

MAN & WOMAN IN BIBLICAL LAW

Volume 2

They Shall Be One Flesh

Resurrecting the Biblical Family

VOLUME II

by

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This book is dedicated to

Rousas J. Rushdoony

who laid the foundation for biblical reconstruction of Christian marriage.

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INTRODUCTION

In his book, *The Mystery of Love and Marriage*, Anglican theologian Derrick Sherwin Bailey observes of the early Church's teachings about sex and marriage:

"A noticeable feature of Patristic thought, particularly in the West, is the growing suspicion (indeed, it amounts to fear) of sex, which attains extravagant, even ridiculous proportions in the writings of Tertullian and Jerome, and relapses into a more moderate negative attitude in those of Augustine, Ambrose and Gregory the Great...

"The significance of sex in the personal life of the individual was never appreciated, nor was sexual intercourse seen to possess any meaning or even importance in the experience of husband and wife as 'one flesh', save for the purpose of procreation.

"Thus early Christianity left to succeeding ages an unbalanced conception of sex and sexual intercourse, and an entirely mistaken view of sexual pleasure. While in theory the seat of sexual sin was held to reside in the will and not in sexuality itself, this distinction was rarely and inconsistently observed. This failure to understand sex contributed to the exaltation of celibacy...

"It is remarkable that the Fathers should have failed so completely to appreciate the bearing upon sex of the doctrines of Creation and the Incarnation...

"In this respect most Anglican and theologians of the Reformation and Caroline periods were at an advantage, having judged that marriage would serve better to godliness, though they were still fettered by a conservatism which maintained with but little modification much of the Augustinian tradition which held the field for more than a millennium...

"This was without doubt the result of what Dr. E. C. Messenger has called the 'deformation of the Christian Tradition' by Gnostic and Manichaean influences, and its consequences have in fact been more destructive and far-reaching than he allows. In attempting, therefore, to work out a Christian theology of sex there are few authorities to whom appeal can be made, and allowance is necessary for the fact that not a little in the tradition which has descended to us is misleading and untrue to fundamental Biblical insights and principles."—pg. 54-59

The failure of the Church's theologians to adequately address these areas is not exclusive to the early Church and the Reformation period. Jay E. Adams points out in his book, *Marriage, Divorce and Remarriage in the Bible*, that modern Evangelicals have "neglected the whole area for so long, uncritically accepting local or denominational traditions" (pg. viii). The simple fact of the matter is the Church to this day has *never* developed a systematic and biblically faithful doctrine of sex and marriage.

The patristic legacy on marriage, divorce and remarriage was strongly tainted by the philosophical asceticism which dominated the Greco-Roman culture of the day. Though the culture of the day was often indulgent and debauched in practice, the ascetic life was viewed, nevertheless, as the ideal. The ascetic view posited a spirit vs. matter dichotomy in which spirit was seen as good and matter evil. This view of the basic nature of the universe is at odds with the Hebraic (Biblical) view which declares all of creation as good, both the spiritual and the material, albeit tainted by sin after the Fall.

As Bailey notes, the Patristic legacy gave rise to the exaltation of celibacy as the supposed Christian ideal. Biblical Israel never did fall prey to this particular corruption of the biblical faith. It is also relevant in this regard that nor did Israel in the Diaspora ever repudiate polygyny until basically being forced to do so by Medieval European society in the 11th century A.D. Married life and family life were always seen as the core purpose and calling of man and this included the opportunity to expand the size of one's family by having multiple wives. (Revisiting the subject matter of Volume 1, I would like to pose the question, If monogamy as the ideal marriage is an inevitable inference based upon Genesis 1-2, why did the Jews in all of their history never draw this inference from the creation narrative of Genesis?) The historical progress of the early Church marks a sharp discontinuity with this tradition of the faith. This may seem almost inexplicable at first glance. Was not the Church committed to the Bible as the Word of God? The relevance, to say nothing of the *authority*, of the Old Testament scriptures on marriage, divorce and remarriage seems to have been lost on the early church fathers.

The culprit for this discontinuity with the Biblical tradition seems to be the utter devastation and desolation of the nation of Israel by Rome in 70 A.D. and the intense persecution of the Church by Nero at more or less the same time. The Church was essentially transplanted at that time into a culture with a different ethic and this ethic was absorbed into the thinking of the early Church fathers. The legacy of these historical events persists to this day in the corruption of the biblical system of doctrine on marriage, divorce and remarriage.

It must be noted that there has been some progress in this regard among modern Evangelicals due to the ingrained Biblicism at the heart of the Reformation. There are not many modern Evangelical men, for example, who are racked with pangs of guilt

over enjoying sexual relations with their own wives. And I know of no major, orthodox theologian today like Origen of the early Church who has gone to the absurd extreme of castrating himself in order to be more spiritual. This would be the equivalent in today's world of getting news that Billy Graham underwent a castration procedure so that he could attend to his Crusades more spiritually!

It is easy for us, standing 1700-1900 years distant from these men, to condemn their capitulation to the corruptions of Gnostic and Manichaean influences in their understanding of Scripture. But are we really so different today? Have we taken the Word of God in all its purity to heart? Or have we also allowed unbiblical, non-biblical and anti-biblical systems of thought to corrupt our doctrines of sex and marriage?

As I pointed out in Volume 1 of this series, *A Patriarchal Manifesto*, the modern Church is way off base in all its major branches concerning the doctrines of patriarchy and polygyny. As a consequence, the Church is compromised in its approach to and handling of modern feminism, as well as its understanding of the biblical definition of adultery. The legacy of ancient pagan Rome is still very much with us today.

This Volume and the one that preceded it is offered to the Church as a belated treatment of the subjects at hand—I say belated because Athanasius or Augustine or Luther, good Biblicists of the past, should have provided such a work to the Church long ago. It is long past time to cast off the yoke of Rome.

CHAPTER 1

THEY SHALL BE ONE FLESH...

26 Then God said, "Let Us make man in Our image, according to Our likeness; let them have dominion over the fish of the sea, over the birds of the air, and over the cattle, over all the earth and over every creeping thing that creeps on the earth." 27 So God created man in His own image; in the image of God He created him; male and female He created them. 28 Then God blessed them, and God said to them, "Be fruitful and multiply; fill the earth and subdue it; have dominion over the fish of the sea, over the birds of the air, and over every living thing that moves on the earth."

--Genesis 1:26-28

21 And the Lord God caused a deep sleep to fall on Adam, and he slept; and He took one of his ribs, and closed up the flesh in its place. 22 Then the rib which the Lord God had taken from man He made into a woman, and He brought her to the man. 23 And Adam said: "This is now bone of my bones And flesh of my flesh; She shall be called Woman, Because she was taken out of Man." 24 Therefore a man shall leave his father and mother and be joined to his wife, and they shall become one flesh. 25 And they were both naked, the man and his wife, and were not ashamed.

--Genesis 2:21-25

One of the things that has greatly agitated Bible commentators who have undertaken an exposition of the subject of marriage is the seeming “silence” of the Scriptures concerning the lawful means of commencing or inaugurating a new marriage. The absence of commands having to do with legal or ceremonial procedures, or public oaths, in Genesis 1–2 is manifest.

Consulting the prescriptive commands of the Law and prophets does not alleviate the agitation. As James Jordan has commented:

“We are not told all we should like to know about the legal side of marriages in Israel.” –*The Law of the Covenant*, pg. 149

To this, Jay E. Adams harmonizes,

“We have no engagement or wedding ceremonies of any detail in the Bible.” - *Marriage, Divorce, and Remarriage in the Bible*, pg. 13

In fact, both Jordan’s and Adams’ statements understate the reality that there are no prescriptive commands in the Bible whatsoever concerning ceremonial procedures, rituals, civil and/or ecclesiastical requirements, or public oaths or vows.

Why, we must ask, is the Bible silent on this issue? Is not the institution of marriage and family of surpassing importance? Given the great detail and length the Bible goes into in many related matters, does it not seem strange that nothing is commanded relating to marriage rituals, vows, ceremonies, etc.? The peculiarity of this is intensified when we consider that the violation of marriage is the immediate concern of the seventh of the Ten Commandments, “Thou shalt not commit adultery.” Add to this the factor that the marriage of man and woman is God’s chosen analogy of His own relation to His people, and we have a mystery of the greatest magnitude. Contemplate this mystery for decades, if you will, and God’s Word will still be silent in this regard: “Forever, O LORD, thy word is settled in heaven,” (Ps. 119:89). If we are tempted to think that the Bible is deficient and has omitted something of necessity, we are rebuked by that very word: “The Law of the LORD is perfect,” (Ps. 19:7) Oaths and vows, and rituals and ceremonies, are numerous in the Bible, but marriage oaths or ceremonies are conspicuous by their absence.

Evangelical commentator, M. G. McLuhan observes:

“Research has indicated that no written record of marriage was kept by the Israelites until the time of the Macabees in the second century before Christ. Even then it was not a general practice, with few observing it even in the time of our Lord. In our highly organized Western society we have become accustomed to looking upon marriage as a mere legalized union that we have in most cases totally overlooked the divinely stated elements of that relationship...Not one word in the entire Bible implies that a legal record should be kept.”—*Marriage and Divorce: God’s Call, God’s Compassion*, pg. 31

The prevailing Evangelical (and, indeed, Roman Catholic and Eastern Orthodox) dogma posits three things as essential and necessary elements to institute and commence a biblically lawful marriage: 1) a public oath which is 2) officiated by a civil or ecclesiastical officer and 3) sexual relations to “consummate” and complete the union. It is the thesis of this present volume that points 1 and 2 are biblically extraneous and without scriptural foundation and that point 3, sexual relations alone and by itself, is the only one of the three above-named requirements that is biblically required and

exegetically defensible.

As we will see, the Scriptures irrefutably place the primary emphasis and focus upon the “one flesh” nature and basis of marriage. Actually, sexual relations is one of three basically distinct ways that a biblically lawful marriage commences. The other two biblical means of inaugurating a new marriage are: 1) by arrangement of the parents of the bride and groom. This is what is commonly referred to as “betrothal” or “espousal” in Scripture; (We will elaborate more on this later on in the book.) and 2) by agreement of the bride and groom themselves when there are no familial authorities living. In biblical Israel, and, indeed, in the great preponderance of societies that have ever existed, the respective parents normally arranged marriages with minimal involvement on the part of the bride and groom. It is legitimate to call this arrangement of parents an agreement, contract or covenant. Moreover, as we shall see, parental arrangement of their children’s marriages is the biblically prescribed ideal and normative manner of instituting a new marriage.

As noted above, the Bible places the emphasis upon the “one flesh” nature and basis of marriage. By this we understand that sexual union is marriage, properly defined. Betrothal, or espousal, is actually an agreement or covenant pertaining to marriage, and not marriage itself. Such agreements, however, are presented in the Bible in covenantal terms. This is because marriage is a covenantal relationship. Marriage agreements/contracts/covenants are treated in biblical law exactly as if they are actual marriages already realized and in effect. In effect, betrothed couples are treated as if married even though they have not yet experienced marriage. (We will elaborate more on this later in the book also.)

John Murray has stated:

“It is quite apparent that the first biblical passage bearing upon the question is Genesis 2:23, 24. At the very outset this enunciates the nature and basis of marriage.”—*Divorce*, pg. 1, emph. supp.

One of the fallacies of the prevailing dogma is in not discerning the sufficiency of Genesis 1 and 2 in the disposition of this issue. Genesis 1:28 and 2:23-24 authoritatively establish sexual relations, in and of itself, as the commencement of marriage, as the very substance and essence of it the thing itself.

In Genesis 1:26-28, we find God creating man and woman and blessing them with the words, “Be fruitful and multiply.” This was, in essence, the betrothal of Adam and Eve by their Father. There is no question here of any ceremony or ritual to “solemnize” or “authorize” their union, only the authoritative command of their progenitor. Moreover, in Genesis 2 we are informed that God brought the woman unto the man, whereupon Adam names her in the same manner that he had previously done with the animals

(indicating his patriarchal authority over Eve and his own subordination to God). “This is now bone of my bone and flesh of my flesh.” This is the basis for the subsequent theological pronouncement of Moses in verse 24 that “they shall be one flesh” via sexual relations. It is because of original physical unity (flesh of flesh, bone of bone) that marriage subsequently finds its commencement in sexual relations. Thus, Genesis establishes the lawful *means* of entering a marriage (sexual relations) and the philosophical, ontological basis for this mode (original physical unity).

So, contrary to what many have asserted, the Bible is not silent or non-specific concerning the lawful means of entering a marriage. Let it be asked again: assuming that Genesis does not establish a norm, why is the Bible silent (otherwise) about this issue in particular? Why, when the Bible goes into such detail on other matters, why is it silent on this? If there is a specific lawful means of entering and instituting a marriage via vows and ceremonies, why does not the Bible prescribe the way in definite terms? Why must we make *inferences*? Why must we *deduce*? But Genesis *does* specify the norm. Sexual relations establish and ordain a marriage, the making of husband and wife.

This is confirmed in Matthew 19:4-6, in which Jesus explains to the Pharisees why he asserts that marriage is meant to be perpetual:

4 And He answered and said to them, "Have you not read that He who made them at the beginning 'made them male and female,' 5 and said, 'For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh'? 6 So then, they are no longer two but one flesh. Therefore what God has joined together, let not man separate."

Does the Lord hearken back to the authority and solemnity of an *oath*? Or a ceremony? Manifestly not. However, Christ does appeal to the authority of the marriage act of becoming one flesh. As it was the separation of flesh from flesh that differentiated and divided asunder the first man and woman, so it follows that it is the joining of flesh to flesh in sexual relations that unity comes about again. This physical reality and history very strongly commend the view that sexual relations constitute and institute a marriage covenant without the necessity of a verbal covenant.

There is no logical foundation in Genesis 1 or 2 (or 3) for inferring the necessity of a ceremony, ritual, oath or contract to commence a marriage, to say nothing of mandating civil or ecclesiastical involvement. However, the inference in favor of sexual relations *alone* is very strong, to the point of being sufficient without any other scriptural support.

Moreover, the apostle Paul in the New Testament explicitly interprets the phrase “one flesh” as sexual relations (I Cor. 6:16). While many have rightly pointed out that the phrase is not restricted to sexual relations alone but covers the whole personal relationship of man and wife, it is a very great error not to see that this is its core

meaning and central focus. To assert otherwise is to nullify Genesis 2:24, Matthew 19:4-6 and I Corinthians 6:16.

There is something in sexual intercourse that is not only physical but profound as well; we shall only grope for words and stutter in the face of ineffable mystery if we do not apprehend the source of that profundity in the covenantal significance of the act. For man does not live his life against the backdrop of a personless void, but all that man does is inescapably played out within the context of the sovereign God and His immutable covenant revealed in the Bible. And marriage, the act of becoming one flesh, is uniquely preeminent among all human relationships in partaking of a covenantal nature. There is no ceremony or ritual, no oath or contract, which carries more covenant-making significance than “mere” sexual relations.

Since the Bible itself unmistakably, clearly, and unambiguously places the emphasis upon the physical, sexual, one flesh relationship, the onus and burden of proof rests very heavily upon those who would deny the covenant-making significance of sexual relations. Where in God’s Word, it must be asked, is there even one positively stated prescriptive command mandating a ceremony, ritual, oath or contract (either verbal or written) to enter into a marriage? There is not even one. Not one! I have already quoted commentators James Jordan and Jay E. Adams who were disappointed about not being able to find such. This consideration alone ought to be decisive to settle the issue for all those who acknowledge the authority of God’s inerrant, all-sufficient Word. But—alas!—custom and tradition are uniformly given more weight in our churches on this issue than the inspired Word of God.

Innumerable Christian laypersons have perceptively grasped this truth from the pages of the Bible. Examples are legion within the church of Christian ministers battling this incipient belief among members of their congregations. (I once saw D. James Kennedy, whom I admire greatly, on television relate from the pulpit his experience of dealing with a member of his church on this very issue.) They are refuting what they should be affirming. It is not fidelity to Scripture they are acting upon (as they suppose) but fidelity to custom and tradition. They think they are defending what the Bible teaches. They are defending the doctrines and commandments of men.

When asked where in the Bible there is a positive command mandating a ceremony or oath officiated by a civil or ecclesiastical officer, most ministers will frankly admit that there is none; but, they will confidently assert, the necessity of such can be definitely inferred from Scripture. This, however, immediately raises a very serious objection to which there is no sufficient answer, namely, marriage is not just one doctrine among many in the Bible. It is a central theme, and one which is related to soteriology by analogy and by type. Moreover, it is of paramount importance in the creation account, and it occurs by way of example numerous times in the Bible. Large portions of the Law of Moses are particularly addressing marriage and its violations. Is it likely (or even

conceivable) that the means of commencing a relationship of such vital importance should be left to inference, conjecture, implication and deduction?

The casual reader might not appreciate just how devastating this consideration is to the traditional dogma. But let such a one read uninterruptedly through all of the exacting detail of the laws in the Pentateuch and then consider the same question again. God does not overlook or omit essential details and expect us to know them anyhow! But the prevailing dogma insists that a public oath officiated by a civil or ecclesiastical official is precisely such an “essential detail.”

Unquestionably, there is something seriously deficient about the prevailing dogma. The above considerations ought to be sufficient to cause the Bible-believing church to re-examine its presuppositions on this doctrine. To my knowledge, no orthodox commentator has addressed these objections and yet they are so very, very basic. Some, such as James Jordan and Jay E. Adams, though not directly addressing this issue, have nevertheless admitted the paucity of biblical support for the necessity of a ceremony or oath.

When first seeing Eve, our first father focused upon the physical, fleshly origin of Eve out of his own flesh. In his theological summary, Moses focused upon the “one flesh” nature of marriage. In disputing with the Pharisees, Christ himself focused upon and emphasized the one flesh basis of marriage. Clearly, physical sexual union is at the heart of the biblical definition of marriage.

In his book, *Man and Woman in Christ*, Stephen B. Clark, though not explicitly advocating this view, does imply it:

“Therefore, Gn. 1:27-28 states that the two sexes are part of the way God made the human race, and that God made them that way for a purpose so that they could have children and increase and multiply. Here the command to increase is linked with the creation of the human race male and female. Sexual differentiation, then, is part of God’s original purpose...” (pg. 13)

And,

“Both ‘cleave to his wife’ and ‘become one flesh’ are phrases which describe the establishment of a new committed relationship...He leaves the ‘one flesh’ which is his parents and joins with a woman to create a new ‘one flesh’...This social fact is explained by the original creation of woman out of man. Something was taken out of man when woman was formed, and hence it is natural for a man to find a woman that he can join to himself, **becoming one flesh as a foundation for creating a new family...**” (pg. 20, *emph. supp.*)

And,

“In creating woman and coupling her with the man, God created one flesh that could be the source of a family. The New Testament interprets ‘one flesh’ in terms of sexual intercourse (I Cor. 6:12-20). While it would be a mistake to regard one flesh solely in terms of sexual intercourse it would be an even greater mistake to miss the reference to family and reproduction and concentrate instead on the modern idea of companionship.”

This is where Clark leaves the matter although his book is quite comprehensive, well over 700 pages. Clark does not discuss the specific term “covenant” as it applies to marriage, but uses, as a synonym, the less-pointed phrase, “committed relationship.” Clark comes up to the edge but leaves the reader to make the inference for himself. (Very diplomatic!) What Clark is inferring is clear upon review: commencement of sexual relations begins a marriage. There is no doubt that this is the logical conclusion of Clark’s thesis here.

Another commentator, Ralph E. Woodrow, in his book, *Divorce and Remarriage*, makes these observations:

“Our idea of marriage—with a minister performing a ceremony—was not the custom in Bible times...Back then, an agreement may have been made between heads of families—a gift or bride price may have changed hands—but it was through sexual union that a couple was considered ‘one.’ It was when Isaac took Rebekah into the tent that ‘she became his wife’ (Gen. 24:67).” –pg. 75

Gary North, on the other hand, in his book, *Tools of Dominion*, is more explicit about the covenantal nature of sexual relations. Commenting on Exodus 22:16-17, concerning the seduction of an unbetrothed virgin, North states:

“It is not a capital crime. Adultery, in contrast, is a capital crime (Deut. 22:22). Why is there a difference in the punishments? Because the seduction of a virgin does not involve the breaking of a covenant vow. In fact **it involves the taking a covenant vow** (the emphasis here is North’s—T.S.). It involves the physical bonding associated with the consummation of a binding marriage vow. In biblical law, physical consummation is itself the mutual vow of betrothal.” –pg. 642, emph supp.

And on the next couple pages:

“When private physical consummation itself becomes the form the vow takes, then a public act must follow...The physical consummation constitutes covenantal betrothal. It is a binding oath. It is a bond...The consent of the girl to

her seduction is the equivalent of her private betrothal. She takes a binding covenant vow with the seducer by means of her body. The seducer does the same with his body. She implicitly agrees to marry the seducer and he implicitly agrees to marry her.”

Although North does not make a clean break with the traditional antinomian view of marriage requirements, his view as quoted above does come extremely close to the scriptural norm. And although North cannot bring himself to plainly, unequivocally declare that sexual relations alone institutes and constitutes a binding marriage covenant, he does perceptively grasp the covenantal import of the act. Sexual relations are inherently covenantal in nature. North clearly has no doubt about that.

Consider also these observations of Susan T. Foh, in her book, *Women and the Word of God*:

“The woman was created from man to set up *the basis for the one flesh principle in marriage*. There is a real biological and historical foundation for the oneness that should be between husband and wife (Gen. 2:24).”—pg. 61, emph. supp.

“The one flesh principle God established (cf I Cor. 6:16) is taken seriously; violation of it is punished severely. *When a man and woman have sexual intercourse they become one flesh*. As such, they should be permanently joined together in marriage.”—pg. 75, emph. supp.

“In the case of husband and wife, they are one flesh. This unity is more than emotion or common interests. It also has its basis in creation—the woman was made from Adam’s body (Gen. 2:21-24). So the man is to love his wife as his own body, which is to say as himself. *This unity is initiated and then reenacted by sexual intercourse*; intercourse is more than biological function.”—pg. 132, emph. supp.

“But this view does not account for the ‘sacredness’ of sex in the marriage relationship, with all of the regulations to maintain it; nor does it account for the indissolubility of the one-flesh relationship *resulting from sexual intercourse*...God created two sexes for marriage, to give it a physical basis for union in sexual intercourse.”—pg. 178, emph. supp.

“The oneness in marriage, founded in creation and *enacted by sexual intercourse*, provides the basis for love...” pg. 183, emph. supp.

“The oneness of marriage is permanent. *Sexual intercourse establishes this permanent bond*; that is, when a couple is joined through sexual intercourse, they become indissolubly one flesh (I Cor. 6:16).”—pg. 216, emph. supp.

Susan T. Foh is to be commended for her consistency throughout her book on this point, and for the precision with which she articulates this doctrine. She notes that the origin of Eve from Adam is the “basis” for the one-flesh principle; that a man and woman become one flesh “when they have sexual intercourse,”—that this unity is (note well) “initiated” by sexual intercourse; and that the permanence of the one flesh relationship “[results] from sexual intercourse.”

The only point lacking in Foh’s analysis is an explicit, direct affirmation of the covenant-making import of the act. The only comments I would add to Foh’s remarks concern her statement that “intercourse is more than a biological function,” and her attempt to “account for the ‘sacredness’ of sex in the marriage relationship.” I have already indicated the source of that sacredness: it is the covenant-making significance of the act.

If we synthesize Gary North’s exegesis with that of Susan Foh’s, then the result is the full blown affirmation of the thesis I am contending for in this book. In short, I have said nothing new.

In sharp contrast to Gary North, Susan T. Foh, Stephen B. Clark, M. G. McLuhan, Ralph Woodrow, and me, Jay E. Adams has tried to divest sexual relations of all inherent meaning in his book, *Marriage, Divorce and Remarriage in the Bible*:

“Marriage must not be equated with sexual relations. A sexual union is not (as some who study the Bible carelessly think) to be equated with the marriage union.

“If marriage and sexual union were one and the same, the Bible could not speak about illicit sexual intercourse; instead (in referring to fornication) it would talk about informal marriage...

“The notion that marriage begins on the honeymoon when sexual relations first occur, and not when the vows are taken is totally foreign to the Scriptures...”—
pg. 5-6

Adams’ statement here is fraught with confusion. Since the Bible nowhere establishes or commands any oaths or vows to be taken in connection with marriage, nor any ceremony or ritual, nor any contractual guidelines for forming a marriage covenant, then there is no biblical basis to distinguish “formal” versus “informal” marriages. “Formal marriage” in Adams’ sense is nowhere mentioned in the Bible. Adams thinks otherwise, but he is constrained to admit, “We have no engagement or wedding ceremonies of any detail in the Bible,” (pg 13). Adams’ premise, however, forces him into the unhappy position of trying to find one. Adams cites Ruth 3 and Ezekiel 16:8 as support for his thesis.

“The closest thing to a ritual or ceremony of engagement (or practice that possibly preceded the engagement ceremonies) is found in Ruth and Ezekiel. The practice is not altogether clear to us, but, **in some way or other**, involved spreading one’s garments over the woman to be engaged (cf. Ruth 3:9,10), In Ezekiel 16:8 we read...”—pg. 13, emph. supp.

To the “some way or other” we now turn our attention. Let us survey the relevant biblical texts to determine, authoritatively, the disposition of this question. It will be necessary, before we examine Ruth 3 and Ezekiel 16:8, to lay the foundation with some introductory observations. First, consider Deuteronomy 22:30.

“Cursed be he that lieth with his father's wife; because he uncovereth his father's skirt.”

And Deuteronomy 22:30;

“A man shall not take his father's wife, nor discover his father's skirt.”

Let the reader note carefully that the “uncovering of the skirt” in both of these passages refers to sexual relations. This fact is clear and unambiguous. On this point there can be no debate. There is a direct equation made in the form of synonymous parallelism. To “uncover the skirt” is to have sexual relations with, to “lie with,” to “take” carnally. The phrase “uncover the skirt” is used synonymously and interchangeably with sexual relations.

The laws against incest in Leviticus 18 employ the same terminology, “to uncover,” to refer to sexual relations.

Note 18:6;

“None of you shall approach to any that is near of kin to him, to uncover their nakedness: I am the LORD.”

And 18:7-9;

The nakedness of thy father, or the nakedness of thy mother, shalt thou not uncover: she is thy mother; thou shalt not uncover her nakedness.

The nakedness of thy father's wife shalt thou not uncover: it is thy father's nakedness.

The nakedness of thy sister, the daughter of thy father, or daughter of thy mother, whether she be born at home, or born abroad, even their nakedness thou shalt not uncover.

The following verses in Leviticus 18 repeat the same phrase over and over again, “to uncover nakedness,” to denote sexual relations. These laws and those of Deuteronomy bear pointedly and directly upon how Ruth 3 and Ezekiel 16:8 are to be understood. With this foundation of scriptural precedent laid, consider the meaning of Ruth 3 and Ezekiel 16:8;

Then Naomi her mother in law said unto her, My daughter, shall I not seek rest for thee, that it may be well with thee?

3:2 And now is not Boaz of our kindred, with whose maidens thou wast? Behold, he winnoweth barley to night in the threshingfloor.

3:3 Wash thyself therefore, and anoint thee, and put thy raiment upon thee, and get thee down to the floor: but make not thyself known unto the man, until he shall have done eating and drinking.

3:4 And it shall be, when he lieth down, that thou shalt mark the place where he shall lie, and thou shalt go in, and uncover his feet, and lay thee down; and he will tell thee what thou shalt do.

3:5 And she said unto her, All that thou sayest unto me I will do.

3:6 And she went down unto the floor, and did according to all that her mother in law bade her.

3:7 And when Boaz had eaten and drunk, and his heart was merry, he went to lie down at the end of the heap of corn: and she came softly, and uncovered his feet, and laid her down.

3:8 And it came to pass at midnight, that the man was afraid, and turned himself: and, behold, a woman lay at his feet.

3:9 And he said, Who art thou? And she answered, I am Ruth thine handmaid: spread therefore thy skirt over thine handmaid; for thou art a near kinsman.

3:10 And he said, Blessed be thou of the LORD, my daughter: for thou hast shewed more kindness in the latter end than at the beginning, inasmuch as thou followedst not young men, whether poor or rich.

3:11 And now, my daughter, fear not; I will do to thee all that thou requirest: for all the city of my people doth know that thou art a virtuous woman.

The first point to note in Ruth 3 is Naomi’s instruction to Ruth to “uncover his feet.” This phrase is obviously related to the scriptures we examined above in Leviticus and

Deuteronomy. The phrase contemplates a spreading open or a lifting up of Boaz's garment to expose his nakedness. The fact that the term "nakedness" is not employed in no way indicates that this is not in fact what Naomi's instructions meant. Perhaps the reference to his "feet" obscures the meaning for some. James Jordan is helpful on this point. Jordan comments on the account of Eglon in Judges 3:

"According to verse 24, Eglon's courtiers thought he was 'covering his feet' in the cool room. The expression 'covering the feet' is used for private acts in Scripture. Here it clearly refers to a bowel movement." —*Judges: God's War Against Humanism*, pg. 63.

Jordan goes on to state:

"Man's sense of shame is psychologically localized in terms of his 'private parts,' his genitals and bowels, in terms of sex and excretion. Thus, both activities are performed in private...Thus, these two activities were normally referred to in Israelite society under a figure of speech. The private parts of the human anatomy, below the waist, were called "feet," and covering or uncovering of the "feet" referred to covering or exposing nakedness. (See Ruth 3:4, 7-9; 2 Kings 18:27; Is. 36:12; Ezekiel 16:25, in Hebrew or in marginal English renderings; 'urine' is literally 'water of the feet.')

" 'Uncovering the feet' refers to sexual relations, in that the man and the woman are properly naked to each other, and wrapped in one garment (Ruth 3:4, 9)."—*Judges: God's War Against Humanism*, pg. 65

Jordan's observations here are worth lingering over. Note especially the comment that the literal Hebrew for "urine" is "water of the feet." Jordan's citation of Ezekiel 16:25 is especially illuminating, especially since it comes from the same chapter and section that Adams cites, and which we will consider below. The verse says:

Thou hast built thy high place at every head of the way, and hast made thy beauty to be abhorred, and hast opened thy feet to everyone that passed by, and multiplied thy whoredoms.

Note also Jordan's unequivocal statement, "uncovering the feet refers to sexual relations." What then is the meaning of Naomi's advice to Ruth to "uncover his feet and lay thee down?" Jay E. Adams notwithstanding, there is only one possible meaning. Naomi advised Ruth to seduce Boaz into sexual relations as a means of securing him as her kinsman redeemer. After exposing Boaz's "feet," that is, his private parts, Ruth was then to "lay thee down." Consider the sequence: first to expose Boaz's nakedness and then to lie down. This sequence of acts is nothing else, and can be nothing else, except a direct invitation to sexual intercourse. Boaz could not possibly have mistaken the

meaning and significance of Ruth's actions.

"It is not altogether clear" to Jay E. Adams exactly what Ruth was requesting when she asked Boaz to spread his skirt over her. It is unfortunate that Adams did not consult a concordance at this juncture to find out what light Deuteronomy 22:30 and 27:20 and Leviticus 18 would throw upon Ruth's words. Her words meant precisely the same thing as her actions did. "Spread thy skirt over thy handmaid" contemplated bringing Ruth inside the garment with Boaz in the act of sexual intercourse—that is, to commence marriage. As Jordan notes, "the man and woman are properly naked to one another and wrapped in one garment," and Jordan even makes it clear that this is his understanding of Ruth 3 by his citation of Ruth 3:4, 9 in connection with this point.

Jordan had previously brought out the same point in an earlier book:

"It is God who has spread his cloak over his bride in marriage (Ruth 3:9; Ezek. 16:8). In the symbolism of Scripture, the veil is removed from the face of the bride, removing the barrier of clothing between groom and bride (Gen. 24:65ff). The two are one flesh, covered by one garment around them both. In terms of this, then, when God made his covenant with Israel, he spread his garment over them."—*The Law of the Covenant*, pg. 160-161

I should like to interject here for the reader that I arrived at precisely this same understanding of these Ruth and Ezekiel passages as Jordan, totally independently of Jordan (or anyone else), long before I ever read any of Jordan's books or even heard of him. Now, it may not prove anything, but it is my opinion that such a point for point correspondence of understanding would not occur if there were not some essential truth to it. The entire context of Ruth 3 simply mandates this understanding. Can it be seriously maintained that Naomi's and Ruth's plan was just to get a verbal proposal of marriage? If so, why did Naomi instruct Ruth to go at night? And then only approach him after he had lain down? Why the instruction to wash herself? And to perfume herself? And to put on her best clothes? Is all of this a formal, ritualistic request for marriage? Hardly! This is seduction, pure and simple. To deny this is to deny the obvious.

