stoning for "whoring" while in her father's house. However, if the father of the woman can produce evidence of her virginity, she is vindicated. This leaves the court to punish the husband's wickedness for this serious slander. The punishment is set: one, the elders corporally punish him which is better than death which ***could be*** the punishment for a false charge in a capital case; two, he is fined 100 shekels of silver; three, he may not divorce her as long as he lives. Even in Israel where divorce was tolerated, this conduct is so egregious that this permissive tolerance was rescinded. This is not to be tolerated since it is such abuse of authority. The whipping was to sober him. The fine protects her in case he runs away. The rescinded right to divorce makes him face the issue and keep his covenant from which he sought to be free. Yahweh's permission to tolerate unjust divorces is ***not*** unlimited. This serious sin is heavily punished. Again, it is impossible to find a valid typological fulfillment in the New Covenant and thus this is an equity issue. Why a non-Israelite husband could do this and get away with it because he is not under this law is hard to even conceptualize.

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

This passage which mentions divorce is in the larger context of how to handle rape cases, verses 23-29. This section is joined to the above discussion of the slanderous husband. We have another egregious sin: the rape of an unengaged virgin. The man must pay the bride price of 50 shekels to the girl's father. N.B., this kind of case was previously touched upon in Exodus 22:16-17. There the father could refuse to let them marry. The man ***still*** had to pay the bride price. Probably this would be part of a larger dowry to induce someone else to marry her. If they do get married this egregious sin/crime is punished as the slanderer's sin mentioned in this same chapter: loss of the option of divorce. This serious sin is also heavily punished. Even among the Israelites who toyed with divorce against God's design, some sins are so bad they cannot be tolerated and must be forbidden and controlled. Again, it is an equity issue that cannot be put aside as fulfilled in the New Covenant nor limited to Israel as a redemptive-historically unique nation.

#### ***Deuteronomy 24:1-4***

This is the well-known passage used by the religious leaders to try to trap Jesus into heretical statements or a politically incorrect faux pas by choosing between the two camps within the Jewish

leaders. Jesus foils these attempts to trap him. N.B., Jesus does not agree with **either** camp because they **both** miss the point of Moses's legislation. One, this is not prescriptive but prohibitive or preventative legislation. The purpose is to get men to think twice before they dump their wives by divorce. Man invented divorce not God. But God puts limits on this sinful abuse of His good gift of marriage. See the above cases. The logic of the legislation is this: if A occurs, and then B occurs, then C **must not occur** because it is an abomination to God. Just as Deut. 22:13-21 & 22:28-29 are meant to warn against sinful abuse of power that would rescind the lax permission to divorce, so this is to warn of the consequences of frivolous divorce and a possible subsequent abomination. Two, the legislation is directed against the remarriage of such a woman by her first husband who sent her away **for whatever reason**, if there is another marriage afterwards and a failure of that one **by death or divorce**. Three, it is assumed that she will remarry which is not forbidden. Four, the 'ervath dabar is a category that refers to the sinful subjective complaint/grounds of the husband. It is **unnecessary** to figure if the ground is legitimate or not or even what the phrase means precisely. Why?! Because there are **no** legitimate grounds due to Genesis and God's original intent. Thus, the phrase refers to whatever **excuse** the man used to disobey God's design as Jesus will reveal this to be hardness of heart. Most agree, correctly, that this cannot include adultery because it is already listed as a capital crime. True, if she is dead the marriage is dissolved, by death but not by a divorce. The precise phrase only occurs one other time, Deuteronomy 23: 9-14 in verse 14. There it is not a sexual term nor anything other than a lack of ceremonial cleanness. God wants the camp pure, physically and spiritually if He is to lead His troops to victory. Five, it is the marriage to another man that puts the ex-wife off limits to the first man. If the second husband dies or divorces her, the first man must **not** take her back as his wife. In effect, as Jesus will show, she has been adulterated to the first man due to his hardness of heart and her second marriage. This abuse of his power is prohibited by God and declared to be an abomination to God; this pollutes the land like it was polluted under the pagan Canaanites. Six, as usual, the Jewish theologians focus where they should not, the mechanics of the divorce, i.e., the certificate. Also, they viewed this as prescriptive command and not permissive prevention. Thus, they inverted the whole purpose of God's instructions! Again, this does not seem to be a typologically laden passage. Is this then, only for Israel or does it seem to be a pertinent warning for us today? This also seems to be a general equity issue that has force today. One cannot help but be impressed with God's protection of the vulnerable wife. Wives are people not property. Also, this is probably the background for Paul's instructions in 1 Corinthians 7.

