

III. DIVORCE

THE BIBLICAL THEOLOGY OF DIVORCE

I. MARRIAGE IN THE OLD TESTAMENT

Oddly enough, it is easier to speak of a theology of divorce in the OT than of a theology of marriage. Marriage in Israel, it appears to be generally agreed, was experienced as a secular reality which directly had very little to do with religion; it has been Father Eduard Schillebeeckx's recent contribution to call to our attention how much the NT and early Christianity shared this conception they inherited from Judaism.¹ Divorce, however, along with various of the positive facts and realities associated with marriage—family, inheritance, and the like—did have in different degrees and ways both moral and religious implications.

Despite some obvious initial indications to the contrary, it is probably safe to say that throughout most of the OT period there was an ideal in Israel of permanent, monogamous marriage. This ideal seems to be presupposed in such intertestamental literatures as Tob 7,12; 8, 6-8 (where the Genesis story of creation serves as a precedent as it does later in Jesus' teaching), but by no means only in this late literature. The wisdom writers, who are often better witnesses to Israel's everyday life—at least as led by its more thoughtful members—than are either its jurists or its prophets who are alternately prone to minimal demands or maximal exhortations, from first to last through a lit-

¹ Cf. E. Schillebeeckx, O.P., *Marriage: Human Reality and Saving Mystery* (tr. N. D. Smith; New York: Sheed & Ward, 1965). In my view, however, his treatment (pp. 14-16) of Israel's rejection of a fertility cult is irrelevant to his theme. "Ritual marriage" is a euphemism for practice that had nothing to do with marriage but which was much concerned with sex. Marriage in Babylonia was every bit as "secular" as it was in Israel. Israel's perforce renunciation of the fertility myth and its connected sexual rites did contribute to its preservation from the sex-mystique that has affected so many other cultures ancient and modern. Recognition of *this* fact might have saved us from some of the bizarre interpretations of Eph 5,32 with which we have occasionally been afflicted in recent times—supposing the author's concept of the sexual relation to be that of the OT.

erary history that embraces most of Israel testify generally to the same ideal: "the tone of the Wisdom Books is monogamous throughout."² Neither is it evident that the very ancient Yahwistic history of the origins of man and woman cited by Jesus and the Book of Tobit (i. e., Gn 2,18.23f.) did not from the outset propose monogamy as primordial to man in his creation.³ In the name of Genesis also the Jews of the so-called Damascus Document condemned polygamy sometime in the first or second pre-Christian century.⁴

² Joseph W. Gaspar, M.S.C., *Social Ideas in the Wisdom Literature of the Old Testament* (Washington: Catholic University of America Press, 1947) 5. Monogamy appears to be supposed as the normal rule of life in the earliest as well as the latest of the wisdom collections in Prv: cf. 12,4; 18,22; 19,13; 21,9—these are "proverbs of Solomon" (1)

³ Since the classic commentary of Hermann Gunkel, *Genesis* (Göttingen: Vandenhoeck & Ruprecht, ⁵1922, ⁶1964), this proposition has been more often denied than affirmed. Gunkel (p. 13) defined the story (correctly) as an etiological myth whose purpose was to explain the sex drive; he then concluded that the biblical text has nothing to do with marriage, monogamous or otherwise. (At the same time, he noted its possible relevance to marriage customs that had been superseded by those of Israel's law.) Here Gunkel probably evinces the proclivity of early form-criticism to ignore or to minimise *Redaktionsgeschichte*, that is, the new significance acquired by traditional material through the use to which it has been put. See the remarks of Brevard Childs, *Myth and Reality in the Old Testament* (Studies in Biblical Theology 27; Naperville: Allenson, 1960) 94-96. The Yahwist (to say nothing of the final redactor of Genesis) was hardly unaware of the implications involved in representing man in his paradisaical condition as monogamous while—following on the curse of 3,16—polygamy is first noted in connection with the wild Bedawin Lamech (Gn 4,19.23f.; note also, perhaps, the J story in Gn 6,2f.). Cf. Roland de Vaux, O.P., *Ancient Israel: Its Life and Institutions* (tr. John McHugh; New York: McGraw-Hill, 1961) 24-26. So also Hellmuth Frey, *Das Buch der Anfänge* (Die Botschaft des Alten Testaments 1; Stuttgart: Calwer Verlag, ⁵1953) 38-41, 51f., 87f. If the original of Gn 2,23a read (with SP, LXX, T^o) *mē'išāh*, i.e., "her man, husband," as the assonance with *'iššā* might suggest, a reference to marriage would perhaps be more obvious. At the very least, the relation of man to woman is set here in a context of their equal responsibility before God. Cf. Walther Eichrodt, *Theologie des Alten Testaments* 2-3 (Stuttgart: Ehrenfried Klotz, ⁴1961), p. 81: "Die Beziehung von Mann und Frau wird auf den gleichen Boden gestellt wie die Beziehung von Mensch und Gott: Ihr Gegenüber als personhafte Wesen führt zu einem verantwortlichen Mit- und Füreinander, das aus dem Gegenüber zu Gott seine Kraft empfängt."

⁴ CD 4,20f.; 5,1-5. For the interpretation, see Chaim Rabin, *The Zadokite Documents* (Oxford: Clarendon Press, 1954) 17. Further on late Jewish thinking on monogamy, cf. Ethelbert Stauffer, *ThWNT* I, 646-649 (s.v. *gameō*, *gamos*).

Monogamy, however, was obviously never a theological preoccupation of the OT. The ideal of which we can speak was, rather, one of secular life, shared more or less consistently by Israel's neighbors in the Near East, by the peoples of Mesopotamia (the Assyrians possibly an exception) and Egypt.⁵ Monogamy was "natural" to man, at least to the average man, much as it is normal today to the average man even in societies where the law is more permissive, as in various of the Muslim states. A variety of secular values conspired to make it the norm, values like family stability and tranquillity, considerations of simple economics, the welfare and education of children, and the inheritance and transmission of property without the encumbrance of tangled bloodlines. It is even possible that some part was played in this by the physiology and psychology of woman, whose sexual awakening and fulfillment ideally require a monogamous pattern in a way that man's polygynous dispositions do not. While the likelihood of such an influence on the man's world of the OT might seem slim indeed, neither must it be dismissed out of hand. Woman's life and her concerns always had more to do with OT thinking than is acknowledged in its laws and formal writings; they embrace a factor that has never been adequately studied in considering the development of OT life and thought.

