

Is the Teaching of Jesus on MDR a Part of Old Testament Legislation?

By Kyle Pope

Introduction

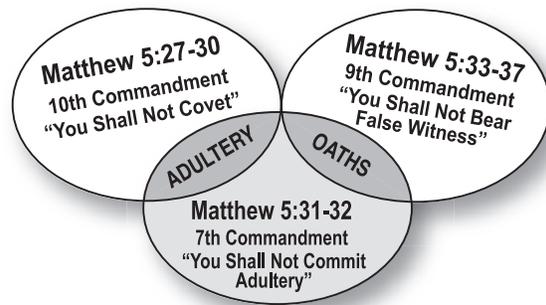
The gospels contain four passages that preserve Jesus’s teachings while upon the earth regarding marriage, divorce, and remarriage (Matt. 5:31-32; 19:1-12; Mark 10:1-12; Luke 16:18). Two of these record His teachings on the same occasion—when Pharisees in the small portion of Judea east of the Jordan questioned Him about divorce (Matt. 19:1-12; Mark 10:1-12). One comes within the Sermon on the Mount (Matt. 5:31-32). The fourth is either part of a series of random teachings or in the midst of a response to the derision of the Pharisees (Luke 16:13-18). Should the teachings of Jesus be understood as new and distinct teachings, or is He simply offering Divine commentary on Mosaic Law? In this study we will seek to answer this question from the Scriptures.

I. The Texts

Let’s begin with an overview these texts and a brief consideration of the primary Mosaic texts regulating marriage and divorce.

A. Matthew 5:31-32.

1. *Context:* The third of six antitheses, in which Jesus offers counter-propositions that contrast six declarations from the Law of Moses and (in some cases) the rabbinical interpretation of it. The two before and after this—adultery in the heart (5:27-30) and prohibition of oaths (5:33-37)—interweave aspects of the seventh, ninth, and tenth of the Ten Commandments.
2. *Content:* After paraphrasing the command of Deuteronomy 24:1 regarding the giving of a “certificate of divorce,” Jesus asserts, “But I say to you”—and proceeds to teach that putting away a woman “for any reason except sexual immorality (*parektos logou porneias*),” under His teaching “causes her to commit adultery (*poiei autēn moichasthai*),” literally, “makes her to be adulterated.” He then adds that the one who marries a divorced woman “commits adultery.”
3. *Distinctive Elements:*
 - a. Jesus asserts “sexual immorality” or “fornication” as the sole cause for lawful divorce.
 - b. Jesus expands the definition of adultery to include post-divorce remarriage and sexual privilege.
 - c. Jesus defines marriage to a divorced woman (apart from the exception clause) as adultery.



B. Luke 16:18.

1. *Context:* One of several random teachings Luke records, or the fourth of five statements in response to the derision of the Pharisees (Luke 16:14). These include God’s view of the heart and wealth (16:15), the Law and Prophets were until John (16:16), the Law will not fail (16:17), and the Rich Man and Lazarus (16:19-31).
2. *Content:* Jesus (without adding the exception clause) teaches that a man who puts away his wife and remarries commits adultery, and (as in Matt. 5:32b) one who marries a divorced woman commits adultery.
3. *Distinctive Elements:*
 - a. The absence of the divorce clause demonstrates the basic principle that God intends marriage to be indissoluble.
 - b. In some discussions with bro. Mark Dunagan about this study, he brought to my attention verse 16—“The law and the prophets were until John. Since that time the kingdom of God has been preached, and everyone is pressing into it.” If these verses are part of the same

context, Jesus’s teachings must be understood to fall within the timeframe in which “the kingdom of God” is being preached.

C. Matthew 19:1-9 and Mark 10:1-12.

1. *Context:* A discussion between Jesus and the Pharisees prompted by their questions regarding divorce (Matt. 19:3; Mark 10:2), followed by further discussion with His disciples (Matt. 19:10-12; Mark 10:10-12). Matthew records the element of their question “for just any reason” (19:3b) and the element of Jesus’s answer addressing the exception clause (19:9). Mark does not record either element, but a latter discussion with His disciples (10:10-12). The chart below shows the correlations between both accounts:

Pharisees’ Question on Divorce	
Matthew	Mark
The Pharisees also came to Him, testing Him, and saying to Him, “Is it lawful for a man to divorce his wife...” (19:3a)	The Pharisees came and asked Him, “Is it lawful for a man to divorce his wife?” testing Him (10:2)
“...For just any reason?” (19:3b)	
<p>And He answered and said to them, “Have you not read that He who made them at the beginning ‘made them male and female’” (19:4)</p> <p>“and said, ‘For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh’? 6 “So then, they are no longer two but one flesh” (19:5-6a)</p> <p>Therefore what God has joined together, let not man separate” (19:6b)</p> <p>They said to Him, “Why then did Moses command to give a certificate of divorce, and to put her away?” (19:7)</p> <p>He said to them, “Moses, because of the hardness of your hearts, permitted you to divorce your wives, but from the beginning it was not so” (19:8)</p>	<p>And He answered and said to them, “What did Moses command you?” (10:3)</p> <p>They said, “Moses permitted a man to write a certificate of divorce, and to dismiss her” (10:4)</p> <p>And Jesus answered and said to them, “Because of the hardness of your heart he wrote you this precept” (10:5)</p> <p>“But from the beginning of the creation, God ‘made them male and female’” (10:6)</p> <p>““For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh’; so then they are no longer two, but one flesh” (10:7-8)</p> <p>“Therefore what God has joined together, let not man separate” (10:9)</p>
“And I say to you, whoever divorces his wife, except for sexual immorality, and marries another, commits adultery; and whoever marries her who is divorced commits adultery” (19:9)	
His disciples said to Him, “If such is the case of the man with his wife, it is better not to marry.” (19:10)	
	In the house His disciples also asked Him again about the same matter (10:10)
	So He said to them, “Whoever divorces his wife and marries another commits adultery against her. And if a woman divorces her husband and marries another, she commits adultery” (10:11-12)
But He said to them, “All cannot accept this saying, but only those to whom it has been given: For there are eunuchs who were born thus from their mother’s womb, and there are eunuchs who were made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the kingdom of heaven’s sake. He who is able to accept it, let him accept it” (19:11-12)	

