

APPENDIX B

by Leslie McFall, abstracted from his e-book on divorce (11 august, 2014)

AN EXPLANATION FOR THE AUTHOR'S LITERAL TRANSLATION OF MATTHEW 19:9

The author's fairly literal translation of Matthew 19:9 reads: "Now I say to you that who, for example,¹ may have divorced his wife—*he may not have divorced her* for fornication—and may have married another *woman*, he becomes adulterous *by marrying her*. And the *man* having married a divorced *wife*, he becomes adulterous *by marrying her*." Grammatically, this is one way to translate the Greek.

The negative here is MH (μή), which is the one used to negate the subjunctive, optative, infinitive, participle, and the imperative. All other moods and tenses are negated using OU (οὐ). As the old grammarians used to say, "οὐ denies, μή forbids."² So the fact that Jesus used MH allows the ellipsis of the preceding verb 'he_may_have_divorced' (one word in Greek) to be carried forward into the next clause, which then reads: "Now I say to you that who, for instance, may have put away his wife—not he may put away for fornication (because, by law, that offence was punished by death)—and may have married another commits adultery." On this reading of the grammar, Jesus made it very clear that divorce could not be had for any sexual sin (fornication) that would cast doubt on the paternity of a man's offspring through his own virgin wife. God safeguarded the legitimacy of each man's sons by using the death penalty to rid Himself of unfaithful wives. Divorce was not good enough for these flirtatious wives. He wanted them dead, because they were a threat to the purity of the line of descent leading to His Son, the Lord Jesus Christ.

However, if we leave the translation as it is, it is possible to argue that Jesus fully endorsed His Father's death penalty for fornication/adultery, but this would not exclude the possibility that a man could legitimately divorce his wife for a non-fornication (or non-sexual) cause. This would yield the bizarre situation where Jesus would have taught that a man could not get a divorce for adultery (or any sexual offence), but could get a divorce for any non-sexual offence, such as burning the husband's dinner. This interpretation would endorse divorce for an '*ervat dābār* (Deut 24:1) which was the teaching of the School of Hillel. When an interpretation leads to a foolish conclusion like this, the spiritual man will quickly discard it and re-examine the text to uncover the meaning Jesus intended His words to have that would be in keeping with His doctrine of forgiveness.

A.1. *The most likely interpretation*

If we take the most literal translation another meaning comes to light. The translation reads: "Now I say to you that who, for example, may have divorced his wife—not over fornication *which was punished by death*—and may have married another *woman*, he becomes adulterous *by marrying her*. And the *man* having married a divorced *wife*, he becomes adulterous *by marrying her*."

Jesus and the lawyers knew that for capital offences, such as fornication, divorce was out of the question. So why did Jesus mention 'fornication'? He was asked if it was lawful to divorce 'for every cause.' So it was a case of what did the law say, not what did tradition say, or what did expediency demand under Roman rule. Now, the language of law is very

¹ The small Greek particle (ἄν) means, 'for example,' 'suppose,' 'let us say,' 'for instance'. It introduces a hypothetical situation.

² See the commentary on 1 Timothy 2:11-12 by John Albert Bengel, *Gnomens of the New Testament* (Edinburgh: T. & T. Clark, 1873), p. 253.

precise. Jesus appeared to lay down one limitation on a universal provision for divorce, and that was that a man could not divorce his wife for fornication ('not over fornication'), but we know this cannot be the case. The solution is simple. By using the negative Jesus was positively identifying everything else as grounds for divorce. We can amplify what Jesus meant in the following paraphrase: "Now I say to you that who, for example, may have divorced his wife—not over fornication *which was punished by death, but over a non-fornication cause*—and may have married another *woman*, he becomes adulterous *by marrying her*." We can then reduce this paraphrase to read: "Now I say to you that who, for example, may have divorced his wife—not over fornication, *but over a non-fornication cause*—and may have married another *woman*, he becomes adulterous *by marrying her*." This is exactly what Jesus said in the parallel teaching accounts in Mark 10 and Luke 16.