In any case, an ideal or quasi-ideal of monogamy did not prevent, in fact or in principle, the concomitant practice of polygamy. In the Book of Genesis the Patriarchs, whose family and marriage customs more or less closely conform with those of the contemporary Mesopotamia,⁶ are usually represented as having been moderate polygamists—with the notable exceptions of Isaac (Gn 24,67) and Joseph (Gn 41,45.50) who are apparently regarded as monogamous. Throughout the biblical period, as a matter of fact, polygamy is accepted without remark alike in Israel's laws and its history, though the average man

⁵ Cf. W. Kornfeld, *DBS* V, 905-926 (*s.v.* "Mariage"); I Mendelsohn, "The Family in the Ancient Near East," *BA* 11 (1948) 24-40. Mendelsohn doubtless relies too heavily on the bare word of the law for some of his interpretations, though he acknowledges this to be faulty methodology in assessing, for example, the state of woman in Israelite society.

⁶ Cf. Ignatius Hunt, O.S.B., *The World of the Patriarchs* (Backgrounds to to Bible Series; Englewood Cliffs: Prentice-Hall, 1967) 51-63.

more often than not continues to be shown as monogamous (cf. Gn 6,18f. [P]; 7.7f. [J]; Jgs 13,2-24; 2 Sm 3,15f.; 12,3.9; 2 Kgs 4,8f.; Ru 1,1-4; Jb 2,9f.; Tob 1,9; Ps 128,3; Prv 5,15-23; 31,10-31; Sir 26,1-18, etc.). It is not difficult to see why this should have been so. The considerations that worked for monogamy were not always equally operative and were never peremptory: if polygamy contributed to a divided household (cf. Gn 30, 1ff.), neither did it necessarily exclude true marital love and family fulfilment (cf. 1 Sm 1,1ff.).⁷ Without doubt polygamy in specific instances was often viewed as furthering the ends that under other circumstances would have preferably been served by monogamy.⁸ Furthermore, there is no discounting the example given by the harem, the prestige symbol of Oriental (and non-Oriental) princes, which by normal "democratization" came to be recognized as the right of any man who could afford the luxury; especially in later times, when monogamy had otherwise come to be all but an inflexible rule for the pious Jew, this precedent continued in its influence through imitation of the more free-and-easy marriage customs of the Hellenistic and Roman empires.⁹ It is obvious, therefore, that during the biblical period polygamy never came to be considered socially or morally reprehensible. Thus it is that, following Hosea, the Bible likes to represent Yahweh's covenant with Israel as a monogamous, permanent marriage; but just as naturally and as readily, prophets can portray Yahweh as a bigamist,

⁷ Peninnah was probably Elkanah's secondary wife, taken by him in view of Hannah's barrenness; this was the commonest situation leading to bigamy, polygamy, or the recourse to concubines, with or without the concurrence of the primary, legal wife. As in Mesopotamia, details of this kind were probably spelt out in the marriage contract, and thus the break with the monogamous ideal might not have been as abrupt as might seem. Concubines, of course, were not wives. Though in one sense they were women impersonally used, as slaves they doubtless often achieved through concubinage a preferred social standing to which otherwise they could not have aspired. Nor was the law wholly unmindful of their feelings and rights (cf. Ex 21,7-11; Dt 21,10-14).

⁸ The levirate provision of Dt 25,5-10, for example, would have been impossible without polygamy. However much this "law" (which evidently had no sanction other than public opinion) was ever operative in real life, is not certain: it has no parallel in other ancient Near Eastern lawcodes (the provision in the Hittite code [§ 193, cf. *ANET* 196] falls within a different frame of reference); Deuteronomy occasionally supports the practices of the (idealized) nomadic past.

⁹ Cf. J. Michl, *LTK* VII, 558f. (*s.v.* "Monogamie").

married to both (northern) Israel and Judah, to Samaria and Jerusalem (cf. Jer 3, 6-13; Ez 23).

II. DIVORCE IN THE OLD TESTAMENT

If polygamy was at best a compromise of the monogamous ideal however much it may have been capable of justification in particular instances, it does not seem that divorce was in principle ever recognized as compromising the ideal at all. Divorce was the means of rectifying mistakes, the second chance, when something had gone wrong, to guarantee the preservation of those values that had led to the establishment of marriage in the first place. It worked onesidedly, it is true, since only the husband could dissolve a marriage by divorce; however, probably at all times and in the majority of cases the aggrieved wife could through the influence of family or clan or other pressures force her offending husband to pronounce the words of divorce.¹⁰ Work, however, it did, after a fashion and up to a point. Divorce was the directed way of restoring religious purity (Ezr 9f.; cf. Neh 13,23-31) as well as domestic tranquillity (Sir 25,26). Because it presupposed some kind of defect (not necessarily moral) on the part of the divorcee, the Law of Holiness prescribed as "wives to the priesthood the divorced woman along with the harlot (Lv 21,7).¹¹ It would seem, too, that divorce came to be employed more and more as an encouragement to (female) sexual purity, as the text just mentioned itself might suggest. By the time of the Mishna it had become rabbinical opinion that a husband was obliged to divorce a wilfully adulterous wife.¹² Certainly the prophets who figure Israel as

¹⁰ If we may judge from the example of the more sophisticated Near Eastern lawcodes (cf. Hammurabi §§ 136-142, *ANET* 171f.) which provided, under various conditions, for alimony and even the equivalent of divorce at the wife's initiative; on a less formal basis Israel doubtless had similar customs to regulate its simpler and less stratified society.

¹¹ Or the idea may have been that the remarriage of a divorced woman, disapproved in principle though permitted in practice, was for this reason prohibited in respect to the priesthood, who in the Law of Holiness represent the "ideal" Israel. In much the same way, the Pharisees later tended to interpret the laws of priestly purity as obligatory for all Jews; this tendency Jesus resisted (cf. Mk 7,1-13 and parallel), but see note 27 below.

¹² Tractate *Soṭa* 5,1. The opinion (of Akiba) formulated in a midrashic commentary on Nm 5,22.24 is cited in Strack-Billerbeck, *Kommentar zum AT aus Talmud und Midrasch* I, 321: "As she (the woman guilty of adultery) is

Yahweh's bride likewise picture her as divorced for her faithlessness (Hos 2,4-15; Jer 3,1-5; Is 50,1).