2. *Content:*

- a. Testing Him, the Pharisees ask Jesus, “Is it lawful for a man to divorce his wife” (Matt. 19:3a; Mark 10:2) “for just any reason (*aitian*)?” (Matt. 19:3b).
- b. Jesus appeals to the account of the creation of “male and female” (Gen. 1:27) and God’s declaration concerning the nature of marriage (Gen. 2:24), asserting, “Therefore what God has joined together, let not man separate” (Matt. 19:6b; Mark 10:9).
- c. According to Matthew, this led them to ask about Moses’s provision for the giving of a “certificate of divorce” (19:7). Mark places this at the beginning of Jesus’s answer, and after His question to them, “What did Moses command you?” (Mark 10:3-4).
- d. Jesus clarified that Moses “permitted” (Matt. 19:8a) but did not command divorce. This allowance was because “hardness of heart” (Matt. 19:8; Mark 10:5), but “from the beginning it was not so” (Matt. 19:8b).
- e. According to Matthew, Jesus then answers their question regarding the cause of divorce. All divorce and remarriage “except for sexual immorality (*ei mē epi porneia*),” literally “if not over fornication,” is defined as adultery and (as in Matt. 5:32b and Luke 16:18) marriage to a divorced woman is adultery (19:9).
- f. Mark ends Jesus’s answer to the Pharisees with the declaration, “Therefore what God has joined together, let not man separate” (Mark 10:9; cf. Matt. 19:6b), but records that later “in the house” (10:10). He asserted that a man who divorces and remarries another woman “commits adultery against her” (10:11), and a woman who divorces and remarries commits adultery (10:12).
- g. Matthew also records a question from the disciples, but it is unclear if this was also in the house or immediately after the discussion with the Pharisees. They ask, “If such is the case (*aitia*)” (19:10a) = “reason (*aitian*)” (19:3b)—“it is better not to marry” (19:10b).
- h. Matthew then records Jesus’s discussion regarding those who “make themselves eunuchs for the kingdom of heaven’s sake” (19:11-12a), urging, “He who is able to accept it, let him accept it” (19:12b).

3. *Distinctive Elements:*

- a. This was a test to see how Jesus would answer, and likely bait Him into some position on Mosaic Law espoused by different rabbinical schools.
- b. Jesus appeals to a principle taught in the creation of man and woman before Mosaic Law was given.
- c. Jesus quotes a form of Genesis 2:24 that affirms monogamy.
- d. To the Pharisees, Jesus asserts “sexual immorality” or “fornication” as the sole cause for lawful divorce (Matt. 19:9). To His disciples, He affirms the basic principle that God intends marriage to be indissoluble (Mark 10: 10-12).
- e. Jesus applies marriage law equally to men and women (Mark 10:12).
- f. Jesus affirms the role God plays in joining together those who lawfully make a marriage covenant before Him (cf. Mal. 2:14-15).
- g. Jesus acknowledges that the terms of His teaching may result in some being forced to become “eunuchs (i.e., unable or unwilling to marry) for the kingdom of heaven’s sake.”

D. Deuteronomy 24:1-4.

1. *Context:* One of a series of laws dealing with honoring vows made to the Lord (23:21-23), respect for a neighbor’s property (23:24-25), and military exemption for a newlywed (24:5).
2. *Content:* If divorce occurs for a finding of “uncleanness,” a “certificate of divorce” must be provided to the woman. If she marries and the second husband also divorces her (providing her with a “certificate of divorce”) the first husband can never remarry her.
3. *Distinctive Elements:*
 - a. This law only acknowledges “some uncleanness” as a possible cause of divorce.
 - b. It mandates the giving of a “certificate of divorce.”