### **Ezra 9-10**

Here we have a case of national repentance under Ezra. He comes to Jerusalem around 458 BC and finds that there is inter marriage with pagans which is forbidden in the law, Deut. 7. He fasts, repents and intercedes on behalf of the exile community. Some of the leaders repent and say they will rectify their sins by divorcing their pagan brides. This is not an ethnic cleansing but a religious purification. J Gordon McConville, in the study notes in the ESV Study Bible, suggests these may not have been full marriages. Be that as it may, they are dissolved and this is a sign of repentance. The offenders are named in chapter 10! The priests, Levites and the rest of Israel are highlighted as three distinct groups which have committed this sin. This corporate confession and the putting off the pagan brides is viewed as a godly thing. McConville points out that a guilt offering is given by the offenders individually and suggests that the investigation is to find out if the pagan has converted to Israel or remains an idolater. These divorces are viewed as part of the post-exilic revival; there seems to be no indication that they are wrong. While redemptive history does not always yield positive principles for us to follow, this seems **not** to be viewed

as a negative action. What we can infer is that divorce is not always sinful. This warrants further review to see if these divorces have ramifications today in the church or have they been superseded by 1 Corinthians 7. Minimally, we see that the earthly covenant of marriage reflects the divine and is based on it. We see that one's covenant marriage to God always precedes the human marriage covenant and must be the top priority of a believer's life. One can also infer that marrying a pagan is a disciplinable sin in our churches. The reality of the seriousness is seen in Genesis 6, Deuteronomy and in Solomon's life.

### ***Nehemiah 13***

Nehemiah comes to Jerusalem to see how the exiles are doing. His first trip is around 445 B.C., after Ezra's ministry. He returns a second time around 433 B.C. He finds the situation that Ezra faced earlier. Thus, 25 years have passed and the nation is falling back into some of the same sins! Non-believers, particularly Tobiah, are living in the Temple! The Levites are cheated out of their portions. The Sabbaths are violated by commerce. And, germane to our discussion, intermarriage with unbelievers. Nehemiah goes ballistic and pronounces curses on them, hits them and pulls their beards! (We are not suggesting that this is good church discipline!) He alludes to the Law, Deut. 7 and gives the clearest example of how this sin lead to exile, Solomon. This echo of Ezra with the added civil/ judicial element drives us to the same conclusion as with Ezra.

### ***Esther 1:10-22***

This historical record gives us no help in our study as it is a pagan king dropping his wife for pragmatic reasons. One inference is that God can use sinful acts to lead to redemption. This wrong divorce leads to Esther being in a place to help her people.

### ***Isaiah 50***

This is the first prophetic use of marriage/divorce for the covenantal relationship of Jaweh as the husband and Israel as the bride. (Hosea may be earlier chronologically. Keil in his commentary on Hosea says there are hints of this metaphor even in the Pentateuch, Ex, xxxiv, 15, 16; Lev. xvii 7; xx. 5,6; Num. xiv 33; Deut. xxxii. 16-21). Jaweh addresses His wayward people through the prophetic/preacher Isaiah. God is saying that He will divorce Judah in the exile. Since she does not become the wife of Babylon He will take her back. This comes through the Servant of the Jaweh whose suffering is the cause of Israel's redemption, vv 4-6. The Servant of Jaweh has absolute assurance that God will vindicate him, vv 7-9. Trust in the Servant of Jaweh brings light whereas ignoring Him bring darkness and death. Surely, if God divorces for spiritual adultery divorce is not wrong *per se*. This in no way contradicts the Old Testament legislation. Also, the implication is that God's grace is sufficient to cover adultery. Thus, adultery is sufficient grounds for divorce but not necessary grounds. Obviously, this is full of redemptive-historical significance.