This is not to say, of course, that divorce did not also become a serious abuse, inimical to the very ideals that it imperfectly upheld. Such cognizance as the religious law of the OT takes of divorce as an existing institution relatively unexamined in itself, it takes in order to discourage the hasty and indiscriminate use of divorce which custom made possible and which was evidently a chronic problem. The so-called divorce law of Dt 24,1-4 has as its point of legislative concern the "abomination" caused in Israel by a man's taking back as his wife a woman who after divorce has subsequently been the wife of another man (so also Jer 3,1 in evident dependence); therefore "her first husband who repudiated her may not take her back as his wife now that she has been difiled."¹³ What was the substantive cause of this "abomination" is not made clear,¹⁴ but it would seem to

forbidden [*P'āsārâ*] to her husband, so is she also forbidden to her paramour." *Testament of Reuben* 3,15 is also sometimes cited in this connection: when the angel of God had revealed to Jacob Reuben's incest with Bilhah (Gn 35,22), "he [Jacob] touched her no more." For the critical text cf. M. de Jonge, *Testamenta XII Patriarcharum* (Leiden: Brill, 1964) 3.

¹³ As most modern translations (CCD, JB, RSV, etc.) make clear, Dt 24,1-4 is phrased as a casuistic proposition, the apodosis of which is reached only in v. 4. The rest of the passage is protasis, not directly under discussion though presupposed by it. Therefore, divorce itself is not the issue, nor the reason for it in the husband's having found '*erwat dābār* in his wife ("something unseemly": the same expression in Dt 23,15), nor, finally, the fact that he must give his divorced wife a bill of divorce. However, these latter details are not irrelevant; they are rightly seen as reflecting Deuteronomy's enlightened attitude to divorce, since only a divorce that has been based on some cause and that has been rightly ratified in written form (the woman's protection against subsequent imputation of adultery) does Deuteronomy judge to be lawful.

¹⁴ It is certainly going too far to say with S. R. Driver, *Deuteronomy* (ICC; New York, Scribners, 1903) 272, that "the marriage of a divorced woman is thus treated implicitly as tantamount to adultery, and the way is prepared for the teaching of Christ on the subject of marriage" (quoting K. F. Keil). So also, without the Christian reference, Joseph Reider, *Deuteronomy* (Philadelphia: Jewish Publication Society, 1937) 222. This law is part of a collection taken over and adapted by D sometimes uncritically and usually without explanation, having its roots in ancient cultic practices; cf. Otto Eissfeldt, *The Old Testament: An Introduction* (tr. Peter R. Ackroyd; New York: Harper & Row, 1965) 224, and Gerhard von Rad, *Studies in Deuteronomy* (tr. David Stalker; Studies in Biblical Theology 9; London: SCM, 1953) 22, and *Deuteronomy* (tr. Dorothea Barton; Philadelphia: Westminster, 1966) 150. Though some notion of impropriety of the sexual order doubtless underlay the old provision

be evident enough that the Deuteronomic Code in transmitting this prohibition invokes an ancient taboo to justify further its complication of the divorce process. To some degree, therefore, Deuteronomy discourages divorce.¹⁵ This impression is strengthened when we compare the other laws of Dt 22,13-19 (inhibiting a man from divorcing a wife whose premarital virtue he has falsely called into question) and Dt 22,28f. (denying the right of divorce to the man who has raped a virgin whom he has subsequently married); these provisions, too, made some small attempt to redress the balances in a system of double standards by preventing the male institution of divorce from becoming an absolute. The other religious laws which mention divorce, in the Law of Holiness Lv 21,7.14 (cf. Ez 44, 22) and Lv 22, 13, and Nm 30,10 in the Priestly Code, do so only in passing and without comment.

If we may judge from the rabbinical debates reflected in the NT and the Mishna, the later pre-Christian Judaism divided, in theory and in practice, over the question of divorce, following both the opposed tendencies to make it easier and to make it more difficult. Ben Sira continued the wisdom tradition by warning against hasty divorce (Sir 7,26); and he also leaves us in doubt that divorce was far too common for his liking (Sir 42,9). The Damascus Document required its covenanters to seek the permission of the *m^ebaqqēr* (overseer, bishop) of the community before giving the bill of divorce to their

(cf. the parallel in Dt 22,5), it was not precisely adultery nor was it even necessarily of a moral nature. There is no hint of the Deuteronomist's disapproval of the woman's second marriage either as it would affect herself (for which purpose, indeed, she had received her bill of divorce) or her second husband.

¹⁵ To discourage, obviously, is not to prohibit or to declare immoral. Pierre Buis/Jacques Leclercq, C.S.Sp., in *Le Deutéronome* (Sources Bibliques; Paris: Gabalda, 1963) 159, draw a fine parallel between the "defiled" divorce and the "defiled" adulteress. But what is "defiled" (*tāmē'*) need be only ritually prohibited, and in fact the term is used more often in this sense than not. The *hothpa'al* in this verse is a *hapax*, but elsewhere in the Bible the *hithpa'el* almost invariably denotes ritual contamination. Despite the objections of contemporary authors, the opinion seems best that finds the "abomination" of this law in the contrary practices of the heathen (contrary and contradictory usages appear to have been preserved, for example, in the Qur'an, *sura ii*, 225-235). Cf. Albert Clamer, *Le Deutéronome* (La Sainte Bible 2; Paris: Letouzey & Ané, 1946) 664, referring to Steuernagel and König.

wives.¹⁶ But at no time, whether the conditions of divorce were construed to be light or difficult and no matter how much the practice was discouraged, does it ever appear that it was attacked in principle, as *per se* opposed to the moral will of Israel's God. It has often been thought that such a moral conclusion was, indeed, reached by the anonymous prophet of Mal 2,10-16. However, this traditional understanding of "the most difficult section of the Book of Malachi"¹⁷ is far from certain. Even if it were, in context the Lord's "I hate divorce"¹⁸ would be directed not against divorce as such, but against the repudiation of aging Hebrew wives in favor of younger foreign brides, therefore an existentially conditioned and qualified condemnation parallel to the pre-exilic prophets' blanket denunciation of Israel's cult of Yahweh. But in any case, it seems to be far more in keeping with the spirit and context of the prophetic text to see Mal 2,10-16 as a further condemnation of cultic crime: "the wife of your youth" is "the covenant of our fathers" (v. 10), and Judah's new marriage with a woman of alien religion is the profanation of the Lord's temple (v. 11). This is the divorce that Yahweh hates.¹⁹ Thus it would seem to be illusory to expect to find even here any real anticipation of the teaching of Jesus and the early Christian Church.

III. MARRIAGE AND DIVORCE IN THE NEW TESTAMENT

Here it is fortunately not our task to comment in detail on the positive theological teaching of the NT concerning marriage. Suffice it for our purposes to summarize this teaching as the conviction, based

¹⁶ CD 13,17f.