Matthew Henry's states in *Commentary on the Whole Bible* on Ruth 3 are also illuminating:

"The course she took in order to her daughter's preferment was very extraordinary and looks suspicious. If there was any thing improper in it, the fault must lie upon Naomi, who put her daughter upon it, and who knew, or should know, the laws and usages of Israel better than Ruth. 1. It was true that Boaz, being near of kin to the deceased, and (for aught that Naomi knew to the contrary) the nearest of all now alive, was obliged by the divine law to marry the

widow of Mahlon, who was the eldest son of Elimelech, and was dead without issue (v. 2): "Is not Boaz of our kindred, and therefore bound in conscience to take care of our affairs?" This may encourage us to lay ourselves by faith at the feet of Christ, that he is our near kinsman; having taken our nature upon him, he is bone of our bone and flesh of our flesh. 2. It was a convenient time to remind him of it, now that he had got so much acquaintance with Ruth by her constant attendance on his reapers during the whole harvest, which was now ended; and he also, by the kindness he had shown to Ruth in smaller matters, had encouraged Naomi to hope that he would not be unkind, much less unjust, in this greater. And she thought it was a good opportunity to apply to him when he made a winnowing-feast at his threshing-floor (v. 2), then and there completing the joy of the harvest, and treating his workmen like a kind master: He winnoweth barley to-night, that is, he makes his entertainment to-night. As Nabal and Absalom had feasts at their sheep-shearing, so Boaz at his winnowing. 3. Naomi thought Ruth the most proper person to do it herself; and perhaps it was the usage in that country that in this case the woman should make the demand; so much is intimated by the law, Deut. xxv. 7-9. Naomi therefore orders her daughter-in-law to make herself clean and neat, not to make herself fine (v. 3): "Wash thyself and anoint thee, not paint thee (as Jezebel), put on thy raiment, but not the attire of a harlot, and go down to the floor," whither, it is probable, she was invited to the supper there made; but she must not make herself known, that it, not make her errand known (she herself could not but be very well known among Boaz's reapers) till the company had dispersed and Boaz had retired. And upon this occasion she would have an easier access to him in private than she could have at his own house. And thus far was well enough. But, 4. Her coming to lie down at his feet, when he was asleep in his bed, had such an appearance of evil, was such an approach towards it, and might have been such an occasion of it, that we know not well how to justify it. Many expositors think it unjustifiable, particularly the excellent Mr. Poole. We must not do evil that good may come. It is dangerous to bring the spark and the tinder together; for how great a matter may a little fire kindle! All agree that it is not to be drawn into a precedent; neither our laws nor our times are the same that were then; yet I am willing to make the best of it. If Boaz was, as they presumed, the next kinsman, she was his wife before God (as we say), and there needed but little ceremony to complete the nuptials; and Naomi did not intend that Ruth should approach to him any otherwise than as his wife. She knew Boaz to be not only an old man (she would not have trusted to that alone in venturing her daughter-in-law so near him), but a grave sober man, a virtuous and religious man, and one that feared God. She knew Ruth to be a modest woman, chaste, and a keeper at home, Tit. ii. 5. The Israelites had indeed been once debauched by the daughters of Moab (Num. xxv. 1), but this Moabitess was none of those daughters. Naomi herself designed nothing but what was honest and honourable, and her charity (which believeth all things and hopeth all things) banished and

forbade all suspicion that either Boaz or Ruth would attempt any thing but what was likewise honest and honourable. If what she advised had been then as indecent and immodest (according to the usage of the country) as it seems now to us, we cannot think that if Naomi had had so little virtue (which yet we have no reason to suspect) she would also have had so little wisdom as to put her daughter upon it, since that alone might have marred the match, and have alienated the affections of so grave and good a man as Boaz from her. We must therefore think that the thing did not look so ill then as it does now. Naomi referred her daughter-in-law to Boaz for further directions. When she had thus made her claim, Boaz, who was more learned in the laws, would tell her what she must do. Thus must we lay ourselves at the feet of our Redeemer, to receive from him our doom. Lord, what wilt thou have me to do? Acts ix. 6. We may be sure, if Ruth had apprehended any evil in that which her mother advised her to, she was a woman of too much virtue and too much sense to promise as she did (v. 5): All that thou sayest unto me I will do.”

May the reader indulge one more lengthy quotation, this one from C. F. Keil and F. Delitzsch’s, *Commentary on the Old Testament*:

“In the case before us Elimelech had possessed at Bethlehem, which Naomi had sold from property (chap iv.3); and Boaz, a relation of Elimelech, was the redeemer of whom Naomi had hoped that he would fulfill the duty of a redeemer,—namely, not only that he would ransom the purchased field, but marry her daughter-in-law Ruth, the widow of the rightful heir of the landed possession of Elimelech, and thus through this marriage establish the name of her deceased husband or son (Elimelech or Mahlon) upon his inheritance. Led on by this hope, she advised Ruth to visit Boaz...during the night, and by a species of bold artifice, which she assumed he would not resist, to induce him as redeemer to grant to Ruth this Levirate marriage. The reason why she adopted this plan for the accomplishment of her wishes, and did not appeal to Boaz directly, or ask him to perform this duty of affection to her deceased husband, was probably that she was afraid lest she should fail to attain her end in this way, partly because the duty of a Levirate marriage was not legally binding upon the redeemer, and partly because Boaz was not so closely related to her husband that she could not justly require this of him, whilst there was actually a nearer redeemer than he (chap iii. 12). According to our customs, indeed, this act of Naomi and Ruth appears a very objectionable one from a moral point of view, but it was not so when judged by the customs of the people of Israel at that time. Boaz, who was an honorable man, and, according to chap. iii. 10, no doubt somewhat advanced in years, praised Ruth for having taken refuge with him, and promised to fulfill her wishes when he had satisfied himself that the nearer redeemer would renounce his right and duty (chap iii. 10, 11). As he acknowledged by this very declaration, that under certain circumstances it

would be his duty to marry Ruth, he took no offence at the manner in which she approached him and proposed to become his wife. On the contrary, he regarded it as proof of feminine virtue and modesty, that she had not gone after young men, but offered herself as a wife to an old man like him... “From the account which follows of the carrying out of the advice given to her, we learn that Naomi had instructed Ruth to ask Boaz to marry her.” --*Commentary on the Old Testament, Volume 2, The Book of Ruth*, pg. 482-483

It hardly needs to be pointed out that Matthew Henry’s *Commentary* is, by far, the single most popular commentary on the Bible among conservative, Protestant Christians. The Old Testament commentary of Keil & Delitzsch is also regarded with great respect. This is not meant to imply that human authority settles the issues addressed here, but only so the reader may understand that the view of Ruth 3 and Ezekiel 16:8 advanced in this book is neither extreme nor unique.

Matthew Henry clearly recognized that Ruth’s actions toward Boaz were sexual in nature. So, manifestly, did Keil & Delitzsch. Clearly, so does James Jordan. Both Henry’s comments and the comments of Keil & Delitzsch note that Ruth’s actions did not seem evil to the Israelites as they do to modern, Western Christians, inculcated with the mores of our Greco-Roman tradition and culture. The Israelites of Ruth’s day understood something about the Law of God that Evangelicals do not understand today. Henry, Keil & Delitzsch (and countless others, Jay E. Adams, for one) were clearly uncomfortable with the fact of sexual intent on Ruth’s part, but they possessed enough scriptural insight and integrity to accept the passage in its obvious meaning. What made them uncomfortable was this: how could all of this be reconciled with the obvious fact that both Boaz and Ruth are portrayed as virtuous and righteous?

The answer to their perplexity, and Jay E. Adams’ as well, is really so obvious that it is astounding that it has been misunderstood for so long. The “customs” that Ruth, Boaz and Naomi were acting upon were not “customs” at all, but rather the Divine Law. Henry was clearly embarrassed to admit, “there needed but little ceremony to complete the nuptials.” Yeah, some ceremony! The irony here is almost humorous. Henry (*et al*) mistakenly believed that a custom and tradition of his own age (and ours) that is, a public oath officiated by a civil or ecclesiastical officer, is a Divine law; and at the same time he could not comprehend why Ruth and Naomi conducted themselves according to Divine law, which he thought was a mere custom!

Since Matthew Henry, Keil & Delitzsch, James Jordan, and I can discern the sexual intent and purpose of Ruth’s actions towards Boaz, and the concomitant view of this as commencing a marriage, why, then, does Jay E. Adams vehemently insist on seeing a ritual or ceremony in Ruth 3 and Ezekiel 16:8? Because Adams, unlike Henry or Keil & Delitzsch, has an axe to grind. Simple cohabitation as marriage was not pervasive in Henry’s time. Henry and Keil & Delitzsch were not arguing against anything, they were

simply concerned about accurate exposition of the biblical text. Jay E. Adams, because of his false premise, and because of contemporary social problems he faces as a pastor, is forced into an unnatural and illogical denial of the obvious in Ruth 3 and Ezekiel 16:8. Let us now turn to the other passage under examination, Ezekiel 16.

Let us note the whole context from verse 1 and forward:

- 1 *Again the word of the LORD came unto me, saying,*
- 2 *Son of man, cause Jerusalem to know her abominations,*
- 3 *And say, Thus saith the Lord GOD unto Jerusalem; Thy birth and thy nativity is of the land of Canaan; thy father was an Amorite, and thy mother an Hittite.*
- 4 *And as for thy nativity, in the day thou wast born thy navel was not cut, neither wast thou washed in water to supple thee; thou wast not salted at all, nor swaddled at all.*
- 5 *None eye pitied thee, to do any of these unto thee, to have compassion upon thee; but thou wast cast out in the open field, to the lothing of thy person, in the day that thou wast born.*
- 6 *And when I passed by thee, and saw thee polluted in thine own blood, I said unto thee when thou wast in thy blood, Live; yea, I said unto thee when thou wast in thy blood, Live.*
- 7 *I have caused thee to multiply as the bud of the field, and thou hast increased and waxen great, and thou art come to excellent ornaments: thy breasts are fashioned, and thine hair is grown, whereas thou wast naked and bare.*
- 8 *Now when I passed by thee, and looked upon thee, behold, thy time was the time of love; and I spread my skirt over thee, and covered thy nakedness: yea, I swore unto thee, and entered into a covenant with thee, saith the Lord GOD, and thou becomest mine.*

This passage of Scripture gives powerful, indeed, decisive, weight to the present thesis. As Jay E. Adams, himself, acknowledges of this text, “In Hebrew poetry, such synonymous parallelism is used to equate two things” (*Marriage Divorce and Remarriage in the Bible*, pg 15). This, in fact, is the key to understanding verse 8. Verse 8 is itself a case of synonymous parallelism. Verses 1-6 refer to Israel’s bondage in Egypt. Verse 7 tells us of God’s actions in connection with their oppression there. And

then, verse 8, the culmination, shows God's love in taking Israel to Himself as a bride. In other words, ***God is comparing the marriage act, sexual intercourse, to the covenant He made with Israel at Sinai.*** He is telling faithless Israel that taking them into covenant with Himself was the same in nature as when the groom spreads his "skirt" over the bride in the act of sexual intercourse.

A closer examination of the passage will only confirm this more fully. Let us suppose for the moment that the entirety of verse 8 is allegorical and uses, as Adams alleges, a literal marriage ritual as a basis for comparison. First, it should be noted that even if Adams were correct on this point, it would not prove that such a rite is prescriptive in nature. This "rite," if it is a "rite," would be merely descriptive of the marriage rites that existed in Ezekiel's day. The weakness of Adams' contention on this issue is that there is absolutely no evidence for this at all. It is pure, unadulterated speculation.

Second, since we have already proven that Deuteronomy 22:30, 27:20, Leviticus 18, and Ruth 3:9 decisively establish the language in verse 8 as referring to sexual relations, then the resulting sequence would be that of sexual relations *preceding* the oath and covenant. The verse would read as follows: "When I passed by thee...I spread my skirt over thee in the act of sexual intercourse and covered thy nakedness; yea, I swear unto thee and entered into a covenant with thee." This rendering would make sexual relations come *before* the oath! I do not think Jay E. Adams would be too happy with this result!

The above rendering could be conceptually defensible by making the verse repetitious rather than parallel (and therefore compatible with the present thesis). In other words, verse 8b restates 8a in different terms. It could be identifying (rather than correlating via metaphor) the swearing and covenant-making with the sexual relations. The problem with this is that this would destroy the obvious parallelism that is being made. Therefore, the context vitiates this as a possible rendering. If the full-blown parallelism is not maintained within verse 8, then the verse loses all meaning. One thing is certain: the spreading of the skirt in 8a refers to sexual relations. The only sensible interpretation of the verse is as follows:

"Now when I passed by thee, and saw thee, behold thy time was the time of love; and I spread my skirt over thee (that is, I commenced marriage with you through sexual relations) and covered thy nakedness. I swore unto thee and entered into a covenant with thee (that is, this corresponds to the covenant I made with you at Sinai)."

No other rendering of this verse is exegetically defensible. Once we see this, it becomes obvious that Ezekiel 16:8 confirms the thesis of this book in a very, very compelling manner, indeed, for it directly equates God's covenant with Israel at Sinai with the initial sexual relations of groom and bride. The allusion here in Ezekiel 16:8 is, in fact, borrowed from Ruth 3:9. Clearly, then, sexual union is a covenant-making act. God

Himself has declared this to be so in this Scripture.

CHAPTER 2

THE CONCEPT OF COVENANT

The reader may now be questioning in his mind, “Is the proposition being advanced here that a covenant can exist without two parties swearing a verbal oath?” This, of course, is precisely the point that has been made. And it is this point upon which Jay E. Adams (and Evangelicals in general) stumbles. Adams’ failure to recognize this reality is fatal to his thesis. Adams says, “The reason for marriage is to solve the problem of loneliness,” (pg. 8, *Marriage, Divorce and Remarriage in the Bible*). Moreover, “Marriage was established because Adam was alone, and that was not good. Companionship, therefore, is the essence of marriage. We shall see that the Bible speaks of marriage as The Covenant of Companionship,” (pg. 8, *Marriage, Divorce and Remarriage in the Bible*; emph. in original). A little later, Adams says:

“Now we must consider in detail what we have already seen to be the very essence of marriage: companionship. God made most of us so that we would be lonely without an intimate companion with whom to live. God provided Eve not only (or even primarily) as Adam’s helper (though help is also one dimension of companionship), but as his companion. He too, as all other humans since, (we shall see), is to provide companionship for her.” –pg. 11, *Marriage, Divorce and Remarriage in the Bible*

Adams cites Malachi 2:14 in this connection:

Yet you say, "For what reason?" Because the Lord has been witness between you and the wife of your youth, with whom you have dealt treacherously; Yet she is your companion And your wife by covenant.

Adams, once again, gets it backwards. His view sounds nice and sentimental and, no doubt, there is even some truth in what he says. But, as with most half-truths, Adams’ statements obscure the essential truth. Let us turn once again to Stephen B. Clark for some insight.

“Some modern interpreters view man’s aloneness as meaning ‘loneliness.’ Man needs a companion, a woman to talk to and share his life with, someone to give

him ego support. In this view, the real companion for a man is one woman with whom he can be especially intimate and share his 'real self.' Such interpretations proceed from a modern view of companionship marriage that was undoubtedly foreign to the author of Genesis 2, as well as to the writers of the New Testament. The view that the ideal fulfillment of the need described in Genesis 2 is the modern approach to companionship in marriage may possibly be held on other than simply exegetical grounds, but is it a historical anachronism to read such a view back into the account and hold that Genesis propounds such a view. Man's aloneness was not good, but Genesis does not see the solution in one intimate partner for personal sharing. Rather, man needs a human society to live in, a household and a people...

"Genesis does not describe woman as a companion to man but as a helper to him...the phrase is not a romantic evaluation of the woman. Rather, it presents woman as 'useful' to man. The use of the word 'useful' here does not suggest that Genesis teaches that man should approach woman as 'a thing' or 'use her,' nor that he should not love and care for her. But in an age when many writers tend to idealize deep interpersonal sharing relationships and read them back into Genesis, it is important to point out that writers of scripture approach personal relationships with a certain peculiarity of common sense...Genesis describes her part in the marriage as being a helper to the man in the work of establishing a household and a family."—*Man and Woman in Christ*, pg. 21-22

The companionship view of marriage endorsed by Adams is essentially humanistic in outlook, positing man's needs or desires as more important or fundamental than the purpose of God. There is more of pop psychology in Adams' remarks than orthodoxy. There is nothing objectionable in calling marriage a covenant of companionship (this is, indeed, an aspect of marriage), but to define the entire marriage covenant itself in those terms is biblically unwarranted. The whole marriage covenant cannot be subsumed under this definition. Stephen B. Clark's exposition of Genesis is rigorously reasoned. The reader is urged to consult Clark's book for a detailed analysis. But back to Adams.

"All these facts make it as clear as can be that marriage is fundamentally a contractual arrangement (called in Mal. 2:14 a marriage 'by covenant') and not a sexual union. Marriage is a formal (covenantal) arrangement between two persons to become each others' loving companions for life. In marriage, they contract to keep each other from ever being lonely so long as they shall live. Our modern wedding ceremonies should stress this point."—pg. 13, *Marriage, Divorce and Remarriage in the Bible*

It should be obvious to the reader by now where the logical fallacy lies in Adams' thesis. Adams creates a false antithesis, opposing covenantal to sexual union. In Adams' mind it is sexual union versus 'formal' covenantal union. What he fails to perceive is that

sexual union is subsumed under the concept of covenant. In adopting Adams' unbiblical, man-centered definition of marriage, it is inevitable that sentimental gush assumes the prominence: "they contract to keep each other from ever being lonely." The biblical emphasis, on the other hand, is on God and His covenantal ordinance.

Gordon H. Clark, in a similar vein, is singularly helpful in this connection. In his book, *The Atonement*, Clark observes:

"The preceding section assumed that a covenant was an agreement between two or more persons. Although this is the standard Calvinistic definition, sometimes it is said to be incorrect. It does indeed run the risk of producing a misunderstanding...In the Covenant of Grace, however, sinful man has no say as to what the terms of the covenant shall be. Therefore, the transaction might be called an imposition, a promise, a command, but hardly a contract. While such a misunderstanding is possible, yet it is not an objection to defining covenant as an agreement. The most frequently repeated covenant in the Old Testament was the marriage covenant. Yet in those times the wife was not the equal of the husband, nor for that matter did the groom have full liberty in setting the terms of the agreement. The idea of agreement therefore requires neither that the parties be equal, nor that the parties themselves determine the conditions. Yet **when they accept the conditions an agreement exists.**"—pg. 18, *emph. supp.*

Let the reader linger long over Clark's words. If Clark's observations are correct, and assuredly they are, then it follows from this that a verbal assent is not always necessary for a covenant to exist. As observed earlier, human actions are played out against the backdrop of a pre-existing and overarching covenant, the Law of God. There is an inevitable covenantal aspect to man's acts. All men stand condemned as violators of God's covenant with man, or else as pardoned according to the conditions of His covenant (i.e., faith in Jesus Christ).

Review the main points of Clark's proposition:

1. A covenant is an agreement between two or more persons.
2. Man has no say as to the terms of the covenant.
3. The transaction may be rightly regarded as an imposition.
4. The Bible declares marriage to be a covenant.
5. Man may not formulate the terms of the marriage covenant.
6. When they accept the conditions an agreement exists.

Thus, secondary covenants on the human level can come into being when human beings enter into relationships that mandate mutual responsibilities to each other. If God's covenant with man is imposed, then there is no logical objection to the thesis that subordinate covenants come into effect through various human relationships. As Gordon Clark said, "When they accept the conditions an agreement exists."

Since "the conditions" which incur marital obligations are sexual relations (Exodus 22:16), it follows that when a man and woman enter into such relations an implicit covenant has been entered into. It matters not whether the man and woman are subjectively considering a permanent union or not, nor whether the man and woman are cognizant of the reality of God's law concerning their actions. Once they have become one flesh, they are married and in covenantal union. There are many people who object to this thesis because they do not like the implications of it in their own lives, but subsequent to becoming one flesh they will be judged by God as man and wife in accordance with their actions. A woman who is joined to a husband via sexual relations, in the absence of any oath or civil/ecclesiastical officer "officiating" their union, will be judged as an adulteress if she then afterwards has sexual relations with another man. The fact that she is ignorant of her covenantal union with the man as her husband does not mean that she is not in such a union. It is clear from Leviticus 4 and Numbers 15:22-29, which require blood atonement for sins of ignorance, that even sins of ignorance incur culpability before God.

Gary North has written some very excellent commentary on implicit covenantalism in his books, *Moses and Pharaoh* and *The Sinai Strategy*. In *Moses and Pharaoh*, in the chapter titled, "Covenantal Judgment," North comments:

"Men are judged in social orders in terms of the decisions made by their legitimate rulers

"...The Bible teaches the doctrine of representative government. This refers to all government, not just civil government. Representative government applies to churches, corporations, trusts and families. Adam, our representative before God, sinned, and we are under a curse. This 'federal headship' of Adam was based upon a concept of representative government under a covenant. So was the 'federal headship' of Pharaoh...

"The Bible teaches methodological covenantalism...A social covenant does exist, whether explicit or implicit...

"When God brought judgment on Egypt, the seemingly innocent Egyptians were not spared. This was because there were no innocent Egyptians. They were all under Pharaoh's covenant, they all operated in terms of his divinity."—pg. 109-111

There is no way to avoid North's conclusion here. If God judges entire nations because of the sins of their leaders who represent them—and clearly He does (see also II Sam 24)—then there must be an implicit covenant in effect.

In *The Sinai Strategy*, North brought out the same point:

“Marriage requires a covenantal oath, for the family is a monopolistic agency sanctioned by God. It is therefore marked by legally enforceable vows, either implicitly under God or explicitly under God (Mal. 2:14)...Where God's name is invoked, both marriage partners come under the selfmaledictory conditions of God's covenant oath...both church and state can impose their respective sanctions against covenant-breakers within the marriage...it must be understood that marriage is a monopolistic institution established by God...”—pg. 57-58

We will discuss North's (and James Jordan's) views concerning the role of the State and Church in another place. For now, it is sufficient to highlight his observation that God has established the Family as a monopolistic agency over marriage in which the covenantal oath is unavoidable: if not made explicitly, it is, as North correctly notes, made “implicitly” under God. North correctly cites Malachi 2:14 in which God asserts that He, Himself, is the witness. This observation alone is sufficient to nullify any need to go beyond “mere” physical union as a basis for marriage.

A little further on, North notes again:

“We discover a fundamental distinction between contracts and covenants. A contract is made between individuals or organizations on the basis of mutual self-interest...A private contract does not legitimately involve the use of a self-maledictory oath, implicitly or explicitly, since no God-ordained sovereign institution has initially bound the parties by means of such an oath...

“If this analysis is correct, then we have additional evidence that marriage is a covenant rather than a contract, for marriage implicitly involves a selfmaledictory oath...”—pg. 65-65, *emph. supp.*

Please note that North consistently hammers home the point about an “implicit oath.” North has grasped something very fundamental here. The Family, as an institution founded by God, is not dependent upon any human agency for its validity. Marriage and Family are inescapably covenantal in nature. When men and women perform actions which pertain to marriage and the family, they are involving themselves with an inherently covenantal institution ordained by God. God Himself has invoked and imposed covenantal meaning upon sexual relations. Thus, when a man and woman have sexual relations, they have entered into a covenantal relationship. They become married and assume the obligations of marriage.

Let us quote North once more in this connection:

“Marriage is a covenantal institution. It is established by the exchange of vows, both implicit and explicit...Because of the covenantal nature of these vows, their terms are subject to enforcement by external human institutions: family, church, and civil government.”—pg. 128

North also cites the “implicit oath” doctrine as least four times in *Tools of Dominion* (pgs. 657, 658, 659 and 660).

While North has not fully developed the logical implications of this concerning the commencement of marriage, and though some of his remarks in this connection are logically contradictory, his thesis as a whole is both insightful and laudatory. By contrast, most Evangelical commentators continue to mindlessly genuflect the traditional, unbiblical stance of previous writers and their own denominational positions. Jay E. Adams, himself, has recognized this. In the preface to *Marriage, Divorce and Remarriage in the Bible*, Adams bemoans the fact that Evangelicals have “neglected the whole area for so long, uncritically accepting local or denominational traditions” (pg. viii). Unfortunately, Adams has not extricated himself from the same predicament, as we have seen. He has failed to unravel “the many complex and knotty exegetical problems” pertaining to marriage (pg. vii). These “exegetical problems” will remain “complex and knotty,” indeed, intractable and intransigent, for Adams and other commentators until they recognize the one flesh nature and basis of marriage.

Adams is to be commended for sincerely attempting to discern the biblical teaching on the subject. However, this should not prevent the rest of us from recognizing that, though so trying, Adams has denied a fundamental teaching of the Scriptures. And not only Adams, but the Evangelical church as a whole.

If these observations are not enough to convince the reader that covenants can be entered into implicitly, then consider the institution of the New Covenant itself: Matthew 26:17-30; Mark 14:12-26; Luke 22:7-22. As each Gospel indicates, Christ announced the New Covenant to the assembled apostles at the Passover. They were told to take and eat, and to drink. Clearly, this is the institution of the New Covenant in fulfillment of Jeremiah 31:31. Think of the magnitude of this! *The New Covenant*. “This cup is the new testament in my blood, which is shed for you” (Lk. 22:2). Whatever the apostles did or did not understand about the nature of the New Covenant, they certainly understood that Christ had announced a covenant. What *oath* did Christ require of them? Did impulsive Peter swear allegiance to death to Christ at this Meal? Did the apostles utter even so much as one word? No. They simply partook of the covenantal meal and, thus, entered into the New Covenant with Christ. Their oath and allegiance was implied by their actions. A verbal affirmation was not demanded of them.

Now if the New Covenant itself could be inaugurated in this way, that is, without a verbal oath, then there is no rational objection to the thesis that other covenantal relationships can be entered into without a verbal oath. To quote Gordon H. Clark once again, “When they accept the conditions, an agreement exists.”

Ray R. Sutton, in his book, *That You May Prosper*, has given us what is essentially an identical observation as Gordon Clark’s insight about the imposed covenant. Speaking about ancient suzerainty treaties, he writes:

“The sanctions of blessing and cursing were received by an oath, a self-maledictory (‘to speak evil of oneself’) oath. The suzerain entered the covenant by pledging and calling down evil on himself from his deities, in the event that he failed to honor his word. The vassal also entered the covenant by taking the self-maledictory oath. Perhaps it could be argued that ‘secular’ covenant-cutting involved two oaths. It seems, however, that the vassal actually received the suzerain’s oath. What the suzerain called down on himself would hit the vassal, should the latter violate his agreement. So, there was essentially one oath by the suzerain consigned to the vassal.

“Even if there were not the situation in secular oath-taking, the Biblical covenant was by consignment.”—pg. 83-84, Sutton’s emphasis

In other words the vassal was in covenant with his suzerain, like it or not. This covenant was consigned or imposed upon him by a superior power and authority. Sutton’s argument is that the biblical covenant of God is the same. God has a covenant with man. All men are either covenant-keepers or covenant-breakers. My argument is that a secondary (i.e. marriage) covenant is also consigned by Divine Law upon men and women who enter into sexual union. That is the significance of Genesis 2:24. Sexual intercourse directly and immediately brings the consignment of a marriage covenant by God upon a man and woman. This gives rise to another observation Sutton made earlier in his book:

“God is transcendent. He directly relates to each sphere of society. Family, Church and State are not stacked on top of each other. *The Family does not have to go through the State, nor the Church, to get to God* (emph. supp.). This gives the Family a sacred character. No longer is the Family viewed this way. The State has crippled its Godgiven powers.”—pg. 8

Unfortunately, Sutton is inconsistent with himself in this regard; he does not see the implications of his own insight. Sutton argues in his book that the traditional marriage ceremony, officiated by Church and State, as witnesses, is necessary for a valid marriage covenant.

“Next in Genesis 2 the text says, ‘For this cause a man shall leave his father and mother and cleave to his wife, and they shall become one flesh...’Moses adds his own editorial comment (under the inspiration of God), which is judicial in character. All the language here implies some kind of legal process of oath-taking (emph. supp.) to establish a marriage union.” –pg. 14

What Sutton has failed to grasp is that sexual intercourse *is* “some kind of legal process of oath-taking.” Like Jay E. Adams, he has created a false antithesis between sexual and covenantal union.

In the following quote, we see Sutton in the act of creating this false antithesis:

“Even the ‘one flesh’ language is primarily legal and covenantal , not primarily ‘physical.’ The word for ‘cling’ or ‘cleave’ (dabaq) is the key to understanding the full sense of ‘one flesh.’ Dabaq is a technical term often used in covenantal contexts like Deuteronomy (Deut. 10:20; 11:22; 13:4; 30:20; Josh 22:5, 23:8)”—pg. 144

Sutton is correct. The “one flesh” language is, indeed, “legal and covenantal.” If Sutton did not hold to the false antithesis of “covenantal vs. sexual” union, he would be affirming precisely the same doctrine as I am.

Sutton goes on to say:

“The language of Genesis 2:24, therefore, implies a legal process whereby God’s sanctions are received for the marriage covenant. In essence, the traditional marriage ceremony even to this day reflects the covenantal influence on marriage, ‘Till death do us part.’ Most people do not realize that they are taking an ‘oath’ before God, witnessed by the minister (Church), the relatives (Family), and civil authorities via the marriage certificate (State). All three institutions testify that an oath was taken, sealing the two together until one or the other dies.”— pg. 144

The language of Genesis 2:24 does, indeed, imply a “legal process whereby God’s sanctions are received for the marriage covenant.” That legal process is sexual intercourse, not a traditional Western ceremony officiated by the State and Church. Or, to phrase it another way, Genesis 2:24 imputes a legal covenantal significance to sexual intercourse. This is where Sutton falls short of affirming the biblical covenant of marriage. When Sutton uses the word “legal” in this context, he is referring to the institutions of civil government, not the Law of God itself. Sutton observes that “most people do not realize they are taking an oath” to God in the traditional marriage ceremony. I would supplement Sutton’s observation by saying that most people do not realize they are taking an oath before God in the act of sexual intercourse.

Sutton thinks the legal, covenantal aspect of marriage necessitates the involvement of the State and Church. But this is a misapprehension. The legal inferences are to the Law of God itself, not to the State or civil law, as an institution. As Sutton says, “The Family does not have to go through the State, nor the Church, to get to God.” State or Church involvement in marriage is nowhere commanded nor logically implied in the Scriptures.

CHAPTER 3

ONE FLESH IN BIBLICAL LAW

We have now come to the point to examine the prescriptive commands of the Law of God; those which bear directly upon the issue of what constitutes and commences a marriage are 1) Exodus 22:16-17; 2) Deuteronomy 22:18-19; 3) Deuteronomy 21:10-13; 4) Deuteronomy 25:5-10; and 5) Deuteronomy 22:13-21. The relevance of these laws to our present thesis consists in the fact that they are not merely descriptive in nature (as is the history of Genesis) but prescriptive, in that they enunciate the very standard of God's moral law.

Exodus 22:16-17 is the premier passage in the Law to be consulted in answering the question, "Do sexual relations constitute the commencement of marriage?" What we have in these verses is an example of sexual relations between a man and an unbetrothed virgin (note well, there is nothing specified as to the prior marital status of the man in this statute) unmediated by any ceremony, ritual, oath or external authority.

16 And if a man entice a maid that is not betrothed, and lie with her, he shall surely endow her to be his wife. 17 If her father utterly refuse to give her unto him, he shall pay money according to the dowry of virgins.

This is the passage of Scripture which originally persuaded me of my present viewpoint. This is also a most misunderstood scripture because of the pervasive ignorance of the significance of the dowry in biblical marriages. In a footnote to Jay E. Adams' statement cited above, Adams cites this verse as - of all things - refutation of the view that sexual relations are constitutive of marriage! Adams says that those who hold this view "study the Bible carelessly." Apparently, Susan Foh, Gary North, James Jordan and I are all studying the Bible carelessly. Actually, it is Adams' treatment of this text that is careless. Adams observes, "If they had to be married later, they were not married already; and if the father refused, they never would be." But the verse does not say that "they had to be married later," it says "he shall surely endow her to be his wife."

Adams understands not the meaning and significance of this. This statement has reference to the dowry that ought to have been bestowed to secure the woman as a free wife. Without possessing a dowry coming into the marriage, the woman's status is that of a servant-wife, a concubine without inheritance rights. With a dowry, she is a free woman with inheritance rights. Adams misses the significance of this stipulation

entirely! The point is that a man who seduces a woman into marriage without her father's consent is forbidden to make a concubine out of her. She must be provided a dowry by her seducer and granted the status of a free woman. This is the biblical meaning of, "he shall surely endow her to be his wife." The dichotomy enunciated here is not a dichotomy of "married vs. not married" but "free wife vs. servant wife." That a marriage took place during the seduction is the very premise of this law.

It is Adams' failure to understand the patriarchal authority bestowed by biblical law upon a father to ordain marriages for his children which prevents him from grasping this aspect of the biblical text. It is the father's right and responsibility to arrange a marriage for his daughter. When his authority is bypassed via seduction, he has the legitimate annulment power over the marriage, that is, the right to divorce his daughter from the man who seduced her. The right to annul such a marriage in no way implies that a real marriage did not take place.

Marriage normally carries the obligation to obtain parental permission, and the loss of a daughter compensated for by payment of a bride price. This proves conclusively that the union entered into by the man and the virgin is a legitimate marriage under biblical law. If such a seduction were a sexual violation and not a marriage, then why the stipulation for the dowry? Surely, this proves that the man is to honor his marital responsibilities, something he could not logically be demanded to do if he were not in fact already deemed to be married to the virgin in question. If the father refuses to give her unto him, he still pays money according to the dowry of a virgin. By contrast, other violations under the Law are compensated for by means of "restitution" or "compensation," but the language employed here is completely marital in nature. This law, then, is sufficient to refute the view that marriage only occurs when a verbal oath is pronounced. Clearly, no such oath occurs in a case of seduction.

Rushdoony has pointed out that "marriage normally was by dowry," (*The Institutes of Biblical Law*, pg. 176). Before most Israeli parents would consent to give their daughters to a man, the prospective bridegroom, through his father, would have to pay a dowry. Exodus 22:16-17 shows that this is a legitimate demand (though negotiable). This consideration adds weight to the thesis that seduction of a virgin is not regarded as fornication or whoredom but rather as a violation of parental authority. When a daughter and her seducer usurp this parental authority, they have violated the command to honor father and mother. It is parental authority to arrange marriages for their children which is at issue in this law, and not fornication.

