

Matthew 5:31 and 32 introduces Jesus' third new interpretation related to the law. Like verses 27-30, these verses are also concerned about adultery. However, in this case, instead of speaking about an adulterous heart, adultery is tied to re-marriage after divorce.

In Matthew 19:3-12 it is clear that Jesus opposes the principle of divorce altogether. Matthew 19:3-6 reads:

Some Pharisees came to Jesus, testing Him and asking, "Is it lawful for a man to divorce his wife for any reason at all?" And He answered and said, "Have you not read that He who created them from the beginning made them male and female, 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'? So they are no longer two, but one flesh. What therefore God has joined together, let no man separate."

**5:31 "It was said, 'Whoever sends his wife away, let him give her a certificate of divorce';
5:32 but I say to you that everyone who divorces his wife, except for the reason of unchastity, makes her commit adultery; and whoever marries a divorced woman commits adultery.**

Deuteronomy 24:1-4 is the only passage in the Torah (Genesis-Deuteronomy) that speaks directly about divorce. Matthew 5:31 is not a direct quote from Deuteronomy 24:1, but is an inference drawn from it by the Jews.

In Deuteronomy 24:1-4 Moses addressed the problem of divorce. The meaning of the passage hinges on a long series of conditional sentences. This is brought out in the following paraphrase: "*If a man takes a wife. . . and if he finds some indecency in her, and if he writes her a certificate of divorce and sends her out of his house. . . and if she becomes another man's wife . . . and if her second husband divorces her or if he dies then her first husband must not marry her again since she has been defiled; for that is an abomination before the LORD . . .*"

This became the proof-text on divorce and re-marriage used by the rabbis.

Some important observations need to be made about what Deuteronomy 24:1-4 actually says and doesn't say.

1. Moses did not promote divorce or instruct a husband to give a wife a certificate of divorce but rather stated *if* someone had done so, certain consequences follow. Namely, the divorced wife cannot marry him again if she had married another man and that man divorced her or died.

Moses is regulating the situation after a divorce has occurred. He permitted divorce by way of concession due to the hardness of peoples' hearts (Matt. 19:8). Evidently, divorce was the better option of two evils. The Jews made the error of assuming that Moses' accommodation due to sin expressed God's will.

2. These verses do not address the rightness or wrongness of divorce. They simply presuppose the existence of divorce and remarriage (cf. Lev. 21:7, 14; Num. 30:9).

3. Deuteronomy 24 does not give a clear reason for the divorce. All it says is that the husband found an “indecency” in his wife. The Hebrew word used for “indecency” (*ervah*; עֶרְוָה) only appears one other place in the OT where it refers to human defecation (Carson, Sermon, 48). Because of its vagueness, different schools of Jewish thought developed. Some (the school of Shammai) believed that this was speaking of any type of sexual misconduct and this was the only legitimate reason to get a divorce. Others (the school of Hillel) thought it referred to anything the wife did that was offensive, so someone could divorce his wife for any reason at all (France, 209, 210). In Jesus’ day the Hillel’s interpretation was prevalent.

4. Although divorce is taken for granted, verse 4 says that the woman who is divorced was “defiled” by her remarriage. This implies that remarriage even *after* divorce defiles a person. In this case, even if her second husband died she was not permitted to remarry her first husband since she would then be defiling him. In other words, these verses say nothing about the possibility of a legitimate remarriage; they do say that remarriage is defiling.

5. Lastly, the relationship between the man’s ex-wife and the second man she marries is a *marriage*. The man is called the woman’s *husband* and she is called his *wife*. Although remarriage is a defiling act, the person who is divorced and remarried is truly married.

Unlike Moses, Jesus’ intent is to get back to God’s original design for marriage rather than dealing with cases where these principles have already been broken.

Jesus says two things in verse 32: (1) everyone who divorces his wife . . . makes her commit adultery; and (2) whoever marries a divorced woman commits adultery.

This appears to be saying that divorce is tantamount to adultery unless it is due to immorality and remarriage after divorce or to a divorcee is always adulterous.

But how does someone who divorces his wife *make her* commit adultery? Divorce in itself isn’t adultery. Nor does a husband force his ex-wife to remarry. So, in what sense does someone who divorces his wife “make her commit adultery”?

Jesus’ comment is based on the assumption that being a single woman at that time would have created numerous hardships. Thus, in most situations divorced women would seek a second marriage. Because of this, the blame is attributed to the husband. If he divorces his wife, he creates the circumstance that leads her to remarry and make her commit adultery. But this also tells us that divorce does not nullify a marriage. If it did, a second marriage would not be called adultery.