¹⁷ J. M. Powis Smith, *The Book of Malachi* (ICC; New York: Scribners, 1912) 47. The textual and literary problems are discussed in detail, pp. 57-60. See also A. Deissler, *Malachie* (La Sainte Bible 8; Paris: Letouzey & Ané, 1964) 644-651. Both follow the "traditional" interpretation, Deissler with the revival of the view that v. 11f. (+ 13a) are a cultic interpolation.

¹⁸ So CCD, JB, RSV, and generally (though neither Smith nor Deissler), by conjecture from the faulty Hebrew text of v. 16.

¹⁹ This interpretation, proposed by C. C. Torrey in 1898, recently has been ably supported by Abel Isaksson, *Marriage and Ministry in the New Temple. A Study with Special Reference to Mt. 19.13-12 [read 3-12] and 1. Cor. 11.3-16* (tr. N. Tomkinson; Acta Seminarii Neotestamentici Upsaliensis 24; Lund: Gleerup, 1965) 27-34. It must be admitted that in the pursuit of its analogy Mal 2,15 makes a use of Gn 2,24 (also, perhaps, Gn 1,28) not unlike that of Jesus, and that the text does therefore manifest some thinking on the nature of marriage and its purposes, however much it has been developed for this specific application.

on Jesus' own words and on the experience of the Christian community, that through the Christ-event marriage has assumed a new dignity and meaning and that in keeping with it has new obligations or, perhaps, a clearer vision of its old obligations.²⁰ It is important to bear in mind this Christian dimension as we consider the attitude of the NT toward divorce, for it is exclusively within this dimension and not in the abstract that the NT has a word to say on marriage.

Paul and the Synoptic Gospels testify to a *logion* of Jesus by which the ancient Israelite marriage ideal was declared as a positive norm for Christian life, and by which the recourse to divorce was not merely inhibited but rejected in principle. In the Gospel the *logion* takes two forms, corresponding to the two basic sources of the Synoptics: one Marcan (Mk 10,11f.; Mt 19,9), the other that of Q (Mt 5,32; Lk 16,18). In 1 Cor 7, 10f. Paul cites the teaching of the Lord but formulates it in his own words, so that it is impossible to determine in which, if either, of the Gospel forms he knew it.²¹ Within the Gospel forms, even apart from the exceptive clauses in the two Matthean versions, development over against a presumed *ipsissimum dictum* is doubtless present in each case,²² but there can be no doubt that all our sources conspire to the conviction that Jesus pronounced

²⁰ Schillebeeckx, *op. cit.* 194, correctly defines the NT concept of marriage as "a secular reality which has entered salvation." Marriage remains, obviously, what it always was: in this sense there is no "Christian marriage" distinct from any other. But marriage means something for Christians that it cannot to others.

²¹ Jean Héring, *La première épître de Saint Paul aux Corinthiens* (Commentaire du NT 7; Neuchâtel: Delachaux & Niestlé, 1949) 52f., believes that Paul may have known the *logion* in the form of Mt 5,31f. (possibly from a version of the Sermon on the Mount that preceded the composition of the Gospel), basing his argument on the fact that neither Paul nor Mt 5,31f. makes specific reference to the remarriage of a divorced husband. The suggestion is not very convincing, and Héring does not press it.

²² It is usually argued that the Q form (Lk 16,18; Mt 5,32) is more primitive than the Marcan (Mk 10,11f., abbreviated by Mt 19,9). However, it is felt that Mt 5,32 has already added to the primitive *logion* by making the husband guilty of his wife's adultery merely by divorcing her, while on the other hand Mark and Luke may have explicated in the same direction by adding the condition of subsequent remarriage. Mk 10,12 may also be conceived as an adaptation to non-Jewish marriage customs. Cf. Rudolf Bultmann, *The History of the Synoptic Tradition* (tr. John Marsh; Oxford: Blackwell, 1963) 132, 148. For a somewhat different analysis, cf. Georg Strecker, *Der Weg der Gerechtigkeit. Untersuchung zur Theologie des Matthäus* (Göttingen: Vandenhoeck & Ruprecht, 1962) 130-132.

on divorce at least on occasion, equating it in some fashion with adultery.

While as we have seen this teaching is not without some authentic OT roots, we have also seen that it was without precedent either in the OT or in (other) contemporary Judaism. Judaism, normative and sectarian, debated over the grounds of divorce, sometimes doing its moderate best to discourage it and often mitigating the ancient inequality which it had decreed for woman. It may even be true that through the discipline of the school of Shammai divorce could be constituted a practical impossibility for those (doubtless few) who chose to be governed by the legal rigorism of this school. But as far as we know, far from producing any pronouncement that is the equivalent of Jesus', contemporary Judaism had never even contemplated its theoretical possibility.²³ For this reason, it is important to assess the historical context in which the words of Jesus have been set by two of our Gospels.

The Q form of the *logion* can evidently be of no help to us in this investigation. This source having provided the evangelists with no narrative context, Matthew and Luke have gone their separate ways in making use of the saying, Matthew incorporating it into his Sermon on the Mount, Luke into his "greater insertion" into the Marcan structure (though it is perhaps not without significance that in both instances a contrast of the teaching of Jesus with that of Pharisaical Judaism lies near the surface). The Marcan form of the *logion* paralleled by Matthew, on the other hand, is found tied to a conflict-story in which Jesus is shown in controversy with Pharisees over the grounds for divorce and in which, interpreting Gn 1,27; 2,24, he pronounces against it definitively with *another* saying: "Thus they are no longer two but one flesh; what God, then, has united let not man put apart." A common critical view, dependent on the generally acceptable premise of the priority of the Second Gospel, has

²³ Cf. Strack-Billerbeck, I, 319f.: "... wird man sagen dürfen, dass es in der mischnischen Periode keine Ehe im jüdischen Volk gegeben hat, die nicht kurzerhand vom Manne in völlig legaler Weise durch Aushändigung eines Scheidebriefes hätte gelöst werden können"; and references pp. 312-321. See also Asher Finkel, *The Pharisees and the Teacher of Nazareth* (Arbeiten zur Geschichte des Spätjudentums und Urchristentums 4; Leiden: Brill, 1964) 161, 164f.

it that to this first story (Mk 10,2-9) Mark has joined our *logion* of v. 11f. by the artificial transition of v. 10: "Back in the house his disciples questioned him again on this subject." Matthew, in turn, would then have recast the resultant complex in Mt 19,3-12, in the process modifying the direction of the story and adding to it, chiefly by the insertion of the exceptive clause which he has also inserted into the *logion* at Mt 5,32.²⁴ Thus in this instance to the key-*logion* on remarriage after divorce would originally have been without narrative context.