### ***Jeremiah 3:1-5***

Jeremiah 1 is Jaweh's call to Jeremiah as a prophet. This is not an easy calling! Chapter 2, Jaweh refers to the Wilderness after Egypt as His betrothal time with Israel. But spiritually Israel has become like a camel or donkey in heat seeking other gods to satisfy her lusts. Yet, she is blind and pleads that she is innocent. Chapter 3:1-5 refers to the law in Deuteronomy 24:1-4. The argument that Jaweh/Jeremiah uses proves that our exegesis of that passage is correct. The pollution of the land comes from taking back the wife after she has married another. This is what pollutes the land, morally not physically or



merely ceremonially. That is the *purpose* of the legislation, i.e., to keep the land from this egregious abomination of the land. This would make Judah as bad as the pagan Caananites that were ejected due to their perversions. Verses 2-5 go on to drive home the seriousness of Judah's sins. Judah sees no problem with her spiritual immoralities and blames God. Not much has changed since the Garden, "the woman you gave me"! But the divorce in the Captivity/Exile is overcome by God's covenant fidelity. Again, the redemptive-historical context is the major emphasis here.

### ***Ezekiel 16:1-63***

This is an extensive passage which highlights Judah's wickedness. She is actually worse than Sodom or Samaria. God let her grow in Egypt, then took her, cleansed her, woos her in the wilderness and marries her. Again, the exile is coming and Judah will be punished. Divorce is not mentioned but this is similar to Isaiah and Jeremiah's picture. Judah is wicked but Yahweh will make an everlasting covenant with her not due to her character but due to His faithfulness. This is seen typologically and preliminarily in the return from Babylon but fully in the New Covenant as the true Israel, both Jew and gentile, are grafted into Christ, see Acts 15.

### ***Ezekiel 23:1-49***

The same picture of Ezekiel 16 is used. Here Samaria is called Oholah and Jerusalem Oholibah. The same spiritual adulteries are highlighted. They will be judged by their lovers in ironic reversal. Only God is the faithful husband. Only He can satisfy. The exiles need to know the fall of Jerusalem is coming. The conclusion is the same as with Ezekiel 16. God's covenant love cannot be thwarted by His people's sins. His love will even overcome spiritual adultery. Adultery is sufficient not necessary grounds for divorce. There may be some hints of this in Proverbs 6:20-35 where a ransom for adultery is implied versus a mandated sentence of death.

### ***Ezekiel 44:10-31***

This chapter is in an extended section on the restored Temple. Jewish and Christian commentators are perplexed with the passage. Is this idealized, literal or a combination of both? We think Ian Duguid's commentary helps with these issues. This section talks of the serious sins of the priests but that God will restore them to do his will. The past sins of the priests will be changed. In the middle of this section is a repetition of the requirements of the priests to marry undefiled women. This basically repeats what we saw in Leviticus 21. The priest will finally do it God's way in the revived Israel. All the conclusions reached there accrue here.

### ***Hosea 1-3***

Here we have Yahweh appealing to the northern Kingdom of Israel. Hosea is to marry a prostitute and have children by her. Both Matthew Henry and Carl Keil see this as literal history; we agree. This is to represent God's faithful relationship with faithless Israel. As the covenant husband He is faithful and Israel is spiritually unfaithful seeking other gods besides Yahweh. Obviously, this is the history of the 10 tribes. Chapter 1 tells us Hosea obeys and records the family's literal and symbolic development. Hosea is probably known in Judah although his ministry is to Israel. When Gomer, apparently, runs off with ex-clients or ex-lovers he is to divorce her, chapter two. This represents exile to Assyria. Chapter three, he is to woo her again, and pay a lesser fee to get her back. This represents the gospel age as is clear from 3:4-5. This is after a long time when Israel lives without king or prince or true worship. Then they will

return and seek Jaweh in the latter days. This is a prophetic phrase for the latter end of the Old Testament period after which Christ comes, cf., Acts 15. Again, we have the motif of Jaweh divorcing His people. But grace upon grace, He takes her a second time. Perhaps a final rejection occurs when the Jews say they have no king but Caesar and have to face 70 A.D. This is fraught with redemptive-historical overtones. However, it is all within the Old Testament's view of marriage, divorce and remarriage.