The Pharisees now had the answer to their question. They knew that the law forbade them to divorce their wives for sexual infidelity, so that was not an issue with them. They were not challenging the death penalty for sexual infidelity. The problem they were addressing was that God gave them no permission to divorce their wives *for non-sexual matters*. And they knew it. No matter what the rabbis had said, they knew they had only a 1,500-year old tradition on their side to justify divorcing their wives (which could only be had for *non-sexual causes*). So it made sense to them to come to Jesus (the new Moses) to see if He would endorse their long-standing tradition of divorcing their wives "for every [non-sexual] cause." But Jesus robbed them of their tradition and their traditional attitudes towards their wives. He abolished their sinful tradition with the words, "Now I say to you that who, for example, may have divorced his wife—not over fornication [*i.e. over any non-fornication cause*]*—and may have married another woman, he becomes adulterous by marrying her*." It was a clever use of the negative that said, 'not for this cause but for every other cause.' In this astute use of the negative Jesus denied them 'the every cause' that they had been using to get their divorces from the time they left Egypt to the time they stood before Jesus and asked their question. The second Moses tore up their bills of divorce before their eyes (figuratively speaking) and threw the scraps of paper into the wind. Divorce would have no place in the new Kingdom of God that had arrived among them. All His followers would have a new heart and a new spirit, and divorce would be incompatible with their forgiving spirit.

When Israel came out of Egypt, it, along with all other human societies, granted divorce for fornication *and* for non-fornication issues alike, with no distinction between sexual and non-sexual categories, as it was in Roman and Greek times, and is still current to this day. All offences ended in divorce; divorce could be had 'for fornication,' and divorce could be had 'not over fornication.'

God abolished divorce 'for fornication,' and in its place He demanded the death penalty (Deut 22:22; Lev 20:10; 7th Commandment). It was now no longer possible in Israel to get a divorce 'for fornication,'³ from the time of the Conquest (1406 B.C.) to the time of Jesus. This meant that God separated the Hebrew people from all other cultures in the world. They alone of all the nations were not permitted to divorce their wives for sexual infidelity. This left the category 'not over fornication' to persist among God's people. God did not *directly* legislate to ban the practice of divorce for non-fornication issues. This was the situation right up to the time that the Pharisees came to Jesus and challenged Him to settle the matter once and for all, with the question (and I paraphrase it): 'Can we, or can we not, get a divorce for all non-sexual matters?'

It was as if Jesus had divided all sins into two punishment groups, capital and non-capital offences, which aligned with (a) fornication, and (b) non-fornication (= 'not over fornication'). In effect, Jesus ruled out divorce for all non-capital offences, because death, not divorce, took care of all the capital offences.

³ The Bitter Waters test was there to insure that a man's sons were truly his own.

So when Jesus used the term ‘not over fornication,’ He was encompassing a universal category of offences *that excluded fornication*. The Jewish Sanhedrin would have recognised the legal distinction that Jesus made between divorce for fornication and divorce for non-fornication offences. The former were unlawful in the eyes of Jesus *and the Sanhedrin*, so there was no dispute between Jesus and the Sanhedrin on this point. This left the Sanhedrin approving of divorce for non-fornication offences, which fell within their traditional ‘*ervat dābār*’ category. It was here that Jesus and the Sanhedrin had a fundamental disagreement.

We must understand that when the Pharisees used the phrase ‘for any cause’ they had in mind only non-capital offences, or non-fornication offences, or ‘not over fornication’ offences. This means that ‘for any cause’ is the same as ‘not over fornication.’

Jesus informed the nation that if any Jew got a divorce on the basis of a non-fornication offence, that divorce was worthless, ineffectual, and left the marriage bond intact. Anyone who remarried after such a divorce was guilty of adultery, and adultery was a death penalty offence.

In the above translation words in italic font have been supplied to bring out the sense of the Greek. A word of explanation is required for the awkwardness of this English translation. When the English reader, who has no knowledge of Greek, first comes across a literal translation of the Greek subjunctive mood, he is taken aback by the awkwardness of the English, as in the above translation of the aorist subjunctive: “he may have divorced his wife,” or, “he may not have divorced his wife.” The reason for this is that English rarely uses the subjunctive, and it is this rarity that produces the problem. There is no way round this except to familiarise oneself with the Greek until such translations become natural and essential to bring out the meaning of the Greek subjunctive mood. Once that stage has been reached then it is possible to proceed with a like translation for all Greek subjunctive verbs.

However, the Greek subjunctive mood will always cause problems for the English reader because it is used in different contexts. For instance, the aorist subjunctive is used for negative commands, such as the Greek μή θαυμάσης (John 3:7), which literally reads: ‘Not you may have marvelled.’ This is normally translated by the *imperative* mood in English: ‘Do not marvel.’