This view, as far as the composition of Mark's Gospel is concerned, appears to be unassailable. By the same token, it is hard to avoid the impression that Matthew has modelled his account on that of Mark and improved on it. But it is also hard to leave the matter there. Even if Mk 10,11f. (and therefore ultimately Mt 19,9) was originally in the Marcan sources an isolated *logion* like the Mt 5,32 - Lk 16, 18 of Q, something very like the story of Mk 10, 2-9 must have provided it with a *raison d'être*: either out of knowledge or out of a sense of the appropriate Mark has put the two together.²⁵ Yet neither the story as Mark tells it (a question over the licitness of divorce in principle) nor the *logion* as he has formulated it (envisaging the possibility of a woman's divorcing her husband) fits into the Palestinian scene presupposed in the life of Jesus and the conflict-stories of the Gospels.²⁶ But on the contrary, Matthew's version of

²⁴ See, for example, Bultmann, *op. cit.* 26f.; Strecker, *loc. cit.*

²⁵ Assuming, of course, as most would agree we may, that Mark's narrative sources as well as his *logia* were not universally made to order by the primitive Christianity for which he wrote, and that on his part and its part there was both a serious intent and the possibility of realizing the intent, of situating both narrative and *logia* in a genuinely historical record of Jesus. See on this T. W. Manson, "The Life of Jesus: Some Tendencies in Present-Day Research," *The Background of the New Testament and Its Eschatology* (eds. W. D. Davies and D. Daube; Cambridge University Press, 1955) 211-221; and, from a position more sympathetic to the form-critical problematic, Ernst Käsemann, "The Problem of the Historical Jesus" (1954), *Essays on NT Themes* (tr. W. J. Montague; Studies in Biblical Theology 41; Naperville: Allenson, 1964) 15-47.

²⁶ Vincent Taylor, *The Gospel According to St. Mark* (London: Macmillan, 1953) 417-420, arguing for the historicity of the Marcan version of the story, is brought to adopt at Mk 10,12 the critically unlikely reading chiefly represented by Codex Bezae: "if a woman depart from her husband and marry another. . ." He cites Wellhausen's apposite comment: "*Nur so kann Mc geschrieben haben*"; but precisely so, this is undoubtedly a scribal *lectio facillior*

the passage does fit admirably into this scene. If it is conceded that Matthew drew on an additional source in revising the Marcan account,²⁷ and if, as seems incontestable, the revision has restored historical likelihood to that account, it is surely not unreasonable to presume that Matthew's corrective source derived from a more primitive form of the tradition on which Mark depended.

If such was, indeed, the background of Jesus' pronouncement(s) on divorce, we find here a situation that is elsewhere verified in the conflict-stories of the Gospels (for example, Mk 2,23-28; 7,1-13 [plus the sequel in vv. 14-23] and the parallels): when interrogated or tested concerning a point of legal interpretation, Jesus responds by instead radicalizing the moral intent and purpose of the law, which law itself—any law—can by definition only imperfectly approximate. This radicalizing, proclaimed with serene confidence in a divine authority, is one of the most authentic expressions of Jesus the Prophet of the Kingdom of God.²⁸ In this prophetic character of

devised to respond to the historical difficulty. Its existence argues against Strecker's contention (*op. cit.* 132) that Mk 10,12 refers to a woman's demanding a divorce from her husband. The text does not say this and apparently was not understood to say this.

²⁷ Matthew, in Bultmann's opinion (*loc. cit.*) "has used his scribal learning." So also Josef Schmid, *Das Evangelium nach Matthäus* (Regensburger Neues Testament; Regensburg: Pustet, 41959) 277-279, at the conclusion of an argument that goes far towards indicating the priority of a separate Matthean source. Why, given the function of his Gospel, Matthew should have indulged this antiquarian interest, is never really explained. Strecker (*op. cit.* 17, 22) more reasonably appeals to Jewish concepts and practices still living in the Matthean community to which the evangelist has adjusted the tradition. Commentators who have concluded to a separate Matthean source include Ernst Lohmeyer/Werner Schmauch, *Das Evangelium des Matthäus* (Meyers Kommentar; Göttingen: Vandenhoeck & Ruprecht, 1956) 280f.; Adolf Schlatter, *Der Evangelist Matthäus, seine Sprache, sein Ziel, seine Selbständigkeit* (Stuttgart: Kohlhammer, 41957); and (as a possibility) Friedrich Hauck/Siegfried Schultz, *ThWNT* VI, 590f. (*s.v. porneia*). Though rejecting it in this instance, Pierre Benoit, O.P., *L'Évangile selon Saint Matthieu (SBJ)* (Paris: Cerf, 31961) 17-21, shows well the evidence for occasional priority of Matthew over Mark, to justify the hypothesis of a common source on which both have drawn ("the Aramaic Matthew"). But by far the best case for the priority of the Matthean story—and its historicity in the life of Jesus—has been made recently by Isaksson, *op. cit.* 93-115, whose argument is accepted as decisive here (though without acceptance of the originality of the *porneia*-clauses or of the interpretation assigned to *porneia*).

²⁸ Cf. Martin Dibelius/Werner Georg Kümmel, *Jesus* (Berlin: Walter de Gruyter, 1960) 96-98.

Jesus alone, it would seem, do we find the origin and purport of his teaching on marriage and divorce.²⁹ Ideals which the OT knew and to which it had given partial expression are now proclaimed, as the end, the way of life of the Israel of God, the perfect people. It is for this reason and in this spirit that Matthew has placed the Lord's saying in the Sermon on the Mount and Luke in his catechesis.

When we compare the various reportings of Jesus' pronouncements on divorce that we find in the Synoptic Gospels and in 1 Cor, the conclusion seems inescapable that the exceptive clauses in Mt 5,32; 19,9 are redactional adaptations, presumably reflecting an interpretation of Jesus' words current in the church of the First Gospel.³⁰ We do not propose to offer a new interpretation of these clauses at this time to replace the dozen or so that have been defended in recent years.³¹ It is sufficient for our purposes to observe

²⁹ Isaksson's thesis (*op. cit.* 142-148) is that Jesus, conceiving of himself and his Church as the new Temple (Jn 2,21, etc.), extended to his followers the standards in marriage which the OT required of priests (Lv 21,7; Ez 44,26). There is, of course, good reason to think that Jesus identified his mission in some part as priestly, providing a basis for the various NT developments of this theme; cf. Oscar Cullmann, *The Christology of the New Testament* (tr. Shirley C. Guthrie and Charles A. M. Hall; London: SCM, 1959) 87-89. Yet the priestly idea of Jesus and its NT developments aim rather at a replacement than an extension of the priestly ideals of the OT, and the present writer finds it hard to believe that Isaksson's idea is in keeping with Jesus' character as the Gospels have portrayed it: see note 9a above. Entirely in keeping with that character, on the other hand, is what the story of Mk 10 = Mt 19 explicitly states: with prophetic authority Jesus defines God's purposes in creating man and distinguishing the sexes, offering an halakhic midrash on the creation story of Genesis.