Jay E. Adams is not the only commentator who is confused about this law. James B. Hurley gives us a rather strange mixture of insight and error in his book, *Man and Woman in Biblical Perspective*:

"In this text...the seducer must compensate the father for the loss of the

‘payment for a virgin,’ which can no longer be expected in the light of the girl’s loss of virginity, and must follow through by marrying her. The father’s option to refuse her to him is also parallel (i.e., to Assyrian law)...In Assyrian culture the sexual relation itself was sacred and restricted to certain contexts.”—pg. 39

On the next page, Hurley goes on to say:

“It must be noted, however, that the passages of the civil code which discuss the matter (i.e., seduction and adultery) are thinking in terms of crime against the rights of a father or husband, punishment, damages, and responsibility rather than purely moral dimensions.”—pg. 40

On the one hand, Hurley would have us know that the emphasis is upon “the sexual relation itself,” but, on the other hand, these laws are “thinking in terms of crime against the father or husband.” It is possible and, of course, sometimes actually the case that particular sins violate more than one commandment at the same time. But Hurley is mistaken in his view that Exodus 22:16-17 “concerns the sexual relation itself.” As noted above, this law has the purpose of upholding parental authority. Indeed, we do not even know, by virtue of the seduction alone, if an offense has occurred (i.e., Ruth 3). It is not until we know that the seduction has bypassed the authority of the father that we know an offense has occurred. Exodus 22:16-17 concerns itself with violation of the fifth, not the seventh, commandment.

There is no question in this law of the man’s seduction of the virgin being inherently sinful. If the girl’s parents were dead, the girl’s own consent to the seduction would be sufficient. Of course, whether on her own, or under her parents’ authority, the man in question would be obligated to the girl as her husband. Sexual relations incur a marital responsibility, for they are the institution of a marriage covenant.

Matthew Henry’s comments on this verse are short and to the point:

“A law that he who debauched a young woman should be obligated to marry her, v. 16, 17. This law puts an honor upon marriage and shows how improper it is that children should marry without their parents consent.”

Parental authority in their children’s marriages is definitely the heart of this law. Sexual violation, per se, is simply not the subject matter of Exodus 22:16-17.

Gary North, in commenting upon this passage, has recognized this:

“In the New Covenant era, seduction remains an attack on the covenantal authority of the girl’s family.”—*Tools of Dominion*, pg. 643

North, however, while grasping all of the essential points of this present thesis, cannot bring himself to make a clean break with the traditional dogma:

“A lawful marriage normally requires three things in the following order: a mutual vow of the proposed marriage partners, a public transfer of covenantal authority from the girl’s father to the bridegroom, and sexual consummation...

“The girl must immediately inform her father of the act-vow. If she refuses, she has identified herself before God as a promiscuous woman, a prostitute. She has accepted the legitimacy of sexual union outside of marriage, the essence of prostitution.”—*Tools of Dominion*, pg. 644-645

North is quite correct concerning the girl’s obligation to inform her father. The rest of his conclusions here are non-sequiturs. North makes the same mistake Hurley does in inferring that the seduction and the girl’s consent to it constitute a sexual violation. As previously noted, the wholly marital language employed by the text refutes North’s contention here, as does Ruth 3. North himself seems to anticipate this objection and implicitly defers to the logic thereof, for on the very next page he concedes the essential point: “The daughter’s original consent to the act of seduction does not itself constitute whoredom.” But then, in the very next sentence, North backtracks, as if in horror, from where his theonomic argument has brought him: “Her failure to tell her father immediately of the seduction is what constitutes her whoredom, for whoredom (as distinguished from adultery) is defined biblically as sexual bonding apart from a marriage vow.”

Huh? North has already plainly and explicitly declared that sexual intercourse is itself a marital vow. This is why he cannot now plainly say that the sexual act itself constitutes whoredom. But he cannot emotionally detach himself from this culturally ingrained notion, so he simply transfers the idea of whoredom to a different cause! This may be method, but there is certainly madness to it! North’s reticence to abandon the traditional antinomian dogma on this issue has caused him to utter this blatant contradiction. To be true to his theonomic premise, North must abandon the man-created myth that sexual relations alone do not constitute a valid, binding marriage under biblical law. Despite claiming to alienate virtually everybody in the Evangelical world (*Tools of Dominion*, pg. 86), North seems to want to not put too much distance between himself and antinomian Evangelicalism—at least on this point.

If the girl’s consent to seduction does not constitute whoredom, as North (correctly) asserts, then does it not follow by good and necessary consequence that her “failure to tell her father” is a violation of some other law? And since this is the case, we are left with the inevitable conclusion that, not being whoredom, her seduction must constitute a marriage. There is no in-between possible. This is the inevitable conclusion from which North retreats despite himself.

Exodus 22:16-17, in commanding a seducer to “endow” the woman he has seduced, thereby informs him that she is now his (free) wife, and he her husband. The father’s right to disallow a permanent union is of no consequence to this point; it is the father’s right to dissolve the marriage, that is, to divorce her from her seducer. In other words, there is a hierarchy of concerns here in the economy of God, and patriarchal authority trumps even the one flesh bond of marriage when that authority is violated.

This truth is dramatically confirmed and emphasized in a related law, Deuteronomy: 22:28-29:

If a man find a damsel that is a virgin, which is not betrothed, and lay hold on her, and lie with her, and they be found; 29 Then the man that lay with her shall give unto the damsel's father fifty shekels of silver, and she shall be his wife; because he hath humbled her, he may not put her away all his days.

The chief distinction between this law and Exodus 22:16-17 is the element of force which it addresses. In contrast to the seducer of Exodus 22, this man “lays hold on her.” In other words, this is a case of rape. There is no consent on the girl’s part. The lawful, God-mandated consequence of this act is, “she shall be his wife.” In other words, biblical law accounts rape to be a form of forced marriage. If Exodus 22:16-17 is not comprehensible without positing sexual relations as commencing marriage, this law is even less so. The one flesh nature and basis of marriage is asserted even in a case of rape, where there has been no consent on the part of the girl. The other feature of this statute which is distinct from Exodus 22:16-17 is the absolute prohibition against divorce. This makes good sense. If a man takes it upon himself to force a marriage against the will of everyone normally involved (his own father, the father of the girl, and the girl herself), then he should be obligated to assume such responsibility no matter what.

Many Christians are appalled by what they mistakenly think this law to be saying, namely, that the consequence of this provision places power in the hands of a rapist to force his violent will on a young girl and keep her as a prize of his violence. This is a misapprehension of the law due to a faulty reductionist interpretive method which interprets a statute in isolation from the balance of the prophetic revelation. What needs to be stressed is that this law is laying down the obligations imposed upon *the rapist*. The provision of Exodus 22, giving the annulment power to the father to disallow a permanent union, in no way is diminished in a case of rape. The factual circumstances in a given case can vary; the rape could be a random act of violence by a serial rapist who is a total stranger; or the rape could occur in a context of very close familial association, perhaps, for example, at a celebration involving drunkenness, and by a young man who was already under consideration for marriage to the girl in a situation where the young man and woman could hardly be kept apart prior to the rape. The father is under no obligation to grant a permanent marriage in any case. But if the situation should be the

latter scenario, it might be deemed proper by everyone involved to proceed with a permanent marriage. Obviously, in a case of violent random rape, this would be out of the question entirely. In any event, it is critical to understand this passage to stress that the obligations incurred by the offending rapist are imposed upon him, not upon the virgin, and not upon her father. As an aside, it should be noted as well that if the virgin in question were for some reason on her own without parents, she would be under no obligation whatsoever to the rapist, and owed restitution, this act having been forced upon her against her will.

James Jordan has attempted to dilute the force of this commandment by focusing upon the Hebrew terminology:

“At first sight, this seems to allow for the rape of an unbetrothed virgin. In Hebrew, however, the verb ‘seize’ is a weaker verb than the word for ‘force’ used in the same passage (v. 25) to describe rape. Implied here is the notion of catching the girl, but not that she fought back with anything more than a token resistance. Modern, random rape would not be excusable under this law, and would have to come under the death penalty of Deuteronomy 22:25-27.” –*The Law of the Covenant*, pg. 49.

I find Jordan’s comments here unconvincing. Rape, force, seems very clearly to be the issue here, whether random or not. The relative strength or weakness of the Hebrew verbs does not vitiate the fact that there is a lack of consent on the girl’s part, and force on the part of the man. Notwithstanding these factual circumstances, “she shall be his wife.”

God’s law here forces us to acknowledge the primacy, the depth and sway of the one-flesh reality. It God’s economy, it cannot be ignored or dismissed, and only familial authority can annul the decree.

In order that we may more fully comprehend the scope of this law, let us see how it was applied in practice by a man of God in the Bible. This is a deviation from the outline of this book, in that we will examine biblical examples of marriage in the next section. Nevertheless, for the sake of illustration, let us turn our attention to a text of scripture which we may properly think of as “The Rape of Jacob,” Genesis 29:15-26.

15 Then Laban said to Jacob, "Because you are my relative, should you therefore serve me for nothing? Tell me, what should your wages be?" 16 Now Laban had two daughters: the name of the elder was Leah, and the name of the younger was Rachel. 17 Leah's eyes were delicate, but Rachel was beautiful of form and appearance. 18 Now Jacob loved Rachel; so he said, "I will serve you seven years for Rachel your younger daughter." 19 And Laban said, "It is better that I give her to you than that I should give her to another man. Stay with me."

20 So Jacob served seven years for Rachel, and they seemed only a few days to him because of the love he had for her. 21 Then Jacob said to Laban, "Give me my wife, for my days are fulfilled, that I may go in to her." 22 And Laban gathered together all the men of the place and made a feast. 23 Now it came to pass in the evening, that he took Leah his daughter and brought her to Jacob; and he went in to her. 24 And Laban gave his maid Zilpah to his daughter Leah as a maid. 25 So it came to pass in the morning, that behold, it was Leah. And he said to Laban, "What is this you have done to me? Was it not for Rachel that I served you? Why then have you deceived me?" 26 And Laban said, "It must not be done so in our country, to give the younger before the firstborn.

Let it be noted first of all that Jacob knew the Law of God. The law was taught to him by his father, Isaac, and his grandfather, Abraham. How do we know this? Because the scriptures plainly tell us so:

17 And the Lord said, "Shall I hide from Abraham what I am doing, 18 since Abraham shall surely become a great and mighty nation, and all the nations of the earth shall be blessed in him? 19 For I have known him, in order that he may command his children and his household after him, that they keep the way of the Lord, to do righteousness and justice, that the Lord may bring to Abraham what He has spoken to him." – Gen. 18

God's commandments, statutes, laws and ordinances were clearly known and obeyed by the patriarchs and their household. There can be no doubt whatsoever that the proper regulation and obligations of marriage and family life were high up on the list of priorities. Let us see then how Jacob puts these laws into practice in a real life situation and how he understood them.

15 Then Laban said to Jacob, "Because you are my relative, should you therefore serve me for nothing? Tell me, what should your wages be?" 16 Now Laban had two daughters: the name of the elder was Leah, and the name of the younger was Rachel. 17 Leah's eyes were delicate, but Rachel was beautiful of form and appearance. 18 Now Jacob loved Rachel; so he said, "I will serve you seven years for Rachel your younger daughter." 19 And Laban said, "It is better that I give her to you than that I should give her to another man. Stay with me." 20 So Jacob served seven years for Rachel, and they seemed only a few days to him because of the love he had for her. 21 Then Jacob said to Laban, "Give me my wife, for my days are fulfilled, that I may go in to her." 22 And Laban gathered together all the men of the place and made a feast. 23 Now it came to pass in the evening, that he took Leah his daughter and brought her to Jacob; and he went in to her. 24 And Laban gave his maid Zilpah to his daughter Leah as a maid. 25 So it came to pass in the morning, that behold, it was Leah. And he said to Laban, "What is this you have done to me? Was it not for Rachel that

I served you? Why then have you deceived me?" 26 And Laban said, "It must not be done so in our country, to give the younger before the firstborn. 27 Fulfill her week, and we will give you this one also for the service which you will serve with me still another seven years." 28 Then Jacob did so and fulfilled her week. So he gave him his daughter Rachel as wife also.

I call this section "The Rape of Jacob" because Jacob was obviously tricked into sexual relations with Leah without his consent. There was no agreement between Jacob and Laban concerning Leah. Laban had explicitly agreed with Jacob to give him Rachel. It was Rachel who was betrothed to Jacob and not Leah. "It must not be so done in our country to give the younger before the firstborn." What was Laban's understanding of what he had done? Clearly, Laban regarded this as a lawful, binding marriage, and that he had "given" his daughter Leah as a wife. So much authority is attributed by Laban to the "mere act" of sexual relations that he regards his daughter as now "given" to Jacob as a wife. We could, perhaps, dismiss Laban's attitude as the deluded notion of an idol worshipper – except that Jacob, himself, clearly sees the event in the same light!

"Did not I serve thee for Rachel," Jacob asks, the implied point being, "Why did you trick me into marrying Leah?" Both Laban and Jacob act on the assumption that a lawful marriage had occurred. Laban did not trick Jacob into committing fornication with his daughter, as the standard Christian view of such an event would have it. No. Jacob and Leah were now one flesh—bound in a marriage covenant. Laban knew this and so did Jacob. The entire episode is founded on this understanding and makes no sense without it.

Jacob was violated. In essence, he was raped. There was no consent or agreement here to unite Jacob and Leah as husband and wife. In fact, there was disagreement. Laban knew this also. There was no oath or vow involved, nor public transfer of authority from father to the bridegroom; the transfer, in fact, was hidden, concealed and secret, and outright dishonest and deceitful. According to the prevailing Christian viewpoint, if any union could be illicit and unlawful, surely this one must rank at the top of the list. Surely Jacob, and especially Leah, was guilty of "sex before marriage" and "fornication." How remote this perspective is from that of the Bible!

If sexual union by trickery (rape) entered into ignorantly is binding as a marriage, how much more so consensual sex between a man and a woman who know fully well with whom they are having relations? And if Jacob was bound to a woman with whom he was tricked into having sexual relations, how much more binding is the obligation upon a rapist to honor the one flesh relationship with a woman he has humbled? It is clear that this is the biblical perspective. It is just as clear that this is not the perspective of the modern Church.

Rousas J. Rushdoony has also recognized the element of rape in Laban's deception of

Jacob. However, Rushdoony, like James Jordan, denies that such a union constitutes a “valid marriage.”

“Marriage in Scripture is the voluntary union of two persons, a man and a woman, in wedlock; although marriages were commonly arranged, consent was also secured. Without consent, the union is in effect always rape. Calvin and Luther both stressed the fact of mutual consent as necessary to a valid marriage in their discussion of the Jacob-Leah episode. The question can be raised then as to why Jacob accepted Leah. The answer is that he was clearly in a coercive situation. He had been shamed and taken advantage of by Laban, who knew that Jacob had no legal recourse as a stranger. In a sense, it was rape of Jacob, who could do nothing except protest or run away, but could not exert his legal rights successfully.” —*Institutes of Biblical Law*, pg. 401.

Jacob’s “coercive situation” does not truly satisfy the difficulty of this passage. First, it is pure conjecture that Jacob, who had now lived in the land for seven years, had no access to the civil authorities. Even if he did not, Rushdoony’s explanation suffers from an even more serious defect: it does not explain the dialogue between Laban and Jacob mentioned above. Secondly, if Rushdoony’s view of the situation is correct then Jacob’s options of protesting or of refusing Leah and leaving were very real possibilities that Laban could not ignore as a father. Jacob could have protested, “We had an agreement that I would marry Rachel. You caused your daughter to commit fornication and now she is no longer a virgin. I am not obligated to Leah because mutual consent is necessary to a valid marriage. I am leaving and going back to Canaan.”

This would have put Laban in a very vulnerable position. Laban would have been gambling, in effect, with his daughter’s virginity. If mutual consent was necessary for a valid marriage to exist, then the only certainty in Laban’s plan was to cause his daughter to become a fornicator. And this would have brought great shame and reproach upon Laban. Thirdly, if Laban’s coercive position over Jacob was so certain because Jacob was a foreigner, then why did not Laban simply exert his coercion and put the matter simply to Jacob: “I won’t give you Rachel unless you marry Leah first. If you don’t like that...tough!?” Apparently, more was required in this situation than mere coercion.

If Laban’s coercive power over Jacob was so great, why did he resort to guile instead? The answer to this question is simple: both Laban and Jacob knew that the act of becoming one flesh constituted a valid marriage—with or without Jacob’s consent. It is also clear from Laban’s willingness to give both of his daughters to Jacob that he had a very high opinion of Jacob. He knew that Jacob was a good and godly man. Laban’s coercion of Jacob was a moral coercion. He knew that he could count on Jacob to honor his morally lawful obligation to accept Leah, having already become one flesh with her. Laban did not gamble with his daughter’s virginity. The only gamble he took was whether Jacob would discover Leah’s identity before he had relations with her. He knew

of a certainty that, once his trickery was accomplished, law-abiding Jacob would “keep the way of the LORD” and honor his newly-imposed marital responsibilities—something he could not have been at all certain of if Jacob could have morally refused Leah.

Another biblical law bearing upon our topic here is Deuteronomy 21:10-13:

10 When thou goest forth to war against thine enemies , and the LORD thy God hath delivered them into thine hands, and thou hast taken them captive, 11 And seest among the captives a beautiful woman, and hast a desire unto her, that thou wouldest have her to thy wife; 12 Then thou shalt bring her home to thine house; and she shall shave her head, and pare her nails; 13 And she shall put the raiment of her captivity from off her, and shall remain in thine house, and bewail her father and her mother a full month: and after that thou shalt go in unto her, and be her husband, and she shall be thy wife. 14 And it shall be, if thou have no delight in her, then thou shalt let her go whither she will; but thou shalt not sell her at all for money, thou shalt not make merchandise of her, because thou hast humbled her.

The provisions of this law are similar to Exodus 21:7-11 on concubinage, except in this law the foreign captive woman is plainly treated as a free woman and not as a bondwoman. The latter provision, “then thou shalt let her go wither she will” is very similar to Exodus 21:8; the meaning evidently is, “if you decide not to marry her, then let her go where she will.” It could perhaps be argued that the phrase “thou hast humbled her” refers to the man having already had sexual relations with her, though it most likely refers to the particulars of her assimilation into Israel, especially the head shaving. Our main concern with this passage, in connection with the subject of marriage, is the stipulation in verse 13: “after that thou shalt go in unto her, and be her husband, and she shall be thy wife.”

It must be remembered that this is an ordinance, a prescriptive command, which explicitly spells out the conditions of becoming married to a woman, in this instance a foreign captive. Very clearly, this law spells out sexual relations as the commencement of the marriage. If someone should be tempted to say that, after all, this exception to the normal ceremony and vow is due to the woman being a foreign captive, my reply is this: these provisions have the purpose of bringing the woman into the covenant of Israel. The putting off of the clothing of her captivity (and the implied adoption of Israeli clothing) has the significance of renouncing her old citizenship, and being granted Israeli citizenship; moreover, the shaving of her head has the same significance—the removal of her old covenantal authority, and the regrowth of her hair signifies submission into the covenant of Yahweh. After shaving her head, paring her nails, adopting new clothing, and mourning her father and mother a full month, such a foreign captive woman then became a free Israeli woman. Old things have passed away, and all things

have become (covenantally) new. Any law that pertained to a natural born Israeli woman also pertained to this new Israeli woman.

Her legal status was the same as any other daughter of Abraham, Isaac and Jacob. We see then that this law states the norm and standard for the commencement and inauguration of a new marriage. Once again, it is the one flesh nature and basis of marriage that is proclaimed: one need not resort to inference and deduction here because the fact is plainly and explicitly stated: "thou shalt go in unto her and be her husband."

What shall we say, then, in the face of this law? Shall we give more weight and credence to speculative inferences about ceremonies and vows than to an explicit statement of the Word of God? Since there are no commands anywhere in the Bible relating to ceremonies or vows to commence a marriage, and since there are explicit declarations pointing to sexual relations alone, which carries more biblical authority? The answer is manifest.

Another law to be looked at in this connection is Deuteronomy 22:13-21,

13 If any man take a wife, and go in unto her, and hate her, 14 And give occasions of speech against her, and bring up an evil name upon her, and say, I took this woman, and when I came to her, I found her not a maid: 15 Then shall the father of the damsel, and her mother, take and bring forth the tokens of the damsel's virginity unto the elders of the city in the gate: 16 And the damsel's father shall say unto the elders, I gave my daughter unto this man to wife, and he hateth her; 17 And, lo, he hath given occasions of speech against her, saying, I found not thy daughter a maid; and yet these are the tokens of my daughter's virginity. And they shall spread the cloth before the elders of the city. 18 And the elders of that city shall take that man and chastise him; 19 And they shall amerce him in an hundred shekels of silver, and give them unto the father of the damsel, because he hath brought up an evil name upon a virgin of Israel: and she shall be his wife; he may not put her away all his days. 20 But if this thing be true, and the tokens of virginity be not found for the damsel: 21 Then they shall bring out the damsel to the door of her father's house, and the men of her city shall stone her with stones that she die: because she hath wrought folly in Israel, to play the whore in her father's house: so shalt thou put evil away from among you.

Our concern here is with the "tokens of virginity." The word "tokens" in this passage in the KJV is in italics, indicating it was added by the translators for translational clarity. In any event, the cloth was a token or evidence of her virginity. The obvious parallelism to circumcision as the "token of the covenant between me and you" (Gen. 17:11), and the rainbow of Noah as "the token of the covenant which I make between me and you and every living creature" (Gen. 9:12, 17) is prominent in this passage.

Why does a virgin have a hymen? (And, by the way, how many biblical commentators can be named who have asked this important question?) There is only one good reason and purpose for a hymen: so that there might be blood shed during the initial sexual relations with her husband. Does blood have any biblical significance? All orthodox Christians will see the significance of this line of questioning immediately. We are saved by faith in the blood of the covenant of Jesus Christ. Marriage is a blood covenant. The covenant is initiated by sexual intercourse. The blood is the token, or sign, of the covenant. James Jordan has put it this way: "The blood of the wedding night is the visible token of their oneness, blood which flows from the very place at which they become one flesh," (*The Law of the Covenant*, pg. 257).

This physical fact of our creation is a testimony from God Himself that He has assigned covenantal significance to sexual intercourse. When a man has sexual intercourse with a virgin, he has entered into a marriage covenant. This is true whether or not there are any accompanying oaths or ceremonies.

The last law to be looked at in connection with this issue, and very similar to Deuteronomy 21:10-13, is Deuteronomy 25:5-10, commonly called the law of the kinsman redeemer or the levirate (from the Latin, levir, brother-in-law), which we already encountered in Ruth 3:

5 If brethren dwell together, and one of them die, and have no child, the wife of the dead shall not marry without unto a stranger: her husband's brother shall go in unto her, and take her to him to wife, and perform the duty of an husband's brother unto her. 6 And it shall be, that the firstborn which she beareth shall succeed in the name of his brother which is dead, that his name be not put out of Israel. 7 And if the man like not to take his brother's wife, then let his brother's wife go up to the gate unto the elders, and say, My husband's brother refuseth to raise up unto his brother a name in Israel, he will not perform the duty of my husband's brother. 8 Then the elders of his city shall call him, and speak unto him: and if he stand to it, and say, I like not to take her; 9 Then shall his brother's wife come unto him in the presence of the elders, and loose his shoe from off his foot, and spit in his face, and shall answer and say, So shall it be done unto that man that will not build up his brother's house. 10 And his name shall be called in Israel, The house of him that hath his shoe loosed.

Note well verse 5: "her husband's brother shall go in unto her, and take her to him to wife." Once again marriage is directly equated with sexual relations. He shall "take her to him to wife." How is this put into effect? He shall "go in unto her," referring, of course, to sexual relations. We can now see plainly why Naomi had no qualms about having Ruth seduce Boaz. They took the law of the levirate seriously. Matthew Henry thought this was "extraordinary," but this law, and Deuteronomy 21:10-13, reveal that this is the norm, the ordinary way of becoming married.

It cannot be stressed too strongly that these are prescriptive laws. They enunciate and establish God's standard of morality and ethics. It cannot be logically maintained that the view of marriage herein announced is other than normative. The fact that this law, and the law of the foreign captive woman, deal with special circumstances in no way vitiates the underlying basis of marriage as founded on sexual relations. The uniqueness of Deuteronomy 21:10-13 consists of those provisions which make the foreign captive woman marriageable; there is not the slightest indication that any normal requirements for commencing the marriage itself were to be by-passed. This is true of the law of the levirate, as well. There is no exception announced as to the normal mode of entering a marriage; the uniqueness of the levirate consists solely in the proposition of whom the woman can marry, not how.

We see, then, that the prescriptive commands of God's law give us a unified and consistent picture with one message: marriage is the covenantal act of becoming one flesh through sexual relations. It was announced originally in the Garden of Eden, repeated by the prophets, confirmed by Christ and the apostles, and revealed as law through Moses. And we shall see in the next section that the numerous examples of marriages commencing in the Bible are wholly consistent with this view.

CHAPTER 4

A SURVEY OF BIBLICAL MARRIAGES

In the previous section, we saw that the prescriptive commands of God's moral law give us a unified and consistent picture, time after time, with one message: marriage consists of the one flesh bond between a man and woman, which bond is initiated by sexual intercourse, and constitutes a covenantal act before God. This was announced originally in the Garden of Eden, repeated by the prophets, confirmed by Christ and the apostles, and enacted as Law in the Pentateuch. And we shall see in this section that the examples of marriages taking place in Scripture are wholly consistent with this view. Our concern here will not be with simple declarations that such and such were man and wife; rather we will look at those passages which actually give us some details of the events concerning marriages taking place in the Bible.

Marriage #1: Adam and Eve

The first section of this book dealt with Genesis 1 and 2, especially 2:24, the one flesh pronouncement. We will not revisit the ground already covered there other than to say that the exposition in the first section essentially concerns the marriage of Adam and Eve, and to elucidate a subsidiary point of exposition.

The claim has been put forward by some commentators concerning Genesis 2:25, ("They were both naked, the man and his wife, and were not ashamed,") that the fact that Eve is already here referred to as Adam's wife before having any sexual relations, vitiates the claim that marriage actually commences via sexual relations. A couple of observations are in order here. First, this is a summary statement looking back in time at the first man and woman. The thing that most fundamentally defines Adam and Eve's relationship is that they were the first man and wife, and so they are called. It is not rationally required to refer to them in some other fashion, or to use non-marital appellations when referring to events before being joined sexually and then marital

language after being joined sexually. Second, as already noted earlier in this book, the normative biblical marriage is an arranged marriage, where the respective fathers betroth their sons and daughters to one another. In the case of Adam and Eve, God Himself is the father and He had given Eve to Adam for a wife. Their marriage was already arranged and ordained. Though it is prospective and forward looking, there is no contradiction involved in referring to Eve as Adam's wife at this point. The Scriptures clearly posit marriage as the one flesh union of a man and woman. Numerous commentators insist that without a verbal oath and ceremony, no genuine marriage exists. Whose word are we going to believe? Man's or God's?

Marriage #2: Abram and Hagar

1 Now Sarai Abram's wife bare him no children: and she had an handmaid, an Egyptian, whose name was Hagar. 2 And Sarai said unto Abram, Behold now, the LORD hath restrained me from bearing: I pray thee, go in unto my maid; it may be that I may obtain children by her. And Abram hearkened to the voice of Sarai. 3 And Sarai Abram's wife took Hagar her maid the Egyptian, after Abram had dwelt ten years in the land of Canaan, and gave her to her husband Abram to be his wife. 4 And he went in unto Hagar, and she conceived: and when she saw that she had conceived, her mistress was despised in her eyes. 5 And Sarai said unto Abram, My wrong be upon thee: I have given my maid into thy bosom; and when she saw that she had conceived, I was despised in her eyes: the LORD judge between me and thee. 6 But Abram said unto Sarai, Behold, thy maid is in thy hand; do to her as it pleaseth thee. And when Sarai dealt hardly with her, she fled from her face. 7 And the angel of the LORD found her by a fountain of water in the wilderness, by the fountain in the way to Shur. 8 And he said, Hagar, Sarai's maid, whence camest thou? and whither wilt thou go? And she said, I flee from the face of my mistress Sarai. 9 And the angel of the LORD said unto her, Return to thy mistress, and submit thyself under her hands. 10 And the angel of the LORD said unto her, I will multiply thy seed exceedingly...

Genesis 16 records that Sarai, because of childlessness, gave her maid, Hagar, "to Abram to be his wife, and he went in unto her." There have been countless incidents of Christian ministers asserting in both written and spoken form, that these actions of Abram and Sarai in regards to Hagar were inherently sinful departures from biblical morality. This is a false and heretical assertion, based upon a misunderstanding of God's laws on marriage, concubinage and polygamy.

It is probably true that Sarai's suggestion issued from a lack of faith in God's promise to Abram to provide an heir. But to insist that her plan was inherently sinful is a radical misreading of biblical morality and ethics. Keil and Delitzsch have observed:

"The resolution seemed a judicious one, and according to the customs of the

East, there would be nothing wrong in carrying it out. Hence, Abraham consented without opposition, because as Malachi (ii. 15) says, he sought the seed promised by God,” (*Commentary on the Old Testament*, Vol. 1, sect.1, pg. 219).

Since Abraham was the recipient of Divine Law, it cannot be maintained that he acted merely “according to the customs of the East.” He doubtless perceived some essential righteousness in the plan.

Moreover, the text plainly tells us that Hagar became Abram’s wife: “And Sarai...gave her to Abram to be his wife. And he went in unto her...” That God approved of this union is manifest in verse 10-11: “I will multiply thy seed exceedingly.” Compare this to God’s actions in respect to the adulterous union of David with Bathsheba (II Sam. 12:13-23) in which God, as a form of judgment on David because of his sin, “struck the child that Uriah’s wife bare unto David, and...the child died.” If Abram’s act of taking a concubine constituted a sin, either adultery or another form of fornication, we would have expected God to signal His displeasure, but He blessed the union instead. This should suffice to negate the assertions that this arrangement of Abram’s and Sarai’s was a sin.

One of those who kick against the pricks in this matter is Gleason L. Archer. In his book, *Encyclopedia of Bible Difficulties*, Archer writes: “Sarah is always represented as being Abraham’s only legal wife as long as he lived...Hagar became a concubine to Abraham, not his lawfully wedded wife,” (pg. 122). But, of course, a concubine is a wife; a wife of lesser legal privilege than a free woman, but a wife nevertheless. As Exodus 21:8 tells us, concubines can be “betrothed” to their masters. Exactly why Archer should so blatantly contradict the Scriptures, I have discussed in Volume 1 of *Man and Woman in Biblical Law*. For our purpose here, it is sufficient to take cognizance of the fact that Sarai gave Abram “to be his wife,” and that this was accomplished when “he went in unto her.”

This first biblical example of a marriage commencing in the post-Fall world is a forthright confirmation of the one flesh nature and basis of marriage. Where is the oath that is so “essential?” Did Abram go and get Melchizedek, priest of the Most High God, to perform a ceremony and officiate an oath? It is manifest in this account, that the only “ceremony” was sexual intercourse. Present day Christians would, and often do, insist that Abram’s union with Hagar was “fornication.” The Bible says she was “his wife.” Whose word are we to believe? Man’s or God’s?

Marriage # 3: Isaac & Rebekah

1 And Abraham was old, and well stricken in age: and the LORD had blessed Abraham in all things. 2 And Abraham said unto his eldest servant of his house,

that ruled over all that he had, Put , I pray thee, thy hand under my thigh: 3 And I will make thee swear by the LORD, the God of heaven, and the God of the earth, that thou shalt not take a wife unto my son of the daughters of the Canaanites, among whom I dwell : 4 But thou shalt go unto my country, and to my kindred, and take a wife unto my son Isaac.