Further complications occur because the Greek aorist subjunctive is used when deliberating possible options. Thus: δῶμεν ἢ μὴ δῶμεν, ‘May/should we give, or may/should we not give [taxes to Caesar]?’ Because this deals with future action, most English versions prefer to use the English future tense: ‘Shall we give, or shall we not give?’

Another complication is the use of the Greek aorist subjunctive to convey a strong or emphatic negative, such as, ‘And I give to them eternal life and they shall never perish’ (John 10:28). This translates: οὐ μὴ ἀπόλωνται, which literally reads: ‘no not they may have perished,’ and the double negative ‘no not’ is translated as ‘never’ in English versions.

In ‘whoever clauses’ such as, ‘Whoever drinks out of the water . . .’ the English present tense is used *in place of the aorist subjunctive*, because a literal translation would be too awkward for English readers. This replacement of moods is the only way we have to convey the sense of the Greek in these cases. The Greek reads: ὃς δ’ ἂν πίη ἐκ τοῦ ὕδατος οὐ ἐγὼ δώσω αὐτῷ, οὐ μὴ διψήσῃ εἰς τὸν αἰῶνα. Literally the translation would be: ‘Now who, say, may have drunk out of the water . . .’ The word ‘say’ translates the Greek particle ἂν, which adds uncertainty or probability, and is very appropriate to use with the Greek subjunctive mood.

The rest of the verse reads: ‘. . . which I shall give [Gk. fut.] to him shall never thirst’ (John 4:14). However, the verb, ‘shall never thirst’ is not in the future tense in Greek,⁴ but is

⁴ Probably under Latin influence, the Egyptian text-type changed the aorist subjunctive into a Greek future tense, but the universal (Byzantine) text retained the aorist subjunctive.

the aorist subjunctive verb διψήσῃ, which reads: ‘. . . which I shall give [Gk. fut.] to him, he may never have thirsted.’ What is a natural construction in Greek, is an unnatural one in English, hence our translators preferred to use the future tense, ‘shall never thirst.’

The significance of this preamble will become apparent in what follows.

Matthew has an addition, which Mark has left out. Matthew noted that in the question put to Jesus the Pharisees asked ‘if it was lawful for a man to put away his wife for every cause.’ Mark omitted ‘for every cause,’ and he omitted the so-called exception clause. It would appear that both are connected. Mark rightly understood Jesus’ absolutist position on the issue of divorce, as one that denied ‘any cause,’ so he omitted ‘for every cause,’ and omitted ‘not over fornication’ because it was redundant.

Matthew, on the other hand, is fully aware of the trap in the words ‘for every cause,’ and he is sharp to notice that Jesus replied directly to the query by equating their phrase ‘for every cause’ with His own equivalent, ‘not over fornication *which was punished by death.*’ Every Jew knew the law that he could not get a divorce if his wife committed fornication or adultery. He had to have her killed. For fornication, the rabbis of Jesus’ day should not have been issuing Divorce Certificates, but Death Certificates (Lev. 20:10).

It was out of a disturbed conscience that they asked Jesus the question: “Is it lawful to divorce for every cause?” because nowhere in the Torah is divorce authorised by God. To the Pharisees’ question: “Can a man divorce his wife for every cause?” Jesus’ devastating answer was, No! Jesus’ three words, ‘not over fornication,’ spelt the end of the Mosaic Era and the emergence of the Kingdom of God—the Church Age. As Jesus Himself put it: ‘The Kingdom of God has arrived.’ A completely new life-style had been introduced to planet Earth. A higher level of existence, of life, is now attainable for those seeking after God. Consequently, Matthew and Mark are united in presenting Jesus as ruling out divorce ‘for every cause,’ not even for fornication or adultery.

This new teaching lifted marriage to a level of sanctity and purity it had never attained since the marriage of Adam and Eve in their unfallen state. Christian marriage has reintroduced that original marriage state into the world, where it is now a picture of the betrothal relationship that exists between Christ and His bride Church (Ephesians 5:32-33). The reestablishment and re-emergence of the original state of marriage was one of the gifts that Jesus the Messiah brought with Him (cf. Ephesians 4:8).

The Lord’s reintroduction of God’s original intention for a ‘holy and unblemished’ marriage among His followers was truly a new thing in the earth. It could only exist among His followers, not in the ‘world.’ It is to the shame of the Church that it has allowed itself to lose sight of the high calling inherent in its distinctive view of marriage, and has dragged Jesus’ teaching down to the level of the ‘world,’ where it is dissected and killed off through divorce among Christians. Christian marriage should be an insight into the unbreakable, one-flesh, marriage relationship that *now* exists between the Lord and His Church.