³⁰ For bibliography on these fretted passages and a survey of the many disparate interpretations, see first of all "The Divorce Clauses in Mt 5,32 and 19,9," *CBQ* 16 (1954) 155-167. [I take this opportunity to withdraw the opinions on the meaning of *porneia* advanced in this article.] Further: J. Dupont, O.S.B., *Mariage et divorce dans l'évangile* (Bruges: Desclée de Brouwer, 1959) 93ff. A short bibliography is also included (p. 117f.) in the work of Hulsbosch cited in note 30 below. Likewise worthy of note is this study of Thomas V. Fleming, S.J., "Christ and Divorce," *TS* 24 (1963) 106-120.

³¹ The gamut of which may be run in the works cited in the preceding note and below. Provisionally and with some reluctance I am now inclined to concur with the view that the *porneia* for which Matthew would permit a man to repudiate his wife is that of Acts 15,20,29, i.e. what the rabbis called *z'nut*: a provision of this kind would have made sense in the church for which the First Gospel was obviously written. Cf. Max Zerwick, S.J., "De matrimonio et divortio in Evangelio," *VD* 38 (1960) 193-212; Schmid, *op. cit.* 102-104; H. Cazelles, *DBS* V, 933-935 (s.v. "Mariage").

that, despite persistent efforts of exegetes and theologians to have it otherwise,³² these texts are not concerned with marital infidelity: whatever the meaning of the *porneia* that occurs in them, *porneia* is not adultery.³³ Therefore while the clauses are in some sense exceptive and testify to an early Christian adaptation of the Lord's *logion* to fit a situation it had not originally envisaged, they do not deny the principle of the *per se* indissolubility of marriage which the NT confidently presents as the doctrine of Christ.³⁴ If, as is facilely taken for granted by so many commentators, Matthew's redactions

³² That the clauses give "grounds for divorce" on the basis of a wife's infidelity is assumed without discussion by almost every Protestant writer who deals with Matthew's Gospel. There are nuances, however: Hauck/Schultz, *loc. cit.*, would have it, rather, that the wife's adultery becomes the exculpating cause of a man required for this reason to divorce his wife (see note 10 above); the text, in other words, gives no "permission for divorce." Various Catholic authors also take *porneia* to mean marital infidelity. A Hulsbosch, O.E.S.A., "De onverbreekbaarheid van het huwelijk volgens de synoptische Evangelien" (pp. 111-130 of A. Kuiters, O.E.S.A., "Kleine Dogmatiek van het Huwelijk," pp. 73-233), *Studia Catholica* 35 (1960), understands the Gospel's meaning to be simply that only when a woman has already committed adultery can the husband who divorces her be guiltless of causing her to sin in this way, presupposing, of course, her subsequent remarriage; this construction appears to make the Gospel say something rather unnecessarily banal. Heinrich Zimmermann, "Zur Komposition von Mt 19,3-12," *Catholica* 16 (1962) 293-299, sees Matthew's *kata pasan aitian* as referring to the school of Hillel and the *mē epi porneia* to that of Shammai: Jesus' reply is a plague on both your houses, declaring that neither is adultery a cause for divorce; unfortunately, the text does not say this. A. Michel and J. Le Moynes, O.S.B., *DBS* VII, 1099f. (*s.v.* "Pharisiens"), emerge, it seems to me, with an historicist interpretation that would reduce Jesus to the position of solving a dispute among rabbis (and rather favoring Shammai) and leave unexplained the function of the passage in a Christian Gospel.

³³ Cf. most recently Johannes B. Bauer, "De coniugali foedere quid edixerat Matthaeus?" *VD* 44 (1966) 74-78. Bauer also takes *porneia* to mean illicit sex unions incapable of being recognized as marriage, of Gentile origin vis-à-vis the natural law. Matthew's *kata pasan aitian* has no reference to the Jewish controversy over grounds for divorce but signifies "for any reason at all."

³⁴ J. P. Arendzen, "Ante-Nicene Interpretations of the Sayings on Divorce," *JTS* 20 (1919) 230-241, makes a perhaps useful point (p. 232f.) regarding a phenomenon of early Christian thinking: "It is wrong to consider the early Christian aversion to second marriage as some unexplainable oddity or merely exaggerated, unreasonable sentiment; it is the outcome of the stress laid on Mt. v and xix, Mk. x and Luke xvi; the marriage bond was so indissoluble that, even though one partner was dead, he still remained the legitimate husband (or wife) in the life beyond and the other party was still *married*."

were a NT attempt to soften the rigidity of a primitive Christian discipline and reduce it to "practical" limits,³⁵ it was an attempt that singularly failed, if we may judge from the literature and practice of the subapostolic Church which—generally—recognized no such mitigation to have taken place.³⁶ Ironically, the Matthean clauses continue by many to be regarded as "dispensations" in the face of their studies that otherwise convince them of Matthew's (and the NT's) total rejection of legalism.

IV. THE NEW TESTAMENT THEOLOGY OF DIVORCE

The task of this paper is not to consider the relation of law to morality or the extent to which it makes legal sense and accords with legal prudence to translate moral principles and axioms into the laws of a people, whether that people be a church or a state.³⁷ However,

³⁵ Cf. Strecker, *op. cit.* 132: "In Form einer Ausnahmeregel hat Matthäus den Gemeindebedürfnissen Rechnung getragen und den ursprünglichen Radikalismus zugunsten eines praktikablen Gesetzes aufgegeben."