The first statement by Jesus (everyone who divorces his wife makes her commit adultery) has an exception clause (except for the reason of unchastity) in the middle of it. The *only* instance when the husband does not make his wife commit adultery is when the grounds of the divorce is sexual immorality. In a strict sense, “unchastity” or “sexual immorality” (*porneia*; πορνεία) referred to relations with a prostitute, but it was used more widely of many different kinds of sexual activity

(France, 209). It was applied to adultery committed within a marriage or to the discovery that premarital intercourse with someone other than the husband had occurred (Matt. 1:18-19) (France, 209).

This exception has led to the following views:

VIEW 1: Some believe that this verse teaches that remarriage is not adulterous if the divorce was due to immorality (see also Matt 19:9). If a man divorces his wife for any other cause other than immorality, he would be making his wife commit adultery (should she remarry). But if there is sufficient cause for divorce (namely, immorality) it would not be adulterous for the wife to remarry. In other words, remarriage generates adultery unless immorality is the ground for divorce; in that case remarriage is allowed.

However, this doesn't make sense. If remarriage is only permitted for adultery, this would mean that an innocent wife cannot remarry if she was divorced but an adulterous wife can. It's difficult to fathom why this would be so. Some say that this is because immorality dissolves the marriage, making remarriage possible. But this is hard to prove biblically. Some men in the OT (including Abraham) had wives and concubines, yet there is no suggestion that their sexual relationship with concubines dissolved their marriage.

VIEW 2: A second view sees this as saying that a husband who divorces his wife is responsible for creating a situation that would tempt his wife to commit adultery if she remarried. However, if the divorce is instigated by his wife's immorality, he isn't responsible. She is responsible for both the divorce and the subsequent situation she finds herself in. If she remarries and commits adultery through the remarriage, that is a further consequence of her own sin, not a result of the husband divorcing her.

VIEW 3: *Divorce* is wrong because it generates adultery, except in the case of immorality. In such cases the husband does not make his wife commit adultery – she has become adulterous by herself. *Remarriage* is always adulterous.

View 2 (in my opinion) makes the most sense. Jesus is not teaching the possibility of remarriage but the sin of putting someone in the position where they would likely become adulterous. He then says that marrying a divorcee is also adulterous.

Neither immorality or divorce are part of the norms of the kingdom. If neither spouse sinned, re-marriage would never be an issue. Moses' permitting divorce was a concession to the sinfulness of peoples' hearts. But the Pharisees allowing re-marriage after divorce only proliferated adultery. Not only would the spouse who was divorced become an adulterer if they remarried, the person whom they married would become an adulterer as well.

What effect, then, does Jesus' new teaching have on the understanding of Deut. 24:1-4? Ideally it makes it obsolete, if God's purpose for marriage is truly honored, since the prior divorce for which it legislates will not in fact occur in the ethics of the kingdom of heaven. In opposing current divorce legislation Jesus is rescuing Deuteronomy 24:1-4 from misuse for a purpose for

which it was never intended. It was not meant to provide a positive basis for the ethics of God's people, but only a trouble-shooting provision in case things went wrong (France, 212).

Jesus' teaching transcends the Mosaic regulation. Followers of Jesus should follow God's original design for marriage – they should honor the sanctity of marriage and not get divorced, for God has joined them together.

5:33 "Again, you have heard that the ancients were told, 'You shall not make false vows, but shall fulfill your vows to the Lord.'

5:34 But I say to you, make no oath at all, either by heaven, for it is the throne of God,

5:35 or by the earth, for it is the footstool of His feet, or by Jerusalem, for it is the city of the great King.

5:36 Nor shall you make an oath by your head, for you cannot make one hair white or black.

5:37 But let your statement be, 'Yes, yes' or 'No, no'; anything beyond these is of evil.

The Jews in Jesus' day heard it was said, "You shall not make false vows, but shall fulfill your vows to the Lord (Matt. 5:33)." There was no direct quotation in the OT regarding this though there are allusions to it (Exo. 20:7; Lev. 19:12; Num. 30:2; Deut. 23:21-23). Jesus, however, says not to swear at all (5:34).

While the subject is completely different, the principle by which Jesus' response to "what was said" in this case is very similar to that of vv. 31–32. A law which aims to control human failure (in vv. 31–32 the destruction of marriage, here the unreliability of people's word, even under oath) is set aside in favor of a bold reassertion of the way God intended things to be, lifelong faithfulness in marriage and simple truthfulness in speech without the need for oaths to undergird it. In each case the laws quoted may still have a trouble-shooting function, but they are being misused if they are made the basis of ethical thinking. The kingdom of heaven operates on a more radical level of essential righteousness. In thus going back to the first principles Jesus leaves the remedial legislation of the Torah on one side, not so much abrogated as declared unnecessary where the greater righteousness of the kingdom of heaven obtains (France, 213).