- c. Although it is a provision that offers protections if a divorce should occur, the Lord neither encourages nor demands divorce.
 - d. These terms would actually discourage divorce.
- E. Deuteronomy 22:19, 29.
- 1. *Context:* Two laws in the midst of a series addressing sexual sins (Deut. 22:13-30).
 - 2. *Content:* A man who falsely accused a woman of not being a virgin when they married could never divorce her (Deut. 22:19). One who lay with an unbetrothed virgin could never divorce her (Deut. 22:29).
 - 3. *Distinctive Elements:*
 - a. The Lord set some terms under which divorce was not an option.
 - b. If the accusation was true, capital punishment was imposed (Deut. 22:20-21).
 - c. These laws would act as strong deterrents against false accusation and sexual assault.
- F. Leviticus 21:7, 14.
- 1. *Context:* Laws governing the behavior of priests (Lev. 21:1-24).
 - 2. *Content:* Priests and High Priests could only marry virgins. They could not marry “a widow or a divorced woman or a defiled woman or a harlot.”
 - 3. *Distinctive Elements:* The Lord expected there to be divorced women among the Israelite community. That necessarily infers that (1) the Lord knew they would break their marriage covenants, (2) not all adultery was punished by death, or (3) the “uncleanness” of Deuteronomy 24:1 was not adultery.
- G. Leviticus 22:13.
- 1. *Context:* In the midst of laws governing the eating of the “holy offering” in the home of a priest (Lev. 22:10-16).
 - 2. *Content:* A priest’s widowed or divorced daughter who had returned to his home with no child could eat of it.
 - 3. *Distinctive Elements:* The Lord expected there to be divorced women among the Israelite community.
- H. Numbers 30:9.
- 1. *Context:* Part of a series of laws concerning vows made by women and the rights and responsibilities of husbands and fathers (Num. 30:3-16).
 - 2. *Content:* Widows or divorced women who made vows were responsible for their own vows.
 - 3. *Distinctive Elements:* The Lord expected there to be divorced women among the Israelite community.
- I. Exodus 21:11.
- 1. *Context:* Laws pertaining to an Israelite woman sold into slavery (Exod. 21:7-11).
 - 2. *Content:* A man who betroths himself to an Israelite female servant could take another wife so long as he did not diminish his care for the servant wife (Exod. 21:10-11).
 - a. If he diminished his care she was to “go out free” (Exod. 21:11).
 - 3. *Distinctive Elements:* This would constitute a divorce with no finding of “uncleanness.”

II. The Law of Moses and the Law of Christ Compared

To answer the question posed in the title of this study, we must carefully examine what each of these laws taught and compare the wording and provisions of each. We will make these comparisons considering several different issues.

A. *Who could initiate a divorce?*

- 1. Under Mosaic Law only the man could put away his wife (Deut. 24:1).
 - a. This understanding of Deuteronomy 24:1-4 is documented in Jewish writing.
 - i. Josephus, commenting on the divorce of Herodias from Philip (the brother of Herod Antipas), claimed she “took upon herself to confound the laws of our country and divorce herself from her husband” (*Antiquities* 18.5.4).

- a. The Hebrew phrase *'ervah debar* literally means “[a] nakedness thing.” This is some type of sin of indecent, immodest behavior short of adultery.
 - i. Adultery was to be punished by death (Deut. 22:22).
 - ii. Even fornication on the part of a woman before marriage was to be punished by death (Deut. 22:13-14; 20-21).
 - b. Rabbinical schools debated this. Shammai taught that the “unclean” thing was sexual misconduct. Hillel taught that it could be something as minor as a wife spilling her husband’s food. Akiba focused on the phrase “no favor in his eyes” and concluded that a man could divorce his wife even if he simply became attracted to another woman (Babylonian Talmud, *Gittin* 90a).
 - i. Josephus, who was himself divorced because he was “not pleased with her behavior” (*Life* 75-76), expressed the common understanding of his day a man could desire “to be divorced from his wife for any cause whatsoever, (and many such causes happen among men)...” (*Antiquities* 4.8.23).
2. The Law of Christ teaches “fornication” as the sole cause for divorce (Matt. 5:32; 19:9).
 - a. The Greek word *porneia* refers to “illicit sexual intercourse in general” (Thayer). Two extreme views have developed concerning this:
 - i. Jesus’s teaching on lust expands the definition of *porneia* to include covetousness (Matt. 5:27-30). If so, any mate guilty of coveting another person could lawfully be put away. We must note, however, that Jesus does not redefine covetousness *as* adultery, but rather as “adultery in the heart.”
 - ii. *Porneia* corresponds to the Hebrew word *z^enūt*, limiting the scope of the sexual immorality to “illicit marital unions within the degrees of kinship proscribed by Lev. 18:6-18” (Joseph Fitzmeyer, “The Matthean Divorce Texts and Some New Palestinian Evidence,” *Theological Studies* 37 [1976]: 210). While there is no question that such relationships would fall within the definition of *porneia*, the evidence doesn’t limit its meaning in this way.
 - b. Both of these conclusions are extreme and are not supported by the biblical and extra-biblical evidence.
 - i. All types of sexual immorality are “fornication,” but *porneia* is more than just “indecent.”
 - ii. Jesus sets a clear and identifiable action that constitutes the sole grounds for putting away a mate.
- D. *Laws of Reconciliation.*
1. Under Mosaic Law, it was considered “an abomination before the LORD” for a put away woman who had remarried to return to the husband who first put her away (Deut. 24:3-4).
 - a. This served to discourage casual putting away, because the result might be irreversible.
 - i. God, however, was willing to be reconciled to Israel after He had “given her a certificate of divorce” and she went and “played the harlot with many lovers” (Jer. 3:1-14).
 - ii. Hosea was commanded to be reconciled back to Gomer (Hosea 3:1; cf. 2:2, 7)
 2. Under Christ, reconciliation is encouraged without qualification or prohibition (1 Cor. 7:11).
- E. *Certification.*
1. Under Mosaic Law a woman had to be provided with a “certificate of divorce” (Deut. 24:1).
 - a. The Hebrew phrase is *sēper k^erītut*, from the verb meaning “to cut off.” In Mishnaic Hebrew, it came to be called a *geṭ*. The entire Talmudic tractate *Gittin* is devoted to discussions concerning the role, implementation, and giving of the *geṭ*.
 - i. A woman put away was stigmatized as either undesirable or immoral. A divorce certificate provided the woman with proof she was not defying the authority of her husband or acting in an immoral way. To give a woman a certificate of divorce essentially sanctioned her right to remarry.