³⁶ Cf. Schillebeeckx, *op. cit.* 146. Arendzen (note 32), having examined Hermas, Justin, Athenogoras, Tertullian, Clement of Alexandria, Origen, Lactantius, the councils of Elvira and Arles, the Didascalia and the Apostolic Canons, concluded: "Before Nicaea there is no evidence that the Christian Church interpreted the clause *excepta fornicationis causa* as authorizing the breaking of the marriage bond itself, in the sense that the partners ceased to be husband and wife and that at least the innocent party might remarry. All the evidence there is, and it is considerable, points the other way." This summation doubtless remains valid; however, the attitude of early Christianity towards divorce and remarriage is not thereby so easily solved, as has been well pointed out by Oliver Rousseau, O.S.B., "Divorce and Remarriage: East and West," *The Sacraments: An Ecumenical Dilemma* (Concilium 24; New York: Paulist Press, 1967) 113-138. Victor J. Pospishil, *Divorce and Remarriage* (New York: Herder and Herder, 1967) 141ff., has recently re-examined the patristic sources. Unfortunately, his method leaves something to be desired (even more so in his treatment of the biblical data, pp. 19-39). Origen's allegory of Christ's "divorce" of the synagogue and "remarriage" with the Church, for example, does not show that he recognized "one exception to this seemingly absolute prohibition of divorce, namely, the clause in Matthew 19" (p. 145); it is, rather, his application of the divorce law of Moses (which later, it is true, he sees as a precedent for Paul in 1 Cor 7), the *aschēmon pragma* of Dt 24,1 which he explicitly distinguished from the *porneia* of Matthew (cf. PG 13, 1232ff.). However, see note 42 below.

³⁷ An interesting consideration of the extent to which "natural" mortality should be translated into (civil) law has been made by Helmut Weber, "Wieweit ist Sittlichkeit rechtlich erzwingbar?" *Trierer Theologische Zeitschrift* 74 (1965) 269-280. The principles involved—though the author does not extend them

we cannot rightly speak of a "theology" of a biblical norm or principle without considering the category of obligation within which the biblical source of this theology locates this norm. Inevitably this entails an examination of Jesus' pronouncement on divorce in relation to a category of obligation which the Bible knows very well, that of law.

That NT Christianity is a religion of love and not of law is a truth about which we have heard and read much in recent days. More rarely, but nonetheless more gratifyingly, we have even seen some evidence that it is a truth that can be proved in life. Those of us who are theologians may have wished at times that the truth had figured more prominently in our theology of the past, that it might not have come as such a new discovery to those who are not theologians. That it has come as a new discovery to such as are not theologians is doubly unfortunate, in that it often comes in the character of a new gospel of which they do become theologians, with the result that the desirable diversity of theologies and theologians is sometimes in danger of dissolving into an undesirable diversity of gospels. Yet it is, after all, a truth of our Gospel, whether we think, first and foremost, of Paul,³⁸ of John, or of Jesus himself as the evangelists have consistently shown him to us. At the same time we know—we who are theologians—that a religion which is not of law is not thereby a religion without law, that love which knows no law includes within itself justice which is law itself, and that love itself is the fulfilment of a commandment (Jn 15,17) and can even be called a law by the most anti-legalist writer of NT times (Gal 6,2; Rom 8,2). We know, or should know, in other words, that the question of divorce as an option for the Christian can be answered neither by invoking time- and milieu-conditioned NT words as though—contrary to the nature of every other law known to man in his words—they constitute an immutable expression of the will of the Eternal directed towards every man in every one of his conceivable situations; nor may we imagine that these same words amount to

beyond the scope of his subject-matter—are not altogether irrelevant to our discussion.

³⁸ Most recently, cf. Joseph A. Fitzmyer, S.J., "Saint Paul and the Law," *The Jurist* 27 (1967) 18-36.

nothing more than the antiquarian advice of a respected Teacher who lived in an irrelevant past.

What we are asking for here, I believe, is the normative value that the NT itself attaches to the teaching of its Lord and Master. That value I think we can determine, as concerns the matter of divorce, in the way that the NT authors have dealt with Jesus' *logion*. Matthew's additive to the saying, whatever its precise meaning, is not merely explicative but adaptive. It obviously means that for the evangelist Jesus' words were not law as men commonly understand law, but rather the formulation of an attitude with which a definite area of life ought to be approached, an attitude formulated in the words which are necessary for communication, but words whose functional and approximative character is recognized in a way that the words of any law can never be.

Paul's use of the *logion* in 1 Cor 7, 10-16 is not unlike Matthew's, though he does not alter the language of the saying as it had come to him but rather shows its applicability (and the degree of its inapplicability) to a situation that it had not originally foreseen. He first of all (v. 10f.) cites the *logion* of Christ—"I proclaim, not I but the Lord"—as it pertains to the situation of "Christian" marriages;³⁹ Paul does not further concern himself with such marriages except as he judges them to be, in the teaching of Christ, simply indissoluble.⁴⁰ But what of the new situation that has risen at Corinth?—and obviously elsewhere, though we have no way of knowing how, if ever, Paul dealt with comparable cases that were presented to him. Paul the pastor now speaks: "I, not the Lord."

³⁹ The *tois de gegamēkosin* of v. 10 distinguished from the *tois de loipois* of v. 12 shows that by the former he understood marriage between two Christians, the only situation to which the *logion* strictly applied.

⁴⁰ The grounds of dissolution which he has under consideration, i.e. inter-faith discord, were of course lacking here in any case. The larger frame of reference in which he is working (v. 17ff.) is that acceptance of Christianity ought not be made an occasion for overturning the established order, all things being equal. Thus the *logion* applies aptly to the principle, "remain as you are." The pragmatism of Paul's approach should not be overlooked here, as though he had even in this restricted case intended to apply a universal law. Cf. Hulsbosch, *loc. cit.* 115: "It will always be necessary to recall that neither Christ nor Paul ever elaborated completely an ethic of marriage and divorce. For this reason it is quite illusory to conclude from individual texts what can and cannot be grounds for divorce."

In vv. 12-16 we read his solution, which is that though *per se* marriages between Christians and unbelievers have ecclesial standing (v. 14, the unbelieving spouse is "consecrated" by the believer; the children of such marriages are "holy"), nevertheless, if the non-Christian wishes to terminate the marriage, so be it: "In such cases the Christian man or woman is not bound, since God has called you [or, us] to live in peace." Thus not at his own initiative or will, but through force of circumstances beyond his practical control, the Christian may find divorce to be his only option in living a truly Christian life.⁴¹ Paul understood the Lord's word on marriage and divorce not as a law but as a pastoral principle, and he applied it not juridically but pastorally.⁴² In the same pastoral tradition, it appears to me, have been, among other dispensations practiced or

⁴¹ While it is true that the situation supposed by this passage differs somewhat from what the Church has traditionally called "the Pauline privilege" (for one thing, the idea of "the Pauline privilege" is that the second, Christian marriage dissolves the first, non-Christian one), neither is it so far from it as has sometimes been maintained (e.g., by Pierre Dulau, C.M., "The Pauline Privilege: Is It Promulgated in the First Epistle to the Corinthians?" *CBQ* 13 [1951] 146-152), and it has rightly been on such a precedent that the Church has acted. In view of the context of v. 11, it is captious to point out that since Paul said nothing of remarriage in vv. 12-16 he thought of separation only and not of divorce. Enforced celibacy was not a price that Paul demanded for embracing Christianity. Just as certainly, the remarriage that he would have had in mind would have to be *en kyriō* (v. 39).