## **Malachi 2**

Malachi is a prophet bringing a covenant lawsuit against apostate Israel after the exile and the subsequent slides into sins seen and confronted by Ezra and Nehemiah. Some place the preaching/writing between the visit of Ezra and Nehemiah, Others between the two visits of Nehemiah. Be that as it may, the sins are the same. Many sins are reported: those of the priests, the people who complain that election amounts to nothing, withholding the tithe, God's supposed injustice, etc. For our purposes there are two sins that effect the families in Israel: one, marrying non-believing wives. These are designated as "the daughters of foreign gods"; two, unjust divorces. The first sin is viewed as dealing treacherously with the covenant. Intermarriage with pagans has a long ugly history going back to Genesis 6 before Israel and Solomon. The sanctuary of God is profaned by the presence of wives whose ultimate loyalty is not to Jaweh but to other gods. This is an abomination and is worthy of excommunication from the covenant community. This is the echo of Ezra and Nehemiah. Certainly this is a disciplinable offense in the New Covenant. The second sin is unjust divorces. The Lord is a legal witness against the false husbands in Judah who are unjustly divorcing their wives. Jaweh is a witness for the wives who are dealt with "treacherously" by their husbands. These men break their marriage covenants and thereby "cover their garments with violence". Unjust divorce is seen as a covenant violation that is at heart a covenant violation against God as well as against the wife. This is a form of violence. It is covenant infidelity, the cause of the exile. One covenant loyalty is reflected in the other. Jaweh makes it clear that He *hates* divorce. Certainly this comports with His original design and His toleration of Israeli men toying with both covenants. All the above legislation seemed to be aimed at this unjust manipulation of wives by these men. This comports with those pieces of legislation. While verse 15 is difficult to exegete, it should read "the man who does so has a treacherous spirit and is devoid of a remnant of the Holy Spirit". For a fuller exposition of the verse see G Scipione, "Who Owns the Children of Divorce", *The Journal of Pastoral Practice*, Vol. VIII, No. 3, 38-51. The one-flesh relationship has as one of its primary goals, godly children to perpetuate the covenant.

## **CONCLUSIONS**

1. God *never* gives grounds for divorce. Man invents divorce as he did polygamy. Any attempts to find legitimate God-given grounds for a man to divorce his wife is chasing the wind. Functionally, a death sentence for proven adultery is the only way out of a marriage for a man. Genesis 2 was always the only paradigm ever given by God. Even providentially proven adultery is not grounds for divorce, Num 5:11-31.

2. God, via Moses, tolerates man's hardness of heart but forbids the most egregious violations of His original design: not meeting minimal physical needs, Ex 21; serious physical damage, Ex 21; abuse of pagan war brides, Deut 21; hatred and slander of a wife's purity when married, Deut 22; the rape of an unengaged virgin, Deut 22; the retaking of a former wife by the former husband after the breakup of a subsequent marriage, Deut 24.
3. God protects wives who need such protection from abusive husbands who unjustly divorce them or damage them; while divorce was tolerated, limits to the abuse are set as noted above. While divorce is tolerated in general, some divorces were so egregious that God says, "no" to them, cf. 2. above. Thus, even under the "toleration" of the Old Covenant certain sins resulted in the toleration being cancelled.
4. This protection of wives against the most egregious forms of divorce or abuse does not seem to be tied to typological situations and therefore fulfilled in Christ and thus abrogated in the New Covenant. Nor does it seem to be tied to Israel as a unique redemptive-historical nation/entity and the laws that govern that nation as a unique entity and thus abrogated in the New Covenant. These provisions come under the category of "general equity".
5. Divorce, on whatever grounds, ends a covenant relationship. Divorce and widowhood are legal equivalents and therefore, God does not view the marriage covenant as valid or existing after a divorce. A divorce is a divorce. Thus, the "permanence" view does not fit the Old Testament legislation as an expression of God's will. Again, the legal status of a divorced women does not seem rooted in a redemptive-historical type nor a particular political need for Israel.
6. The above truths would be Jesus's assumptions undergirding His view of Divorce.
7. Any New Covenant view must comply with Jesus and not cancel His view.

## NEW TESTAMENT

### Matthew 1:18-25

Mathew is writing for Palestinian Jewish readers to convince them that Jesus is the Messiah. He has traced the lineage of Jesus to show that He is in the Davidic royal line and thus can be and is the King of Israel. He then gives the details of Jesus' birth. Joseph is engaged to Mary who is a virgin. She is found to be pregnant. That can only mean one thing, infidelity. But the child in her is the creation of the Holy Spirit which fulfills Isaiah's promise of the virgin conceiving. Joseph is declared to be a man who is characterized by justice or righteousness. Because he is righteous he does not want to shame her. Therefore, he decides to divorce her quietly. He is considered married to her, thus the thought of and necessity of divorce. An angel of God tells him the truth and he does not divorce her. He also has no sexual relations with her until she gives birth to Jesus. There is much here to contemplate but for our purpose we note that Joseph's righteous character leads him to contemplate divorce. While history does

not always give us positive examples to emulate, this seems to be a case where it does hold true. In this case, Jesus's ground of sexual immorality holds true and Joseph was going to exercise it.