Two different but related subjects are at issue here. *Oaths*, invocations of God or of some sacred object to undergird a statement or promise, shade into *vows*, solemn promises to God of an action to be performed. The OT passages summed up in v. 33 apparently relate to both issues, though Jesus' response focuses on the use of oaths to support one's word rather than on vows . . . His simple command not to use oaths at all (v.34a) is illustrated by a number of possible oaths each of which is shown to be inappropriate (vv.34b-36), and explained in the pronouncement of v. 37 that any elaboration of a simple affirmation or denial is "from evil". Since the OT law not only provided for but in some cases demanded such elaborating oaths (e.g., Num. 5:19-22), there is a *prima facie* case to be made that Jesus is here opposing the intention of one aspect of the law. At least he is doing what he did in v. 32, declaring that these provisions should never have been needed if people practiced the uncomplicated truthfulness which is what God desires (France, 213).

The Purpose of Oaths

Oaths are more than promises; they are made by swearing by what is valuable or sacred and are intended to strengthen someone's word and give assurance that what was said is true. "The oath is thus a declaration which backs up a human statement, which guarantees its veracity, and which is affirmed by divine co-operation" (TDNT V, 458).

Oaths not only gave assurance to the listener, but also encouraged the truthfulness of the one taking the oath for they often included invoking a curse if the vow was not fulfilled. Though the nature of the curse isn't always stated, in some cases it is specifically mentioned (Jer. 29:22; Job 31:7-8, 21, 22, 38-40, etc.).

Once God's name was attached to the vow, it became a debt that had to be paid to the Lord. Therefore, oaths made promises more solemn because a false or irreverent oath profaned the name of God (Carson, 153). In brief, oaths were "to produce conviction of the truth, to satisfy others of our sincerity and fidelity, and to make an end of controversy" (Hodge, Systematic Theology, III, 309).

Vows could be undertaken voluntarily, but once undertaken they were binding . . . Jesus' prohibition of all swearing will be explained in principle in v. 37. With regard to vows, which were voluntary, Jesus is not so much opposing OT legislation as telling his disciples not to take up an option which the law offered but did not require.

Oaths, too, could be voluntary (Lev. 5:4; Num. 30:3-15) and such oaths are found frequently throughout OT history, but there were also occasions when the law required an oath (Exo. 22:11; Num. 5:19-22); cf. the general expectation that oaths will be taken in Yahweh's name without specific context, in Deut. 6:13; 10:20), and these, too, are swept aside by Jesus' blanket prohibition if it is taken as a literal regulation (France, 214-215).

The general principle stated in 5:34a is that oaths should not be taken at all. "Once more, we see how inadequate is the notion that Jesus is simply 'expounding' the Mosaic law, for He simply sweeps away the whole system of vows and oaths that are described and regulated in the Old Testament" (Moo, Five Views on the Law and Gospel, 349).

Three inappropriate oaths are used to illustrate Jesus' point.

First, swearing by heaven, earth, or Jerusalem are things that God cannot be separated from (vv. 34b-35). Heaven was God's throne (Isa. 66:1) and the earth was His footstool. Likewise, Jerusalem was well known as the city of God (Ps. 48:1-3; Zech. 8:3).

Taking it a step further, it wouldn't even be safe to swear by the hairs of one's own head since they, too, belong to God. Even hair color is under God's control (v. 36). In other words, everything that exists is ultimately God's (Ps. 89:11), so to swear by any oath is to swear by Him. Therefore, no oath should be broken.

By contrast, the religious leaders had twisted the intent of taking vows and had used them as a means of promoting deceit. One Rabbi even said that if you swear toward Jerusalem you are bound to your vow,

but if you swear by Jerusalem, you are not. Other Rabbis felt there was no binding authority to an oath unless some form of the name of God was contained in it. Thus, they felt that they could swear by the temple, the law, the altar, etc., and yet be under no obligation to keep their promises (see Matt. 23:16-22).

Jesus' real intent is truthfulness. A simple Yes or No should be all that is needed. As soon as an oath is needed, "the ideal of transparent truthfulness has been compromised" (France, 216). Those who follow Christ should view all of life as holy unto Him (Ro.14:6-8; Zech. 14:20, 21; 1 Cor. 10:31; Col.3:17). If men were truthful there would be no need for an oath at all.

A more pertinent question for us is whether Jesus' words here are intended as a literal regulation for all human circumstances, including oaths of political allegiance or the oath required in many courts of law: should Christians refuse to take such oaths? The issue is similar to that with regard to divorce: Jesus' absolute pronouncement sets out the true will of God, but in human life that will is not always followed, and there is still a place for legal oaths (as for divorce regulations) to cope with the actual untruthfulness of people, even sadly sometimes of disciples. They should not be needed, but in practice they serve a remedial purpose in a world where the ethics of the kingdom of heaven are not always followed. Refusal to take a required oath can in such circumstances convey quite the wrong impression. Jesus' illustrations of the "greater righteousness" are not to be treated as if they were a new set of literal regulations to replace those of the scribes and Pharisees (France, 216–217).