The verb, ‘may have divorced,’ is in the subjunctive mood, which I have conveyed using ‘may’ to convey the idea of potential, possible, or contingency. To understand the text one needs to identify the main clause first, which is here stated using the subjunctive mood: “Now I say to you that who, say, may have divorced his wife . . . and may have married another woman, he becomes adulterous.” This is the main clause, and it agrees with Mark 10:12.

A2. *A less likely translation of ‘not over fornication’*

At the beginning of this appendix we looked at the fairly literal translation of Matthew 19:9: “Now I say to you that who, for example, may have divorced his wife—*he may not have divorced her* for fornication—and may have married another *woman*, he becomes adulterous *by marrying her*.”

Another position of the negative would read:

Now I say to you that who, for example, may have divorced his wife—not *he may have divorced* for fornication—and may have married another woman, he becomes adulterous.

If Jesus denied the possibility of divorce for fornication, then He denied the possibility of divorce for any other cause, because what could be more serious and damaging to a marriage than adulterous behaviour? Either of the above positions of the negative would bring Jesus' teaching into line with His teaching in Mark and Luke.

Why would Jesus select out 'fornication' as a cause, only to deny it as a ground for divorce, if the Jews were not using it? This assumes that Jesus has conceded that divorce for fornication is valid, but it is not valid for any other cause. But we have no evidence that the Jews ever commuted the death penalty to a divorce penalty, and the incident of the woman taken in adultery in John 8 confirms their practice of enforcing the death penalty for adultery. It is for this reason that the above translation is unlikely, even though it leads to the same result as the preferred translation.

This translation rules out Erasmus's exception clause, because the phrase 'not over fornication' turns out to be a denial clause, and a denial clause that rules out the prime cause, namely, fornication, must consequently and logically rule out all the lesser causes. That is one way of reconciling Jesus' absolute denial of divorce with His clear statements elsewhere.

If Jesus' statement 'not over fornication' is lifted out of its historical context and made to leave open the possibility of divorce *for* fornication, this can only be done at the expense of isolating His words from the *legal* context in which the Pharisees asked their question.

Unlike Moses and the rabbis, Jesus was not in the business of facilitating, or managing sinful relationships. He was out to abolish all sinful relationships by taking up His abode in the life of each of His followers. The transformation can be likened to living underground, living and crawling in darkness, to suddenly coming to the surface, and walking in the light of the sun. Jesus likened it to a baby living in the darkness of the womb. The act of birth extrudes it into the light of the world, and there can be no way back to the darkness of the womb. Similarly, the one who has been born-again of the Spirit cannot go back to Moses or the rabbis, who belong to a by-gone way of life, which is now as obsolete as a bride attempting to get into her schoolgirl dress. The future is to walk in the light as Jesus walked in the light. Divorce belongs to Moses and the rabbis. Divorce belongs to those living underground, who have not seen the light that Jesus brought with Him. Divorce belongs to man's old nature.

However, Jesus was not ignorant of the arrogance of man (ancient and modern, 'Christian' and non-Christian) to brush aside God's revealed will and dissolve the union. His awareness of the realities is countered with a warning that Matthew and Mark both record for their readers: "What God has joined together, let not man put asunder." By 'man' here, Jesus includes all modern divorce judges. The act of divorce (attempted dissolution) is itself a sin, even if both parties do not remarry. The warning was intended to convey the message, 'Hands off separating what God has joined.' To counter, or reverse, something that God has done is to set oneself up in opposition to God. And those who oppose God are His enemies.

Neither God nor Jesus will tolerate any deviation from that revelation. Those who are not part of His Kingdom will fall back on the pre-Mosaic culture of divorce. That is to be expected. But for Christians, divorce is not an option. It belongs to the discontinued Torah, not to Grace. It belongs to the flesh, not to the Spirit-led life. There was no need to discuss exceptions for hard-heartedness, because hard-heartedness, is a sinful condition.