5 And the servant said unto him, Peradventure the woman will not be willing to follow me unto this land: must I needs bring thy son again unto the land from whence thou camest? 6 And Abraham said unto him, Beware thou that thou bring not my son thither again. 7 The LORD God of heaven, which took me from my father's house, and from the land of my kindred, and which spake unto me, and that sware unto me, saying , Unto thy seed will I give this land; he shall send his angel before thee, and thou shalt take a wife unto my son from thence. 8 And if the woman will not be willing to follow thee, then thou shalt be clear from this my oath: only bring not my son thither again. 9 And the servant put his hand under the thigh of Abraham his master, and sware to him concerning that matter. 10 And the servant took ten camels of the camels of his master, and departed; for all the goods of his master were in his hand: and he arose, and went to Mesopotamia, unto the city of Nahor. 11 And he made his camels to kneel down without the city by a well of water at the time of the evening, even the time that women go out to draw water. 12 And he said, O LORD God of my master Abraham, I pray thee, send me good speed this day, and shew kindness unto my master Abraham. 13 Behold, I stand here by the well of water; and the daughters of the men of the city come out to draw water: 14 And let it come to pass, that the damsel to whom I shall say , Let down thy pitcher, I pray thee, that I may drink ; and she shall say, Drink , and I will give thy camels drink also: let the same be she that thou hast appointed for thy servant Isaac; and thereby shall I know that thou hast shewed kindness unto my master. 15 And it came to pass, before he had done speaking, that, behold, Rebekah came out, who was born to Bethuel, son of Milcah, the wife of Nahor, Abraham's brother, with her pitcher upon her shoulder. 16 And the damsel was very fair to look upon, a virgin, neither had any man known her: and she went down to the well, and filled her pitcher, and came up. 17 And the servant ran to meet her, and said, let me, I pray thee, drink a little water of thy pitcher. 18 And she said, Drink, my lord: and she hasted, and let down her pitcher upon her hand, and gave him drink. 19 And when she had done giving him drink, she said, I will draw water for thy camels also, until they have done drinking. 20 And she hasted, and emptied her pitcher into the trough, and ran again unto the well to draw water, and drew for all his camels. 21 And the man wondering at her held his peace, to wit whether the LORD had made his journey prosperous or not. 22 And it came to pass, as the camels had done drinking , that the man took a golden earring of half a shekel weight, and two bracelets for her hands of ten shekels weight of gold; 23 And said, Whose daughter art thou? tell me, I pray thee: is there room in thy

father's house for us to lodge in ? 24 And she said unto him, I am the daughter of Bethuel the son of Milcah, which she bare unto Nahor. 25 She said moreover unto him, We have both straw and provender enough, and room to lodge in. 26 And the man bowed down his head, and worshipped the LORD. 27 And he said, Blessed be the LORD God of my master Abraham, who hath not left destitute my master of his mercy and his truth: I being in the way, the LORD led me to the house of my master's brethren. 28 And the damsel ran, and told them of her mother's house these things. 29 And Rebekah had a brother, and his name was Laban: and Laban ran out unto the man, unto the well. 30 And it came to pass, when he saw the earring and bracelets upon his sister's hands, and when he heard the words of Rebekah his sister, saying , Thus spake the man unto me; that he came unto the man; and, behold, he stood by the camels at the well. 31 And he said, Come in, thou blessed of the LORD; wherefore standest thou without? for I have prepared the house, and room for the camels. 32 And the man came into the house: and he ungirded his camels, and gave straw and provender for the camels, and water to wash his feet, and the men's feet that were with him. 33 And there was set meat before him to eat: but he said, I will not eat, until I have told mine errand. And he said, Speak on. 34 And he said, I am Abraham's servant. 35 And the LORD hath blessed my master great; and he is become great: and he hath given him flocks, and herds, and silver, and gold, and menservants, and maidservants, and camels, and asses. 36 And Sarah my master's wife bare a son to my master when she was old: and unto him hath he given all that he hath. 37 And my master made me swear, saying, Thou shalt not take a wife to my son of the daughters of the Canaanites, in whose land I dwell: 38 But thou shalt go unto my father's house, and to my kindred, and take a wife unto my son. 39 And I said unto my master, Peradventure the woman will not follow me. 40 And he said unto me, The LORD, before whom I walk, will send his angel with thee, and prosper thy way; and thou shalt take a wife for my son of my kindred, and of my father's house: 41 Then shalt thou be clear from this my oath, when thou comest to my kindred; and if they give not thee one, thou shalt be clear from my oath. 42 And I came this day unto the well, and said, O LORD God of my master Abraham, if now thou do prosper my way which I go: 43 Behold, I stand by the well of water; and it shall come to pass, that when the virgin cometh forth to draw water, and I say to her, Give me , I pray thee, a little water of thy pitcher to drink ; 44 And she say to me, Both drink thou, and I will also draw for thy camels: let the same be the woman whom the LORD hath appointed out for my master's son. 45 And before I had done speaking in mine heart, behold, Rebekah came forth with her pitcher on her shoulder; and she went down unto the well, and drew water: and I said unto her, let me drink, I pray thee. 46 And she made haste, and let down her pitcher from her shoulder, and said, Drink, and I will give thy camels drink also: so I drank, and she made the camels drink also. 47 And I asked her, and said, Whose daughter art thou? And she said, The daughter of Bethuel, Nahor's son, whom Milcah bare unto

him: and I put the earring upon her face, and the bracelets upon her hands. 48 And I bowed down my head, and worshipped the LORD, and blessed the LORD God of my master Abraham, which had led me in the right way to take my master's brother's daughter unto his son. 49 And now if ye will deal kindly and truly with my master, tell me: and if not, tell me; that I may turn to the right hand, or to the left. 50 Then Laban and Bethuel answered and said, the thing proceedeth from the LORD: we cannot speak unto thee bad or good. 51 Behold, Rebekah is before thee, take her, and go, and let her be thy master's son's wife, as the LORD hath spoken. 52 And it came to pass, that, when Abraham's servant heard their words, he worshipped the LORD, bowing himself to the earth. 53 And the servant brought forth jewels of silver, and jewels of gold, and raiment, and gave them to Rebekah: he gave also to her brother and to her mother precious things. 54 And they did eat and drink, he and the men that were with him, and tarried all night; and they rose up in the morning, and he said, Send me away unto my master. 55 And her brother and her mother said, Let the damsel abide with us a few days, at the least ten; after that she shall go. 56 And he said unto them, Hinder me not, seeing the LORD hath prospered my way; send me away that I may go to my master. 57 And they said, We will call the damsel, and enquire at her mouth. 58 And they called Rebekah, and said unto her, Wilt thou go with this man? And she said, I will go. 59 And they sent away Rebekah their sister, and her nurse, and Abraham's servant, and his men. 60 And they blessed Rebekah, and said unto her, Thou art our sister, be thou the mother of thousands of millions, and let thy seed possess the gate of those which hate them. 61 And Rebekah arose, and her damsels, and they rode upon the camels, and followed the man: and the servant took Rebekah, and went his way. 62 And Isaac came from the way of the well Lahairoi; for he dwelt in the south country. 63 And Isaac went out to meditate in the field at the eventide: and he lifted up his eyes, and saw, and, behold, the camels were coming. 64 And Rebekah lifted up her eyes, and when she saw Isaac, she lighted off the camel. 65 For she had said unto the servant, What man is this that walketh in the field to meet us? And the servant had said, It is my master: therefore she took a vail, and covered herself. 66 And the servant told Isaac all things that he had done. 67 And Isaac brought her into his mother Sarah's tent, and took Rebekah, and she became his wife; and he loved her: and Isaac was comforted after his mother's death.

The next biblical marriage recorded in the Bible, of which we are given extensive details, is that of Abraham's son, Isaac, with Rebekah, in Genesis 24. Verse 67 tells us, "And Isaac brought her into his mother Sara's tent, and took Rebekah, and she became his wife." Could words be plainer than these? Here, Isaac's sexual union with Rebekah is plainly the point in time in which they became married. Isaac's "taking" of Rebekah, of course, refers to him taking her sexually. The term is used in the same way as it is in Deuteronomy 22:30: "A man shall not take his father's wife." Keil & Delitzsch seem to

apprehend the force of this verse (67) this way also: “Isaac conducted the maiden, who had been brought to him by God, into the tent of Sarah his mother, and she became his wife,” (*Commentary on the Old Testament*, Vol I, Section 1, pg. 261).

The arrangement made between Eliezer and Laban and Bethuel was, of course, a betrothal. Isaac and Rebekah became covenanted to each other upon the agreement of their respective overseers. This fact notwithstanding, the focus and emphasis, once again, is placed upon the fact that Isaac “took Rebekah,” whereupon she became his wife.

Numerous commentators say that in the absence of an oath and a ceremony their act must be construed as “fornication.” God’s Word says they became one flesh, man and wife. Whose word are we going to believe? Man’s or God’s?

Marriage #4: Jacob and Leah

Consider also the case of Jacob and his four wives. We have already looked at Jacob and Leah in connection with Deuteronomy 22:28-29. One more observation is appropriate. In Genesis 29:28, at Laban’s insistence, “Jacob did so, and fulfilled her (Leah’s) week: and he gave him Rachel his daughter to wife also.” The key word here is “also.” If Laban gave Rachel as Jacob’s wife also, then it follows necessarily from this that Leah’s union with Jacob was also a marriage. Scripture says that Jacob’s union with Leah was a marriage. Many commentators would classify Jacob’s sexual union with Leah as fornication. Whose word are we going to believe? Man’s or God’s?

Marriage #5: Jacob and Rachel

If “the Bible does not tell us all we would like to know about the legal side of marriages,” as James Jordan complained, as it does not to his satisfaction in the cases of Adam and Eve, Abram and Hagar, Isaac and Rebekah, and Jacob and Leah, there will still be three more opportunities with Jacob alone for God to say something to us about verbal oaths and ceremonies. If God accidentally omitted mentioning these “requirements” up to now, ample opportunity comes in the ensuing words of Genesis 29 and 30.

In Genesis 29:29-30 we read: “*And Laban gave Rachel his daughter Bilhah his handmaid to be her maid. And he went in also unto Rachel...*”

There are no oaths or ceremonies here either. Only “he went in unto Rachel.” If marriage commences as Jay E. Adams insists, not “when sexual relations first occur,” but only “when the vows are taken,” then why does the Bible continually refer to the sexual aspect and only the sexual aspect? Adams insists that the one flesh nature and basis of marriage is “totally foreign to the Scriptures.” Is it not, rather, becoming more and more

obvious, as we examine the particulars, that it is Adams' view that is foreign to the Scriptures? If Adams' thesis finds no support in reference to Leah and Rachel, perhaps we will find some hint of an oath or ceremony in the story of their handmaidens? So far, all we have in regard to the traditional view is the word of men with the Scriptures supporting the contrary. Whose word are we going to believe? Man's or God's?

Marriage # 6: Jacob and Bilhah

1 And when Rachel saw that she bare Jacob no children, Rachel envied her sister; and said unto Jacob, Give me children, or else I die. 2 And Jacob's anger was kindled against Rachel: and he said, Am I in God's stead, who hath withheld from thee the fruit of the womb? 3 And she said, Behold my maid Bilhah, go in unto her; and she shall bear upon my knees, that I may also have children by her. 4 And she gave him Bilhah her handmaid to wife: and Jacob went in unto her. 5 And Bilhah conceived, and bare Jacob a son. 6 And Rachel said, God hath judged me, and hath also heard my voice, and hath given me a son: therefore called she his name Dan. –Genesis 30:1-6

We are specifically told in Genesis 29:31 that because of Jacob's partiality towards Rachel over Leah that God closed up Rachel's womb but opened Leah's to bear children. Rachel clearly regarded the outcome of her plan to give Bilhah to Jacob as the answer of God. The sense of her words that "God...hath heard my voice" is not that of a direct prayer to God; rather what Rachel intimates here is that God heard her complaint to Jacob and vindicated her plan. Rachel sees her act of giving her handmaid to her husband as a third wife as a good act which God blessed.

We see once again that the giving of Bilhah to Jacob as a wife is immediately and directly equated with the act of becoming one flesh: "She gave him Bilhah her handmaid to wife: and Jacob went in unto her." Commentary upon this passage is practically a pure redundancy. All that was required for Jacob to become a husband to Bilhah was to have sexual relations with her.

Modern commentators assert that these actions of Jacob were fornication and adultery. The Bible says Bilhah became Jacob's wife through sexual intercourse. Whose word are we going to believe? Man's or God's?

Marriage #7: Jacob and Zilpah

We are told in Genesis 30:9-10, "*When Leah saw that she had left bearing, she took Zilpah her maid, and gave her to Jacob to wife. And Zilpah Leah's maid bare Jacob a son.*"

Although the connection between sexual relations and the commencement of marriage is

less explicit here than in the previous passages examined, the context should force an acknowledgement that Jacob's marriage to Zilpah was put into effect in the same manner as with Leah, Rachel, and Bilhah. Verses 9-10 are precisely parallel to verses 4-5. Once again, there was no thought of a verbal oath, a civil/ecclesiastical ceremony, etc. All that was necessary was for Jacob to have sexual relations with Zilpah, and she became his wife.

Marriage # 8: Dinah and Shechem

The next example of a marriage taking place in the Bible, of Jacob's daughter Dinah to the uncircumcised Canaanite, Shechem, is a little more complex, and is also the occasion of an objection to the present thesis. This is found in Genesis 34:

1 And Dinah the daughter of Leah, which she bare unto Jacob, went out to see the daughters of the land. 2 And when Shechem the son of Hamor the Hivite, prince of the country, saw her, he took her, and lay with her, and defiled her. 3 And his soul clave unto Dinah the daughter of Jacob, and he loved the damsel, and spake kindly unto the damsel. 4 And Shechem spake unto his father Hamor, saying, Get me this damsel to wife. 5 And Jacob heard that he had defiled Dinah his daughter: now his sons were with his cattle in the field: and Jacob held his peace until they were come. 6 And Hamor the father of Shechem went out unto Jacob to commune with him. 7 And the sons of Jacob came out of the field when they heard it: and the men were grieved, and they were very wroth, because he had wrought folly in Israel in lying with Jacob's daughter; which thing ought not to be done. 8 And Hamor communed with them, saying, The soul of my son Shechem longeth for your daughter: I pray you give her him to wife. 9 And make ye marriages with us, and give your daughters unto us, and take our daughters unto you. 10 And ye shall dwell with us: and the land shall be before you; dwell and trade ye therein, and get you possessions therein. 11 And Shechem said unto her father and unto her brethren, Let me find grace in your eyes, and what ye shall say unto me I will give. 12 Ask me never so much dowry and gift, and I will give according as ye shall say unto me: but give me the damsel to wife. 13 And the sons of Jacob answered Shechem and Hamor his father deceitfully, and said, because he had defiled Dinah their sister: 14 And they said unto them, We cannot do this thing, to give our sister to one that is uncircumcised; for that were a reproach unto us: 15 But in this will we consent unto you: If ye will be as we be, that every male of you be circumcised; 16 Then will we give our daughters unto you, and we will take your daughters to us, and we will dwell with you, and we will become one people. 17 But if ye will not hearken unto us, to be circumcised; then will we take our daughter, and we will be gone. 18 And their words pleased Hamor, and Shechem Hamor's son. 19 And the young man deferred not to do the thing, because he had delight in Jacob's daughter: and he was more honourable than all the house of his father. 20 And Hamor and

Shechem his son came unto the gate of their city, and communed with the men of their city, saying, 21 These men are peaceable with us; therefore let them dwell in the land, and trade therein; for the land, behold, it is large enough for them; let us take their daughters to us for wives, and let us give them our daughters. 22 Only herein will the men consent unto us for to dwell with us, to be one people, if every male among us be circumcised, as they are circumcised. 23 Shall not their cattle and their substance and every beast of theirs be ours? only let us consent unto them, and they will dwell with us. 24 And unto Hamor and unto Shechem his son hearkened all that went out of the gate of his city; and every male was circumcised, all that went out of the gate of his city. 25 And it came to pass on the third day, when they were sore, that two of the sons of Jacob, Simeon and Levi, Dinah's brethren, took each man his sword, and came upon the city boldly, and slew all the males. 26 And they slew Hamor and Shechem his son with the edge of the sword, and took Dinah out of Shechem's house, and went out. 27 The sons of Jacob came upon the slain, and spoiled the city, because they had defiled their sister. 28 They took their sheep, and their oxen, and their asses, and that which was in the city, and that which was in the field, 29 And all their wealth, and all their little ones, and their wives took they captive, and spoiled even all that was in the house. 30 And Jacob said to Simeon and Levi, Ye have troubled me to make me to stink among the inhabitants of the land, among the Canaanites and the Perizzites: and I being few in number, they shall gather themselves together against me, and slay me; and I shall be destroyed, I and my house. 31 And they said, Should he deal with our sister as with an harlot?

The proposition has been advanced by some commentators that Genesis 34 refutes the one flesh thesis advanced in this book. The rationale is as follows: Shechem and Dinah had sexual relations; since they were not married, this was an act of fornication; does not the chapter repeatedly tell us that Dinah was “defiled” by her sexual relations with Shechem? And since Dinah was defiled by her sexual relations with Shechem, it must be that having sexual relations without a verbal marriage oath does not constitute a marriage; moreover, after Shechem had relations with Dinah, he requested of his father “get me the damsel to wife” (vss. 4, 8, 12); if sexual relations constitutes the commencement of a marriage covenant, would not Shechem have requested to keep his wife, rather than to “get” her for a wife?

Such an argument may carry some weight with the biblically unlearned, but it really is an exceedingly weak argument. The definitive response is simple: Dinah was defiled because Shechem was uncircumcised (vss. 14-15). And he could logically request of his father and Jacob “give me the damsel to wife” because Jacob had the authority—in the words of Exodus 22:17—to “utterly refuse to give her unto him.” Remember what we saw in our examination of Exodus 22:16-17. The law on seduction is precisely applicable to Genesis 34. Until Jacob gave his permission to Shechem, Dinah was still

lawfully under Jacob's jurisdiction. As we learn from Exodus 22:16-17, Jacob had the authority to annul the marriage entered into by Dinah and Shechem, because his patriarchal authority had been bypassed and violated.

Exodus 22:16-17, since it establishes the morality of God's law, must guide our exegesis of Genesis 34. I conclude, based upon this consideration, that Dinah and Shechem truly became married because of their sexual, one flesh union. Jacob or his sons had the authority to disallow a permanent union, to divorce her from Shehem.

We should also not forget that Shechem, in addition to being uncircumcised, was a Canaanite, an idol worshipper (see also Deut. 7:1-6). Nor should we forget Abraham's command to Eliezer (Gen. 24:2-3) to not take a Canaanite wife for Isaac, nor Isaac's charge to Jacob (Gen. 28:1) to not marry a Canaanite. This commandment was certainly taken seriously in the patriarchal household. Marriage to the uncircumcised Canaanite idol worshippers was seen as forsaking the Divine Covenant.

In conclusion, there is nothing in Genesis 34 which is contrary to the thesis of this book. In fact, in the light of Exodus 22:16-17, Genesis 34 confirms the thesis. To assert that Genesis 34 provides a doctrinal foundation for the proposition that an oath and/or civil/ecclesiastical sanction of marriage is necessary is to distort the true import of the passage. What is at issue there is the covenant of circumcision, intermarriage with heathen idol worshippers, and patriarchal authority.

Marriage #9: Judah and the daughter of Shuah

1 And it came to pass at that time, that Judah went down from his brethren, and turned in to a certain Adullamite, whose name was Hirah. 2 And Judah saw there a daughter of a certain Canaanite, whose name was Shuah; and he took her, and went in unto her. 3 And she conceived, and bare a son; and he called his name Er. 4 And she conceived again, and bare a son; and she called his name Onan. 5 And she yet again conceived, and bare a son; and called his name Shelah: and he was at Chezib, when she bare him. —Genesis 38:1-5

As in the case of Jacob's marriage to Zilpah, Judah's marriage to the daughter of Shuah is not so immediately and explicitly equated with their sexual union. The context, however, makes it clear that Judah took her as a wife, for she remained with him and went on to bare him sons. It is clear from verse 2 that there was no difference between Judah's act of taking this woman, and Shechem's taking of Dinah. There is no oath recorded nor ecclesiastical or civil ceremony mentioned. The only thing mentioned in the text is sexual relations. This is further corroborated in the next three verses in the case of Onan and Tamar.

Marriage #10: Onan and Tamar

6 And Judah took a wife for Er his firstborn, whose name was Tamar. 7 And Er, Judah's firstborn, was wicked in the sight of the LORD; and the LORD slew him. 8 And Judah said unto Onan, Go in unto thy brother's wife, and marry her, and raise up seed to thy brother. 9 And Onan knew that the seed should not be his; and it came to pass, when he went in unto his brother's wife, that he spilled it on the ground, lest that he should give seed to his brother. – Genesis 38:6-8

Here we see the levirate, which we already examined, in excess of 400 years before the giving of the Law at Sinai. Where did Judah come up with this solution to the childlessness of his deceased son? The answer to this question is supplied by Genesis 26:5, where the Lord says: “Because that Abraham obeyed my voice, and kept my charge, my commandments, my statutes and my laws.” What we learn from this passage is that Abraham was the recipient of a rather extensive set of laws from God. Undoubtedly, these laws were the same as the laws given to Moses by God at Sinai, though maybe not as complete.

In Genesis 18:17-19, we are told:

17 And the LORD said, Shall I hide from Abraham that thing which I do; 18 Seeing that Abraham shall surely become a great and mighty nation, and all the nations of the earth shall be blessed in him? 19 For I know him, that he will command his children and his household after him, and they shall keep the way of the LORD, to do justice and judgment; that the LORD may bring upon Abraham that which he hath spoken of him.

Clearly, the patriarchal household was instructed in “the way of the LORD,” a “way” which was extensively revealed. Undoubtedly, this was the source of the levirate; it was a requirement of God, taught by Abraham, Isaac and Jacob.

What is relevant here concerning our present thesis is the immediate connection Judah makes between sexual relations and marriage: “Go in unto thy brother’s wife and marry her.” Can words possibly be plainer? It is not even possible to mistake the meaning of Judah’s words. One might argue that Judah’s words do not have the force of law, and in view of the obvious sins Judah committed we cannot put confidence in the doctrine expressed by his words. But such a contention overlooks the obvious: whatever sins Judah may have committed, or whatever faults he may have had, ignorance of the way of the LORD was not one of them. Judah was taught “the way of the LORD” by Isaac and Jacob, and his words here do have the force of law and authority concerning the morality and meaning of God’s Law.

To dismiss Judah’s words in Genesis 38:8 as error brings us into direct conflict with what we are told in Genesis 18 and Genesis 25. Judah was a member of the household of faith, and an inheritor of that faith and “way.” Therefore, we must defer to the doctrine

of marriage expressed here by Judah: to have sexual relations is to enter into marriage. Given the explicitness of the Bible's teaching here, there really is no excuse for anyone to deny the doctrine.

Marriage #11: David and Abigail

Next to the story of David's slaying of Goliath and his adultery with Bathsheba, probably the next most well-known incident in David's life is his conflict with wicked Nabal and his acquisition of Abigail as his second wife after the death of Nabal. God's providence in these incidents is particularly manifest. I will not duplicate the chapter here but the reader is encouraged to read all of I Samuel 25 where these incidents are recorded. In summary...

1 Samuel 25:39-42

39 And when David heard that Nabal was dead, he said, Blessed be the LORD, that hath pleaded the cause of my reproach from the hand of Nabal, and hath kept his servant from evil: for the LORD hath returned the wickedness of Nabal upon his own head. And David sent and communed with Abigail, to take her to him to wife.40 And when the servants of David were come to Abigail to Carmel, they spake unto her, saying, David sent us unto thee, to take thee to him to wife.41 And she arose, and bowed herself on her face to the earth, and said, Behold, let thine handmaid be a servant to wash the feet of the servants of my lord.42 And Abigail hasted, and arose and rode upon an ass, with five damsels of hers that went after her; and she went after the messengers of David, and became his wife.

Let us take note that David was already married to Michal, the daughter of Saul, when he took Abigail as a second wife. It is to be observed that there is no question here of any kind of oath or ceremony, or any kind of "officiating function" of any civil magistrate. David and his band of men are traversing the land to evade being killed by Saul. David simply took Abigail to himself and she became his wife. There are many who would say that this arrangement was fornication because there was no marriage ceremony or oaths or vows involved. Scripture, on the other hand, say that "she became his wife." Whose word are we going to believe? Man's or God's?

Marriage #14: David and Abishag

1 Kings 1:1-4: 1 Now king David was old and stricken in years; and they covered him with clothes, but he gat no heat. 2 Wherefore his servants said unto him, Let there be sought for my lord the king a young virgin: and let her stand before the king, and let her cherish him, and let her lie in thy bosom, that my lord the king may get heat. 3 So they sought for a fair damsel throughout all the

coasts of Israel, and found Abishag a Shunammite, and brought her to the king. 4 And the damsel was very fair, and cherished the king, and ministered to him: but the king knew her not.

This was an *intended* marriage. David was on his deathbed and too ill to consummate the union. The admonition, “Let her lie in thy bosom,” is a euphemism for sexual intercourse, for marriage. Once again, there is not any consideration here whatsoever to legitimize this intended union by any ceremony, ritual, oath, vow, or ordination by any civil or ecclesiastical authority. The sexual union was seen as sufficient by itself. This is so clear that it hardly needs highlighting. The modern church would claim that this arrangement would constitute fornication. The Bible presents it as marriage. Whose word are we going to believe? Man’s or God’s?

Marriage #11: Isaiah and the Prophetess?

Isaiah 8 - Moreover the Lord said unto me, Take thee a great roll, and write in it with a man's pen concerning Mahershalalhashbaz. 2 And I took unto me faithful witnesses to record, Uriah the priest, and Zechariah the son of Jeberechiah. 3 And I went unto the prophetess; and she conceived, and bare a son. Then said the Lord to me, Call his name Mahershalalhashbaz.

Well, finally we have both witnesses and an ecclesiastical officer involved in a marriage! Surely, we finally have proof that such is required to lawfully inaugurate a new marriage! Or do we? I have had Christians tell me that this passage in Isaiah 8 validates the necessity of both a marriage ceremony and the necessity of at least two witnesses to lawfully institute a new marriage. Will this claim hold up to scrutiny?

The reader should consult all of Isaiah 8 and the following chapters. There are at least two significant factors here. The first is the name of the child: Mahershalalhashbaz. This name means “Quick to the booty, swift to the spoil.” Now, that is quite a name to give a child!

The name of the child is a sign to the nation of Israel that judgment is coming in the form of the empire of Assyria. This entire scenario is to certify a dire prophecy of judgment, not to ordain a marriage. Secondly, it is not even clear that Isaiah was not already married to the prophetess. Matthew Henry is helpful here and I will quote him in full:

In these verses we have a prophecy of the successes of the king of Assyria against Damascus, Samaria, and Judah, that the two former should be laid waste by him, and the last greatly frightened. Here we have,

I. Orders given to the prophet to write this prophecy, and publish it to be seen and read of all men, and to leave it upon record, that when the thing came to pass they might know that God had sent him; for that was one end of prophecy, Jn. 14:29. He must take a great roll, which would contain those five chapters fairly written in words at length; and he must write in it all that he had foretold concerning the king of Assyria's invading the country; he must write it with a man's pen, in the usual way and style of writing, so as that it might be legible and intelligible by all. See Hab. 2:2, Write the vision, and make it plain. Those that speak and write of the things of God should avoid obscurity, and study to speak and write so as to be understood, 1 Co. 14:19. Those that write for men should write with a man's pen, and not covet the pen or tongue of angels. And forasmuch as it is usual to put some short, but significant comprehensive title before books that are published, the prophet is directed to call his book Maher-shalal-hash-baz—Make speed to the spoil, hasten to the prey, intimating that the Assyrian army should come upon them with great speed and make great spoil. By this title the substance and meaning of the book would be enquired after by those that heard of it, and remembered by those that had read it or heard it read. It is sometimes a good help to memory to put much matter in few words, which serve as handles by which we take hold of more.

II. The care of the prophet to get this record well attested (v. 2): I took unto me faithful witnesses to record; he wrote the prophecy in their sight and presence, and made them subscribe their names to it, that they might be ready, if afterwards there should be occasion, to make oath of it, that the prophet had so long before foretold the descent which the Assyrians made upon that country. He names his witnesses for the greater certainty, that they might be appealed to by any. They were two in number (for out of the mouth of two witnesses shall every word be established); one was Uriah the priest; he is mentioned in the story of Ahaz, but for none of his good deeds, for he humoured Ahaz with an idolatrous altar (2 Ki. 16:10, 11); however, at this time, no exception lay against him, being a faithful witness. See what full satisfaction the prophets took care to give to all persons concerned of the sincerity of their intentions, that we might know with a full assurance the certainty of the things wherein we have been instructed, and that we have not followed cunningly-devised fables.

III. The making of the title of his book the name of his child, that it might be the more taken notice of and the more effectually perpetuated, v. 3. His wife (because the wife of a prophet) is called the prophetess; she conceived and bore a son, another son, who must carry a sermon in his name, as the former had done (ch. 7:3), but with this difference, that spoke mercy, Shear-jashub—The remnant shall return; but, that being slighted, this speaks judgment, Maher-shalal-hash-baz—In making speed to the spoil he shall hasten, or he has hastened, to the prey. The prophecy is doubled, even in this one name, for the thing was certain.

I will hasten my word, Jer. 1:12. Every time the child was called by his name, or any part of it, it would serve as a memorandum of the judgments approaching. Note, It is good for us often to put ourselves in mind of the changes and troubles we are liable to in this world, and which perhaps are at the door. When we look with pleasure on our children it should be with the alloy of this thought, We know not what they are yet reserved for.

IV. The prophecy itself, which explains this mystical name.

1. That Syria and Israel, who were now in confederacy against Judah, should in a very little time become an easy prey to the king of Assyria and his victorious army (v. 4): "Before the child, now newly born and named, shall have knowledge to cry, My father, and My mother" (which are usually some of the first things that children know and some of the first words that children speak), that is, "in about a year or two, the riches of Damascus, and the spoil of Samaria, those cities that are now so secure themselves and so formidable to their neighbours, shall be taken away before the king of Assyria, who shall plunder both city and country, and send the best effects of both into his own land, to enrich that, and as trophies of his victory." Note, Those that spoil others must expect to be themselves spoiled (ch. 33:1); for the Lord is righteous, and those that are troublesome shall be troubled. —*Commentary on the Whole Bible*, Matthew Henry

There is nothing in Isaiah 8 to indicate that Isaiah is marrying the prophetess at that particular point in time, nor that this particular passage has anything to do with marriage at all. According to Matthew Henry, reviewing chapter 7 indicates that this is Isaiah's second child with the prophetess.

There is a great lesson to be learned here from the faulty view of those seeking to validate this passage as pertaining to marriage: all Scripture must be understood within its immediate context, and also within the context of Scripture as a whole. This passage is simply irrelevant to the question at hand.

This concludes our section on examples of marriages occurring in Scripture that give us some details of the actual marriages commencing. I considered looking at Hosea and Gomer, Esther and Ahasuerus, and the extraordinary story of Israel and the Benjamites in Judges 19-20 but determined that the details related are a little too vague concerning our topic and would not add anything additional to the thesis of this work.

There is one more miscellaneous passage I would like to point to, not an example of a marriage occurring, but the view of marriage expressed therein. That passage is Joshua 23:11-12.

11 Take good heed therefore unto yourselves, that ye love the Lord your God. 12 Else if ye do in any wise go back, and cleave unto the remnant of these nations, even these that remain among you, and shall make marriages with them, and go in unto them, and they to you.

Note once again that marriage is identified by Joshua with the sexual union, to “go in unto them,” the same language that is used consistently throughout to signify sexual relations.

Having surveyed virtually every relevant passage of Scripture on this topic, we are confronted by the fact that Scripture is utterly silent about anything having to do with marriage rituals, verbal oaths or vows, or civil or ecclesiastical involvement in marriage. What we do encounter in this survey is parental authority, especially the authority of the father. We must conclude from this that civil or ecclesiastical involvement in marriage represents a usurpation of patriarchal authority and an intrusion into the business of marriage where neither the State nor the Church belong.

CHAPTER 5

DIVORCE IN BIBLICAL LAW

Introductory Theological Considerations and Overview

In the first volume of *Man & Woman in Biblical Law: A Patriarchal Manifesto*, I discussed polygamy with reference to Ezekiel 23; my focus there was to emphasize the analogy God used in reference to polygamy (more precisely, polygyny), i.e., that He portrayed Himself as a man married to two women, Israel and Judah (Aholah and Aholibah). I pointed out that the marital analogy, of man and woman representing God and His people, runs throughout Scripture in both the Old and New Testaments, and that this is an exegetical point proving the lawfulness of polygyny.

In Jeremiah 3 we once again encounter Yahweh and his two wives. In this treatise I want to emphasize the theme of adultery on the part of the wives, the theme of divorce, and the theme of the bill of divorce as the redress for adultery. Let us note one more passage where the bill of divorce is mentioned, Isaiah 50:1:

I Thus saith the LORD, Where is the bill of your mother's divorcement, whom I have put away? or which of my creditors is it to whom I have sold you? Behold, for your iniquities have ye sold yourselves, and for your transgressions is your mother put away.

The conquest and exile of the Northern kingdom of Israel by Assyria is allegorically characterized by God as a “bill of divorcement.” Why did God “divorce” Israel? According to Jeremiah 3:8, He divorced her for the cause of adultery. To put this divorce in effect He gave her a bill of divorcement. Marriage, adultery and divorce are, of course, metaphors for the Sanaitic covenant, apostasy (idolatry) and judgment. These metaphors are presented to us in terms of God’s law, His standard of morality based upon Deuteronomy 24:1-4, and they illuminate the actual legal status and relation of marriage, adultery, and the bill of divorce. Jeremiah 3:8 proves that adultery is a legitimate basis for divorce under the Law of Moses, specifically Deuteronomy 24:1-4. Whatever else may be classified as “uncleanness,” or literally “nakedness of a thing” in Deuteronomy 24:1, adultery is clearly and unmistakably included in the meaning.

Jay E. Adams has observed in regard to these passages:

“It is plain from this evidence that divorce for adultery by fornication was considered a natural option for God to use in referring to His relationship to Israel. Here we must be careful not to plead that God can do as He pleases and that His actions are not an example to us. The figure of marriage (and divorce) that He uses to explain His actions and His various relationships to Israel would explain nothing, but only confuse the reader, if, indeed, stoning alone was the only way to deal with adultery. It is inconceivable that God—without some explanation—did that which was contrary to all that He requires of His own people in the same circumstance.” —*Marriage, Divorce, and Remarriage in the Bible*, pg. 73, emph. supp.

This compels us irresistibly to a fundamental conclusion of the most paramount importance: ***divorce in God’s law is a manifestation of God’s holiness and wrath against sin.***

Since divorce is a manifestation of God’s holiness, and since God has commanded us, “Be ye holy, for I am holy” (Lev 11:44, 19:2), it follows by good and necessary consequence from this that God’s example of divorcing His wife for the cause of adultery must be a normative, lawful basis and redress on the human level. We cannot simply plead that God can do as He pleases, as Adams observed. God is holy. All of God’s acts proceed from His holiness and God cannot deny Himself (I Tim. 2:13).

Consider just a small sampling of what the Bible says about this. “He is the Rock, his work is perfect: for all his ways are judgment: a God of truth and without iniquity, just and right is he” (Deut. 32:4). “Far be it from God that he should do wickedness...that he should commit iniquity,” (Job 34:10). “Shall not the Judge of all the earth do right?” (Gen. 18:25). “Thou art of purer eyes than to behold evil, and canst not look upon iniquity,” (Hab. 1:13). “The just LORD is in the midst thereof; he will not do iniquity; every morning doth he bring forth judgment to light, he faileth not,” (Zeph. 3:5). “For the wrath of God is revealed from heaven against all ungodliness and unrighteousness of men,” (Rom 1:18). “Let no man say when is tempted, I am tempted of God: for God cannot be tempted with evil, neither tempteth he any man,” (Jas. 1:13).

God does as He pleases, but He always pleases to do that which is good and just and right and holy, because holiness is His very nature. He cannot deny Himself, that is, He cannot act contrary to His nature.

Since divorce is a manifestation of God’s holiness and wrath against sin, it should not surprise us that we would encounter it as a redress for sin in His law. And this is, in fact, precisely what we do find in Deuteronomy 24:1-4. The following quotation of this passage is from John Murray’s book, *Divorce*, which is a translation of the Septuagint’s rendering: Murray’s source for this translation was *The International Critical Commentary, A Critical and Exegetical Commentary on Deuteronomy*, New York, 1916,

pg. 269.