- ii. Josephus wrote, “He that desires to be divorced from his wife for any cause whatsoever and many such causes happen among men, let him in writing give assurance that he will never use her as his wife anymore; for by this means she may be at liberty to marry another husband, although before this bill of divorce be given, she is not to be permitted so to do” (*Antiquities* 4.8.23).
 - b. An example of a Jewish certificate of divorce in Aramaic was discovered in the caves at Wadi Murabba’at south of Qumran. The Papyrus identified as P.Mur. 19, was written around AD 72 and reads:

On the first of Marheshvan, the year six, 158 at Masada: I divorce and repudiate of my own freewill today, I Joseph, son of Naqsan, from [...]h, living at Masada, you my wife, Miriam, daughter of Jonathan, [fro]m Hanablata, living at Masada, who have been up to this (time) my wife, so that you are free on your part to go and become a wife of any Jewish man that you please. And n[ow] you have from me a bill of repudiation and a writ of divorce. Now I give (back) [the dow]ry, and (for) all ruined and damaged goods and...[I reimbur]se you. So let it be determined and paid fourfold. And at (any) ti[me] that you say to me, I shall replace for you the document, as long as I am alive (Joseph Fitzmeyer and D. J. Harrington. *A Manual of Palestinian Aramaic Texts (Second Century BC – Second Century AD)*, Rome: Biblical Institute Press, 1978, 139-141).
- 2. Under Christ this provision is not commanded or restated.
 - a. The emphasis of the teaching under Christ is the binding nature of marriage.
 - i. “The woman who has a husband is bound by the law to her husband as long as he lives” (Rom. 7:2a).
 - ii. “A wife is bound by law as long as her husband lives” (1 Cor. 7:39a).
 - iii. This essentially removes the need for a woman to be provided with a “certificate of divorce.”
 - b. In circumstances where divorce took place, Christians are commanded to submit to the ordinances imposed upon them by the civil government that is over them (1 Pet. 2:13-17).
 - i. As noted above, Justin tells us of a Christian woman in the second century who submitted a *repudium* (the Latin term for a “bill of repudiation” or divorce) because of her husband’s fornication (*Second Apology* 2.6).
 - ii. Under the *Lex Julia*, enacted by Augustus, a *repudium* was required to take place in the presence of seven witnesses of full age who were Roman citizens (*Digest* 24.2.9). The Roman jurist Gaius records that under Antoninus Pius and Marcus Aurelius a *repudium* declared the words “have your things for yourself,” or “conduct your own affairs” (*Digest* 24.2.2).
 - iii. So when certification became necessary for Christians, it was a civil and contractual issue, not a procedure required by God’s law.
- E. *Priests and Divorced Women.*
 - 1. Under the Law of Moses, only priests and High Priests were forbidden from marrying a divorced woman (Lev. 21:7, 14).
 - 2. Under Christ, all who marry a woman divorced (when she did not divorce her husband because of his fornication) commit adultery (Matt. 5:32; 19:9; Mark 10:11-12; Luke 16:18).
- F. *The Marriage of Priests.*
 - 1. Under the Law of Moses, priests and High Priests could only marry virgins (Lev. 21:7, 14).
 - 2. Under the Law of Christ, this is not restated for the “holy priesthood” of believers under Christ (cf. 1 Pet. 2:4-9; Rev. 1:6).
- G. *Polygamy.*
 - 1. According to Mosaic Law, allowance (and protection) was mandated for a man to have more than one wife.
 - a. A man who betroths himself to an Israelite female servant could take another wife so long as he did not diminish (1) her food, (2) her clothing, or (3) her marriage rights (Exod. 21:10-11).