A.3. *The significance of an ellipsis in Matthew 19:9*

The key feature of the above translation is that it assumes there is an ellipsis of the main verb. Now ellipsis is a very common feature in all languages.⁵ It occurs when a writer wishes to avoid being pedantic. Thus in Romans 7:25 Paul states: “So then myself, I, with the mind, I serve the law of God, but with the flesh, the law of sin.” Paul omitted to repeat the main verb “I serve” before “the law of sin,” because his readers would supply it. If we supply the omission of the main verb in square brackets, the text would read: “So then myself, I, with the mind, I serve the law of God, but with the flesh, [I serve] the law of sin.” It would not be grammatically correct to repeat the verb *in a modified form*, or in some sense different from its first use. So, for instance, it would be taking a liberty with Paul’s thought to add ‘sometimes’ before ‘I serve’ in the second half of his thought. “So then myself, I, with the mind, I serve the law of God, but with the flesh, [I sometimes serve] the law of sin.” In supplying any ellipsis, care should be taken to repeat the main verb with the *exact same meaning* as its explicit use has in the first part of the sentence.

In Greek grammar there are many situations where an ellipsis of the main verb often occurs in a qualifying clause, and especially in exceptive clauses, as in Matthew 12:4, ‘which it is not lawful to him to eat, nor to those with him [to eat], except to the priests alone [to eat].’ The words in brackets [to eat], are repeated from the main clause. Closer parallels to Matthew 19:9 occur in Romans 14:1 and 1 Corinthians 5:8.

Romans 14:1, ‘And the one weak in the faith receive you —not [receive you] in determinations of reasonings.’ By adding ‘receive you’ after the negative, this brings out the force of the positive imperative. Nevertheless, there is a negative imperative implied after the particle *μή*, so, to be absolutely clear, the verb should be repeated to bring out the sense Paul intended his hearers/readers to get.

1 Corinthians 5:8, ‘. . . so that we may keep the feast —not [we may keep] with old leaven, not [we may keep] with the leaven of evil and wickedness, but [we may keep] with unleavened food of sincerity and truth.’ To get absolute clarity about what Paul wrote we need to re-supply the main verb “we may keep” three times in this one verse. There is a positive and a negative ‘keeping.’

Since these repetitions are redundant or pedantic, they are usually omitted, as in these two examples, and also in the following examples.

Matthew 12:24, ‘This one does not cast out demons, except [he casts out] by Beelzeboul, ruler of the demons.’ Matthew 12:39, ‘A generation, evil and adulterous, seeks a sign, and a sign shall not be given to it, except [it shall be given] the sign of Jonah the prophet.’ Matthew 17:8 ‘and having lifted up their eyes, they saw no one, except [they saw] Jesus only.’

Grammatically, there are dozens of cases in Greek New Testament where ellipsis is natural, and expected. By supplying the ellipsis, the force of the main idea is not disturbed.

⁵ G. B. Winer, *A Treatise on the Grammar of New Testament Greek* (2nd. ed., trans. by W. F. Moulton; Edinburgh: T. & T. Clark, 1877), p. 726, defines ellipsis as: “Ellipsis . . . consists in the omission of a word which — absent itself from the sentence — yet in its idea must necessarily (for completeness of the sentence) be present to the thought. Such omission of the words to be supplied by the mind (whether it be occasioned by convenience, or by a desire for conciseness) can take place only when the language used contains a clear intimation of what has been suppressed, — either by means of the build of the particular sentence, or in consequence of some conventional usage. As there are three constituent parts of the simple sentence, ellipsis would range themselves under the three main heads of ellipsis [1] of the subject, [2] of the predicate, and [3] of the copula.” An example is Eph 5:24 (Winer, 728).

A.4. Erasmus's addition of EI

Grammatically, the ellipsis of 'if' (Greek $\epsilon\iota$), is a hard sell, because nothing in the context prepares you for this significant modification of the main thought. Indeed, there is no qualification if $\epsilon\iota$ is not present. And it is present only in the *margin* of a very late 15th century manuscript (Codex Leicestrensis). But Erasmus never saw it there because it was inserted only after the invention of verse numbers in Robert Stephens' royal edition of 1550, and it was inserted from a printed text of the seventeenth century, which has been traced to John Fell's Oxford edition of 1675. There is no manuscript in existence among the 900 MSS of the Gospel of Matthew that has $\epsilon\iota$ in the *main* text.

Following on from this, there is no case that I know of where the ellipsis of $\epsilon\iota$ *must* be supplied to make sense of any sentence in biblical Greek literature. If a number of examples could be brought forward then maybe a case could be made out for the inclusion of $\epsilon\iota$ in Matthew 19:9, but it would be based on a very rare example (if such could be shown to exist unambiguously).