⁴² This analysis of Paul's attitude is that of Origen (*PG* 13, 1245), as correctly seen by Pospishil (cf. note 34 above). I believe, too, that Pospishil is quite correct in his evaluation of Origen's judgment on the Christian pastors who had permitted remarriage after divorce: that their concession to this "weakness" was not (after the precedent of Paul) entirely without just cause (*ou mēn pantē alogōs*) though contrary to the letter of 1 Cor 7,39 and Rom 7,3, since it was a means of avoiding greater evils (cf. *op. cit.* 144-146 and the author's note 11; so also Rousseau, *loc. cit.* 116-121). Origen's passage has been persistently misunderstood or distorted in translation, though the earlier 6th-century Latin version seems to have understood it properly. What it shows is that, whatever Origen's views on Mt 19,9, he did not regard the words of the NT as "laws" which needed "dispensation," but rather pastoral principles that needed understanding and application. Curiously, as it appears to me, Schillebeeckx often reverts to a legalistic conception of the Christian doctrine of marriage that is belied by some of his conclusions but distorts others, as when, for example (*op. cit.* 388f.), from the viewpoint of "the absolute indissolubility of marriage" he is forced to conclude that a marriage *ratum non consummatum* is something less than "the reality which he [Christ] called absolutely indissoluble," i.e. something less than marriage.

practicable in the development of a Christian theology of marriage and divorce, such measures as "the Pauline privilege," "the Petrine privilege," "the privilege of the faith," and various dissolutions of marriages, even sacramental marriages *rata non consummata*.⁴³

But most significant of all, perhaps, in evaluating the NT concept of the normative character of Jesus' teaching on divorce is the first of the contexts in which Matthew has placed the *logion*, in the Sermon on the Mount. In Mt 5,32 the words of Jesus are set forth as a norm of Christian conduct that is, along with other parallel formulations, intended to illustrate the contrast between this standard and that demanded by the letter of the Mosaic Law. It is a norm of Christian conduct, of the righteousness that exceeds that of the Scribes and Pharisees (v. 20), that is, one that could be measured by fidelity to the Law. This Christian righteousness is obviously not such as can be measured by another law that has been substituted for the former. Quite to the contrary, it is a righteousness of a wholly different kind, differentiated rather qualitatively than quantitatively from the legal righteousness of Judaism: a righteousness which neither Jesus nor Matthew considered to be anything but good, though it must now be superseded. It could and must be superseded now not because the Law had proved to be an inadequate guide for human conduct that must therefore be replaced by another law more severe: rather, it was man who had proved to be inadequate to keeping the Law (Acts 15, 10). It was superseded through the same grace by which God made man free of sin. As a free gift, and only as a free gift, can man obtain a righteousness which otherwise would simply be an impossibility for him.⁴⁴ In this sense he has been freed of law, to obtain a righteousness of God that obedience to law could never effect.

Far from an opposition of law to law, therefore, it would be more correct to say that in the antitheses of Mt 5,21-48 we see the systematic contrast of Law with anti-law. What had been the goal

⁴³ I restrict myself here, evidently, to the concessions that have been recognized in the discipline of the Roman Church, without reference to the variant traditions of the Orthodox East and the Reform.

⁴⁴ Witness the disciples' protestation following the *logion* on marriage and divorce according to MT 19,10, and Jesus' reply in v. 11.

of the Mosaic Law and expressed, however imperfectly, in its ordinances remains the eternal *Heilswill* of God. Thus Jesus can say that the Law and the Phophets are not abolished; rather, they are completed (Mt 5,17). Completed, not by the imposition of another, again necessarily imperfect law, but in the reaffirmation of the goal itself which can now be attained as never before in the fulness of God's grace. The standards of Christian life reflected in Jesus' reiterated "But I say to you" are not laws.⁴⁵ They are commands of Christ addressed to the Christian conscience, and by that conscience they can be regarded neither as optional nor as so-called "counsels of perfection." Their language, however, is and must be exemplary and parabolic rather than taxative as in law. "If your right eye should cause you to sin, tear it out and throw it away" (Mt 5,29) is not a law; it is a parable commanding the avoidance of sin at all costs. It is conceivable that in a given situation the avoidance of sin could literally demand such an extreme measure as is expressed in the parable, but obviously this could never be legislated. "Do not swear at all" (v. 34), "who calls his brother 'fool' will answer for it in hell fire" (v. 23), "if anyone hits you on the right cheek, offer him the other as well" (v. 39)—all these are similar parables. And it is in their midst that Matthew has placed Jesus' words on divorce.

Jesus' command not to resist the wicked binds every Christian conscience. Yet Christian conscience and Christian tradition have had and do have to contend with situations in which it has been impossible not to resist the wicked. To the extent that Christians—and others—have lived by this command, we have been able to see its power to advance the human spirit; it is not, certainly, merely a beautiful but unrealizable ideal. Neither is it capable of formulation as a law, however, not even for the individual and much less for society at large. The Christian's speech should be "yes" and "no"; oaths are from the evil one (v. 37). Yet with only isolated exceptions from patristic times on Christian tradition has permitted co-operation with the rulers of this world where oaths are required, a co-operation for which there is precedent given by the Matthean

⁴⁵ On this, cf. Bernard Häring, C.Ss.R., "The Normative Value of the Sermon on the Mount," *CBQ* 29 (1967).

Christ (cf. Mt 22, 15-22 and parallels); and the Church has even gone so far as, at times it has deemed necessary, to make their practice its own. All these questions demand continual re-examination in the light given by the Spirit of God. Marriage and divorce in the Christian perspective is such a question, neither more nor less.

Jesus' command regarding divorce was not the promulgation of a divine law, and obviously it was never intended to serve as a model for the civil regulation of marriage. It was and is a word addressed to the Christian conscience informed by divine grace. As with other similar commands, Christian tradition and ecclesial magisterium have helped the Christian conscience in understanding some of its specifications. Such help will surely continue to be given as the Church brings to bear on the question other insights that respond to other situations that did not occur in the NT or in subapostolic Christianity. The beginnings of this traditional and ecclesial interpretation, however, we have already seen in the NT, especially in Matthew's and Paul's use of the Lord's *logion*.

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