When a man taketh a wife, and marrieth her, and it cometh to pass, if she find no favor in his eyes, because he hath found in her some unseemly thing, that he writeth her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house, and she departeth out of his house, and goeth and becometh another man's wife, and the latter husband hateth her and writeth her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house, or if the latter husband, who took her to be his wife, die: her former husband, which sent her away, may not take her again to be his wife, after that she has been defiled, for this is an abomination before the LORD, and thou shalt not cause the land to sin which the LORD thy God giveth thee for an inheritance.

I have adopted this translation here, at least for now, to bring this discussion of Deuteronomy 24:1-4 into harmony with what is probably the majority opinion of the proper linguistic rendering, and to avoid confusion and clamor over the issue of “protasis” and “apodosis” in these verses. Jay E. Adams explains:

It takes verses 1-3 as the protasis (the section with the if and when conditional clauses that contain the supposition) and verse 4 as the apodosis (the section with the concluding clause that contains the statement—here a regulation— that is based upon the supposition). The King James takes only the first half of verse 1 as the protasis.—*Marriage, Divorce and Remarriage in the Bible*, pg. 62

It has been commonly argued by many commentators that since Deuteronomy 24 does not positively prescribe divorce and the writing of a bill of divorce for the “uncleanness” mentioned in verse 1 (literally “nakedness of a thing”) that, therefore, this uncleanness is not a legitimate ground for divorce. The man, we are told, has done this without any real lawful basis. It is urged, moreover, that since the death penalty is prescribed for adultery in Leviticus 20:10 and Deuteronomy 22:22, that therefore the “uncleanness” referred to cannot possibly be referring to adultery. Both of these propositions are assumptions and not logical deductions from the biblical text. The argument that adultery cannot be included in the concept of “some unseemly thing” (literally “nakedness of a thing” in Hebrew) in verse 1 assumes that execution was the only lawful means of dealing with adultery.

But is this so? In the light of Jeremiah 3:8 and Isaiah 50:1, is not this assertion utterly and completely impossible? Moreover, we are told in Matthew 1:18-19,

“When as his mother Mary was espoused to Joseph, before they came together, she was found with child of the Holy Ghost. Then Joseph her husband, being a

just man, and not willing to make her a public example, was minded to put her away privately.”

Joseph obviously was not acting upon New Testament revelation, but Old Testament law. Since the Holy Spirit has informed us that Joseph was “just” in this intention, it cannot possibly be maintained that divorce was not a lawful option under the Law of Moses. This scripture proves conclusively that execution was not the only option under the Law, but merely the maximum possible penalty. In addition, as Adams points out, “God did not put David to death for adultery, but accepted his repentance and allowed him to marry Bathsheba,” (*Marriage, Divorce, and Remarriage in the Bible*, pg. 70). These considerations present an utterly insurmountable obstacle to the view that adultery necessarily lawfully terminates with the death penalty and not divorce.

Returning to the issue of “uncleanness” or “nakedness of a thing” in Deuteronomy 24:1, it is folly to assume that this “uncleanness” is not presupposed in that passage as a legitimate ground for divorce. The issue of where the protasis begins and ends is irrelevant in view of the other texts bearing upon the subject. The procedure specified in verses 1-3 is specified because it is logically understood as a premise enunciating the required norm and standard for creating a divorce, and the necessary basis for it. It is true that the focus of Deuteronomy 24:1-4 is the outlawing of the remarriage to the former wife. But this does not vitiate the normative character of the preceding factual circumstances. In fact, it substantiates it because it proves the efficacy of the divorce under the Law: once remarried to another man, the first husband cannot take her back. If the divorce was unlawful and merely a descriptive feature of this law, then the woman would still be lawfully bound to the first husband and she should return to him, and the intervening marriage would be adultery of which she should repent and return to her true husband.

What, then, does the Hebrew phrase, *erwath dabar*, “nakedness of a thing,” signify? Some commentators have noted its use in Deuteronomy 23:14, and laid great stress upon the fact that this is the only other place in Scripture where this phrase occurs. Since the “unclean thing” refers there to excrement, it has been argued that “nakedness of a thing” in Deuteronomy 24:1 cannot refer to adultery. But is it not obvious that the literal rendering is the best guide in this case? In other words, is it not natural to interpret “nakedness of a thing” as referring to those things people do when they are naked? (Leviticus 18 uses the term “nakedness” in the phrase “to uncover nakedness” in excess of 20 times to refer to illicit sexual activity.) In the context of marital relations, “nakedness of a thing” would necessarily take on the connotation of sexual sin—fornication. And that the husband has written the bill of divorce for this cause. If he then should remarry her after her subsequent marriage to another man, he has, in effect, justified her fornication. To take her back again would repudiate the original divorce, and thereby repudiate the holy wrath against her sin. This is why Jeremiah says that the land would be polluted, and Deuteronomy says it would cause the land to sin. Such a

marriage would, by implication, repudiate God's holiness. Many commentators have puzzled at great length over the reason for disallowing remarriage to the first husband, while simultaneously permitting the second marriage or another marriage after her second husband should die. Those who believe that a second marriage constitutes a continual state of adultery cannot even begin to explain the prohibition in this passage. It makes sense only if divorce is lawful for the cause of "nakedness of a thing," in other words, fornication.

When Deuteronomy 24:4 says that the woman has been "defiled" by her second marriage it is because there was still the option of reconciliation before she actually had sexual relations with her second husband. (This raises a very interesting point that will be crucial to our understanding of Matthew 19:11.) On the one hand, the divorce of the wife was legitimate (though not mandatory). On the other hand, her second marriage is categorized as "defilement," which in this case must of necessity refer to adultery.

Note well: the second marriage is simultaneously categorized as both permissible and adultery at the same time!!! How can this be? The explanation is that the second marriage permanently and irrevocably severs the one flesh, marital relationship with her first husband; there can be no more reconciliation. It is in this sense and aspect that the second marriage constitutes adultery. This constitutes adultery in one direction. Though this constitutes adultery, and though the woman is said to be defiled, her defilement is defilement in regard to the first husband only. It is not defilement in regard to her second husband. And her second husband cannot be said to be guilty of adultery with another man's wife since the bill of divorcement has terminated the marriage. We see then a principle at work within the Law of God which distinguishes between the righteous and unrighteous, between the victim of sin and the perpetrator of sin. The onus of adultery is laid at the feet of the unfaithful wife; her former and second husband, however, are both free of any sin.

It is commonly held by scholars and commentators, Evangelical and otherwise, that Deuteronomy 24:1-4 represents a "concession to sin" on the part of the LORD and that it sets forth a "tolerant" attitude toward that which is inherently evil, that divorce for light cause was accepted and provided for under the Old Covenant by this law. Nothing could be further from the truth! This doctrine is unfortunately pervasive in the Church, and is treated by some as an axiom and an unquestionable first principle. This view will not stand up under scrutiny. In fact, there is no sufferance or tolerance of evil anywhere in God's Law; God's Law nowhere permits evil. Such a view maligns God's character and slanders His holiness.

John Murray, in his book, *Divorce*, has stated:

It is quite apparent that the first biblical passage bearing upon the question is Genesis 2:23-24. At the very outset this enunciates the nature and basis of

marriage and clearly implies that divorce or the dissolution of the marriage bond could not be contemplated otherwise than as a radical breach of the Divine institution. —pg. 1

Of course. That is why its purpose in the Law cannot be of any other nature than punitive. If a marriage is a “one-flesh” relationship, how can that relationship arbitrarily be severed without doing damage to the relationship? As I pointed out in the first Volume, the book of Genesis is a book of law, and assumes the place of an apologetic and a foundation or preamble for the laws and statutes enunciated in Exodus, Leviticus, Numbers and Deuteronomy. Genesis 2:23-24 regulated the jurisprudence of Israel as surely as did Deuteronomy 24:1-4. Genesis is a part of the Pentateuch, the Torah, the Law. Are we to assume that the judges of Israel, and the Levites and elders, were so intellectually obtuse as to not recognize the foundational and regulative nature of Genesis?

Given that divorce would be a radical breach of the divine institution of marriage, are we to assume that one canon of law is given to us in Genesis and the contrary in Deuteronomy? Upon what basis then were the judges of Israel to judge marital disputes brought before them? How were they to decide, in any particular case, between enforcing one provision or the contrary? This thesis, however, assumes way too much: namely, that there is an antithesis between Genesis and Deuteronomy. This assumption is utterly indefensible.

To begin with, virtually all Evangelicals will assent to the proposition that the one flesh concept is an inherently covenantal matter. What, then, is the biblical view of covenants? Are covenants a light matter according to the Law? And is that how the Israelites regarded them? Do we not see in Scripture that the whole matter of covenants is regarded with the utmost gravity? Perhaps the most striking example of the seriousness of covenants is the account of the Gibeonites in Joshua 9. Though under Divine command to exterminate all the Canaanites with the edge of the sword, once Joshua and the elders of Israel made a league with them (by trickery, no less!—shades of Jacob and Laban!), the covenant could not be revoked. It was still in effect over 450 years later in Saul’s day when Saul slew some of the Gibeonites.

God brought judgment on the land of Israel in the form of famine for the violation of this covenant.

Marriage is a covenant, and virtually every reference in the Bible to covenants shows them to be a weighty matter. The evidence of this is absolutely overwhelming. Where, then, did the idea come from that God instituted “tolerance” in regard to violations of the marital covenant? Nowhere in the Old Testament is there any hint that divorce was tolerated for light or illegitimate cause, to say nothing of completely capricious and arbitrary divorce. The view that divorce was an accepted and tolerated evil is based upon

a misinterpretation of one—and only one—New Testament incident, that is, the exchange between Christ and the Pharisees in Matthew 19:3-12 and the parallel account in Mark 10:2-12.

7 They say unto him, why did Moses then command to give a writing of divorcement, and to put her away? 8 He saith unto them, Moses because of the hardness of your hearts suffered you to put away your wives: but from the beginning it was not so. —Matthew 19:7-8

5 And Jesus answered and said unto them, For the hardness of your heart he wrote you this precept. —Mark 10:5

Let it be emphasized once again that the view that the Old Testament tolerated lenient divorce is not to be found in the Old Testament. We have, first of all, the creation narrative of the one flesh pronouncement—a covenantal concept. We have explicit condemnation of divorce in Malachi 2:13-17; the continual denunciation of adultery proves that the marital union was taken seriously, indeed; under certain circumstances divorce was not permitted at all (Deut. 22:19, 29). And finally, the mass divorcement of foreign wives which occurred in Ezra 10 stresses, rather than minimizes, the importance of a covenant. The covenant with God Himself was simply too weighty and authoritative to be permitted to be nullified by mass intermarriage with pagans. The subordinate covenant in this case had to indeed be subordinated to the greater.

If the Old Testament had a lenient policy with respect to divorce, where is the textual support for this notion? The “lenient divorce” doctrine is utterly bankrupt exegetically. There is no biblical foundation for this doctrine.

How, then, in the light of the Old Covenant scriptures, are we to understand Jesus’ statement to the Pharisees, “Moses, because of the hardness of your hearts, suffered you to put away your wives?”

Perhaps the best, if not the definitive, answer to this question has been provided by Greg Bahnsen:

“Some commentators have mistakenly viewed this word as indicating deprecated toleration of a positive evil (i.e., reluctantly forbearing something against which you have strong scruples or detest). Such a connotation must be read into the word. It is used quite simply for the giving of candid permission (without overtones of disapprobation). When ‘epitrepo’ is used elsewhere in the NT there is no reason to think that the person using it intends to approve of something that he considers definitely improper. It is primarily used for the gaining of authorization from a superior...Jn. 19:43...Acts 21:39-40...Acts 26:1...Acts 27:3...Acts 28:16...Mat. 8:21...I Cor. 16:7...Heb. 6:3...Gen 39:6

(LXX)...Est. 9:14...Job 32:14...Therefore, it is unwarranted to maintain that, in Matt. 19:8, Jesus represents the Mosaic law as ‘tolerating with disapproval’ an immoral activity, viz. divorce. The verse simply reports that Moses authorized the use of divorce. One should note, in passing, that the commentators who read the connotation of disapproval-of-an-immoral-activity into the word ‘epitrepo’ fail to justify their view that an all holy God could enact an immoral law. How, one must ask in astonishment, could the God who is ‘of purer eyes than to behold evil and cannot look on iniquity’ (Hab. 1:13), the just Lord who ‘will do no iniquity’ (Zeph. 3:5), tolerate the legislation of immorality in His law, which is itself perfect, right, pure, and righteous altogether (Ps. 19:7-9)? Even leaving linguistic considerations aside this theological difficulty with the view is insurmountable.” — (“*Theonomy in Christian Ethics*,” n. pg. 102)

Insurmountable, indeed! There is not even a remotely plausible objection to this.

This still leaves unanswered the question of what the “hardness of heart” signifies. The answer should be obvious by now. It is the hard heartedness of men who commit adultery with other men’s wives, and the hard heartedness of women who commit adultery and other acts of fornication against their husbands and, therefore, divorce legislation is authorized, or permitted, in order to deal with this hard heartedness. In other words, it is not the hard heartedness of men who wanted to divorce their wives for any cause that the law allows but the hard heartedness involved in violating other men’s marriages or, on the part of the woman, other acts of fornication. Divorce must be instituted as a punitive measure to redress the wrong of such hard heartedness.

To suppose that the Lord Jesus Christ means here that the Law of Moses indulged men’s sinfulness creates insurmountable difficulties. That divorce was tolerated under the Old Covenant as an evil is an a priori assumption, an imposition of a preconceived notion upon the text of Scripture, and not at all a demonstrated rendering. This interpretation is assumed, not proven, and stands in stark contradiction to the entire corpus of Old Testament law pertaining to the subject.

Consider this brief summary of what we have seen thus far.

1. Deuteronomy 24:1-3 describes fornication (“nakedness of a thing”), the writing of a bill of divorcement, and remarriage on the part of the woman.
2. Though maybe linguistically constituting the protasis (the “if” clause)) to verse 4, this process is premised as the lawful course for divorce and describes the offense which occasions and justifies divorce morally and ethically.
3. Verse 4 stipulates that if the second husband divorces the woman, or if he dies, the first husband is forbidden to marry her again. This prohibition conclusively proves

the lawfulness and efficacy of the divorce. The rationale for the prohibition against remarriage to the former wife is that a) it would justify her fornication, b) and repudiate the validity of the first divorce and c) by implication repudiate God's holiness and wrath against sin via divorce.

4. By her second marriage, the woman becomes "defiled" in relation to her first husband, and irrevocably separated from him.

5. The word "defiled" may have at least an indirect relation to adultery since it is the decisive ending of her relation to her first husband.

6. The second marriage, though resulting in "defilement" in regard to her first husband, is a lawful and real marriage.

7. The second marriage to another man may be construed as adultery in a very narrow sense, that is, it ends forever even the possibility of reconciliation with the first husband. In this sense the second marriage may be said to violate the marital tie to the first husband and constitute adultery.

8. Neither the first husband (in divorcing his wife for fornication) nor the second husband (in marrying a divorced woman) are guilty of any sin.

We have dealt with these introductory and theological considerations because they correct some of the most common errors concerning the subject of divorce. With this background in mind, let us turn to an examination of the Law itself.

The Mosaic Provisions

7 And if a man sell his daughter to be a maidservant, she shall not go out as the menservants do. 8 If she please not her master, who hath betrothed her to himself, then shall he let her be redeemed: to sell her unto a strange nation he shall have no power, seeing he hath dealt deceitfully with her. 9 And if he have betrothed her unto his son, he shall deal with her after the manner of daughters. 10 If he take him another wife; her food, her raiment, and her duty of marriage, shall he not diminish. 11 And if he do not these three unto her, then shall she go out free without money.—Exo. 21:7-11

This passage of divorce legislation is pivotal to a correct and overall understanding of the place and purpose of divorce in Biblical law. It is singularly bewildering, as relevant as this passage is to the question of the institution of divorce raised by Deuteronomy 24:1-4, that this passage is almost never discussed by commentators dealing with divorce in Scripture. For example, as I am writing this sentence, I have at my fingertips twelve books which discuss divorce. Six discuss divorce in particular, three deal with the

theme of Man and Woman in the Bible including divorce, and three discuss biblical morality and treat the subject at some length. Of the twelve, only three even mention Exodus 21:11 in connection with divorce (Rousas Rushdoony in *The Institutes of Biblical Law*, Gary North in *Tools of Dominion*, and M. G. McLuhan in *Marriage and Divorce*). The almost universal failure of biblical commentators to note the pivotal place of Exodus 21:11 in the Biblical jurisprudence of divorce constitutes a defect of great magnitude in the overall treatment of this subject.

Numerous commentators, with the purpose in mind of establishing divorce as some kind of tolerated evil, have asserted ad infinitum that Deuteronomy 24:1-4 does not directly prescribe divorce. This assertion can be debated but its force is muted anyway because Exodus 21:11 does directly prescribe divorce as a redress for maltreatment and desertion of the marital bed. The master's failure to provide the basic necessities of life or to provide sexual relations are both grounds for divorce in this case.

“Marriage normally was by dowry: the groom gave a dowry to the bride which constituted her protection and children's inheritance. If there was no dowry, then there was no marriage, only concubinage. But here, it is clearly marriage that is in view, and the word used is marriage. The girl is taken as a wife for either the man or one of his sons. She is legally protected from being either a concubine or a slave; she cannot even be sent out into the fields like a slave. The girl clearly has the privileges of a dowered wife, because there was a dowry. The dowry in this case went to the girl's family, not to her and her children. If the husband-to-be decided against marrying her, then the dowry is restored to him; the girl is “redeemed.” If he or a son married her, and then denied her any wifely right, she then had a legitimate ground for divorce, and left without any restoration of the dowry. The reference to “duty of marriage” is to her right of cohabitation.”—Rushdoony, *The Institutes of Biblical Law*, pg. 176

Though Rushdoony evidences some misunderstanding concerning the girl's status (i.e., she *is* a concubine, a “maidservant”), he does correctly discern that this is divorce legislation.

Moreover, Rushdoony notes in regard to this law:

“The implication is that, if breach of contract to provide is applicable for bonded girls, it is applicable as grounds for divorce for endowed wives. St. Paul referred to this law in I Corinthians 7:3-5, where the requirement of sexual relations and all “due benevolence”...is specified. St. Paul spoke of the failure to meet sexual responsibilities of marriage as defrauding the marital partner. (It can be described, and has been, as a form of desertion.) The reference to Exodus 21:1-10 is clear; St Paul spoke in the context of Biblical law.” --*The Institutes of Biblical Law*, pg. 403

We see, then, that this law not only informs our exegesis of Deuteronomy 24 but also of I Corinthians 7 in the New Testament.

Gary North comments on this passage:

“Once their sexual union had taken place, the marriage was covenantally complete...Thus, she became a true wife...But once covenantally bonded sexually before God, she became his wife. He could not divorce her, except insofar as any wife could be divorced. The Bible is silent about any special divorce proceeding available to him under concubinage.

“On the other hand, the concubine could divorce him under certain specified circumstances. She had the three rights of any wife: food, clothing, and sexual relations. This mean that she had the right to be given an opportunity to bear children. The text says, “If he take him another wife; her food, her raiment, and her duty of marriage, shall he not diminish. And if he do not these three unto her, then shall she go out free without money.” (vv. 10-11). Why list food and clothing here? Any bondservant had the right to food and clothing...(T)he right to food and clothing must have meant in this case...food and clothing *comparable to that received by the new wife.*” —*Tools of Dominion*, pg. 263-264, *emph. in orig.*

M. G. McLuhan notes:

Please note carefully that the marital regulations set forth in this Scripture stand out in distinction from the one in Deuteronomy 24:1-4, which had to do with the husband initiating the divorce action. In this passage it is the wife who not only initiates it but who actually has the authority to force the action...

This arrangement was necessary in the event that the husband took another wife who was a free woman instead of a purchased bondmaid. The new wife might think her free status gave her predominance over the wife who had come to the household as a servant girl. This regulation would prevent that...

While it does not specifically mention the certificate of divorce, it is obvious that this was the only way she could go out a “free” woman.—*Marriage and Divorce*, pg. 54-56

Thus, we see that Exodus 21:7-11 is a very pivotal and important piece of *divorce* legislation. Several conclusions are in order: first, divorce is not presented as an inherent or absolute right, but as a remedy for sin, and a right only ensuing upon sin; second, Exodus 21:11 definitively institutes divorce as an aspect of biblical law. This is sufficient to nullify the view of those who hold to a “No divorce for any cause” doctrine;

third, this law gives a legal standing to women (even concubines or bondwomen) to initiate a divorce action, and to force the issue before the judges if necessary; fourth, the reason or grounds specified for the divorce are 1) failure to provide and 2) desertion of the marriage bed; fifth (to repeat the observation from Volume 1), polygamy does not constitute grounds for divorce, although substituting a new wife in place of the first one does; sixth, this law informs our exegesis of the subject of divorce in the New Testament.

A second passage of divorce legislation is Deuteronomy 21:10-14, the law of the captive foreign woman (not to be confused with a bondwoman, a concubine).

10 When thou goest forth to war against thine enemies, and the LORD thy God hath delivered them into thine hands, and thou hast taken them captive, 11 And seest among the captives a beautiful woman, and hast a desire unto her, that thou wouldest have her to thy wife; 12 Then thou shalt bring her home to thine house; and she shall shave her head, and pare her nails; 13 And she shall put the raiment of her captivity from off her, and shall remain in thine house, and bewail her father and her mother a full month: and after that thou shalt go in unto her, and be her husband, and she shall be thy wife. 14 And it shall be, if thou have no delight in her, then thou shalt let her go whither she will; but thou shalt not sell her at all for money, thou shalt not make merchandise of her, because thou hast humbled her.

Again, the dearth of commentary on this passage by commentators discussing divorce has contributed immeasurably to the shallowness and superficiality of the Evangelical “consensus” on divorce. Of the twelve books I have in front of me only Rushdoony and McLuhan say anything about this passage. Rushdoony merely notes very briefly that it is divorce legislation (*The Institutes of Biblical Law*, pg. 403), and McLuhan says:

“The last sentence in verse 13 throws considerable light on the matter of marriage in ancient Israel. No ceremony by either a priest or parent is even hinted. No reference is made to a “bill” or a “document” of marriage. In modern English it simply means that after thirty days the marriage was consummated by the assumption of sexual relationship. The words “you may go to her” simply mean to have sexual relationship with her. This strongly indicates the place given by God to sexual relationship as an essential part of the marriage relationship. In ancient Israel it was not only the initial consummation of marriage, but if the husband later deprived the wife of continued sexual relationship she could demand—and get—a divorce! This we have already established from Exodus 21:11.

“Verse 14 clearly indicates divorce regulation...he was obliged to let her go.” — *Marriage and Divorce*, pg. 59

McLuhan interprets the phrase, “if thou have no delight in her,” as intimating a cessation of the sexual relationship. This is logically acceptable and may very well be correct; however, I would like to suggest what I believe is a more likely explanation. I believe that this law is speaking to the covenantally faithful man. Being faithful to God’s covenant would entail faithfulness to the marriage covenant and the consequent “due benevolence” as concerning sexual relations. But if having “no delight in her” does not refer to a cessation of sexual relations, to what else can it refer? Well, remember, the woman in question here is a foreigner. The mere outward signs of conversion (hair shaving, nail paring, new clothing) do not necessarily correspond to inner conversion. After having married this foreigner, the man might find out after some time had passed that he was married to a woman who was still a pagan after all and thus he would “have no delight in her.” Then, “if the unbelieving depart let (her) depart” (in the words of I Corinthians 7:15), that is, “let her go whither she will.” The man of God would not be under bondage in such a case.

In other words, this law is where Paul derived his teaching in I Corinthians 7:12-15. Or to put it in different terms, I Corinthians 7:12-15 is an application of this law in a New Covenant setting. I Corinthians 7:15 is an allusion to Deuteronomy 21:14. It is possible that the pagan wife might desire to remain with her Israelite husband; if so, the man in Deuteronomy 21:14 would still have the normal “duty of marriage” or, in the words of Paul, “If any brother have a wife that believeth not, and she be pleased to dwell with him, let him not put her away,” (I Cor. 7:12). In any event, there is an obvious parallel between Deuteronomy 21:14 and I Corinthians 7:15. It is extremely unlikely that the parallel is merely incidental.

The question arises as to whether this legislation institutes divorce for the man, the woman, or both. It seems apparent to me that the burden of initiating the divorce is with the foreign captive woman. At her request, he is to write out a bill of divorce for her. He is to “let her go.” I do not believe that this requirement is addressed to the situation of desertion of the marriage bed but to the issue of intermarriage. The man, even if he desires to keep his beautiful wife, must permit her to leave. Due regard must be given to the covenantal disparity between the man and his wife. In any event, whether the divorce is granted on the basis of the desertion of the marriage bed, or whether it is granted because of intermarriage, the fact remains that either way divorce is granted. Exodus 21:11 specified failure to provide and desertion as grounds. Deuteronomy 21:10-14, it seems to me, permits an unbeliever in the God of Israel to depart, and the man of God is to permit her to leave.

Another passage of divorce legislation, not normally recognized as such, is Exodus 22:16-17:

16 And if a man entice a maid that is not betrothed, and lie with her, he shall surely endow her to be his wife. 17 If her father utterly refuse to give her unto

him, he shall pay money according to the dowry of virgins.

I pointed out earlier in this book that the scenario presented in this passage describes a true marriage. As concerns divorce, this law is a special case. It specifies what is to happen when normal patriarchal authority is bypassed. The money the seducer pays is not restitution but the “dowry of virgins.” This is a forced acknowledgement of marriage. The lawful prerogative, however, is not the man’s or the daughter’s but the father’s. Therefore, he may “utterly refuse to give her unto him.” The father may *divorce* his daughter from the seducer if he sees fit. The payment of the dowry only becomes restitution if the father annuls the marriage. If the father permits the marriage, the payment becomes merely a dowry like any other.

Although this law addresses a special case, it is nevertheless very instructive. It teaches us that there is a hierarchy of priorities in God’s law. Parental authority over one’s children is writ large in this passage. So is the obligation of marriage upon commencing a one-flesh relationship. When the two come into conflict with each other in real life situations, parental authority takes the preeminence—even if it means that divorce is the result. This shows the extent to which God’s law is given over to concerns of authority.

Though this law does not directly address situations which arise within a marriage, such as fornication, it does prove that the marriage relationship is not inherently indissoluble.

Another passage of divorce legislation is the latter provision of Deuteronomy 22:19, which is actually an addendum to the previous six verses:

13 If any man take a wife, and go in unto her, and hate her, 14 And give occasions of speech against her, and bring up an evil name upon her, and say, I took this woman, and when I came to her, I found her not a maid: 15 Then shall the father of the damsel, and her mother, take and bring forth the tokens of the damsel's virginity unto the elders of the city in the gate: 16 And the damsel's father shall say unto the elders, I gave my daughter unto this man to wife, and he hateth her; 17 And, lo, he hath given occasions of speech against her, saying, I found not thy daughter a maid; and yet these are the tokens of my daughter's virginity. And they shall spread the cloth before the elders of the city. 18 And the elders of that city shall take that man and chastise him; 19 And they shall amerce him in an hundred shekels of silver, and give them unto the father of the damsel, because he hath brought up an evil name upon a virgin of Israel: and she shall be his wife; he may not put her away all his days.

Some commentators have inferred too much from this provision, assuming that divorce is hereby portrayed as being normally an absolute right of the man, restricted in this case only as punishment for iniquity. This is simply a non-sequitur. All that can be validly inferred from this provision, by itself, is that the right of divorce is denied only insofar as

it normally existed. That it normally existed as an absolute right is not at all demonstrated in this passage. On the other hand, the prohibition does infer that divorce can legitimately arise under the Law. Though not specifying the extent of the grounds for divorce, the prohibition is meaningless if, in fact, no divorce at all is allowed under any circumstances.

What this passage adds to our understanding of divorce in God's law is that the man, as well as the woman, is envisioned as having some grounds for divorce under the Law. This is something we had not gleaned from Exodus 21:11, Deuteronomy 21:14, or Exodus 22:16-17.

This conclusion is supplemented by Deuteronomy 22:28-29:

28 If a man find a damsel that is a virgin, which is not betrothed, and lay hold on her, and lie with her, and they be found; 29 Then the man that lay with her shall give unto the damsel's father fifty shekels of silver, and she shall be his wife; because he hath humbled her, he may not put her away all his days.

All that was said of Deuteronomy 22:19 applies here as well. This passage does not validate divorce as an absolute right. It does verify that divorce could occur legitimately under the Law. And it envisions the man as securing the divorce.

Another passage touching upon divorce is Leviticus 21:7, 14:

7 They (the priests) shall not take a wife that is a whore, or profane; neither shall they take a woman put away from her husband: for he is holy unto his God...14 A widow, or a divorced woman, or profane, or an harlot, these shall he not take: but he shall take a virgin of his own people to wife.

We must be careful in exegeting the divorce aspect of this passage. It is the Levitical priesthood which is being discussed here. The Levitical priesthood was undeniably ceremonial and temporary in nature (see Hebrews 7). Marriage, however, is a creation ordinance and cannot cease having validity this side of the resurrection. Does Leviticus 21 imply that divorce is always necessarily sinful? Does this law, as J. Carl Laney alleges (see below), attach a "stigma" to a divorced woman? If so, it also attaches a "stigma" to a widow, for the High Priest is plainly forbidden from marrying a widow. What is the rationale for this?

Well, first of all, the priesthood is clearly singled out in this regard as a special case. Divorced women are envisioned as living in the community. We have already seen that such women may have been deserted, mistreated, raped, or seduced, and may be legitimately divorced. The reason that the priests are singled out in this connection with marrying divorced women is because of the typological nature of the priesthood. The

priests were ministers of the blood covenant between Israel and Yahweh. Marriage to a virgin results in bloodshed. Christ's marriage to the Church was accomplished by bloodshed. Since marriage portrays God's relationship to His people, the typical and allegorical nature of the Levitical priesthood required that they marry virgins. Marriage to a widow does not result in bloodshed; marriage to a whore does not result in bloodshed; and marriage to a divorced woman does not result in bloodshed. To infer from this passage that divorced women are "stigmatized" by God's Law represents a superimposition of an a priori assumption onto the pages of Scripture. What this law does logically intimate is that a divorced woman may remarry another man, provided that man is not a Levitical priest.

Let us now return to Deuteronomy 24:1-4:

1 When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house. 2 And when she is departed out of his house, she may go and be another man's wife. 3 And if the latter husband hate her, and write her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house; or if the latter husband die, which took her to be his wife; 4 Her former husband, which sent her away, may not take her again to be his wife, after that she is defiled; for that is abomination before the LORD: and thou shalt not cause the land to sin, which the LORD thy God giveth thee for an inheritance.

The reader who takes a book by book, verse by verse approach to the Old Testament comes to Deuteronomy 24 already quite well informed about the subject of marriage and divorce. He comes to Deuteronomy 24 already knowing that divorce is positively instituted and prescribed in God's law; he comes to Deuteronomy 24 already knowing, moreover, that under certain circumstances divorce is a legitimate option for either sex; he comes to Deuteronomy 24 having already learned that marriage is a one-flesh, hierarchical, covenantal union of man and wife and that the man's failure to provide the basic necessities of life or desertion of the marriage bed constitutes grounds for the woman to secure a divorce; and he comes to Deuteronomy 24 already knowing that remarriage on the part of a divorced woman is permissible.

The three distinctive and outstanding features of Deuteronomy 24 are 1) the focus upon "uncleanness," which in Hebrew is literally "nakedness of a thing," 2) the bill of divorce and 3) the prohibition against remarriage to the first wife in the event of an intervening marriage on her part. Deuteronomy 24 is, thus, highly significant among the biblical laws on divorce. The point that needs to be emphasized is that Deuteronomy 24 does not exist in a vacuum. It is one part of a whole set of interrelated laws regulating marriage, divorce and remarriage. It is very often treated as if it is the only Old Testament passage on the subject. To interpret Deuteronomy 24 in isolation is an error and leads to further

error. John Murray was quite mistaken when he said, “This passage occupies a unique place in the Old Testament because it contains, as no other passage in the Old Testament, specific legislation bearing upon the question of divorce,” (*Divorce*, pg. 3). We have already demonstrated conclusively that Deuteronomy 24 is not the only Old Testament law containing “specific legislation bearing upon the question of divorce.”

The reader should also note that I have reverted to the King James Version of Deuteronomy 24:1-4 above. This is because the KJV, in making the bill of divorce mandatory, and permitting the woman to go and be another man’s wife, reflects a true understanding of the intent of the passage. Deuteronomy 24, it must be remembered, is law, and is intended to regulate the life of the redeemed community. As Rushdoony notes:

“That passage, in reading “if she doth not find grace in his eyes (for he hath found some uncleanness of anything”—Robert Young), addresses itself to covenant man, whose doctrine of marriage is held in faithfulness to the creation ordinance.” —*The Institutes of Biblical Law*, pg. 409

It is foolish to regard verses 1-3 (the “protasis”) as not being normative. The “uncleanness” mentioned in verse 1, which we have seen is the counterpart of the Greek “porneia” and the English “fornication,” is portrayed as a violation of the one flesh marital covenant; and the remedy—divorce—as a legitimate recourse. To say that Deuteronomy 24:1-4 does not institute divorce for fornication is a great error. This is precisely what it does. But it does more than that. It specifies the proper method for terminating the marriage; he must write a bill of divorcement, put it personally in her hand, and send her out of his house. The punitive nature of this deserves emphasis: the woman is not only physically sent out of the man’s house but she is also separated from her children who remain with their father.

This divorce is a form of familial excommunication.

This is not to say that fornication must be dealt with by divorce, only that it *may* be. On the extreme end, the husband may appeal to the authorities to have her executed (Deut. 22:22; Lev. 20:10). Or he may seek reconciliation (see Hosea 3:1-3). Adultery and fornication are crimes, a violation of the marriage covenant. As such, they constitute valid ground for morally and legally severing the marriage.