Suppose that Matthew 19:9 is an exclusion clause, ('Now I say to you that who, for example, may have divorced his wife—not [he may have divorced] for fornication—and may have married another woman, he becomes adulterous. '), it would be a mistake to modify the main verb when it is added in the ellipsis, by inserting the word 'including,' as some unscrupulous person could do, in order to force the text to read as an exemption clause, which it would do in the following translation: 'Now I say to you that who, for example, may have divorced his wife—not [including] he may have divorced for fornication—and may have married another woman, he becomes adulterous.' The addition of the word 'including' is a deliberate attempt to force Jesus to make an exception for fornication.

Or, if the ellipsis is left out, it could be made to read: 'Now I say to you that who, for example, may have divorced his wife—not [including] fornication—and may have married another woman, he becomes adulterous.' This arbitrary insertion of 'including' is effective in changing the grammar into an exemption clause. But what is to stop some other unscrupulous person from adding 'excluding' to replace 'including'? The sentence would then read: 'Now I say to you that who, for example, may have divorced his wife—not [excluding] fornication—and may have married another woman, he becomes adulterous.' This would agree with the school of Hillel's practice! Unscrupulous interference with the normal rules of grammar does not make for a sure or safe foundation for a biblical doctrine of marriage and divorce.

It is sometimes asked, If you divorce your wife not for 'porneia' (i.e. for some other reason) and marry another, you commit adultery; and if you divorce your wife 'except for' (i.e. for another reason other than 'porneia') and marry another, you commit adultery, don't both translations add up to the same thing? The short answer is Yes, but there are two categories of offences to take into account. First, there are punishments 'for fornication,' and second, there are punishments for 'not over fornication.'

In the first case above, this means that the wife is not guilty of fornication when she was divorced. Divorces on the basis that the offence was 'not over fornication' would come under the term '*ervat dābār*' of Deuteronomy 24:1.

In the second case, Erasmus's text tells us *explicitly* that it is lawful to divorce for fornication, but this is totally dependent on Erasmus's addition of EI before MH. No textual scholar worthy of the name can accept Erasmus's addition, so we must revert to the second choice given at the beginning of this section. Divorces on the basis that the offence was 'for fornication' would not come under the term '*ervat dābār*' of Deuteronomy 24:1. In the second case, Jesus would have agreed with Scripture that the punishment for fornication/adultery was death and not divorce (Deut 22:22; Lev 20:10; cf. Ezek 16:40; 23:47). So the issue of divorce does not arise.

A good English paraphrase would be: 'Now I say to you that who, for example, divorced his wife—not on the grounds of fornication *which bore the death penalty, but on some other grounds*—and married another woman, he is an adulterer.'

Jesus chose to take up the case where the wife was not guilty of fornication, but her husband had, nevertheless, decided he wanted to divorce her. Jesus then pointed out the dire consequences of divorcing a faithful wife. Not only did the husband become an adulterer himself through his remarriage (and so guilty of the death penalty), but his second wife became an adulteress, but he also turned his first wife into an adulteress through her remarriage, and the man who married her also became an adulterer. So the one divorce certificate produced two adulterers and two adulteresses.

A.5. *The two textual choices*

THE FIRST CHOICE (ERASMUS'S CHOICE)

If Jesus was making one exception to His teaching on divorce, and if He had used εἰ before μὴ; then the translation would be: "Now I say to you that who, for instance, may have divorced his wife—except *he may have divorced* for fornication—and may have married another *woman*, he becomes adulterous *by marrying her*. And the *man* having married a divorced *wife*, he becomes adulterous *by marrying her*."

THE SECOND CHOICE (McFALL'S CHOICE)

If Jesus was making no exception to His teaching on divorce, and if He had not used εἰ before μὴ; then the translation would be: "Now I say to you that who, for instance, may have divorced his wife—not over fornication *which bore the death penalty*—and may have married another *woman*, he becomes adulterous *by marrying her*. And the *man* having married a divorced *wife*, he becomes adulterous *by marrying her*."

The overwhelming textual evidence supports the second choice, which means that from the time the Reformation Churches broke away from the Roman Catholic church in the sixteenth century, the Protestant denominations have been teaching the opposite to what the Head of the Church taught His apostles. Matthew, Mark, and Luke had been saying the same thing all along. There never had been an exception to Jesus' teaching of 'No divorce for any cause,' not even for fornication or adultery.

Luke states Jesus' teaching using the indicative mood. His text reads: "all [=collectively/sg masc]—the *man* putting away (pres act ptc) his woman, and marrying a different-*woman*—he commits adultery against her ['against' his first wife; cf. Mark 10:11]. And all [=collectively/sg masc]—the *man* marrying her having been previously put away (perf pass ptc acc fem sg) from a man—he commits adultery with her [i.e., with another man's wife]." (Note the use of the parenthetical clause in Luke and Mark by Jesus to explain what He means by 'all.')