### Matthew 5:31-32

Here Jesus in the "Sermon on the Mount" is teaching the truth about God's Law in opposition to the perversions of the Law by the Jewish leaders and nation. He is not issuing a new law nor increasing the Law's demands. He simply is teaching the original intent of God as the Westminster Confession and Catechisms state. He has shown the true nature of "you shall not kill". He now moves on to the true nature of "you shall not commit adultery". This includes both **inward** lust and **outward** unjust divorces. He shows that man's invention of Divorce is a legal dodge that **amounts to adultery**. God's intent is one man, one woman for life. Notice, Jesus says that it has been said. This is not the original design of God, but rather an incorrect rendering of God's warning in Deuteronomy 24. The rabbinic twisting of God's law was extensive. Later, he will debate this issue with these wicked leaders. In explaining the true meaning of the seventh commandment Jesus quotes the rabbinic teaching, "whoever divorces his wife, let him give her a certificate of divorce". This is to major on a minor detail, to turn description into prescription and to miss the intent of the negative command not to take her back after a second divorce or death of the other husband that she marries. This complies with and confirms the previous exegesis of the Deuteronomy 24 passage.

There are key issues that arise out of this passage. One, the assumption that she will remarry. This is assumed as it is in Deuteronomy 24. This shows underlying unity of the two passages. Two, this unrighteous divorce causes her to be adulterated. The verb is passive, thus "adulterated". If she does **not** remarry she certainly is **not** adulterated. The subsequent marriage, which should not have occurred, has. She is now "polluted" to the original husband, i.e., adulterated. She is an unwilling violator of her covenant if and when she remarries. Three, the same is true of the man who marries her. This also fits with the warning given in Deuteronomy. This forced "adultery", which is sin, would be compounded by the first man taking her back after the ending of the subsequent marriage on whichever grounds, death or divorce. This all occurs because the original intent of Genesis and the warning of Deuteronomy are ignored and twisted by bad exegesis. Thus, Jesus is not adding anything to the Law but rather removing the rubble of wrong exegesis. Four, how can a woman be adulterated if she is not married to the first man? Our working assumption is the Old Testament's view that marriage is ended by a divorce. This is the issue that separates John Murray and Jay Adams. Adams seems to grasp this fact and properly explains it while Murray grasps the issue but misses the solution. The answer to this difference lies in the rhetorical device of exaggeration for effect. In Matthew 5, we just saw this device when Jesus says that one should cut off an offending body part when you sin with it, verses 29 and 30. It is **obvious** that he exaggerates to make a point. Elsewhere, Jesus makes clear the **source** of sin is not the body but the heart. If you cut off an offending body part, the heart has not changed. Every sane person realizes this. Lust starts in the heart not the eye or hand. Thus, this legal dodge of divorce will not work in God's sight, Luke 16. An adulterous heart desires or divorces. God says both the inner desire for a woman that is not your wife or the outward and legal having a second wife after a divorce are both violations of the marriage covenant and thus the seventh commandment. Therefore, Adams is correct in understanding this critical exegetical issue. Finally, does the exception clause modify both the grounds for the divorce **and** the remarriage or only the divorce. We think that Murray's exegesis and Adam's holds. Only a

forced exegesis could split “what God has joined together”. Here Murray and Adams stand shoulder to shoulder. The two clauses are in view not just the first.

### **Matthew 19:3-12 (Mark 10:1-12)**

The context is the Pharisees trying to trap Jesus in a theological debate. This is the issue of disagreement between the rabbinic schools of Hillel and Shemmai. Hillel took the broad interpretation of Deuteronomy 24. Thus the “indecent thing” in effect meant anything the husband did not like. Shemmai took a narrower view that the phrase meant a serious issue. But as seen above, these are inaccurate understandings of God’s law. Jesus’s logic is simple. God’s design in Genesis for marriage left no room for divorce of a wife by a husband. The legal minded Pharisees’ response is swift: Moses commanded otherwise. Just as swiftly Jesus shows that they misread Moses. His was permission due to the hardness of heart and **not** a command that demands a divorce. As in Matthew 5, Jesus gives only one ground: sexual immorality which was a capital offense under the Old Covenant. He states that these unrighteous divorces and marrying another is equivalent to committing adultery. The man who marries her is also an adulterer. The men are only mentioned in this context because the men are the primary offenders in his day and in his context. The disciples, raised under these rabbinic teachings are astonished. Jesus gives teaching on singleness and marriage. This confirms what Jesus taught in Matthew 5.