- i. If he refused any of these three, she was to “go out free” (Exod. 21:11). This would be a divorce with no finding of “uncleanness.”
 - b. The firstborn son of a man with “two wives one loved and the other unloved” was to receive a double portion even if he was the son of the unloved wife (Deut. 21:15-17).
 - c. Levirate marriage (discussed below) would mandate polygamy in the event that the brother was already married (Deut. 25:5-10).
 - 2. Under the Law of Christ, Jesus restates the original intention for marriage as “two” becoming “one flesh” (Matt. 19:5; Mark 10:8).
 - a. The Hebrew Masoretic Text of Genesis 2:24 words this “and they shall become one flesh,” but there is good reason to believe there was an ancient variant of this wording.
 - i. Both the Septuagint (LXX) and the Samaritan Pentateuch read “and the two shall become one flesh.” Even the Aramaic Jerusalem Targum (also called the Pseudo-Jonathan Targum) paraphrases this “both of them shall be one flesh.”
 - ii. Unfortunately, although extensive portions of Genesis have been found among the Dead Sea Scrolls,¹ the scrolls that would have contained Genesis 2:24 are damaged or missing this portion of the text.
 - iii. It is clear, however, that some within first century Judaism were already rejecting polygamy. The Qumran text known as the Damascus Document described polygamists as being “caught twice in fornication (*znwt*)”² by having taken two wives in opposition to the “principle of creation” which it goes on to quote as taught in Genesis 1:27—“male and female He created them” (CD 4.20-21).
 - b. The fact that Jesus (Matt. 19:5; Mark 10:8) and Paul (Eph. 5:31) both quote this form of the text, likely reflects evidence that ancient copies of the Hebrew text read “two” rather than “they,” yet at some point the Masoretic Text adopted the latter.
 - i. The Latin Vulgate also read “and the two shall become one flesh.”
 - c. Early Christian writers opposed polygamy, reflecting an understanding that it was contrary to the teachings of Christ.
 - i. Ignatius, wrote, “Let the husbands love their wives, remembering that, at the creation, one woman, and not many, was given to one man” (*Epistle to the Antiochans* 9).
 - ii. Tertullian, wrote an entire work entitled, *On Monogamy*, in which he argued against divorce and remarriage and polygamy. In his work entitled *On Exhortation to Chastity*, he wrote, “There were more ribs in Adam, and hands that knew no weariness in God; but not more wives in the eye of God. And accordingly the man of God, Adam, and the woman of God, Eve, discharging mutually (the duties of) one marriage, sanctioned for mankind a type by (the considerations of) the authoritative precedent of their origin and the primal will of God. Finally, ‘there shall be,’ said He, ‘two in one flesh,’ not three nor four. On any other hypothesis, there would no longer be ‘one flesh,’ nor ‘two (joined) into one flesh’” (5).

H. Levirate Marriage.

- 1. Under Mosaic Law, levirate marriage was commanded (Deut. 25:5-10), a brother was expected to take the childless wife of his deceased brother to raise up children, or follow a procedure to release her.
 - a. In the event that the brother was already married, this would mandate polygamy.

¹ For a breakdown of the manuscript witnesses to the text of Genesis see my Introduction in the 2018 Truth Lectures book, *In the Beginning: Studies in Genesis*, Athens, AL: Truth Publications, 2018, 8-15.

² The use of *zenût* in this text is significant, in light of the argument discussed above that it should correspond to the Greek *porneia*, to limit its meaning to only incestuous unions forbidden by Mosaic Law. Clearly, in this text it is not limited in this way.

2. Under Christ, this is not restated—and in the event that a brother is already married would be precluded by the “two shall become one flesh” definition of marriage asserted by Jesus (Matt. 19:5; Mark 10:8).
- I. *Divorce and false accusation.*
 1. Under the Law of Moses, one who made a false accusation of premarital fornication could never divorce his wife (Deut. 22:19).
 2. This is not restated under Christ.
 - J. *Divorce and sexual assault of an unbetrothed virgin.*
 1. Under the Law of Moses, one who lay with an unbetrothed virgin had to marry her and could never divorce her (Deut. 22:29).
 2. This is not restated under Christ.
 - K. *Eunuchs.*
 1. Under Mosaic Law, a eunuch could not offer sacrifices or enter the assembly of the Lord (Lev. 21:17-23; Deut. 23:1).
 2. Under Christ, eunuchs physically or “for the kingdom of heaven”) are no longer excluded (cf. Isa. 56:3-5; Acts 8:26-39).

III. “One Covenant” Theories

In spite of these clear distinctions between Mosaic Law and Christ’s Law on marriage, divorce, and remarriage, some have argued that Jesus was simply, “A Jew teaching Jews how to be good Jews” (Haverstock). While this has taken different forms, the gist of these arguments is as follows:

- A. Summary.
 1. From Adam to Christ a consistent universal moral law has been in place (Rom. 5:12-14).
 - a. Some speak of this as an oral revelation, while others speak of it as “instinctual” (Rom. 2:14-15).
 - b. Some believe this extends to the present in the moral principles taught in the Gospel.
 2. Mosaic Law prohibited divorce except for fornication (Deut. 24:1-4).
 - a. Advocates equate “some uncleanness” with adultery, arguing that all divorce under Mosaic Law was sin.
 3. Although there were unique “ceremonial laws,” the moral teachings were the same as the universal moral law in place from the beginning.
 4. In the Gospels, Jesus is commenting on the Jews’ faulty interpretation of Mosaic Law (Matt. 19:1-9).
 - a. He was not laying down new law, but reinforcing Mosaic Law, which they argue conformed to universal moral law.
 - b. “Hardness of your hearts” referred to unwillingness to forgive a woman who committed adultery, not hardness toward God or towards marriage in general (Deut. 22:13-19).
 5. Properly, the fullness of gospel teaching on MDR is found in 1 Corinthians 7.
 - a. It is not new, but rather reinforces universal moral law (which has been in place from the beginning).
 - b. Advocates argue that, while it is always sin to divorce (1 Cor. 7:10-11), Paul’s teaching that, “It is better to marry than to burn” (1 Cor. 7:9), allows marriage under any circumstances.
 - c. Paul’s teaching “Let each one remain in the calling in which he was called” (1 Cor. 7:20), allows one to stay in any marriage regardless of the circumstances.
 6. Since Paul taught that forbidding marriage is among “doctrines of demons” (1 Tim. 4:1-3), and Mosaic Law considered reconciliation to a first husband an “abomination before the LORD” (Deut. 24:4), those of us who teach that one must be reconciled to a first mate, and is not free to remarry are actually teaching a doctrine of demons which is an abomination before God.
- B. Influence among Brethren.
 1. Fortunately, this doctrine has not had widespread impact.