When one does a thorough perusal of the available Evangelical literature on Deuteronomy 24:1-4, it becomes clear that the scholarly Evangelical “consensus” falls into two basic camps. The first group consists of those who maintain that Deuteronomy 24 institutes a “concession to sin in the form of divorce.” The second group maintains that verses 1-3 merely describe a factual scenario and the real commandment comes in verse 4 in the prohibition of marrying a former wife who has had an intervening

marriage, and that there is no permission for divorce to be found in this passage at all. This second group relies heavily upon linguistic analysis for support of this contention.

The position of the second group is easily disproved. In Matthew 19, Jesus affirms in no uncertain terms that Moses permitted divorce. It is completely certain that Deuteronomy 24 is the passage under question. Those who maintain that Deuteronomy 24 gives no allowance for divorce flatly contradict Jesus. There is no possible way to validly maintain that the Deuteronomy 24:1-3 passage is merely descriptive in the face of Jesus' words on the subject to the contrary.

It should be pointed out that on its surface, this position is plausible when considered as an isolated proposition standing on its own. But something which is merely plausible is not necessarily correct. It could be that other factors being considered, what is plausible then is shown to be implausible. And that is certainly the case here. Those who contend for this interpretation of Deuteronomy 24 have made a basic blunder in biblical interpretation: that is, to fail to interpret the passage in its overall biblical context, and fail to interpret it in such a way that affirms the harmony of all its parts.

Another relevant point with regard to Deuteronomy 24:1 that should not go unnoticed is its synonymous and coextensive reference with the use of the phrase "to uncover nakedness" in Leviticus 18, over and over again denoting actual sexual relations. In both Leviticus 18 and Deuteronomy 24:1, we have the focus on "nakedness." No one disputes that the "uncovering of nakedness" in Leviticus 18 is a euphemism for actual sexual relations, and not merely the exposing of the body. Here in Deuteronomy 24:1 we have "a matter of nakedness" or "nakedness of a thing." Nakedness inherently involves an uncovering or exposure of the body. That is the most basic and fundamental meaning of the concept of nakedness, its essence. Any interpretation of the phrase in Deuteronomy 24:1 that omits or denies this essential meaning of uncovering or exposure of the body cannot possibly be correct.

So we must ask: uncovering or exposure of the body in what aspect, or in what context? Does anyone want to assert, "for medical purposes?" Does anyone want to assert, "to go to the bathroom?" Asking these elementary questions throws the spotlight on the basic clarity and perspicuity of the proposition. We are most clearly dealing in Deuteronomy 24:1 with the uncovering or exposure of the wife's body (nakedness) in a context which is an offense to the husband. This is emphatically not referring to a medical condition or examination or going to the bathroom, since a medical condition need not involve nakedness or the exposure of the body and since going to the bathroom to relieve one's bladder or bowel is a physical necessity. This clearly involves uncovering or exposure of the body for some illicit purpose. This is nothing else, and can be nothing else, other than fornication. The meaning of "a matter of nakedness" or "nakedness of a thing" is no different in Deuteronomy 24:1 than "to uncover nakedness" in Leviticus 18. The meaning is illicit sexual activity. The word for this is fornication. The astounding

wonder is why so many supposed biblical authorities can get so completely misled on an issue which, in the final analysis, is so patently obvious!

CHAPTER 6

THE COMMENTATORS

#1, J. Carl Laney

An Extended Critique of J. Carl Laney's Ideas on Divorce in "*The Divorce Myth*"

If Walter Kaiser's treatment of the subject of polygamy was the worst of the orthodox commentators examined (see Volume I), that dubious "honor" goes to J. Carl Laney concerning the subject of divorce. Laney interweaves his views about divorce with a view of Scripture which is completely unique and novel and, in my view, greatly undermines the authority of Scripture. I do not say such a thing lightly.

Before we examine Laney's views on divorce, let us focus first on his view of Scripture.

Laney's view of Scripture becomes manifest when he discusses the harmony (or more accurately, in Laney's view, the disharmony) of the Gospels. The first hint that there is something amiss is in Laney's introduction. Laney speaks of how "Matthew's gospel would have been understood in the contemporary Jewish setting in which Jesus spoke," (pg. 13). Nothing wrong with that, right? After all, we all take into consideration the contemporary setting. On page 52, Laney speaks of the "unique contribution of Matthew's gospel." Who could argue with such statements? We shall see, however, that behind such innocent sounding statements there lurks more—much more—than simply an appreciation of the historical setting and unique contribution of Matthew. What lurks there is a view of Scripture which departs radically from any traditional Protestant view.

Lest the reader conclude that I am merely slandering Laney to buttress my own viewpoint, let us go immediately to Laney himself:

"It is imperative to understand that Matthew's Gospel is uniquely and thoroughly Jewish in orientation." —pg. 63

When Laney says "thoroughly," he means thoroughly. He will tell us in all apparent seriousness that the Gospel of Matthew is not for Gentiles!!!

"Some have wondered why all the Lord's teaching on divorce is not recorded in Mark 10. Well, as Matthew wrote to Jewish readers, so Mark wrote for Roman readers. Under the inspiration and guidance of the Holy Spirit, both selected

from the teachings of Jesus that which would communicate and apply to their respective audiences. This is readily observed from the fact that Matthew makes frequent use of Old Testament quotations as compared to the relatively few Old Testament references in Mark's Gospel—*the Romans had no appreciation for the sacred Scriptures.*” —pg. 64, emphasis supplied

Apparently, Laney is writing for the biblically unlearned. What Laney means is not merely that Matthew and Mark originally wrote to Jews and Romans respectively, but exclusively for their respective audiences. Laney seriously believes, or says he does, that the Gospel of Matthew was parceled out to the Jews and does not apply to the Gentiles, and the Gospel of Mark was parceled out to the Romans and does not apply to the Jews! When Laney says that “Matthew wrote to Jewish readers,” he means precisely that in the absolutely strictest possible sense. We are told that the Romans had “no appreciation for the sacred Scriptures.” No, Mr. Laney? Not even if they had been converted to faith in the Messiah of Israel? Does Laney consider himself one of those Gentiles who have “no appreciation” for the sacred Scriptures? If Laney is correct (God forbid), why does Paul cite so many OT passages in the book of Romans? And why does Paul say there that he is writing to them that know the law (Romans 7:1)?

What we have, then, in Laney's thesis, is two separate and distinct Gospels. In short, Laney is proclaiming The Gospel According to Schizophrenia.

In order to illustrate his incredible thesis, Laney writes:

“An illustration of the differences between Matthew and Mark is found in the context of Jesus' teaching on divorce. Mark alone mentions the possibility of a woman divorcing her husband, “And if she divorces her husband and marries another man, she is committing adultery” (Mark 10:12). While Jesus clearly taught this truth, Matthew did not record it in his gospel to the Jews since Jewish law did not permit a woman to divorce her husband. We, see, then, that each gospel writer selectively recorded that teaching which would apply to his respective readers. It is in the light of the needs of his Jewish readers, then, that Matthew makes several unique contributions to the teaching of Jesus on divorce and remarriage.” —pg. 64, emphasis supplied

In other words, speaking to Jews, Jesus said something to them that did not apply to them, only so Mark could report the saying to Gentiles at a future date! In another place, Laney tells us:

“The first major problem is that this view (i.e., that the word “porneia” in Matthew 19:9 includes adultery—T.S.) contradicts the teaching of Jesus found in Mark 10:1-12 and Luke 16:18. The Roman readers of Mark's Gospel and the Greek-Gentile readers of Luke would not have known of this exception recorded

only in Matthew's Gospel for Jewish readers. While twentieth century Christians can read all three synoptic gospels and harmonize the passages, the early church—without the benefit of Matthew's Gospel—would understand Jesus to be teaching that divorce and remarriage results in adultery—without exception.” —pg. 67

Certainly the reader recognizes from this quotation that I have not misrepresented Laney's two-separate-gospels view of Scripture. Laney assures us that Matthew 19 and Mark 10 can be harmonized in the twentieth century, but not in the first century. This kind of blatant pseudo-logic absolutely leaves one reeling. Laney wants us to believe that since Matthew records, and Mark omits, the exceptive clause, the exception could only be for the Jews.

Moreover, as we have already seen earlier in this present book, Laney is quite mistaken that the Law made no provision for a woman to divorce her husband.

At another place, Laney informs us:

“According to this interpretation, the matter of porneia would be a problem primarily for Jewish readers acquainted with Old Testament Law, and would account for its inclusion in Matthew (to Jewish readers)...While Mark was led by the Holy Spirit to record Jesus' teaching which applied the same rule of divorce and remarriage to both the husband and the wife (Mark 10:12), Matthew gives us no record of this teaching. Why? Because it was common in Roman and Greek society for a wife to divorce her husband, whereas Jewish law made no provision for this. Matthew, therefore, omitted this teaching because it did not apply to the Jewish culture and setting. On the other hand, Matthew does include the exception clause (“except for porneia”). He does this in view of the fact that he is writing to a Jewish audience familiar with Leviticus 18:6-18 prohibition against marriage with a near relative. Mark apparently omits this because of its lack of application to Roman society.” —pg. 63

Here we have it again. My conclusion should be an anticlimax after reading Laney's own comments. Laney teaches a novel view of Scripture. His view of Scripture is a radical departure from anything even remotely orthodox. How could Laney advance a theory so radical as this? Because in order to defend his no-divorce-for-any-cause doctrine, he must deny the orthodox doctrine of the inspiration, unity, and inerrancy of Scripture. Be not deceived: Laney does, indeed, deny the inspiration and inerrancy of Scripture. He does so by denying the unity and harmony of God's Word. The Bible is a unit. All of its parts are in harmony and speak the same message. The idea that the exact same conversation of Jesus applies to Jews but not Gentiles rends asunder what God has joined together. This kind of radical dissecting of Scripture that Laney does should horrify every Christian who is committed to a high view of Scripture. This is doctrinal

vivisection!

As we proceed to analyze Laney's thesis on divorce, we must do so with the knowledge that one of the pillars of his doctrine is fundamentally flawed in regard to one of the basic doctrines of the Christian faith, the doctrine of Scripture. Laney's thesis is not just a horse of a different color; it is a horse with a broken leg.

In the Introduction to his book, Laney writes:

"Before you dismiss me as a narrow-minded 'fighting fundy,' let me assure you that I did not come to this position overnight, and I don't expect you to either. My views have developed over years of studying the Scriptures."—pg. 13

The thought of so much wasted time and effort makes one want to weep! Pardon my sarcasm, but this kind of distortion of the nature of Scripture must be fought against. Laney continues:

"I only ask that you give these views a fair consideration. Keep on reading and see if my view doesn't best reflect the clear and consistent teachings of the Scripture."—pg. 13

Laney will, no doubt, complain that I have prejudiced the reader against a fair consideration of his views. But a fair consideration of Laney's views on divorce should not prevent us from seeing that his view of Scripture is inextricably interwoven with his divorce thesis. Let me emphasize that Laney himself stresses that his view of Scripture is "imperative" to his divorce thesis. It would seem, then, that as Laney sends his "horse of a different color" off in this race that he is determined to break its legs in preparation for the race.

Despite what we have already read from Laney, his request is a reasonable request. It is possible for one's view of Scripture to be less than orthodox and yet still be right about other matters. Let us, then, see what Laney teaches about divorce. And where it is possible, to consider his arguments on their own merits, apart from his obvious unorthodoxy in the matter of the doctrine of Scripture.

Actually, Laney begins well. His first chapter is, "The Divine Institution of Marriage." Speaking about the creation of man, Laney begins with a credo of traducianism. (Traducianism is the view that the souls, as well as the bodies, of children are derived from their parents. This view denies the doctrine that each individual soul is created separately and immediately by God at conception. In regard to Adam, the traducian view states that the breath of life breathed into Adam by God was God's own life breath, not a created substance.) "The 'breath of life' seems to be God's own vital breath that he bestows the life which He himself possesses." Although I am in agreement with Laney

on this particular, it has not been the standard Protestant view of Genesis 2:7. However, Gordon H. Clark has successfully argued the traducian view of human primogeniture; Calvin, in his Institutes, quite rightly saw that the traducian view of Adam's life stands or falls with the traducian view of all humanity. (See *The Biblical Doctrine of Man*, by Gordon H. Clark.)

In discussing the creation of Eve (Gen. 2:18-25), Laney quite correctly notes Adam's authority over Eve, and the significance of Adam's naming of Eve as an exercise of that authority. Laney then focuses on Genesis 2:23-25:

"After Adam exercised his authority by naming the woman, God proceeded to establish the divine institution of marriage. The words of Genesis 2:24 are frequently construed as those of Adam. However, to attribute such foresight to Adam concerning marriage and family life seems hardly feasible...The words of Genesis 2:24 are quite clearly not those of Adam, but the words of the Creator Himself." —pg. 18

So far, so good.

"Genesis 2:24 is the only statement about marriage which is repeated four times in the Bible. It appears first in the creation account of Genesis, then later in the context of Jesus' teaching on divorce (Matt. 19:5; Mark 10:7), and finally in Paul's illustration of the mystery of the church (Eph. 5:31). The verse has the three parts and mentions three things which are essential to marriage: to leave, to cleave, and to become one flesh." —pg. 18

Laney creates an unwarranted distinction between "cleaving" and "becoming one flesh." The concepts are the same. It is two different ways of saying the same thing, called synonymous parallelism, a mode of expression found throughout Scripture.

"The Hebrew word for "cleave" suggests the idea of being glued together. It is used in Job 38:38 of dirt clods which stick together after the rain. It is used by Joshua of a military alliance (Josh 23:12). The word is also used of the leprosy that would cling forever to dishonest and greedy Gehazi (2 Kings 5:27). In marriage, the husband and wife are "glued" together—bound inseparably into one solitary unit.

"An interesting characteristic of glue is its permanence...The same is true of persons "glued" together in marriage. It is a permanent relationship until death. There is no allowance made in Genesis 2:24 for divorce and remarriage." —pg. 20

Of course, neither is there any denial in Genesis 2:24 that divorce and remarriage can occur legitimately. It is at this point that we can see the tautological (circular) nature of Laney's "logic." Laney is attempting to prove that the Bible teaches no-divorce-for-any-reason. Genesis does not say that the marriage bond is constitutionally inseparable; nor does it say that there are no exceptions to the normal requirement of lifelong marriage; neither does it say that no actions can violate the one flesh marital covenant, so as to justify divorce. When Laney says that "there is no allowance made in Genesis 2:24 for divorce and remarriage," he does not justify why any such allowance must be addressed specifically at this point. It is important to scrutinize the fact that Laney is speaking comprehensively and categorically but the text itself gives no indication that it is speaking in such a manner. Laney means that Genesis 2:24 *cannot permit* any allowance. The possibility is dismissed out of hand as impossible at the very beginning of Laney's analysis. We see, then, that Laney presupposes at the outset what he intends to prove. Of course, it is an assumption that Genesis 2:24 speaks comprehensively and categorically. It is an a priori judgment that Genesis 2:24 allows for no exceptions. No matter. This is Laney's hermeneutic and he intends to stay the course. He does not intend to genuinely examine his fundamental assumption in the light of Scripture. He thinks it is a self-evident fact that we can all take for granted. Interestingly enough, Laney gives us a telling admission on the very next page:

"Cleaving to one's own wife would obviously exclude marital unfaithfulness. Being "glued" to one's wife and at the same time engaging in sexual intercourse with another woman are mutually exclusive concepts. Marital faithfulness is essential to the cleaving relationship." —pg. 21

Though my view of polygamy necessitates a different definition of what constitutes marital faithfulness, I would agree with Laney that marital faithfulness is essential to the cleaving relationship. Does not Laney see that this implies, in and of itself, that offenses against the relationship must constitute grounds for the offended party to dissolve the relationship? No, of course he does not see this. He has already at the very beginning of his thesis committed himself to the proposition that nothing can possibly dissolve the relationship under any circumstances whatsoever. Therefore, every other fact, every other consideration, every other passage of Scripture is to be subordinated to this one overriding precept. In short, Laney's book and thesis is mere propaganda and not a serious examination of the subject of divorce. "*The Divorce Myth*" is appropriately named. That is precisely what Laney gives us. Laney's book is the spectacle of the willfully blind leading the blind. I ask: if Laney is going to presuppose his thesis and conclusion right from the start, how can we take him seriously?

On page 21 of his book, Laney writes:

"The third essential ingredient to marriage is, "they shall become one flesh."
This phrase refers to the physical or sexual aspect of marriage... Although they

remain two persons, the married couple becomes one in a mystical spiritual unity.” —emphasis supplied

This view of the marriage bond is overt mysticism! Laney seems to believe that the unity of husband and wife is metaphysical rather than covenantal, supernatural rather than legal as per the law of God. This is the superimposition of an Eastern mystical concept upon the biblical covenant and constitutes an incipient pantheism. This may very well be the underlying cause of Laney’s “No divorce for any cause” doctrine: for if husband and wife are, indeed, a “mystical spiritual unity,” then their bond becomes transcendent and truly inviolable, and on this basis would survive into the afterlife. I think it is fair to say that the Bible does not describe marriage in these terms. Only God and His law-word are transcendent. In this regard, Laney is consummately logical. That may very well be the reason why he is not bothered by the patent illogic in the rest of his argument.

On the same page, Laney writes:

“Becoming one flesh does not in and of itself make a marriage. The leaving and cleaving must precede this. The leaving must be recognized by society for a marriage to exist. However, there is no sexual intercourse which does not result in two people becoming one flesh (I Cor. 6:16)!”

Laney understands neither what he says, nor whereof he affirms. Laney’s statement here encompasses and validates open cohabitation, common law marriage, which has all three of these features. In common law marriages, the man and woman leave their parents, cleave to one another, and become one flesh. Laney, however, falls back on the oxymoron of “premarital sexual intercourse” to describe cohabitation (pg. 22).

Finally, Laney notes that there is a “symbolic purpose to marriage:”

“As he concludes Ephesians chapter 5, Paul notes that there is a symbolic purpose of marriage. The marriage union is designed to reflect the relationship between Christ and His church.” —pg. 25

Later on in his book Laney denies the symbolic character of divorce and the bill of divorce (i.e., Jer.3, Ezek. 23, Isa. 50:1, etc.)—an egregious contradiction to be sure. But since Laney is so committed to a tautological exposition from the outset, why should we expect him to suddenly get rigorous in his logic?

In his second chapter Laney comes to Deuteronomy 24:1-4, which is, without doubt, the most examined and disputed text on the subject of divorce. Laney begins thusly:

“It is crucial to understand that Deuteronomy 24 does not institute divorce! Divorce is “man made,” not God ordained, and reflects man’s sinful rejection of God’s original plan for marriage. Deuteronomy 24 does not institute divorce, but treats it as a practice already known and existing. This divine legislation given through Moses was designed to protect the rejected wife and to give her certain safeguards: (1) the possession of a divorce document; (2) the release from further domestic obligations; and (3) the freedom from interference by the former husband in the case of a subsequent marriage

“Grammatically, verses 1-3 specify the conditions that must apply for the execution of the specific directive of verse 4... (T)he incidental information given about marriage and divorce in verses 1-3 is crucial to our understanding of what Moses required...

“When the wife of a married man loses his favor because of “some indecency in her,” the husband is implicitly allowed to put away his wife (emphasis supplied). Notice that divorce is not demanded or even encouraged, but simply allowed...

“Divorce was not granted in the case of adultery, for adultery was punished by death (Lev. 20:10; Deut 22:22-24)...Apparently, however, according to Deuteronomy 24:1, divorce was allowed for some shameful act or indecency other than illicit sexual intercourse...

“Moses required that if a man decided to divorce his wife, he was to write out a bill of divorcement and deliver it to her in person...

“Jesus explains in Matthew 19:8 and Mark 10:5 that the Mosaic concession with regard to divorce was due to the hardness of the Israelite hearts...

“She was free to remarry, but not to a priest (Lev. 21:7), which indicates that a social or moral stigma was attached to her as a divorced woman.” —pgs. 30-33

I have dealt with each of these misconceptions in the preceding commentary. There are several general questions I would like to raise: 1) if verses 1-3 are merely a grammatical protasis to verse 4, how can Laney say that the bill of divorce is “required?” 2) Moreover, how can verses 1-3, which according to Laney are only statements of fact and not law, “protect the rejected wife and give her certain safeguards” if, in fact, those verses are only descriptive? From whence arises the imperative? 3) If verses 1-3 are merely predicates to verse 4 and not prescriptive, then how can Laney say “the husband is implicitly allowed to put her away?”

God’s Law, in Deuteronomy 24, says Laney, does not “institute” divorce, it just “allows” it. This is a distinction without a difference. Laney wants to have his cake and

eat it, too. He wants Deuteronomy 24 to institute a requirement for a bill of divorce; he wants it to institute her release from further obligations. But he does not want it to institute divorce as a lawful, legitimate proceeding. Unfortunately, a large segment of the Church is in complicity with Laney in this patent irrationalism.

We must agree with Laney that “the incidental information given about marriage and divorce in verses 1-3 is crucial to understanding what Moses required.” Yes, Mr. Laney, that’s right: *required*. Verses 1-3 are normative and *imperative*, not merely “incidental.” The incidental “nakedness of a thing” is *required* for a legitimate divorce to occur. The “incidental” bill of divorcement is *required* to be put into the woman’s hand. Sending her out of his house is “incidentally” *required*. All of this is *required* so that the woman can go and be another man’s wife lawfully and morally and to protect the subsequent husband against a charge of adultery.

I ask: since all of this is required, then did not God *institute* divorce for the *erwath dabar*, nakedness of a thing, mentioned in verse 1? To be blunt, if one’s answer to this is “No,” then some instruction is called for in the elementary rules of logic. There is no getting around it. The process described in verses 1-3 is normative. The conclusive proof of this is in verse 4: once remarried to another man, her first husband is forbidden from marrying her again, even if her second husband dies. Conclusion: the divorce was lawful, moral, valid and legitimate.

Let us not forget the biblical definition of sin: “Whosoever committeth sin transgresseth also the law: for sin is the transgression of then law,” (I John 3:4). The Law (and Deuteronomy 24:1-4 is part of the Law) defines sin. If God’s law permits or allows it, it is not sin. If God’s law prohibits it, it is sin. Since Laney agrees that Deuteronomy 24 “allows” divorce, then Laney must admit that divorce, for the cause specified, is not sin.

Perhaps the lesson to be learned from Laney’s acceptance of the traditional Evangelical errors here is the progressive nature of false doctrine. Laney appeals to, and incorporates, every error of the usual Evangelical doctrine: namely, 1) Deuteronomy 24 does not institute or validate divorce; 2) Deuteronomy 24 simply “tolerates” divorce; 3) divorce was not granted for adultery; 4) adultery necessarily involved the death penalty; 5) “nakedness of a thing” does not include adultery; 6) Moses gave a “concession to sin” in Deuteronomy 24:1-4 and 7) Leviticus 21:7 attaches a “stigma” to a divorced woman. Is it any wonder that Laney’s unorthodox hermeneutic is in vogue in certain Evangelical quarters? He faithfully parrots the “party line” on these OT provisions, and wins their hearts by a seeming adherence to Evangelical “orthodoxy.” Mesmerized by this Protestant “rosary,” they do not discern that Laney has led them one step further down the path of false doctrine.

In Chapter three, Laney discusses the divorcement of foreign wives in Ezra 10. Since Laney does not express a substantially different view than mine in regard to Ezra 10, I

refer the reader to my own commentary earlier in this book.

In Chapter four, Laney discusses Malachi 2:13-16, in which God says He hates divorce. Laney does not say anything I would disagree with here. It is clear, however, from statements in other parts of his book, that Laney sees God's hatred of divorce in a categorical sense. Of course, what is condemned in Malachi is capricious divorce—divorce without a valid cause.

In his fifth chapter, Laney comes to the teaching of Jesus in Mark and Luke. In this chapter, Laney begins to make his no-divorce-for-any-cause thesis more explicit. Indeed, the only reason he treats Mark and Luke before Matthew is because Mark and Luke do not contain the exceptive clauses of Matthew 5:32 and 19:9.

In an apparent attempt at humor, Laney tells us,

“I believe in the doctrine of the perspicuity of Scripture—that the Bible is a clearly written book designed by God to be understood,” (pg. 51).

Does Laney *really* believe in the perspicuity of Scripture? Let us see.

“The teaching of Jesus is really fundamental to any discussion of divorce and remarriage, for Jesus gives a divine perspective to the Old Testament concession (Deut. 24:1-4...The teaching of Jesus regarding divorce and remarriage is clearly presented in Mark 10:1-12 and Luke 16:18. *What is not so clear* is the meaning of the exception found in Matthew 5:32 and 19:9, which teaches that divorce and remarriage “except for porneia” is adultery.” — pg. 52, emphasis supplied

So, apparently Laney is prepared to concede perspicuity to Mark and Luke but not to Matthew, and *especially* not to the meaning of “porneia” (fornication) in Matthew 5:32 and 19:9. The meaning of *porneia* is “not so clear” to Laney. He says it is “obscure.”

In order to clarify this confusion, let us consult Laney himself:

“(T)he Greek word porneia, found in Matthew 5:32 and 19:9...basically refers to unlawful sexual intercourse “prostitution, unchastity,” and “fornication.” It may also refer to sexual aberrations, for it is used in the context of homosexuality (cf. Rom 1:29) and incest (cf. I Cor. 5:1). What then is the precise meaning of the phrase “except for porneia,” recorded by Matthew in the context of Jesus’ teaching on divorce and remarriage?” —pg. 66

So, then, according to Laney, porneia is inclusive of prostitution, unchastity, homosexuality and fornication. Yes, indeed. Laney adds:

“The Greek word *moicheia* is the normal term used for adultery—sexual unfaithfulness to the marital commitment. *Porneia*, on the other hand, is a much broader term which may include adultery, but refers to other unlawful sexual behavior as well.” —pg. 68

Since Laney acknowledges all of this, one begins to wonder: wherein arises the dispute? With the exception of the qualifier, “may,” Laney is right on target here. *Porneia* (fornication) definitely includes adultery. The following lengthy quotation from Greg Bahnsen should suffice:

“(T)he Pharisees had misused Deuteronomy 24:1-4 by ignoring the sole, proper ground which it set forth as justifying the husband’s disfavor and subsequent divorcing of his wife. The cause of the disfavor could not legitimately be just anything, but according to Deuteronomy 24:1 it had to be some “indecent (unclean) thing.” It has been correctly observed that *Christ uses the word “fornication” in Matthew 5:32 and 19:9 to explain or interpret “unclean thing” in Deuteronomy 24:1* (emphasis supplied) and thereby acknowledges the permanent validity of that law thus interpreted in a strict sense. By making fornication the only exception to the general disapprobation of divorce, Christ was harmonizing with the Mosaic law which made indecent or unclean behavior the only legal cause of divorce.

“The word “fornication” in Matthew 5:32 and 19:9 is not synonymous with “adultery,” while it is inclusive of adultery, it is not restricted to adultery. The same is true of “indecent (unclean) thing” in Deuteronomy 24:1; while it is inclusive of adultery, it is not restricted to adultery. A study of the original word for “indecent thing” (along with its Greek equivalent) and “fornication” is very helpful at this point, for it discloses that in the biblical literature (viz. Hebrew OT, Greek LXX and NT) the two terms and their cognates are virtually coextensive in their applications. They both denote generic, ethically abhorrent misbehavior with a focus on sexual immorality. The word for “indecent (shameful) thing” is used for referring to human nakedness (e.g. Ex. 22:27; Isa. 20:2) and the genital organs (e.g. Ex. 20:26, I Cor. 12:23; Rev. 16:15,) , and thus the focus of its use on sexual immorality pertains to a broad understanding of sexual sins; that is, beyond adultery it could include rape (e.g. Gen. 34:7) as well as illicit sexual relations with one’s own wife (e.g. Lev. 18:19). Both “fornication” and “indecent thing” have a focus on sexual licentiousness of various sorts. They are both used to denote incest...whoredom (e.g. Ezek 23:18...)” —*Theonomy in Christian Ethics*, pg. 104-106

We see, then, that there is no lack of perspicuity (clarity) to the phrase “except for *porneia*” in Matthew 5:32 and 19:9. It is a phrase pointing to sexual sin of any kind. It is a much broader term than adultery and includes adultery. The meaning is as crystal clear

as Laney claims it is vague! But in order to validate his no-divorce-for-any-cause thesis, Laney indulges in obscurantism. My advice to Laney is the same found on the bumper sticker:

“ESCHEW OBFUSCATION.”

Laney’s tactic, then, is this: first, empty the exceptive clause of its clear and undeniable meaning; second, assert that Mark 10:11 and Luke 16:18 are categorical and comprehensive in scope and cannot be modified by any exceptions; and third, as we shall see, redefine the meaning of porneia in the exceptive clauses in a much narrower sense than the Scriptures warrant.

Mark 10:11-12 states:

“Whoever divorces his wife and marries another woman commits adultery against her; and if she herself divorces her husband and marries another man, she is committing adultery.”

Laney comments:

“Jesus declares to his disciples in no uncertain terms that divorce and remarriage by either the husband or the wife is adultery (Mark 10:11-12), a sin clearly condemned by God’s moral law (Ex. 20:14; Deut. 5:18). Mere formal or legal divorce, according to Jesus, does not dissolve the actual marriage that was made permanent by God. Since God does not recognize divorce, the subsequent marriage of a divorced person would involve committing the sin of adultery against the rejected spouse.” —pg. 57

And:

“Thus, with a few simple words in Mark 10:1-12 Jesus refutes the view that divorce is a viable option for a married couple. He also refutes the rabbinical misinterpretation of the law and points the Pharisees back to God’s plan for marriage, upholding throughout the sacredness and inviolability of the marriage bond.” —pg. 58, emphasis supplied

Again, Laney’s procedure is to play “footloose and fancy free” with the biblical language. He does not mean that the marriage bond ought not to be violated; he means it cannot be violated. Offended, yes; violated, no. He means that once a man is married to a woman, he is always married to her NO MATTER WHAT. Jesus, he asserts, proclaims the absolute inviolability of the marital bond. Again, this is assumption, and a logical non-sequitur. Apparently, Laney did not consider the significance of Deuteronomy 24:4 at this point: “Her former husband, which sent her away, may not take her again to be

his wife, after that she is defiled; for that is abomination before the LORD: and thou shalt not cause the land to sin.” If the marriage bond cannot be severed, then a man ought to remarry his former wife after an intervening marriage even though adultery has occurred, because the inviolability of the marital bond would mean that he is still really married to her, and that the second marriage was a marriage in name only, in reality, being another adulterous affair.

Does Laney see this? No! He is dead-set on assuming his premise in the face of incontrovertible proof to the contrary. In dealing with objections, Laney does mention this point. What impressive display of logic does Laney give in response?

“In considering the teaching of Moses on divorce and remarriage in Deuteronomy 24:1-4, it has been argued that if divorce does not dissolve the marriage then God allowed an adulterous remarriage and then illegitimacy of children born in the remarriage. The key to answering this objection is to recognize that Deuteronomy 24 does not institute divorce, but merely treats it as a practice already known and existing...Moses is saying that a man may not remarry his former wife if she has in the meantime married another man (Deut. 24:3-4). Even though her second husband should divorce her or die, she must not under any circumstances return to her first husband...

“...according to the Old Testament, divorce and remarriage did not meet with God’s approval...God is certainly not condoning in Deuteronomy what He clearly condemns in Malachi. We distinguish at this point between God’s permissive will and God’s prescriptive will—between what God permits and what God prescribes. Divorce and remarriage in the Old Testament period was permitted by God, but not prescribed; allowed, but not commanded...

“The progress of revelation also helps us to understand why God did not declare in Deuteronomy 24 that divorce and remarriage resulted in adultery.” — pg. 108-109

It is difficult to imagine a response more feeble and insufficient than this. Never mind that God did not declare in Deuteronomy that divorce and remarriage for the cause of “uncleanness” resulted in the divorcing husband (or the second husband) being guilty of adultery. Laney is quite prepared to stand in God’s stead and do that for us. Once again, we have a tautological argument, assumption rather than demonstration. Laney’s argument here hinges on the supposed distinction between what God permits in His law and what God prescribes in his law—as if Deuteronomy 24:1-4 is not a Divine prescription. But is it not obvious that, even on Laney’s own premises, he has failed to answer the question? In fact, Laney confirms that this “sin” (adultery after divorce) is permitted by God via his prescriptive will! Nor has Laney addressed the fundamental point of contention: namely, if the creational ordinance of marriage is indissoluble, then

the woman remains married to her first husband despite the divorce and intervening marriage. Supposedly, God was content to let the Old Testament Israelites go on sinning in ignorance. The “progress of revelation” apparently had not sufficiently revealed their sin in this matter despite the seventh commandment, “Thou shalt not commit adultery.” God, we are to suppose, was pleased to command the Israelites to not commit adultery, but amazingly He was not pleased to inform them how to obey the commandment!

All of this is simply Laney’s way of avoiding answering the question: was the woman in Deuteronomy 24 still married to her first husband after the divorce? If so, was she still married to him after the subsequent remarriage? Laney does not answer these questions, nor on his premises can he. If the answer to these questions is “Yes,” then the prohibition against remarriage becomes inexplicable. Laney has no explanation for this. Thus his thesis is shown to be false.

I conclude, therefore, that Laney’s thesis confirms the criticism he hopes to mute: “If divorce does not dissolve the marriage, then God allowed adulterous remarriage.” Laney implicitly says “amen” to this. In effect, the manner in which God treats divorce as a practice already known and existing is to “allow” such “adulterous remarriage.” Apparently, “Thou shalt not commit adultery,” was a commandment that was not to be “applied” in OT times.

Laney is correct that God “was not condoning in Deuteronomy what he clearly condemns in Malachi.” What was condoned (“allowed,” “permitted,”—Laney) in Deuteronomy was divorce for fornication. What was condemned in Malachi was divorce without valid cause.