What Jesus added in Matthew 19:9 is not an exception to His total ban, but a warning (in the form of a parenthetical clause) to His Jewish audience that divorce for adultery was not permitted by God in the Torah. The Torah demanded the death penalty, not divorce.

Is it possible that Jesus had observed Jews obtaining a divorce on the grounds of adultery, which was an unlawful thing to do? Jesus knew the entire sexual history of the woman at the well (John 4), so maybe He knew that many of His audience had obtained their divorces on allegations of fornication/adultery, which did not amount to being 'caught in the act,' but there was the suspicion of unfaithfulness, and this was used by men to divorce their unwanted and unloved wives.

Jesus specifically condemned divorce for adultery in His content-identity phrase, 'not over fornication.' And, by the way, we have no *direct* evidence that either Shammai or Hillel, or their respective 'Houses,' ever gave permission to use divorce in place of the death

⁶ See 1.7. for a less literal English translation.

penalty. We have only statements from hundreds of years later—after the dispersion of the nation following the Second Jewish Revolt in AD 132-135—that they might have done so, but these statements may represent the practice of a later age. But Christian doctrine, by contrast, does not rest on such a shaky and uncertain transmission of ‘truth.’

In translating the Greek aorist subjunctive in Matthew 19:9, the two terms ‘subjunctive’ and ‘aorist’ will be treated separately, because the verb used in Matthew 19:9 and Mark 10:11-12 is the aorist subjunctive.

First, the ‘subjunctive’ is used for hypothetical, possible, uncertain, doubtful, or non-factual events or actions, by using ‘can, could, would, might, may, etc.,’ and the verb is negated with MH (not OU). The subjunctive is generally preceded by the particle AN, as in this instance, which I have translated, as ‘say’ or ‘suppose,’ ‘for instance,’ or ‘for example,’ to bring out the hypothetical situation Jesus is envisaging. (Note that the hypothetical nature is inherent in the verb form itself and not only in the particle AN used in conjunction with it, or the inclusion of ‘if,’ or ‘unless.’)

Second, the term ‘aorist’ refers to an action in its finished (result) form, as opposed to on-going or incomplete action or state, hence I have used ‘have’ followed by the Past Tense to distinguish the aorist from the Imperfect, Perfect, or Pluperfect tenses. There is nothing in English that corresponds exactly to the aorist, but if one thinks of an action that is completed in the mind of the speaker, even though it may still be in the future or the present, or it happened in the past, this is the essence of the aorist. It is tenseless, or timeless, which throws the attention on to the verbal result itself as one that is ‘done and dusted.’ The aorist tells us nothing about the nature of the action itself, whether it was durative, punctiliar, drawn out, swift, slow, repeated, a one-off action, etc. The nature of the verbal action will convey this information.

Third, negation in Greek. There are specific rules governing the grammatical use of OU and MH with the different moods in Greek. The basic rule is: OU stands where something is to be directly denied (as a matter of fact); MH, where something is to be denied as mere matter of thought (in conception and conditionally): the former is the *objective*, the latter the *subjective* negative.⁷ There is nothing in English that corresponds to these two negatives in Greek, but, when used, they are a clear indicator which mood is intended to go with it. In the case of Matthew 19:9, the mood is set by the preceding verb, ‘he may have put away,’ which can be repeated after MH. The indicative mood is not an option in this context.

Fourth, negative commands in Greek. In Greek the negative command is made up of MH plus the subjunctive (present or aorist). It is not made up of OU plus the indicative (present or aorist). The subjunctive would normally be in the 2nd pers, ‘You may not have divorced your wife.’ But in a 3rd person situation, as in Matthew 19:9, the negative imperative would still be MH+subjunctive, ‘He may not have divorced his wife.’

I have brought out the two main elements of the aorist subjunctive, namely, (1) its doubtful or hypothetical nature, by the use of ‘say . . . may’; and (2) the ‘result’ of the aorist verb by using ‘have’ + past tense. Consequently, my translation reads: “Now I say to you that who, say, may have divorced his wife—not over fornication—and may have married another woman, he becomes adulterous.”