- a. Primarily, it flourished in the northwest under the teaching of Lowell Williams, Larry Haverstock, and Jim Puterbaugh.
 - i. Brother Puterbaugh also had some influence in Florida, but his teaching in the Philippines, caused the most turmoil.
 - b. Western author, Stanley W. Paher, the owner and operator of Nevada Publications (who assumed the publication of many of Homer Hailey's books), devoted three books to his version of this doctrine, advocating the position that one "eternal covenant" has existed from the beginning.
 - i. Although Paher devotes little time to specifically addressing MDR, his work led to the identification of this as the "One Covenant Doctrine."
 - ii. This should not be confused with "Covenant Theology," a denominational theology that interprets biblical history in terms of different covenants. Covenant Theology has been widely embraced within Reformed Orthodox circles, and stands in contrast to dispensationalism.
 - iii. Not all advocates of these theories speak of "one covenant," but generally reach the same conclusions on "universal moral law" and MDR.
2. Among brethren who have devoted considerable effort to countering these views are Frank Jamerson and Jim McDonald (see Select Bibliography).

IV. Answers to Their Arguments

Let's offer some brief answers to the key arguments made by proponents of these doctrines.

A. Universal Moral Law.

- 1. There has always been law that has governed man's behavior (Rom. 5:12-14).
 - a. Otherwise there could not be sin—"sin is not imputed when there is no law" (Rom. 5:13)—"where there is no law there is no transgression" (Rom. 4:15).
 - i. We must reject the argument some Calvinists have made that Paul's statement that those from Adam to Moses "had not sinned according to the likeness of the transgression of Adam" (Rom. 5:14) means Adam's sin was imputed to them even though they had no law.
 - ii. The issue is, what was the nature of this law.
 - b. After eating from the "tree of the knowledge of good and evil" man gained a sense of moral consciousness (Gen. 3:22).
 - i. Yet this did not impart an instinctual understanding of God's will—"O LORD, I know the way of man is not in himself; It is not in man who walks to direct his own steps" (Jer. 10:23).
 - ii. Human beings must be taught to "to refuse the evil and choose the good" (Isa. 7:15-16).
 - iii. This moral education comes through revelation—"Where there is no revelation, the people cast off restraint; but happy is he who keeps the law" (Prov. 29:18).
- 2. Paul's teaching on the world's accountability before God (Rom. 1:18-32).
 - a. God has "shown (*phaneroō*)"—"to make manifest or visible or known what has been hidden or unknown, to manifest, whether by words, or deeds, or in any other way" (Thayer)—to the world what may be known of God (Rom. 1:19).
 - i. This includes knowledge of "His eternal power and Godhead" from the "things that are made" (Rom. 1:20).
 - ii. But also things by which it could be said that they "knew God" (Rom. 1:21), yet "changed the glory of the incorruptible God into an image made like corruptible man—and birds and four-footed animals and creeping things" (Rom. 1:23). Nature alone would not reveal this.
 - iii. They, "exchanged the truth of God for the lie" (Rom. 1:25). This infers revelation. Jesus said, "your word is truth" (John 17:17).
 - b. They chose not, "to retain God in their knowledge" (Rom. 1:28).

- i. Yet they were said to know “the righteous judgment of God, that those who practice such things are deserving of death” (Rom. 1:32).
- ii. Neither nature nor instinct can teach one that sinful practices make one deserving of death.
- c. Clearly, God spoke to those in the past about His will, yet mankind chose to reject this knowledge.
 - ii. Interestingly, among the earliest law codes known to history the Code of Ur-Nammu (ca. 2100–2050 BC) and the Code of Hammurabi (ca. 1754 BC) both attribute their origin to gods.
 - iii. This likely reflects a cultural memory and perversion of the reality that God “at various times and in various ways spoke in time past to the fathers by the prophets” (Heb. 1:1).



Relief from the Code of Hammurabi showing the god Shamash giving law to Hammurabi

B. Marriage Law.

1. The contention of advocates of this position is that God’s moral laws have remained the same. While some basic principles have been common throughout all periods of biblical history, “moral” concepts pertaining to MDR (and other things) have clearly changed during different periods.
 - a. This side of the cross, all morality is determined by the teaching of Christ (John 12:47-48). There is no separate moral law to which the world is accountable prior to baptism.
2. If divorce was always considered sinful, God commanded sin.
 - a. Abraham was to “cast out” Hagar—the first recorded divorce in Scripture (Gen. 21:10-13; Gal. 4:30).
 - i. Sarah requested this (Gen. 21:10), but God commanded Abraham to do as she requested (Gen. 21:12).
 - ii. There was no fornication or “uncleanness,” but they were divorced (for all intents and purposes) and God commanded it. It was not sin.
 - b. As noted above, the man who diminished the food, clothing, and marital rights of an Israelite servant girl after taking another wife was to free her with no finding of “uncleanness” (Exod. 21:11).
 - i. This proves not only that the Law of Christ and Mosaic Law were different, but it disproves the argument that “fornication” (Matt. 19:9) and “uncleanness” (Deut. 24:1) should be equated as the sole cause of divorce in all ages.
 - c. In the time of Ezra the Israelites who had taken unlawful pagan wives were commanded by an inspired prophet of God to “put away” their wives (Ezra 9-10).
 - i. Mosaic Law prohibited intermarriage with non-Israelites (Deut. 7:3-4).
 - ii. To repent of this sin they had to end this marriage relationship. Was God through Ezra commanding sin? No. Was Ezra teaching “doctrines of demons”? No. To end an unlawful marriage is not sin.
 - ii. Unlike Mosaic Law, in Christ marriage to one out of covenant with God does not require divorce (cf. 1 Cor. 7:12-15).
3. Marriage laws “from the beginning.”
 - a. The specific laws regulating marriage during the Patriarchal period have not been revealed.
 - i. Premarital sex was “a disgraceful thing” which “ought not to be done” (Gen. 34:7).
 - ii. Adultery was “great wickedness, and sin against God” (Gen. 39:9).
 - iii. But polygamy and concubinage was not described in the same way, even though Sarah described her giving Hagar to Abraham as a “wrong” (Gen. 16:5) and the first example of polygamy was in the wicked lineage of Cain (Gen. 4:19).