Also in Chapter five, Laney begins his discussion of the historical context:

“The geographical and historical background is crucial to our understanding of this encounter between Christ and the Pharisees...Traveling through Perea in the Spring of A.D. 33, Jesus was approached by some Pharisees who sought to stump him with a theological test question...They actually wanted to get him in trouble

“Only a year or two earlier John the Baptist...had been imprisoned for speaking out on the subject of divorce and remarriage (Matt. 14:1-12). About A.D. 29 Herod Antipas, ruler of Galilee and Perea, visited his half-brother Herod Philip on his way to Rome. As a result of this visit, Herod Antipas fell in love with Phillip’s wife Herodias who was also Herod Antipas’ niece! This sounds like a soap opera, but it is a true story recorded for us by Josephus...Herodias agrees to divorce her husband and marry Herod Antipas under the stipulation that Antipas divorce his first wife. The two were then married in violation of Mosaic law (Lev. 18:16; 20:21).

“John the Baptist wasn’t afraid to rebuke sin—even in high places. He declared to Herod Antipas, “It is not lawful for you to have her” ((Matt. 14:4)! Consequently, John the Baptist was arrested and imprisoned in the east Jordan fortress of Machaerus...At the request of her dancing daughter, Salome, John’s head was presented on a platter at Herod Antipas’ birthday party (Matt. 14:6-12).

“Remember that the Pharisees had already determined to destroy Jesus...They would use this “test” question on divorce to trick Jesus into making a statement against the marital affairs of Herod Antipas which would result in Jesus’ arrest and possibly his execution.” —pgs. 53-54

All of this is really a preparation for Laney’s treatment of the exceptive clauses in Matthew 5:32 and 19:9. Notice that Laney claims that this “historical background is crucial to our understanding of this encounter between Christ and the Pharisees.” Well, maybe, maybe not. But is it crucial to our understanding of the doctrines commented upon?

In the sixth chapter, Laney comes to the point of contention.

“Generally speaking, Christians who divorce and remarry attempt to justify their right to do so by the Word of God. Most frequently they appeal to the words of Matthew 5:32 and 19:9 to explain and justify their actions. “Divorce and remarriage is permitted in the case of adultery,” they confidently affirm...I believe that many well-meaning Christians are quite wrong in their understanding of what Matthew’s Gospel teaches on divorce and remarriage.” —pg. 63

The reader should stop and pause at this point to reflect upon what Laney is contending for. Remember, he has made the point that the Gospel of Matthew does not apply to Gentiles. This is where his doctrine of Scripture intersects with his doctrine of divorce. This is the heart of the matter for Laney. This is the most important assertion in his view of things: adultery does not constitute grounds for divorce. Laney thinks that those Christians who believe that adultery is grounds for divorce are “well-meaning” but “quite wrong.”

It is at this point that Laney speaks of “the unique contributions of Matthew” and enunciates the view that what is in the Gospel of Matthew (i.e., the “except for fornication” clauses of 5:32 and 19:9) is for Jews only and does not apply to Gentiles. I have already pointed out that this view is a radical compromise of the doctrine of the inspiration of the Scriptures. For this reason, and for the simple logical absurdity of the assertion, we must reject this dichotomous view of the Scriptures. Marriage and its regulations are a creation ordinance, not ceremonial in nature, and therefore, the

cessation of the Old Covenant can in no way restrict the application of what Jesus said to the Pharisees in Matthew to the Jews only. No, what Jesus says in Matthew 5:32 and 19:9 is for all humanity.

Laney, however, thinks he can weasel out of this by also redefining the definition of “porneia.” This is a back-up tactic in case the reader of his book has qualms with his Gospel of Schizophrenia. You don’t believe that there is a radical dichotomy between the gospels? No matter. Laney has another trick up his sleeve. Laney lists four possible interpretations of the meaning of “porneia” in Matthew 5:32 and 19:9: 1) adultery or unlawful sexual intercourse; 2) unfaithfulness during the betrothal period; 3) unlawful marriage with Gentile idolaters; and 4) incestuous marriage within the prohibited relationships of Leviticus 18. Laney endorses the fourth view! It should be pointed out that Laney does not mean by this simple incest on the part of one of the marriage partners, but incestuous marriage.

Let me draw an analogy here. When I was a child, my parents took my sister and me to some sort of theme park. There at the theme park was a log cabin with a hole in its roof (or maybe a facsimile thereof, I don’t remember) of a woman, if memory serves me correctly, in colonial America. There was a plaque which told the story of this woman, the only known person in all of human history who was verified to have died by being struck by a meteorite. The sheer unlikelihood of such an event, and the misfortune of the poor woman so struck, left a lasting impression on me.

With this story as a background, let me paint a scenario. You are driving down a rural road and turn off at a farm house to ask directions of the local farmer. While walking up to his house you are stunned to see a dead man sprawled out on the ground with a hole in his chest and blood all over. In assessing what has happened, based on the bare evidence before your eyes, you plausibly come to the conclusion that this poor fellow is now the second person in all of human history to have been struck dead by a falling meteorite. After all, there is a hole in his chest. Of course, this conclusion is only plausible by ignoring the significance of the man in a bright orange jump suit running past you as fast as he can with a rifle in one hand and a wad of cash in the other and “County Correctional Institution” emblazoned on the back. If you don’t think these other circumstances are relevant to the scene you have come upon, the mere fact of a dead man sprawled on the ground with a hole in his chest makes the meteorite theory of the man’s demise plausible. Besides, the idea of a murder happening is just too horrible to contemplate. It must have been a meteorite!

In essence, when it comes to explaining the meaning of “porneia” in Matthew 5:32 and 19:9, J. Carl Laney prefers the meteorite explanation. The idea of a real exception to the usual requirement of lifelong marriage is just too horrible a thought for Laney to contemplate. He prefers to ignore all of the other biblical evidence, or explain it away, as having nothing to do with the bare facts immediately at hand. Or, using the Wizard of

Oz for a simile, “Pay no attention to that man behind the curtain,” says Laney.

But back to Laney’s *“Divorce Myth.”* The first of the four possible interpretations is the traditional Protestant view and is, without doubt, the best, most natural, and, in the final analysis, the only defensible view. Laney, however, concocts four “reasons” against this view.

“The first major problem is that this view contradicts the teaching of Jesus found in Mark 10:1-12 and Luke 16:18. The Roman readers of Mark’s Gospel and the Greek-Gentile readers of Luke would not have known of this exception recorded only in Matthew’s Gospel for Jewish readers...(T)he early church—without the benefit of Matthew’s Gospel---would understand Jesus to be teaching that divorce and remarriage results in adultery—without exception.” –pg. 67

Here we see plainly that Laney cannot sustain his thesis apart from his unorthodox view of Scripture. Actually, Laney’s thinking is confused even in this regard. If the exception is only for the Jews, then there would not be a contradiction anyway. The exception would merely apply to the Jews. So how does the divorce-as-redress-for-adultery view contradict Mark and Luke even on Laney’s premises? It does not. It is dubious in the extreme that the Roman Christians would not have known of any exception without the benefit of Matthew’s Gospel: there was, after all, the Old Testament canon. Did the first century Roman Christians share Laney’s view of Deuteronomy 24? Could they not consult Jeremiah 3, or Hosea 2, or the rest of the laws on divorce in the Old Testament? After all, in the epistle to the Romans, Paul said that he was writing to them that knew the Law (Rom. 7:1). Clearly, there was knowledge of the OT canon among the early Gentile Christians. Laney assumes that the reason Mark omits the exceptive clause in his gospel is because it did not apply to the Gentiles. A more likely explanation is that he did not see it as necessary because his intended readers were already well-versed in the doctrine of divorce, and familiar with all of the OT provisions for divorce.

But Laney is looking for meteorites:

“A second objection to this position is that it contradicts the teaching of Jesus in Matthew 19:6 where he makes the solemn and clear prohibition, “What therefore God has joined together, let no man separate.”...We must interpret the more obscure phrase, “except for porneia,” in light of the clear statement of verse 6. Whatever the exception in verse 9 refers to, Jesus must be found consistent with Himself. He will not contradict His clear command of Matthew 19:6 to stop severing marriage unions which God has permanently bound together.” —pgs. 67-68

What the exception is an exception to is, of course, verse 6. This patent fact seems lost on Laney. Laney says that if the exception is truly an exception, then it must contradict

verse 6. But an exception is not a contradiction, an exception is a qualification. Laney's desperation is obvious here. Why does such an elementary point even have to be made? Laney speaks pure nonsense here. It was Jesus himself who pronounced the words which so horrify Laney: "except for."

"The third problem is that according to this interpretation, Jesus' teaching did not rise above that of Shammai and the Pharisees." —pg. 68

Chalk another one up for Mr. Laney. Apparently, Laney regards any opinion held by Shammai as being inherently deficient. Was it impossible for Shammai to be right about anything? Apparently not.

"Fourth, this view of the exception clause contradicts Paul in I Corinthians 7:10-11 in which he claims to give the Lord's instruction and twice commands no separation. He exhorts married couples that the wife should not divorce (literally "depart from") her husband, and that the husband should not divorce (literally, "send away") his wife. Paul, like Jesus in Mark and Luke, forbids divorce absolutely. The apostle claims to be giving Christ's own command for "no divorce," and does not mention any exceptions." —pg. 68, emphasis supplied

Laney's shallowness and superficiality are irrepressible. Again, the lack of a mention of an exception in the immediate context Laney absolutizes. The thesis is: "No mention of an exception = There can be none." This, of course, is arguing from silence, and once again is an a priorism. It is also an implicit denial of the hermeneutical method of using Scripture to interpret Scripture; if there is another Scripture that announces an exception elsewhere, it is simply ruled out of court by Laney as inadmissible evidence. If Exodus 21:11 validates an exception, well, that was for the Jews only! Deuteronomy 21:14: whoever heard of that? Deuteronomy 24: it was a concession to sin and not to be taken seriously. Ezra 10: it was extraordinary and means nothing. Matthew 5:32 and 19:9: it can't possibly mean what it says!

Concerning the betrothal thesis, Laney finally gets a dose of sanity:

"The most obvious objection to the betrothal thesis is that Jesus and the Pharisees were not discussing betrothal but marriage. The very passages which Jesus and the Pharisees referred to, Gen 2:24; Deut. 24:1-4, speak of marriage relationships." —pg. 70

The third view, that the exceptive clause refers to marriage with Gentile idolaters, seems utterly without merit. Laney treats it that way, and I shall do likewise.

The fourth view, that the exceptive clauses of Matthew 5:32 and 19:9 refer to incestuous marriage, is Laney's chosen view.

“According to this interpretation of the exception clause, one who has married a near relative in violation of Jewish law should seek an annulment, but for all others divorce is disallowed. Jesus, then, is basically teaching “no divorce,” but one unique exception may be recognized when marriage has taken place within the prohibited degrees of Leviticus 18:6-8.” —pg. 72, emphasis supplied

“Watch out for those meteorites!” says Laney. Laney himself has already admitted that the word “porneia” has a broad signification. How can he now justify narrowing down the signification of the word to incestuous marriage and only incestuous marriage? Let us, then, for the moment, accept Laney’s interpretation and rephrase Matthew 19:9 accordingly. The result would be: *“Whosoever shall put away his wife, except it be for the cause that the wife he married is a near relative, and shall marry another, committeth adultery. And whoever marrieth her that is put away doth commit adultery.”*

Question: if this is what Jesus meant, why did he not plainly say so? And why would marrying a woman so put away constitute adultery? Why did he choose to use a word denoting a broad range of sexual immorality like “porneia?” What indications can we discern within the passage that validly infer a restricted reference? Incest, of course, is included in the concept of porneia, but without an explicit qualification of the word in such a manner, there is absolutely no reason at all to think that it is so restricted. Mr. Laney would, no doubt, conclude that the hole in our farmer’s chest was caused by a meteorite.

The sheer absurdity of Laney’s contention is revealed by the pathetic attempt at exegesis Laney gives us. First, he points to I Corinthians 5:1 in which Paul rebukes the sin of a man having his father’s wife. (Laney even twists this as a man marrying “his father’s widow.” The word “widow” is not used in that verse but “wife.”) Laney points out that this act is referred to as porneia. Indeed, it is, but once again, how does the mention of this specific type of porneia in I Corinthians 5:1 serve to curtail the wider sense of the word on Matthew 5:32 and 19:9? Laney gives us no clue.

Laney then cites Acts 15:20, 29, in which the apostles and elders of Jerusalem sent out a letter to Gentile believers to abstain from “pollutions of idols, fornication, from things strangled and from blood.”

“It is quite apparent that James was thinking of the Leviticus 17-18 restrictions, but suggested them in the wrong order (Acts 15:20). Then when the Council formulated its decision, the restrictions were recorded in their correct order according to Leviticus 17-18 (Acts 15:29).” —pg. 73

While it is exceedingly dubious that the Council had the Leviticus 17-18 prohibitions

specifically in mind, Laney's assertion in this connection is sufficient to undo his thesis. Why? Because in that very portion of Scripture it is stated: "Thou shalt not lie carnally with thy neighbors wife, to defile thyself with her," (Lev. 18:20). Since adultery is specifically prohibited in Leviticus 18, how can Laney cite that portion of Scripture as eliminating adultery and as validating a restricted meaning of porneia in Matthew 5:32 and 19:9? It is obvious that all of this "exegesis" is extremely far-fetched. But Laney is determined to find his meteorite.

Finally, Laney refers again to the "Jewish context" of Matthew 19 (as if Mark 10 and Luke 16 do not have a Jewish context!), and the historical context of Christ's confrontation with the Pharisees. In this Laney outdoes himself:

"Since Jesus was being interrogated by the Pharisees in Perea (Matt. 19:1; Mark 10:1), the territory under the jurisdiction of Herod Antipas, it is quite likely that the Pharisees were trying to trick Jesus into making a statement against the marriage of Herod Antipas. They correctly assumed that since John and Jesus preached the same message...they probably held the same views on marriage, but while John declared directly, "It is not lawful," Jesus avoided a confrontation with Herod Antipas by simply stating that in the case of such an unlawful marriage, divorce was permitted." —pg. 76

Laney wants us to believe that Jesus was afraid of being arrested and murdered by Herod and, therefore, watered down his teaching to appease Herod! Jesus knew that his time to be offered up was not yet (see Jn. 7:30, 44, 46; 8:20, 59; 10:31, 39; Lk. 4:29-30 and esp. Lk. 13:31-33). Nor was Christ afraid to speak bluntly to Herod even as John did. Laney's statement here is nothing short of astonishing.

In his seventh chapter, Laney discusses the teaching of Paul. He begins with Romans 7:2-3: "For the married woman is bound by the law to her husband while he is living; but if her husband dies, she is released from the law concerning her husband. So then if, while her husband is living, she is joined to another man, she shall be called an adulteress; but if her husband dies, she is free from the law, so that she is no adulteress, though she is joined to another man."

Laney comments:

"Paul observes in verse 2 that a woman is bound to her husband as long as he lives (no exceptions!), but when he dies she is released from marital relationship...Death and death alone affords release from the bond of marriage." —pg. 83, emphasis supplied.

Where, it must be asked, did Paul observe that there are "no exceptions" to what he is teaching? "No exceptions" is Laney's superimposition of his own notion onto a passage

which clearly does not state this. This is, yet again, another manifestation of Laney's entrenched presuppositions. It matters not to Laney that Paul did not say that "death and death alone" severs the marriage bond. Paul's affirmation that death severs the marriage bond is not logically a refutation that there are other circumstances which sever a marriage. Paul is simply stating the general rule. But don't try to confuse Laney with logic. In this, at least, Laney is consistent.

In a different volume, *"Divorce and Remarriage, Four Christian Views,"* Edited by H. Wayne House, Laney responds to Thomas Edgar's essay (which was a very good essay, by the way) with a rather bald proclamation and endorsement of irrationalism:

"Instead of presenting a thorough biblical study of the subject, Edgar continually appeals to logic and states that the arguments of the opposing viewpoint are illogical...I would hasten to point out that many biblical doctrines—such as election and free will—do not fit our categories of logic. How is the doctrine of the Trinity—three equal persons in one godhead— logical? Frankly, I would rather be biblical than logical if a choice is demanded."—pg. 201

This amazing statement by Laney illuminates a more fundamental philosophical error: Laney believes that God is illogical (!!!) and that "many" biblical doctrines are illogical, including election and free will (a philosophical tenet the Bible nowhere proclaims) and the Trinity included! Note well that Laney actually faults Edgar for demanding a logical exposition of Scripture! Since Laney is committed to irrationalism as a fundamental ultimate reality, the blatant illogic which pervades his book is an inevitable result.

The fact is that without a transcendent basis for logic in a personal God, all attempts at meaningful communication are futile. Thus, Laney, by setting God and logic in opposition to one another, has implicitly repudiated the entire system of biblical truth. And to this, all orthodox Christians must protest, "God is logical and rational. And His Word is logical." Deny this, and all theology is reduced to absurdity. Laney's problems go far, far deeper than being wrong about divorce.

But to answer Laney about the Trinity: God is not one and three in the same aspect. That, Mr. Laney, is a very simple and logical explanation about the Trinity.

Laney then takes up I Corinthians 7:10-16. (Please, refer to my earlier exposition on this passage.)

"If a divorce or separation should happen to take place, Paul leaves the believers with two options: (1) remain permanently unmarried—the present tense of "remain" emphasizing the permanent condition or (2) be reconciled to one's

partner.” —pg. 85

As I pointed out in my earlier exposition, this passage is addressed to a believing wife who has left her husband. Laney assumes (Laney is very committed to assuming things) that Paul’s statement is universal in application to all situations. But is it not rather apparent that Paul is speaking to the offending party, in this case the woman? The sin which Paul is dealing with here is the sin of desertion which, in the very nature of the case, cannot be a sin if the husband has already offended against the marital bond (e.g., Exo. 21:11, Deut. 21:14, Matt. 19:9). The view that other portions of Scripture which explicitly mention an exception cannot inform our exegesis of such passages as I Corinthians 7 is just plain nonsense. We must always consider the whole counsel of God, and not pick and choose what we like and discard the rest—which is precisely what Laney has done. The issue in I Corinthians 7 is desertion without legitimate cause, not any and all desertion or divorce. Laney says that “Paul gives no exceptions to the principle of “no divorce.” Why should he when those exceptions are already spelled out in the Scriptures? In the context of this passage, Laney is arguing from silence. In the context of the Bible as a whole, Laney argues against the specific provisions of God’s Word explicitly delineated. The issue is simple: are we going to accept Laney’s authority or that of Scripture?

“In verses 12-16 Paul deals with the case where one partner becomes a believer after marriage...Again Paul’s instruction is no separation (7:12-13). He commands the believing husband not to send his wife away, and the believing wife not to send her husband away. The principle of “no divorce” is set forth four times in verse 10-13. Count them!” —pg. 86

Of course Paul’s instruction is “no divorce.” What else would we expect? Laney, however, is again applying his a priori interpretive method. He simply assumes that the prohibition is absolute under any and all circumstances. Verse 15 in this very chapter informs us otherwise: “Yet if the unbelieving one leaves, let him leave; the brother or sister is not under bondage in such cases.” As we just saw above, Romans 7:2-3 informs us what it means to be “bound” or “released” from bondage: to be released from marriage means that remarriage is permissible. So then when I Corinthians 7:15 says that a brother or sister is not bound when the unbelieving departs, “she is free from that law so that she is no adulteress, though she be married to another man.”

Is it not more than a little bit suspicious that in order to defend his own thesis Laney resorts to the most far-fetched connection in Leviticus 18 to interpret Matthew 5:32 and 19:9, yet he cannot see the direct and plain connection between Romans 7:2-3 and I Corinthians 7:15? The explanation for this anomaly is found in the fact that Laney is totally devoted to the tautology, the circular argument, and irrationalism as an ontological, transcendent principle.

In his eighth chapter, Laney discusses “Divorce and the Christian Ministry.” Laney’s position here is:

“most fundamentally, this would refer to one marriage—no divorce.”—pg. 97

I will bypass commentary on Laney’s chapter here and simply refer the reader to my own commentary earlier in which I deal with this at some length.

CONCLUSION

In concluding this analysis of J. Carl Laney’s book, “*The Divorce Myth*,” I would like to say a few words to the reader who may have taken exception to the severity of my criticism of Laney.

I do not believe that criticism should be made just for the sake of criticism. There are honest differences of opinion among sincere Christians; there are, however, certain non-negotiable aspects of biblical inquiry. The first, and foremost, is that the Bible and its inspiration must be upheld without compromise. This concerns both direct and indirect attacks upon the Bible’s authority. Laney has forfeited his commitment to this doctrine implicitly by his hermeneutical approach and by asserting ontological irrationalism as fundamental to the being of God. He has, in effect, surrendered any legitimate claim to represent any portion of the Evangelical church.

The second essential requirement of biblical analysis is a commitment to sound, logical, exposition of the text. This is nothing more than the principle that it is the Bible to whose authority we must bow. Laney denounces logic itself and explicitly rejects this commitment. All of our assumptions and presuppositions must bend to Scripture, not vice-versa. Laney is singularly deficient in this regard, as I think I have proven. In conclusion, Laney tells us on page 112, “I have sought God’s truth in many important areas of doctrine...Christ’s disciples have no reason to fear the truth. For this reason, I have not hesitated to question my own convictions in certain doctrinal matters.”

Maybe so, but he certainly has not questioned his own convictions on the question of divorce. From the very beginning of his essay, Laney has intransigently pursued a rigorous a priori, tautological approach to his exposition. And then he tells us he has not hesitated to question his own convictions. Laney has not even begun to question those convictions.

The Commentators: # 2, William F. Luck, Sr.

One of the *best* treatments of the subject of divorce by an Evangelical commentator is William H. Luck's *Divorce and Remarriage*, subtitled, "*Recovering the Biblical View.*" (The reader should pause and ponder Luck's subtitle at length.) Luck is a rare breed—a Dispensationalist who takes seriously what the Law of God, contained in the Old Testament, has to say on the subject. Luck not only examines the Old Testament passages but treats them as normative and authoritative, and spends a lot of time on exegesis. This fact alone puts Luck light years ahead of the overwhelming majority of Dispensationalist commentators. Luck may be more than rare in this regard; he may be positively unique. Luck is a former Moody Bible Institute alumni (or is it alumn in the singular?), a decidedly Dispensationalist institution. Says Luck in his Foreword to the 2nd Edition, "Though Moody was then a dispensationalist school, I always had a strong respect for the Old Testament." Luck's "though" in this statement says volumes, maybe a lot more than he consciously intended. Luck has come to the same conclusion as I have and as has John Murray in his magnum opus, *Principles of Conduct*:

"I believed that I had shown the theoretical necessity of a non-conflicting view. In my teachings at Moody I believed that I had shown the general harmony of biblical rules." —pg. x

One cannot help but to wonder why such a proposition should even be an issue among those who profess to believe that the Bible is the Word of God from Genesis to Revelation. Unfortunately, Luck is decidedly at odds with the nearly monolithic stance of his Dispensationalist colleagues on this point. Predictably, taking the Word of God seriously has led him down a divergent path on a related issue:

"I expected criticism. I got it...one of the troubling reactions to the first edition was the criticism it received over the issue of polygyny. You would think from reading my critics that I was some kind of closet fundamentalist Mormon apologist. A posture I strongly denied. Why then is it in the book? ...When I arrived at the teaching of the Mosaic Law on the sin of adultery, I anticipated doing a quick and easy subject. But, in my attempt to define "adultery" in Old Testament terms, I was surprised to find that its definition was always related to the woman's marital status, never the man's. As I worked, I fought the conclusion that it was defined that way to accommodate multiple marriages for the male...Old Testament professors I consulted seemed embarrassed by the subject, but few denied it...

"I realized that if plural marriages were morally accepted by God at least up to the days of Jesus, it had to be taken into account in understanding His teaching on adultery and remarriage. What didn't seem reasonable was that God suddenly changed the rules on marriage half way down the historical pike. My colleagues

and logic having failed to save me, I wrote on like a lamb to the slaughter...and when the book was published the knives came out. You would think, as I said above, that it was the only topic in the book. Nonetheless, the “cutting” criticisms did not seem effective in proving my conclusions wrong.” —pg. x-xi

The proverbial “fly in the ointment” is the Dispensationalist presupposition common among the ranks of Evangelicals which proposes varying or even radically contradictory ethical norms from one point in time to another. To the reader acquainted with my first Volume, you will remember that my subtitle in that volume is, “Resurrecting the Biblical Family,” strikingly similar to Luck’s, “Recovering the Biblical View,” showing that Luck and I both share a common view that the Straight Word of Scripture has been significantly lost or misunderstood. I have only recently discovered Luck’s book within the last couple months of writing this review (April 2010), being referred to it by a friend. The similarities between Luck’s thesis and mine are not due to any familiarity with each other or the other’s writings.

There are many very significant areas of overlap in understanding shared by Luck and myself that are, in general, divergent from the usual Evangelical view of things. **Those areas of overlap include:**

- 1) as noted by the quote from Luck above, that the biblical classification of an act as adultery is always related to the marital status of the woman, never the man’s,
- 2) that polygyny is lawful both under the Old Covenant, as well as the New Covenant, (Luck devotes a whole Appendix to the subject, pgs. 251-269),
- 3) that Genesis serves as a prologue to the Law (Divorce & Remarriage, pg. 5) and, therefore, Genesis is consistent with the Law, not antithetical in any particular,
- 4) that the “one flesh” concept in Scripture is covenantal, as opposed to an ontological or metaphysical concept (e.g. J. Carl Laney, Heth/Wenham), (Luck, see pg. 23),
- 5) that Exodus 21:10-11 occupies a premier place of importance in the biblical jurisprudence of divorce, and that there is an unfortunate avoidance of this passage by commentators (see Luck, pgs. 29, 47),
- 6) that the failure to provide for the wife on the part of the man constitutes a breach of the one-flesh covenant, and by implication other more extreme offenses do so as well, such as physical abuse, etc. (Luck, pg. 32, etc.),
- 7) that groundless divorce itself constitutes adultery, even if there is no directly sexual act involved, (again, Luck devotes a whole Appendix to this thesis, pgs. 273-284)

8) that lawful divorce in Scripture is punitive (in regard to the offender) or remedial (in regard to the innocent party) in nature, (Luck, pg. 52, 87, 95, 209, 215, and 225)

9) that divorced women are morally permitted to remarry under the Law of God, (Luck, pg. 47, 243) and

10) that adultery in Scripture did not necessarily lead to execution, but could terminate in divorce, and Luck cites Jeremiah 3 as exegetical evidence in unison with me, (Luck, pg. 85, 86).

Interesting, is it not, what doctrinal conclusions one comes to when the Old Testament is taken seriously as the Word of God?

Needless to say, this is a very wide swathe of common understanding. The main area of divergence between Luck and me concerns Deuteronomy 24. Luck, from my perspective, has failed to extricate himself from the exegetical mire bequeathed to us all from prior commentators, to wit, that Deuteronomy 24 supposedly grants a “concession for sinful divorce” to the man. As I have noted in the preceding material, the “nakedness of a thing” (erwath dabar in the Hebrew) in Deuteronomy 24:1 denotes fornication (and so Jesus interprets it in Matthew 19:9) and the divorce mentioned in that passage is punitive in nature against the woman; and the “hardness of heart” mentioned by Christ in the Gospels refers to the hardness of heart manifested in acts of sin, i.e., men hard-heartedly taking other men’s wives and women hard-heartedly committing adultery and other sexual sins against their husbands. The second main area of divergence from me is that Luck denies that marriage consists essentially of the one flesh sexual bond of a man and woman (although it would appear that he equivocates somewhat in this regard—see Luck, pgs. 16, 18, 19, 22). That proposition, of course, is the fundamental thesis of this present work. Nevertheless, the areas of overlap are quite weighty, indeed, and of no small consequence.

Concerning equivocation regarding the proposition that the marriage covenant consists essentially of the one flesh sexual bond, note for example, that on pg. 16, Luck states:

“Thus I do not feel comfortable to argue...that ‘one flesh’ does not have any specific sexual significance. ‘One flesh’ does seem to speak of physical reunion, and under the circumstances it seems strained to avoid the mechanism of sexual intercourse as important to the text of Genesis 2:24...

“A ‘one flesh’ relationship seems to be primarily an organic one, which, in the case of human beings, would be sexual. Marriage, however, is not primarily sexual. It is not the ‘one flesh’ but the ‘cleaving’ that constitutes the marriage.”
—pg. 16

As I pointed out in regard to J. Carl Laney's *The Divorce Myth*, there is an artificial distinction created here between the idea of "cleaving" and becoming "one flesh." These terms are a form of synonymous parallelism, repetition of the same concept in different terms, a mode of expression used throughout Scripture. And then on pages 21-22, Luck states:

"From early in its first book, **the Bible speaks of marriage in the language of organic union**...our conclusion, then, is that marriage is the moral context of a profound union **accomplished by the physical union** of two persons" (again, emphasis supplied).

This is all unintended on Luck's part but the equivocation arises from a lack of precision regarding the concepts in question: Luck denies what he affirms in the same breath.

I should mention concerning the areas of overlap in Luck's and my theses that the one flesh teaching of my thesis provides a theological foundation for Luck's assertion for point #7 above, that there is such a thing as non-sexual adultery, such as, for example, capricious divorce, or so neglecting the wife or abusing her that treachery is committed against the marriage covenant. Luck's insight is precisely right on target but he has a problem here, as he himself admits: there would seem—on Luck's premises—to be no support in the Old Testament for the proposition.

"What then is the difference between treachery and adultery as words in the Old Testament? All adultery is a kind of treachery, but not all treachery is a kind of adultery. Clearly, when a man has a sexual relationship with a married woman, that is adultery. His treachery comes in interfering with the covenant of another man, and getting the woman to break her vow of monogamy to him. But what of a man breaking his marriage covenant with a woman? [Luck means here unlawful divorce.—T.S.] Is that also adultery? As argued above, no Old Testament text supports that per se, but then no text supports applying adultery to a man who divorces his wife and marries another. Yet Jesus calls that adultery. We have argued that when Jesus does so, it is because of the divorce, not the remarriage. We suggest, then, that adultery is a breach of the marriage covenant." —pg. 281

Luck could have been a little clearer here: he means to say that the term "adultery" should be defined as "a breach of the marital covenant." What exactly breaches the marital covenant and can be called adultery is then specified in particular by the case laws of the Old Testament, including, preeminently, Exodus 21:10-11. The problem is that Luck makes this conclusion as an inference solely upon the words of Jesus in the New Testament. This has Jesus asserting a proposition (or more correctly, an inference) unsupported by any Old Testament principle. The temptation here is to just leave the matter at that and to say, well, after all, this is the Lord Jesus speaking and what he says

is authoritative. True indeed, but is not Jesus expounding Old Testament law? What is Jesus basing this upon? Luck has this doctrine “floating in the air,” as it were, ungrounded to anything specific in the Old Testament.

The one flesh proposition I am advancing in this book, based upon Genesis and the rest of the Old Testament, provides what Luck is lacking in his thesis. It is lacking because Luck explicitly rejects the (sexual) one flesh nature and basis of marriage as definitive of the relationship. Note well: with the one flesh proposition as a theological foundation, overt sexual adultery and neglect of the basic needs of the wife (Exo. 21:10-11) and outright abuse are all sexual sins because they touch upon and violate the sexual, one flesh marriage bond, even though neglect and abuse are not directly sexual in and of themselves. This is what we all should have gleaned from Genesis 2:23-24 and Matthew 19:4-6. In other words, Luck need not have looked for any non-sexual adultery, in the strictest sense of the concept, because there really is no such thing. The offenses he perceives as non-sexual are in fact sexual in nature. And he perceives them as non-sexual because he does not define the marriage covenant in essentially sexual terms. I would argue that neglect of the wife by the husband is a sexual sin, and that abuse of the wife is a sexual sin, as well as overt adultery being a sexual sin. Luck’s proposition of “non-sexual adultery,” though correct, cannot be logically sustained on his premises. It remains vulnerable to the charge of arbitrariness. It lacks the necessary connection to the true biblical definition of marriage. The one flesh thesis of this book shines the spotlight on the organic connection between the biblical doctrine of marriage, and what constitutes its violations.

Luck is emphatic that Jesus did not come to abrogate OT marriage and divorce laws.

“The second thing that stands out is that Jesus is loyal to the Old Testament Law. In verses 17-19 He tells His listeners that he has not come to abolish the least of the Old Testament rules, but that they shall stand until “heaven and earth pass away.” It seems clear, then, that Jesus means to recover the Law and bring out its fullness, not to make changes in it that would negate the least of its principles.” –pg. 97, (see also pgs. xi, 95, 96, 99, 100)

On this point, Luck and I are in complete agreement. With that point established, let us look at Matthew 19 afresh:

3 The Pharisees also came unto him, tempting him, and saying unto him, Is it lawful for a man to put away his wife for every cause? 4 And he answered and said unto them, Have ye not read, that he which made them at the beginning made them male and female, 5 And said, For this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh? 6 Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder. 7 They say unto him, Why did Moses

then command to give a writing of divorcement, and to put her away? 8 He saith unto them, Moses because of the hardness of your hearts suffered you to put away your wives: but from the beginning it was not so. 9 And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery.

Here is a fundamental question: Upon *what Old Testament law* did Jesus base his assertion that divorce for the cause of fornication (“porneia” in Greek) is justified?