One issue remains: the parallel passage in Mark 10 mentions that the woman is under the same rules. Jesus told this to the disciples in the house, Mk 10:10; Matt. 19:10. Apparently this is when they asked him what is recorded in Matthew 19:10-12. Perhaps this data explaining the woman’s right is included because of the readers of Mark are, most likely, catechumens in Rome. Peter knows women there are more likely to sue for divorce than Jewish women in Palestine.

Thus, there is no different teaching between the two passages in Matthew. We have the full explanation of the Old Testament’s view from Jesus’s own lips.

### **Luke 16:14-18**

Jesus is preaching and He is exposing the Pharisees’ hypocrisy. They are upset with the “unclean” converts that are coming to Jesus. He really hits them with the three fold parable of the lost sheep, coin and son. His point: you are the older brother! He goes on to use money to point out the relationship of money and eternity. Luke tells us that the Pharisees are lovers of money. Thus, after being poked in the eye as the “older brother”, and being told that their use of money is preventing them from the eternal value of salvation because they cannot serve two masters, they mock Jesus. Jesus nails them again! He says they justify themselves before men, but God knows their rotten hearts. What they esteem, God hates. The law cannot be broken and they stand condemned. The Law and Prophets stand until John, then the Kingdom of God came. Jesus then nails them again: divorce. These men not only lusted for wealth but for women. It is one thing to debate theology; it is another thing to mock God and His Messiah! As Jesus adapts His teaching/preaching to the given context, so He does here. He mentions no

exception as grounds for divorce because the exception would lessen the impact of his condemnation. This answers those who say this is the basic teaching of Jesus, i.e., no divorce, no remarriage, no exceptions, period. The general principle is in view and not the exception: the context demands the application of the teaching. The analogy of faith demands no contradiction in the explanations of Scripture. The exception clause in Matthew demands such a solution to this supposed inconsistency.

### **Romans 7:1-3**

Paul is discussing the relationship of the Law as the Old covenant and the New and final covenant in Christ. In order to illustrate the believer's death to the Law as a covenant and its jurisdiction over him by virtue of his permanent union with Christ and Christ's rule over him, he uses an illustration: Paul contrasts marriage, divorce (unrighteous divorce is assumed) and remarriage of a woman versus marriage, death of spouse, and remarriage of a woman. Paul uses the general principle and does not deal with the exception because to do so would not help the illustration. This argument and its form is similar in its logic to Jesus's argument in Luke 16. Thus, the woman is an adulteress if she divorces and remarries. But, if her first husband dies and she remarries, she is not. A marriage covenant is time bound and not ontologically eternal à la the Mormons. The believer is dead to the husbandly authority of the Law as a covenant because he is freed from it and the first Adam and remarried to the full reality of Christ who as the second, final Adam. The Law as a covenant died at the cross. The resurrected Christ frees the believer from the Law's authority to condemn. The believer is not married to the Law and the first Adam but to Christ the final Adam.

### **1 Corinthians 7:1-40**

Paul is instructing the Church at Corinth about matters of concern, vs 1. They had written and asked questions. One can get lost in a myriad of details as to what *precisely* was or were the question or questions that they asked. The answers are clear enough. Whatever the *precise form* of the question(s) does not change the meaning of Paul's directives.

Paul deals with issues about marriage, divorce and remarriage in the New Covenant context of world evangelism. In verses 1-6, the question, or at least the *first* question is the saying, "it is good for a man not to have sexual relations with a woman". Wherever this saying originated, Paul addresses it and then applies the principle to various groups within the congregation. The problem of sexual temptation is real, especially in the highly sexualized context of Corinth. The answer is straight forward: each man should have his own wife and each wife her own husband. Each spouse owes conjugal rights to the other spouse which fulfills the second greatest commandment to love one's neighbor, vv 2-4. Obviously the spouse is neighbor number 1. This mutual ownership of each other sexually is a fulfillment of the mandate of Genesis 2. The conclusion is, do not deprive each other so Satan cannot tempt you, is in v 5. The only *legitimate* reason for lack of conjugal contact is a brief time, mutually agreed upon, and for the purpose of prayer. All three elements are needed to please God. Apparently, for whatever reason, some

thought that abstinence was a good thing. Paul says “no”. The fruit of the Spirit, self-control, is needed here as well as other areas of life.