- b. Based upon Jesus’s words in Matthew 19:8, it seems that the standard imposed under Christ restores the original design intended at creation.
 - i. While Mosaic Law offered controlled provisions for divorce (and polygamy) this should not be misunderstood as God’s blanket approval of these practices.
 - ii. As noted above, careful examination of Mosaic Law on these laws reveals protections and restrictions that would serve to curb abuses and protect women against the results of their unrestricted practice.
 - c. To argue that there has been no change in laws pertaining to MDR requires a superficial investigation of the specific ordinances revealed under Moses and Christ and ignoring the clear differences that can be seen between these bodies of law.
4. “What God has joined together.”
- a. Jesus taught, “what God has joined together, let not man separate” (Matt. 19:6b; Mark 10:9).
 - i. This reaffirms that in lawful marriage, God acts as “witness” to the “covenant” (Mal. 2:14) made between a man and a woman in order to “make them one” (Mal. 2:15).
 - ii. Unlawful marriages are actual covenants—it is not that “God doesn’t recognize them!”—He sees them, but never *joins together* or *makes one* those in unlawful marriages.
 - b. This doctrine fails adequately to consider the significance of Christ’s statement, “what God has joined together, let not man separate.”
 - i. If God has not “joined” two together, it is not “forbidding marriage” to move those in such relationships to end their marriage covenant in repentance.
 - ii. This is clear from the account in Ezra. Yes, “the LORD God of Israel... hates divorce” (Mal. 2:16), but repentance demanded that those in unlawful marriages “make confession to the LORD God of your fathers, and do His will; separate yourselves from the peoples of the land, and from the pagan wives” (Ezra 10:11).
 - iii. This is clear from John’s rebuke of Herod. In his unlawful marriage to Herodias, he could not simply feel remorse and stay in his relationship with her. John died because he said, “it is not lawful for you to have her” (Matt. 14:4).
- C. New Law.
- 1. Jesus was prophesied to be a “lawgiver” (Gen. 49:10).
 - a. The New Covenant was foretold to proclaim “laws” written on the heart (Jer. 31:33; Heb. 8:10).
 - 2. Mosaic Law, not merely the debt of sin, ended at the cross (Col. 2:14; 2 Cor. 3:7-8; Rom. 10:4).
 - a. Israel was commanded to “hear” the promised messianic Prophet like Moses (Deut. 18:15).
 - i. In Jesus’s teaching, when discussing Mosaic Laws (or even misunderstandings of it), His pronouncement “But I say to you” (Matt. 5:22, 28, 32, 34, 44, et. al.), asserted something distinct.
 - ii. No, Jesus was not yet teaching Christians because His sacrifice on the cross had not yet been made, but He was teaching “the kingdom”—“And Jesus went about all Galilee, teaching in their synagogues, preaching the gospel of the kingdom” (Matt. 4:23). This involved teaching about its nature, laws, and terms of citizenship.
 - b. Part of the error of the Judaizing teachers was teaching disciples to “keep the Law of Moses” (Acts 15:5).
 - i. If there is only one law why would this be wrong?
 - ii. If there was no new Law, Christ could not be High Priest (Heb. 7:12).
 - 3. Clearly, Jesus brought a new standard of law to which all are now accountable (1 Cor. 9:21).
 - 4. “Moral” vs. “ceremonial” laws.
 - a. All periods of Divine law have possessed precepts that concerned both moral and ceremonial significance.
 - i. This doctrine demands that we consider moral laws as constant and unchangeable, but “ceremonial” laws as changeable.