However, if we remove the hypothetical nature of Jesus’ use of the subjunctive mood to frame His teaching, here is a paraphrased version. “Now I declare to you that any person who has divorced his wife (note, he may not divorce for *porneia*) and has married another

⁷ See G. B. Winer, *A Treatise on the Grammar of New Testament Greek* (2nd. ed., trans. by W. F. Moulton; Edinburgh: T. & T. Clark, 1877), pp. 593-603; Samuel Green, *Handbook to the Grammar of the Greek Testament* (London: The Religious Tract Society, 1886), pp. 138, 338f. οὐ denies facts, μὴ denies mental conceptions; οὐ denies as matter of fact, μὴ denies as matter of thought, supposition, etc.

woman, he becomes an adulterer." This is what Jesus had already stated in Luke 16 and Mark 10, but without the parenthetical reminder that it was against the Law of God to obtain a divorce for adultery. This exegesis is predicated on an omitted ellipsis, which is not the preferred solution of the author.

Matthew's Gospel, of course, was written for a Jewish audience worldwide. Matthew's audience would have known that both partners in an adulterous act had to be stoned to death. Even if it is claimed that the Jews could not apply the death penalty for religious matters, which is incorrect,⁸ their legal mind would know that an adulterer would be deemed to be dead in the eyes of God and man, and you do not marry a 'dead' person. S/he is cut off from the community.

Second marriages were probably as common in Jesus' day as they are today. He lived in an adulterous generation, but He did not shrink from calling all second marriages, while both spouses were still alive, adulterous relationships. He suffered the penalty for upsetting the majority, and the same thing will happen to any preacher who follows Jesus' daring Gospel. For the majority of Christian leaders the cost of following Jesus is too great, so they say nothing and collect their monthly salary from His Church with no qualms.

A.6. *The difference between the Christian and the unbeliever*

Adam Clarke, in his *Commentary* under Matthew 5:31, makes a very perceptive comment.

Rabbi Akiba said, "If any man saw a woman handsomer than his own wife, he might put his wife away; because it is said in the Law, *If she find not favour in his eyes.*" Deut. xxiv. 1. *Josephus*, the celebrated Jewish historian, in his *Life*, tells us, with the utmost coolness and indifference, "About this time I put away my wife, *who had borne me three children*, not being pleased with her manners. "

A. Clarke then cites a full Bill of Divorce, part of which reads, ". . . I, . . . with entire consent of mind, and without any compulsion, have divorced, dismissed, and expelled thee – thee, I say, M. the daughter of M. . . who wast heretofore my wife: but now I have dismissed thee . . . so as to be free, and at thine own disposal, to marry whomsoever thou pleasest, without hindrance from any one, from this day for ever. Thou art therefore free for any man. Let this be thy bill of divorce from me, a writing of separation and expulsion, according to the law of Moses and Israel. . . ."

A. Clarke adds: "A real Christian ought rather to beg of God the grace to bear patiently and quietly the imperfections of his wife, than to think of the means of being parted from her." He notes that "what was permitted to an uncircumcised heart among the Jews, should not serve for a rule to a heart in which the love of God has been shed abroad by the Holy Spirit." However, Clarke did permit divorce in the statement: "It does not appear that there is any other case in which Jesus Christ admits of divorce." This was understandable since he was following the TR. However, he failed to understand the significant difference between what Jesus taught in Matthew 5:31-32 and 19:3-12.

In his comments on Matthew 19:3-12, he notes that Jesus does not answer them from Shammai or Hillel, but from Moses. He wrote:

To answer a case of conscience, a man should act as Christ does here; pay no regard to that which the corruption of manners has introduced into divine ordinances, but go back to the original *will, purpose* and *institution* of God. Christ will never accommodate his morality to the

⁸ See Section 1.9. Paul on divorce and remarriage.

times, nor to the inclination of men. What was done at the *beginning* is what God judged most worthy of his *glory*, most profitable for *man*, and most suitable to *nature*.⁹

According to the Mishnah *Gitt.* 9:3, the essence of the *get* are the words 'Behold you are permitted to any man.' Among the Dead Sea cave finds was a bill of divorce, dated about A.D. 71, whose wording is said to reflect what is said in Deut 24:2.¹⁰

⁹ Adam Clarke, *Commentary on the New Testament* (3 vols.; London: J. Haddon, N.D.) Clarke finished correcting the New Testament in Jan. 1832, and it was published in 1834.

¹⁰ See E. Koffmann, *Die Doppelurkunden aus der Wüste Juda* (Leiden: E. J. Brill, 1968), pp. 147–155.