Paul’s instructions rest on the kindness and gifting of God, vv 6-9. Paul says the brief abstinence is a concession. All of this rests upon God’s gifts. Paul has been gifted to be single for service to Christ and His church. Others have not been so gifted. God gifts people differently, Eph 4; 1 Corinthians 12-14. He wants people to rest in Christ and not to be restless! He goes on to advise specific groups in the congregation. Here he addresses **the unmarried and widows**. It is good to stay single like him, but the burning desire for companionship should be met by marriage and not immorality. Singleness is not a higher state; it is a different state depending on God’s gifting of an individual.

Next, vv 10-11, he addresses the **married members in the congregation who are married to other believers**. Paul gives a charge, which originates with Jesus not Paul. This must go back to Christ’s teaching in the gospels: spouses should not separate by divorce. The phrase “unmarried” is clear in the text. Paul says “do not divorce”. Obviously, this refers to a divorce on non-biblical grounds. If this sin occurs, there are only two options: one, stay single; two, be reconciled to the ex-spouse. This surely assumes and echoes both Deuteronomy 24 and Christ’s teaching in the gospels which echoes Deuteronomy. In effect Paul says, whatever you do, do not compound the first sin, a sinful non-biblical divorce, with another, remarriage to someone other than the ex-spouse. This fits hand-in-glove with what we have found above. One, a divorce is **real** even if on sinful grounds. Two, Jesus was and now through Paul is still addressing two **believers**. Three, Deuteronomy 24’s principles still hold true in the New Covenant administration.

Next, vv 12-16, he addresses the **married members in the congregation who are married to unbelievers**. This is a new redemptive-historical reality: people are being saved by grace and joining the congregation. These are both Greeks and Jews, as well as others. Now the issue is, are those mixed marriages still valid? Paul is addressing a new context not addressed by our Lord who came first of all and primarily for the lost sheep of Israel. Jesus was in a redemptive period that initiated the influx of the nations, cf., John’s Gospel. But, that was the first fruits and Paul is now the Apostle to the Gentiles. This explains Paul’s “I not the Lord”. Paul is not “cheeky”. He is an inspired writer and speaks for Jesus.

The bottom-line: stay married if possible. Why? The believer might be God’s instrument to bring the unbeliever to the Savior. The unbeliever and any children of the marriage are “sanctified” by the Lord’s blessings on the believer. This means covenantal blessings in general and not necessarily converting blessings. Wow! The Lord’s covenantal blessings are given to **the whole family** even as it was to Abraham. Beyond these blessings of the covenant He might be pleased to convert the unbelieving spouse and children. This is the clear teaching in vv 12-14.

There is a sad alternative, vv 15-16: the unbeliever hates the newly converted spouse. The unbeliever leaves the believer by divorce. The word is not only a general “leaving” but can be, and here is, synonymous with divorce. What then is the Lord’s direction in this situation? Paul makes it clear: he commands, let it be so. The brother or sister is not enslaved. The word here can mean bound as a slave, but can be and here is, synonymous with bound in marriage. God calls us to peace. This then is the second ground envisioned in the Westminster Confession of Faith.

Paul, vv 17-24, preaches contentment. This is what he teaches as a rule in all the churches. Paul shows that envying another’s state is wrong; he uses circumcision and slavery as prime examples. Paul says

don't lust after different circumstances. N.B., this is not fatalism! If a slave can get his freedom legitimately, then go for it. But, by implication, don't lust after a different gifting or circumstances other than what God has ordained when you are called to God through Christ.

The next group Paul addresses are *those who are engaged to be married or not married*, vv 25-40. Paul states there is no command of the Lord, while He was here or from Him now. But he opines as an apostle in the light of the coming persecution. He prophesies that things will be getting worse. Again, you are to be content and not seek to change things. Are you bound, tied to or married to a wife? Do not try to be loosed or divorced from a wife, v 27. On the other hand, if you are free do not seek a wife. But if one does marry, vs 28, he is not sinning, nor is an engaged woman if she does. But Paul is blunt! In the light of the coming persecution, marriage gives extra responsibilities and burdens, vv 29-31. Vv 32-35 expand the woes of persecution compounded by family responsibilities. Paul wants the believers ready to serve under pressure. Paul goes on to address further the men who are engaged, vv 36-38. He tells them of their choices and the consequences: he advises them of better and best options in the light of the coming danger.