- ii. To draw distinctions between “moral” and “ceremonial” laws is an artificial distinction that cannot be sustained from Scripture.
 - b. God expects obedience to all aspects of His word whatever the time or terms required.
 - i. Moses and Jesus affirmed, “man lives by every word that proceeds from the mouth of the LORD” (Deut. 8:3; cf. Matt. 4:4).
 - ii. The Israelites were told, “Every commandment which I command you today you must be careful to observe” (Deut. 8:1a).
 - c. The same God who commands baptism and the Lord’s Supper also commands the terms of MDR.
 - i. Mosaic and Patriarchal Law did not teach baptism and the Lord’s Supper nor were its terms regarding MDR the same as the Law of Christ.
 - ii. This does not make God a “respector of persons,” as proponents of this doctrine charge.
 - iii. It merely reflects the fact that God, “at various times and in various ways spoke in time past to the fathers by the prophets” (Heb. 1:1).
- D. The Force of 1 Corinthians 7:1-40.
 - 1. These doctrines rely on an odd line of argumentation that argues simultaneously that 1 Corinthians 7 properly represents the primary teaching to Christians on MDR (whereas Jesus’s teaching in the Gospels was to Jews concerning Mosaic Law), yet it is actually the same “moral law” that governed the Patriarchal and Mosaic periods.
 - a. If this was true, why would its proponents need to argue that Jesus was only commenting on Mosaic Law? If Patriarchal Law = Mosaic Law = the Law of Christ on MDR wouldn’t they all apply equally to any audience?
 - 2. As we have already seen, 1 Corinthians 7:1-40 teach principles that are irreconcilable with Mosaic Law. For example:
 - a. Unqualified encouragement to post-divorce reconciliation (1 Cor. 7:11; cf. Deut. 24:1-4).
 - b. Sustained marriage to an unbeliever (1 Cor. 7:12-15; cf. Deut. 7:3-4).
 - c. A life-long bond to a husband (1 Cor. 7:39; cf. Deut. 24:1-4; Rom. 7:1-3).
 - d. Therefore, we cannot conclude that it represents the same standard required under the Mosaic period.
 - 3. Paul’s teachings were Christ’s teachings.
 - a. Near the end of Paul’s discussion of spiritual gifts spanning 1 Corinthians 12-14, Paul affirmed, “If anyone thinks himself to be a prophet or spiritual, let him acknowledge that the things which I write to you are the commandments of the Lord” (1 Cor. 14:37).
 - i. This makes it clear that he was not distinguishing his doctrine from that of Christ.
 - ii. Jesus had promised that the Holy Spirit would reveal to the apostles things He could not address while on earth (John 16:12-15).
 - iii. Because of this, the “apostles’ doctrine” (Acts 2:42) and “doctrine of Christ” (2 John 9) are one and the same, yet both are distinguished from Mosaic Law (Acts 13:39; John 1:17).
 - b. 1 Corinthians 7:1-40 must be understood as a fuller explanation of Jesus’s teaching while on earth and inspired revelation of the Law of Christ on MDR.
 - i. The issues discussed in the “not I but the Lord” section (1 Cor. 7:10-11) address the ramifications of Jesus’s teaching in the Gospels for the married.
 - ii. The issues discussed in the “I, not the Lord” section (1 Cor. 7:12-40) deal with issues not specifically addressed by Jesus while on earth, including: marriage to unbelievers (7:12-24), marriage during times of “distress” (7:25-38), and widows (7:39-40).
 - iii. All of Jesus’s teachings in the Gospels must be considered equally with what is taught in 1 Corinthians 7:1-40 to fully understand Gospel teaching on MDR.
 - 4. “It is better to marry than to burn” and “remain in the calling in which he was called.”
 - a. Proponents of these doctrines emphasize these two statements from 7:9 and 7:20 arguing that they allow one to remain in (or seek) marriage regardless of their prior marital conditions.

- i. In this conclusion, they must disregard the immediate context of both statements and Jesus’s prior teaching on MDR.
- b. The first statement—“it is better to marry than to burn” (7:9)—comes in Paul’s discussion of the sexual responsibilities within marriage (7:1-5), but his personal wish that his readers could abstain from marriage as he did (7:6-8).
 - i. He returns to a similar point in 7:36-37 concerning virgins.
 - ii. He is not saying any marriage is better than burning with passion—he is discussing those who are free to marry.
- c. The second statement—“let each one remain in the calling in which he was called” (7:20)—comes in Paul’s revelation of the Lord’s will concerning marriage to unbelievers (7:12-24).
 - i. He has just taught the man and woman married to an unbeliever, “let him not divorce her” (7:12)—“let her not divorce him” (7:13). This was a significant difference from Mosaic Law.
 - ii. He illustrates the force of this by comparing it to other conditions that might be unfavorable but not sinful before God: being circumcised or uncircumcised (7:18-19) and a slave or free (7:21-23). In the same way, one does not sin to remain in a marriage to an unbeliever.
 - iii. Paul does not say that one can remain in a marriage defined elsewhere as sinful and be right with God. He is discussing things that are not sinful before God.
- d. If their argument is correct, on what basis could we oppose homosexual marriage or require one to end such a marriage? Could they not “remain in the calling” in which they are called?
 - i. Proponents of this doctrine would argue that homosexual marriage is a condition that has never been approved by God.
 - ii. We would agree, however, we would have to look elsewhere in Scripture (outside of 1 Corinthians 7) to determine that homosexual marriage is unlawful.
 - iii. If they concede that other Scriptures must define what marriages are lawful and unlawful, how can we not recognize Jesus’s teaching in the Gospels as also defining what marriages are lawful and unlawful?

Conclusion

Distinctions and contrasts between the teachings of Christ and Mosaic Law make it clear that Jesus used occasions when discussing Mosaic Law to articulate the terms of His own doctrine. Efforts to equate the two must ignore irreconcilable differences, or create arbitrary categories of “ceremonial” versus “moral” laws not distinguished in Scripture. Sadly, the application of these theories to marriage, divorce, and remarriage serves to confuse the minds of those studying these issues, leads those in conditions the Lord defined as sinful to remain in sin, and stigmatizes the efforts of those who expose their error as teaching “doctrines of demons.” May we be ever diligent to oppose this false doctrine and call all unto obedience to the “grace of God that brings salvation” (Titus 2:11).

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