The doctrine of divorce asserted by Jesus is straightforward: fornication (as distinguished from the more specific adultery, or moicheia in the Greek, a form of fornication) is a valid ground for divorce. This is explicit and there can be no honest debate about the point. Since, as Luck himself argues, Jesus is not establishing a new law but recovering the old law and bringing out its fullness, which specific Old Testament law is Jesus basing his statement upon? Jesus **MUST** be bringing an already-existing law to bear upon the subject. Which law is it? Our choices are actually quite limited; there are only so many passages on divorce in the Law. It cannot be Exodus 21:10-11 because that law concerns the right of the woman to obtain a divorce. It cannot be Deuteronomy 21:14 because that law, once again, says to allow the woman to leave. It cannot be Exodus 22:16-17, because that passage concerns the right of the bride’s father to make the determination to annul the marriage, not the husband. It cannot be Deuteronomy 22:19 because that law concerns the prohibition against divorce. It cannot be Deuteronomy 22:28-29, because that is another prohibition against divorce. It cannot be Leviticus 21:7, 14 because that law simply acknowledges the existence of divorced women in the community.

A rather amazing fact comes to light at this point. There is only one more divorce provision in the Law: Deuteronomy 24:1-4! By a simple process of elimination, there is one, and only one, law that is the possible source of Jesus’ teaching, and that is precisely the law the Pharisees question Jesus about. Deuteronomy 24 is the only law addressing any kind of reason for the husband to divorce his wife. The conclusion here is as solid as the Rock of Gibraltar—no, make that as solid as the Rock of Ages, --which is that Jesus is elucidating Deuteronomy 24:1 when he says “except for fornication.” Jesus interprets the “erwath dabar,” nakedness of a thing, or “uncleanness,” of Deuteronomy 24:1 as fornication, or in Greek, porneia. And that this fornication, or erwath dabar (Hebrew), porneia or “uncleanness” (KJV) is a valid and lawful ground for divorce. This includes, but is not restricted to, adultery.

Let us note, once again, Greg Bahnsen’s remarks on Deuteronomy 24:1-4:

“(T)he Pharisees had misused Deuteronomy 24:1-4 by ignoring the sole, proper ground which it set forth as justifying the husband’s disfavor and subsequent divorcing of his wife. The cause of the disfavor could not legitimately be just

anything, but according to Deuteronomy 24:1 it had to be some “indecent (unclean) thing.” It has been correctly observed that *Christ uses the word “fornication” in Matthew 5:32 and 19:9 to explain or interpret “unclean thing” in Deuteronomy 24:1* (emphasis supplied) and thereby acknowledges the permanent validity of that law thus interpreted in a strict sense. By making fornication the only exception to the general disapprobation of divorce, Christ was harmonizing with the Mosaic law which made indecent or unclean behavior the only legal cause of divorce.” —*Theonomy in Christian Ethics*, pg. 104

There is no concession to sinful hardness of heart to have its way in Deuteronomy 24 but rather punishment of it. There is a fundamental error occurring in the usual Evangelical understanding of Matthew 19:8. When Jesus says “because of the hardness of your hearts,” he means, “Because of the hardness of your hearts expressed through fornication he allowed you to put away your (offending) wives, but from the beginning, when there was no sin, this was not so. Marriage was meant to be perpetual.” In other words, there is no ground in Scripture for capricious divorce, no, not even in Deuteronomy 24:1. There must be fornication (erwath dabar, “nakedness of a thing”) on the part of the wife before there can be a legitimate ground for divorce. That is the essence of Jesus’ teaching.

In a personal communication about this issue, Luck states:

“So, what does erwath dabar entail?

“3) To restate the matter, if erwath dabar involves a morally unjustifiable act, then Jesus should not have pointed the finger at the hardhearted men. The problem most people have with Jesus’ words is that they fail to see that Jesus was speaking to the men. His words are: “for the hardness of your hearts Moses permitted you to put away your wives.” He does not say, for the hardness of hearts Moses permitted people to put away their marriage partners.” Their question was about male rights and Jesus responded by pointing out male sinfulness. To ignore this fact and make Jesus’ rebuke a gender non-specific one is unjustified and completely confuses the dialogue.”

This is another one of those contentions which is plausible (standing isolated on its own) which evaporates when the Bible is considered in its total context. The reader will recall our earlier exposition where I commented on those who maintain (on linguistic grounds) that Deuteronomy 24:1-3 only describes divorce but does not permit it. On the surface, based on a strictly literal understanding of the passage, they are quite correct. But this interpretation is very shallow and involves a kind of tunnel vision which completely overlooks Jesus’ explicit teaching that Deuteronomy 24 allows divorce. This “allowance” goes well beyond mere description.

Luck's contention regarding the phrase, "because of the hardness of your hearts," is that divorce was granted specifically because of moral sin in the heart of the males. Luck maintains that "Jesus was speaking to the men...male sinfulness." Why MUST "because of the hardness of your hearts" refer specifically to the sin of the men? Or if it does look at it from this angle, why CAN'T it be referencing the majority of all fornication which occurs in the form of adultery where men, AND OTHER MEN'S WIVES, commit fornication? Why CAN'T Jesus be referring simply to the condition of ALL fallen humanity, namely hardness of heart, sin, original sin? Luck has failed to perceive that he has fallen prey to an a priori assumption at this juncture. How can it possibly be proven that Jesus refers specifically to the sin of the males? Or, for that matter, to hardness of heart in general? Neither referent is logically deducible from the one sentence in and of itself.

Let us set aside the precise point of contention here for the moment. What cannot be argued is that 1) Jesus affirms that divorce is instituted in the law due to hardness of heart (either of men, or women, or both). Jesus then goes on to affirm that 2) divorcing a wife is permitted specifically for fornication, and if divorce occurs for any other reason, adultery is committed. Is not Jesus expositing the Law here? Again, I ask, which law is he expositing?

Question: why would we ever conclude that the all holy God would permit in His Law a man to divorce his wife for any other cause and reason than the one Christ here specifically says is the only valid reason? Ergo: the referent of "hardness of heart" must refer to the sin of fornication (usually involving both a man and a woman) manifesting hardness of heart, that is, sin in the heart. The law does not institute divorce to permit the commission of sin but rather to punish and redress sin.

Moreover, the precise question the Pharisees put to Jesus concerns what valid cause a man may have to divorce his wife. And Deuteronomy 24 addresses the man divorcing his wife. Provision had already been granted specifying the proper grounds for a woman to divorce her husband in Exodus 21. If there is hard heartedness on the man's part, Exodus 21:10-11 is sufficient to address the situation. Deuteronomy 24 specifies a man divorcing the wife. And it specifies the reason. Do we wish to maintain that the reason in the passage is only DESCRIPTIVE in nature? I reply that, just as Moses permits divorce in Deuteronomy 24 (and does not merely describe a scenario), so also the uncleanness there is permitted as a justifying cause (and is not merely described as the occasion). Denying that "uncleanness" in Deuteronomy 24 is a justifying cause for fornication is the same error as claiming that the divorce itself is merely descriptive in nature. Ergo, when Jesus says that divorce was granted because of "the hardness of your hearts," he has in mind the hard heartedness of fornication.

The Commentators: #3, Paul E. Steele and Charles C. Ryrie

Another Dispensationalist treatment of the subject of marriage, divorce and remarriage is *Meant to Last*, by Paul E. Steele and Charles C. Ryrie. This work may be considered in many ways the epitome of what I am critical of among Evangelical commentators and what I am arguing against in my thesis. Theirs is more of a popular treatment of the subject than a systematic inquiry. However, they are articulate writers and it is presented in a very organized and succinct manner. Steele and Ryrie do manage to cover a lot of ground in a relatively short thesis. They begin, reasonably enough, by asking the most fundamental question, “What is Marriage?” and by denying the fundamental proposition of this present work:

“Living together or consummating the physical relationship does not in itself constitute marriage. When Christ encountered the woman of Samaria, He asked her to go and call her husband. She denied that she had a husband and Christ countered with these words: “You have well said, ‘I have no husband’: for you have had five husbands; and the one whom you now have is not your husband” (John 4:1718). In other words, though she was living with a man and having sexual relations with him, this did not constitute a marriage.

“There are those today who purport the idea that when two people have a sexual relationship they become one flesh and that this is recognized by God as constituting marriage. Such an idea cannot be supported from Scripture.” — pg. 8

Needless to say, I have shown in this present volume that this idea unquestionably is supported by Scripture—and with a great wealth of many passages to validate the thesis. I have already dealt with this objection earlier, but for the sake of responding specifically to Steele/Ryrie, let us reiterate what we can and cannot validly infer from the John 4 passage.

As I pointed out earlier, bringing the full weight of Scripture to bear upon the question avails us of only one possible conclusion: the woman at the well in John 4, though not with a husband, was still lawfully bound to her fifth husband. Jesus’ focus with the woman is on her factual living arrangement. When he tells her, “You have no husband,” he is not expounding a point of law to her, but demonstrating his knowledge to her of her actual circumstances, of her physical separation from her fifth husband. She does not have a husband as a matter of practical reality. She is not physically with her lawful husband. We see the thrust of Jesus’ interactions with her in her reaction:

28 The woman then left her waterpot, and went her way into the city, and saith to the men, 29 Come, see a man, which told me all things that ever I did: is not this the Christ?

We have seen both in the Law of Moses (Exo. 22:16-17, Deut. 21:13, Deut. 25:5, etc), and in the numerous examples examined of marriages commencing in the Scriptures, that the one flesh principle is unquestionably at the very heart of the marriage covenant. We saw this in regard to Abraham and Hagar, Jacob and Bilhah, Jacob and Zilpah, Onan and Tamar, etc. Unless we wish to propose a radical contradiction in the Bible's teachings, Jesus must be referring to the woman's physical separation from her lawful husband when he says she has no husband. Jesus is not speaking *de jure*, of law, but of situation and circumstance. Apparently she had left or put away her husband for the man she was then living with. In other words, this woman was an adulteress. So, we see that Steele's and Ryrie's objection and proposed meaning of the passage is simple to refute and requires no long, encyclopedic rationalization. The correct proposition here is very easy to understand and has a common sense rendering immediately relevant to the situation at hand.

Steele and Ryrie then go on to propose what they believe are the four essential elements of a true marriage: 1) "Mutual consent"; they allow for some degree of arranged marriage, 2) "Some form of marriage agreement," 3) "Conformity to certain social customs": They elaborate by saying: "There must be a rendering to Caesar the things that are Caesar's, a recognition of God-ordained authority," and 4) "Consummation of the physical union."

As we have already noted, an arranged marriage is the biblically ideal marriage (not requiring any involvement on the part of the State). But even the betrothal agreement of patriarchal authorities and exchange of bride price and dowry do not constitute the actual marriage itself but an agreement *pertaining to* a marriage. We see this in the law on seduction in Exodus 22:16-17. We see this in the law of the captive woman in Deuteronomy 21:13. We see this in the law of the kinsman-redeemer in Deuteronomy 25:5. All of these laws and the examples we have already examined clearly show that actual marriage has its beginning point during sexual relations. Yes, betrothal agreements are binding, and are considered covenants. We can even call them marriage covenants. Yet we get a sharper and clearer delineation of the biblical definition of things if we call marriage agreements "covenants pertaining to marriage."

Astoundingly, Steele and Ryrie also do not seem to have even a rudimentary understanding of the Bible's teachings on concubinage:

"Another proof that sexual union does not constitute marriage is the fact that the Old Testament makes a clear distinction between a man's concubines and his wife or wives (Genesis 22:24; Judges 8:30-31; 2 Samuel 13:7, 5:13; I Kings 11:3). Thus we see that engaging in a sexual relationship does not constitute marriage."
—pg. 9

These statements are yet another instance and indication of the neglect and

marginalization (if not repudiation) of the Law of God on the part of Dispensationalists. Amazingly, Steele and Ryrie, though seminary trained (Ryrie is noted on the back cover to have been a professor of systematic theology at Dallas Theological Seminary no less) do not seem to even know the basic facts about concubinage under the Law of God. As is clear from Genesis 16:3, Genesis 30:9, Exodus 21:7-11, etc., a concubine is a wife. A concubine, from Steele's and Ryrie's perspective, seems to be nothing more than a slavewoman kept on hand for some nice fornication now and then. They explicitly deny that a man's relationship with his concubine constitutes marriage. According to the Bible a concubine under the Law of God is a wife who is sold into marriage and comes into the marriage minus a dowry and who, along with her children, does not possess inheritance rights. These are the distinguishing features of concubinage. Steele and Ryrie, judging from their statements in *Meant to Last*, appear to be totally ignorant of these facts.

Steele and Ryrie, needless to say, begin from a very weak and defective foundation from which to be attempting to exposit the Scripture's teachings on marriage, divorce and remarriage. Predictably, this leads to further error.

The heart of Steele's and Ryrie's thesis is their survey of divorce views (they list five) and their analysis of them. They reveal their particular bias earlier in the book. In discussing the concept of "one flesh," Steele and Ryrie commend the view of Abel Isaksson and Gordon Wenham:

"Linked with the permanence of cleaving is the one flesh concept that follows. Theologians have debated the meaning of one flesh...The idea held by many scholars today is best explained by Abel Isaksson and mentioned by Gordon Wenham...

"It is a lengthy, detailed argument [So much for the perspicuity of Scripture!—T. S.], but may be summarized as follows: Since to be "bone" and/or "flesh" of someone is a common term describing kinship, the conclusion is that it is reasonable to translate "flesh" in Genesis 2:24 by the word "relation." Thus, the man leaves his "flesh" (his family) to establish a new family, creating vertical blood relations in the form of children and horizontal blood relationships between himself and his wife. This seems to be the best explanation of why God not only forbade marriages within literal (consanguinity) bloodlines (father/daughter, mother/son, brother/sister), but also forbade marriage to relations caused by another marriage (affinity, such as brother's wife, aunt by marriage, in-laws). Now all of this may sound complicated, but it seems to be the best explanation yet for the passage in Deuteronomy 24 where God does not allow the return of a woman to her first husband if there is a marriage in between. Gordon Wenham adds:

“Through her first marriage the woman entered into the closest form of relationship with her husband. The patriarchal narratives suggest that it was regarded as quite proper to describe one’s wife as one’s sister (Genesis 12:13, 19; 20:2ff; 26:7ff). At any rate *divorce did not terminate the relationship* (emphasis supplied—T. S.); she still counted as a very close relative. If a divorced couple want to come together again [after a second marriage], it would be as bad as a man marrying his sister. That is why it is described as ‘an abomination before the Lord’ that causes ‘the land to sin’ (Deuteronomy 24:4, KJV; see Jeremiah 3:1)”

Note what Wenham (and Steele and Ryrie) is contending for: “divorce did not terminate the relationship: she still counted as a very close relative...as a man marrying his sister.”

This assertion seems patently absurd in the extreme. If the divorce “did not terminate the relationship,” then it would seem logically to follow that the woman is STILL MARRIED to the man in the eyes of God—not only after the divorce, but also after the remarriage. But Steele, Ryrie and Wenham hold that if the first husband remarries her, it is as if he is now marrying his sister! So apparently the divorce DID terminate the marriage relationship after all, and transformed it into a different kind of relationship, a legal brother/sister relationship where sexual relations is incest!

It is very clear that holding to this kind of view entails the worst kind of confusion. This interpretation of Scripture is about as forced and contrived as there can be. What is happening here is that this hapless trinity of Steele, Ryrie and Wenham have a basic premise (no divorce, no exceptions; see pg. 69) and are trying to force the facts of Scripture into their presupposed premises. Note also that Steele and Ryrie imply that

Abraham and Sara were not actual half-brother and half-sister but that Abraham refers to Sara as his “sister” as a synonym for wife. This is flatly contradictory to the biblical narrative. As uncomfortable as it may be for some to accept or explain, the fact is that Scripture is explicit that Abraham and Sara were half-brother and half-sister. Trying to marshal support for their kinship interpretation of “one flesh” from the account of Abraham and Sara shows how desperate these commentators are to grasp for anything even remotely plausible to bolster an inherently defective proposition.

The one flesh concept is a functional concept, with its core definition centering in the act of sexual intercourse. The one flesh concept is not itself a legal concept, though it assuredly has legal implications and consequences under the law of God. Yes, “one flesh” implies more in the marital relation than exclusively sexual relations, but the essential point is that the sexual bond is the definitive (or definitional) referent.

Steele and Ryrie list what they consider to be the five major views on marriage, divorce and remarriage:

1. The Patristic (or early Church fathers) view.
2. The Erasmian (or traditional Protestant) view.
3. The Preteritive (or Augustinian) view.
4. The Betrothal (or engagement) view.
5. The Consanguinity (or unlawful marriages) view.

Permit me to suggest that there is yet a sixth view, **6) The Hebraic (or Biblical Law, i.e., Theonomic) view** which regards all of the Mosaic ordinances as still authoritative under the New Covenant, as per the clear declaration of the Lord in Matthew 5 that he did not come to abolish the Law. The existence of this view is not even acknowledged by Steele and Ryrie, though it has had its proponents down through the years (see, for example, *Thelyphthora* by Martin Madan, published in 1781; *Hagar: Or Scripture Facts Concerning Marriage, Especially in Regard to Polygamy, Concubinage, Divorce, Marital Authority* by Mercer Davies, 1881; *The Institutes of Biblical Law*, by Rousas J. Rushdoony, 1973).

Concerning the Patristic view, Steele and Ryrie comment:

“(W)ith only one exception (Ambrosiaster, a fourth-century Latin writer), the Church Fathers were unanimous in their understanding that Christ and Paul taught that if one were to suffer the misfortune of divorce, remarriage was not permitted, regardless of the cause.

“This remained the standard view of the church until the sixteenth century when Erasmus suggested a different idea that was taken over by the Protestant theologians. In the Patristic view, the only reasonable explanation for the disciples’ reaction to Christ’s words in Matthew 19:10 was that Christ was not following the arguments of the rabbinical schools of either Hillel...or Shammai...but was presenting an entirely revolutionary concept—that divorce is sinful and not according to God’s plan; but if divorce were to take place, remarriage was forbidden.” —pg. 89

And:

“The Fathers usually understood “except for unchastity” to mean that divorce was allowable in the case of adultery, but remarriage was expressly forbidden.” —pg. 102

The reader will recall that in the Introduction I began this book with Derrick Sherwin

Bailey's observations about the defective view of the Church fathers regarding sex and marriage. As much as we might like to side with tradition, committed Protestants have a different dictum: *Sola Scriptura*. One might expect that because the early fathers of the Church were closer in time to Christ and the apostles that their doctrine and teachings on all matters would be purer and closer to biblical fidelity than views which arose 1500 years later. This expectation is doomed to disappointment. The early Church fathers were men of their times and men of their culture and they did not escape the influence of their culture.

Steele and Ryrie appeal to the Patristic tradition because they want to marshal their authority to uphold the "no remarriage" position. But note should be taken that Steele's and Ryrie's "no divorce" position is also a departure from the Patristic teaching which permitted divorce for adultery, which fact they acknowledge. The Patristic tradition is a sword which cuts both ways.

Concerning the traditional Protestant view (Steele and Ryrie prefer to label it the "Erasmian" view), they state:

"At the beginning of the Reformation, the classical humanist Desiderius Erasmus suggested this interpretation and it is defended by modern reformed scholar John Murray. Erasmus was a contemporary of Luther who influenced Luther's thinking on a number of issues but eventually broke with the reformers.

"It is curious that though Erasmus was essentially regarded as a heretic by his contemporaries, the Reformation writers were greatly influenced by his doctrine of divorce and remarriage. Since most evangelical literature has in turn been influenced by the reformers and, subsequently by the Westminster Confession, his view is widely held among evangelicals today." —pg. 90

Steele and Ryrie are engaging in pejorative rhetoric here. First, by labeling the traditional Protestant view as the "Erasmian" view, they are attempting to slander the Protestant view with guilt by association; that is, "this view was taught by a heretic, therefore, the traditional Protestant view is heretical." This is clearly their inference. Luther was no wide-eyed, naïve puppet for Erasmus. Anyone who doubts this should read Luther's "Bondage of the Will," in which he mercilessly condemns Erasmus for his views which were, indeed, heretical. Luther was quite capable of thinking independently of Erasmus and assessing Erasmus' views against Scripture. The Reformers taught the divorceadultery-remarriage view because they believed it faithfully rendered the biblical teaching of Christ in Matthew 19, Erasmus' agreement notwithstanding. This view should be labeled "The Traditional Protestant View," not "The Erasmian view." Steele's and Ryrie's argumentation at this juncture stoops to base propaganda and, in my opinion, lacks scholarly integrity. They do this because they rightly recognize that the traditional Protestant view is the strongest contender against their own view (not

counting the Hebraic or Biblical Law view which they do not even acknowledge as existing).

They state moreover:

“Erasmus allowed for divorce and remarriage of the innocent party in cases of adultery or desertion. Since he developed his doctrine on a subjective base rather than a grammatical or exegetical one, the reformers began with an Erasmian presupposition and tried to prove it exegetically. They began by demonstrating from the Old Testament that divorce was sometimes allowed, failing to mention that so were polygamy and slavery. Like the Pharisees of Jesus’ time, the reformers referred to the “bill of divorce” mentioned in Deuteronomy 24, often ignoring that Christ said it was allowed because of hardness of heart. From an ancient divorce document (found in the *Encyclopedia Judaica*), they tried to prove that when divorce was permitted, remarriage always was a live option.”
—pg. 105

Here the accusation is more explicit. The Reformers, say Steele and Ryrie, began their exposition from a non-biblical base borrowed from Erasmus. Confusion and equivocation abounds here. Is not beginning with the biblical teaching in the Old Testament beginning with a biblical presupposition? This presupposes the normative character of the Law of Moses as the Law of God. What more could Steele and Ryrie ask for here? Moreover, Steele and Ryrie should take more heed and deference to the fact (which they acknowledge here) that polygamy was allowed by Old Testament law. (It should also be noted that the biblical laws on bondservice are of an entirely different character than nonbiblical systems of slavery such as the Roman, or Islamic or the enslavement of Africans in the Americas.)

Steele and Ryrie argue essentially that because the Old Testament permitted polygamy, and because polygamy cannot now possibly be lawful, that, ergo, divorce must not be lawful either, and that divorce in Deuteronomy 24 is essentially a concession to sin. Their error here is three-fold: first, even if for some reason polygamy should not be lawful, this does not logically prove that the same must go for divorce. Steele and Ryrie fall prey to a basic logical fallacy and non-sequitur here; second, they err by concluding that polygamy (polygyny) is currently unlawful under the New Covenant. They should have referred back at this point to Matthew 5:17-19 in which Christ validates the continuing authority of Old Testament law. Third, they presuppose that Christ’s meaning of “because of the hardness of your hearts” signifies hardness of heart in regard to intending to divorce a wife, and that God Himself allowed this sin to be instituted in His Law. They should have referred back at this point to Psalm 19 in which we are assured by Divine revelation, concerning the Divine revelation, that it is “pure,” and “righteous altogether.” Therefore, the allowance for divorce in Deuteronomy 24 is a punishment of sin, not an allowance of sin.

The third view commented upon is the “Preteritive view.”

“This view is not given a great deal of consideration by other than serious scholars, due to its quite complicated exegesis which makes it difficult to explain to the English reader. We are indebted to Bill Heth who has done extensive research in the subject.” —pg. 90

So much for the perspicuity of Scripture again! This leads me to enunciate a basic principle: Beware of Greeks bearing gifts and Beware of theologians bearing labyrinthine linguistic arguments! I have observed before and will again: linguistic analysis is subject to the law of diminishing returns. Most of the difficulties of Scripture, if not virtually all of them, are conceptual in nature, issues of logic, and not of linguistics. The reason linguistic scholars banter back and forth, back and forth, back and forth, endlessly over questions of words and syntax and grammar is because they are searching for the resolution to logical dilemmas on the wrong playing field, or one might say in the completely wrong stadium. They are playing basketball when the game at hand is football. Or, to use a more common proverbial metaphor, linguistic scholars get so bogged down in the details that they “can’t see the forest for the trees.”

But back to the “preteritive” view. Say Steele and Ryrie:

“The Preteritive view, promoted by Augustine, holds that the Pharisees were trying to trick Jesus into entering a debate between the liberal school of Hillel and the more conservative school of Shammai, but Christ did not take the bait. Instead he deftly avoided the issue until he was in private with his disciples...

“The controversy was over the meaning of Deuteronomy 24:1, “some indecency.” They asked Christ to comment. The Augustinian view holds that Christ’s words “except for immorality” were actually a preterition (a passing over) which bypassed their question altogether, Christ said, “and I say to you, whoever divorces his wife [setting aside the issue of the meaning of ‘some indecency’] and marries another woman commits adultery.:

“...the evidence in regard to Augustine’s opinion is stronger than generally recognized.” —pg. 90-91

The “evidence” of which Steele and Ryrie speak is evidently the “quite complicated” linguistic analysis and exegesis of Bill Heth! Since I am not familiar with Augustine’s argument on this point, I can only proceed on the basis that Steele and Ryrie correctly represent him. I rather suspect that Augustine’s views were more in the nature of a logical development of his theology than a “quite complicated” linguistic foray. This brings us back again to my original comments in this book in the Introduction. The early Church fathers missed the mark to a great degree on these issues. Even with Augustine,

who may very well be correctly credited with being the greatest theologian in the history of the Church on other matters, was askew regarding sex, marriage, divorce and remarriage. It was not until the Protestant Reformation, with an insistence upon the principle of Sola Scriptura, that the earlier misconceptions began to be corrected.

Say Steele and Ryrie of the preteritive view:

“When used...of the exceptive clause, it means that Christ bypassed the entire discussion of whether or not porneia was a legitimate reason for divorce...”

“Christ, when commenting on Deuteronomy 24 in Matthew 5:32 and 19:9, deliberately bypassed the question of porneia as a possible ground for divorce. Both rabbinic schools contended that “some uncleanness” meant at least porneia. Christ would not be sidetracked to discuss that point lest his main point be lost...God’s original intention for marriage, as revealed in Genesis 1 and 2 which did not allow for divorce at all.

“(I)t was not at unusual for Christ to bypass the argument of opponents and kibitzers who sought to trick him or sidetrack his message...Matthew 21:23-27 furnishes a classic example...The chief priests and elders tried to trap Jesus by asking, “By what authority are You doing these things...Instead of responding to the question of His authority, the Lord countered with another question which threw the leaders into a dilemma and so they chose not to answer. Then Christ likewise refused to tell them by what authority He was acting.” —pg. 108

The problem with this assertion, however, is that in Matthew 21 regarding John the baptist, Jesus is explicit, and tells his listeners plainly that he is not going to answer their question because they refuse to answer his. Contrariwise, in Matthew 19, Jesus gives an answer to the question. This is manifest on its face. Part of his answer is “except for fornication.” Now this answer, or this part of the answer, may not sit well with some schools of thought, but it is manifestly an answer, not a refusal to answer. The fact that Jesus plainly does engage the Pharisees in a question and answer session on these issues renders it exceedingly dubious, indeed, that he then refuses to answer a part of their inquiry. There is no legitimate comparison here to Matthew 21. The equation Steele and Ryrie make here is entirely forced and arbitrary.

CHAPTER 7

MATTHEW 5 AND MATTHEW

19

Matthew 5 and 19

1 When a man takes a wife and marries her, and it happens that she finds no favor in his eyes because he has found some uncleanness in her, and he writes her a certificate of divorce, puts it in her hand, and sends her out of his house, 2 when she has departed from his house, and goes and becomes another man's wife, 3 if the latter husband detests her and writes her a certificate of divorce, puts it in her hand, and sends her out of his house, or if the latter husband dies who took her as his wife, 4 then her former husband who divorced her must not take her back to be his wife after she has been defiled; for that is an abomination before the Lord, and you shall not bring sin on the land which the Lord your God is giving you as an inheritance.—Deuteronomy 24:1-4, NKJV

3 The Pharisees also came to Him, testing Him, and saying to Him, "Is it lawful for a man to divorce his wife for just any reason?" 4 And He answered and said to them, "Have you not read that He who made them at the beginning 'made them male and female,' 5 and said, 'For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh'? 6 So then, they are no longer two but one flesh. Therefore what God has joined together, let not man separate." 7 They said to Him, "Why then did Moses command to give a certificate of divorce, and to put her away?" 8 He said to them, "Moses, because of the hardness of your hearts, permitted you to divorce your wives, but from the beginning it was not so. 9 And I say to you, whoever divorces his wife, except for sexual immorality, and marries another, commits adultery; and whoever marries her who is divorced commits adultery." 10 His disciples said to Him, "If such is the case of the man with his wife, it is better not to marry." 11 But He said to them, "All cannot accept this saying, but only those to whom it has been given: 12 For there are eunuchs who were born thus from their mother's womb, and there are eunuchs who were made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the kingdom of

heaven's sake. He who is able to accept it, let him accept it." –Matthew 19:3-12
NKJV

In 2009, I spoke to a Christian group about the first volume of *Man & Woman In Biblical Law*, mainly on the subject of polygyny. While there, one of the wives of a young brother in Christ asked me some very perceptive questions and – wouldn't you know it!—she brought up the question of divorce, remarriage and adultery addressed by Jesus in the above-cited passage from Matthew. How to reconcile this passage, in which Jesus says that anyone who marries a divorced woman commits adultery, with Deuteronomy 24, which apparently authorizes (at least implicitly) divorce and remarriage for uncleanness, is a task that has occupied many commentators and expositors. It is an issue that inevitably comes up in any serious discussion of the topic. It has been a perennial issue now for centuries.

How can these two passages be reconciled? Unbelievers and "higher criticism" minded expositors often take the position that this is a blatant contradiction in Scripture. More orthodox commentators, sensitive to the doctrine of the inspiration of Scripture, tend to fall into one of three camps: the first are those who commonly explain this by way of a Dispensationalist hermeneutic, claiming that the New Testament alters or "tightens" God's rules for divorce and remarriage, so that the OT command is superceded by a new and higher commandment in the NT; the second group attempts to explain this by asserting what I believe to be a false dichotomy between "divorcing" and "putting away." To wit: that Jesus is only addressing a situation where a man has put away his wife without giving her a certificate of divorce. I have admonished believers for many years now on a variety of issues to beware of trying to solve logical dilemmas in Scripture by a resort to linguistic hair-splitting. Such attempts are seldom fruitful. Linguistic analysis has its value, but linguistic analysis is subject to the law of diminishing returns. The third group attempts to explain this by the claim that God simply tolerates with disapproval the use of divorce in His Law. Greg Bahnsen has totally and conclusively demonstrated the falsity of this in his book, *Theonomy in Christian Ethics*.

Since I am decidedly not Dispensationalist in my theology, and since I believe no essential distinction between the terms "divorce" and "putting away" can be ultimately proven, and since I believe that God nowhere in His Law tolerates sin, is there any rationally defensible way to reconcile these two passages?

The answer to this dilemma can be shown without resorting to claiming there is an alteration of ethical requirements between the OT and NT, without verbal hair-splitting, and without, most of all, claiming that God is tolerant of sin in His prescriptive commands.

First of all, why did God authorize divorce in his Law to begin with? Jesus answers this

question: “Moses, because of the hardness of your hearts, permitted you to divorce your wives.” If Jesus is not referring here to a concession to sin on God’s part, then what can he possibly mean? Quite simply that because of sin (hardness of heart) that is, adultery and fornication, God authorized divorce as a punitive measure to deal with this particular form of hardness of heart. In other words, since hard-hearted men commit adultery with other men’s wives, and since hard hearted women commit adultery and other acts of fornication against their husbands, it is necessary to authorize divorce to deal with this sin. The proper understanding of this passage is no more difficult than that.

What, then, of the other clause, “whoever divorces his wife, except for sexual immorality (Gk, “porneia”) and marries another, commits adultery; and whoever marries her who is divorced commits adultery”? This is a rather more difficult issue. As I have already intimated, the standard explanations are inadequate and involve us in even worse dilemmas when those explanations are adopted.

Let us examine a closely related passage, Matthew 5:31-32:

It has been said, Whoever shall put away his wife, let him give her a writing of divorcement: But I say unto you, That whosoever shall put away his wife, saving for the cause of fornication, CAUSES her to commit adultery: and whoever shall marry her that is divorced commits adultery.

Note well what Jesus asserts: such a man CAUSES HIS WIFE TO COMMIT ADULTERY. Amazingly, with all of the voluminous commentary about divorce and remarriage in existence, hardly any attention at all has been given to this clause. Note first of all what Jesus simply presupposes: that the woman in question will remarry—else there would be no adultery to speak of. Secondly, Jesus clearly places the GUILT of the adultery upon the man who divorces his wife, that is, divorces her without valid grounds. Though the woman and her new husband commit the act, the guilt of the adultery (i.e., the violation of the one-flesh bond) is imputed to the divorcing husband. He, the divorcing husband, is declared to be the cause of the adultery.

It is my assertion that the wife who remarries in such a situation and the man who marries her are not imputed with the guilt of the adultery. The Law of God always distinguishes between the perpetrators of sin and the victims of sin. A wife who is unjustly put away by an unrepentant husband is a victim, and would be permanently victimized and consigned to a life of singleness if she were required to remain unmarried. Jesus clearly imputes to the divorcing husband, as the causative agent of the adultery, the guilt thereof. Most commentators simply assume, a priori, that the wife who remarries and the man who marries her are also imputed with the guilt of adultery. This assumption has no overt, explicit affirmation or confirmation in Scripture.

Matthew 19:10-11 should also be looked at closely in this connection: “His disciples

said to him, 'If such is the case of the man and his wife'—(that is, if the man is taking a wife unjustly divorced from a previous husband)—'it is better not to marry.' But he said to them, 'All cannot accept this saying, but only those to whom it has been given.'"

It is clear here that Jesus is QUALIFYING what he had just said to them about adultery. Jesus is essentially asserting that no one except those who have a gift of celibacy can receive this saying. Jesus does not expect a typical man to refrain from marrying in this instance. This would seem to rather clearly give the permission for the woman and a new man to marry. Therefore, no guilt is imputed to them if they do.

Is this not amazingly clear once you see it? There is simply no need to go into long, labyrinthine, hair-splitting linguistic defenses of this thesis, or encyclopedic rationalizations to harmonize the Old and New Testament scriptures; they are already in harmony. It is our fallen, fleshly misconceptions and unexamined presuppositions which imprison us in confusion and darkness. Clarity of thought is like sunlight extinguishing darkness. And I submit to you that this explanation of these passages is precisely the light of God's truth.

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