Paul, vv 39-40, rounds out his discussion of marriage, divorce and remarriage. Paul's summary emphasizes the general principle, as in Romans 7:1-3. The exceptions have been expounded and he is summarizing the general conclusion: marriage is a life- long commitment that is not to be broken except by death. Widowhood is tough but marriage in the midst of persecution may be worse. He ends reemphasizing the Spirit's wisdom in his positions.

## CONCLUSIONS

1. Jesus teaches the original intent of God: no divorce.
2. Jesus does not change the essence of the Old Testament's view of divorce.
3. Jesus corrects the false conclusions/teaching/practice of the Jews which distorted the Old Testament's teaching on divorce.
4. Jesus makes explicit what was implicit in the punishment for adultery in the Old Testament: the sentence could be divorce and not execution. This now is the rule in the church which is not a civil entity as well as the household of faith as it was in the Old Covenant.
5. Jesus and Paul teach that Deuteronomy 24 is still God's will to prevent serial marriages which are an abomination to any land/people.
6. Jesus and Paul teach that a divorce on Biblical grounds, sexuality immorality or desertion of a believer by an unbeliever, carries the right to remarry but *only* in the Lord.
7. The Westminster Confession of Faith, 24:6 is the correct rendering of the Biblical data on divorce and remarriage.
8. Also, to be orderly and not leave individuals to their own wisdom, elders must determine what constitutes desertion in 1 Corinthians 7 not just spatially but covenantally. Church discipline including excommunication must precede civil action to obtain a divorce, 1 Corinthians 6:1-8. The elders need to record their decisions and grounds for them to protect the innocent party.



This is based on the passages in the Old Testament that protect the wife from egregious abuse. This is also echoed in the New Testament, cf., 1 Timothy 5:7-8, 22-25; Titus 1:10-16; 3:8-11.

9. There is no easy application of these principles but elders need wisdom from the Spirit to apply them justly for His glory and the good of the sheep. There are two ditches on either side of the Biblical grounds. To the left are grounds that are broader than the Word and Confession's expression of the Word's position. To the right is a ditch of narrowing the freedom and safety of the Word. The church must not be left to whatever is right in its own eyes but is bound by the Word.

Notes to the Presbytery in light of the alternative report which contains much fine work: the correct exegesis of Jesus' teaching as opposed to those who hold to the "permanence view" and the exclusion of the right to remarry after a biblical divorce for immorality/adultery; the correct exegesis of 1 Corinthians 7 compared to evangelical misinterpretations. However, the following significant differences should be noted:

1. The methodological differences are highlighted in the Introduction on pages 1-3a. Also, pages 3a-10 contain the attempt to understand divorce from a redemptive-historical and systematic understanding of the whole Old Testament and not just the proof texts of the Confession of Faith while acknowledging the heightened importance of them especially to the historical question of the Divines understanding. The whole counsel of God must be our foundation as Chapter 1 of the Confession states.
2. A central concept is God's ruling that a divorce really severs the covenantal bond between a husband and wife. This is missed by most if not all commentators whatever their ultimate conclusions are.
3. Another significant concept is that God protects the wife, who is under the authority of her husband. Thus, she is vulnerable to his abuse of authority. While God tolerates the sinful reality of the divorce, He limits the worst abuses. If the above exegesis is correct, then these abuses might constitute functional desertion as determined by the courts of the Church. She gets protection from the Lord against a husband who manipulates the system.
4. The clear allusions to Deuteronomy 24 and its instructions in Jesus and Paul must not be ignored.
5. The precise question or questions that the Corinthians asked Paul in their letter to him and the precise source of their quote in 1 Corinthians 7 does not so effect the understanding of Paul's instruction so as to change his clear instructions.
6. This report **does agree** with the Confession and alternate report that the matter must go through the elders and **not** be left to individuals involved in these situations. This is especially true for a legal civil action to obtain a divorce, 1 Corinthians 6:1-11.
7. This report lines up with the 1991 ***Marriage, Divorce and Remarriage: Special Committee Report of the Reformed Church in the United States (1991)***. The RCUS is a very conservative church. While they hold to the three Forms of Unity, that committee explicitly mentions the

Westminster Confession and “desertion” so our standards are admitted to be valid and the report is not seen as a deviation from that understanding.

Submitted by George C Scipione, 9/22/17