

*ut meritum conlocetur* 19, 23 (there is nothing wrong with the text here): *sic meritum quis conlocat, dum in tribulationibus patiens inuenitur* 133 A; *non quia mala sunt, sed quia parua sunt ad meritum conlocandum* 440 A; *uti maius meritum conlocares* 2 qu. mixt. 6. There are in Ambrosiaster twelve other examples of this phrase, most of which are in the full form *meritum sibi conlocare apud deum* (e. g. 98 B; 150 B; 168 A). The phrase is unknown to any dictionary, like many others of the usages here alluded to. It means to 'pile up (deposit) credit for ourself with God (by doing good deeds)', and suggests the Roman trader.

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### THE TEACHING OF CHRIST ABOUT DIVORCE.

THE object of this paper is to determine (1) the difference in sense in *μοιχεία* (and the allied words) in the New Testament and 'adultery' in our English modern use of the word. (2) How far modern ecclesiastical legislation is based on Christ's teaching. (3) Whether any light is thrown by these verses on the composition of the Sermon.

In order to appreciate the difficulty of seizing the meaning of Christ's teaching on this subject it is advisable to range the versions of the principal sentence side by side<sup>1</sup> (R. V.)—

Mt. v 32. A.	Mt. xix 9. B.	Mk. x 11, 12. C.	Lk. xvi 18. D.
But I say unto you that everyone that putteth away his wife, saving for the cause of fornication, maketh her an adulteress; and whosoever shall marry her when she is put away committeth adultery.	And I say unto you whosoever shall put away his wife, except for fornication, and shall marry another committeth adultery; and he that marrieth her when she is put away committeth adultery.	Whosoever shall put away his wife, and marry another, committeth adultery against her. And if she herself shall put away her husband and marry another, she committeth adultery.	Everyone that putteth away his wife and marrieth another committeth adultery; and he that marrieth one that is put away from a husband committeth adultery.

<sup>1</sup> I have thought it best to leave questions of textual criticism on one side, for the reason that where the principal MSS differ the main drift of the teaching is not seriously modified: e. g. when B omits the words of the T. R. in Mt. xix 9 *καὶ γαμήσῃ ἄλλην*, Dr. Gore is surely right in saying (*Sermon on the Mount* p. 216) that the sense remains the same. There remains however the kind of criticism which would delete the important excepting-clause in the two Matthew passages,

It is plain from the wording of all four passages that there are certain important aspects of the subject of marriage with which our Lord is not dealing. He says nothing about the obligation to strict fidelity as it is technically called, nor of the general principles of conduct which should be observed by married people towards each other. The theme of His teaching is the permissibility or not of divorce *a vinculo*: i. e. not mere separation, but separation so complete that the marriage contract is wholly null and void, and both parties are free to marry again. And the general sense to be gathered from all four passages is that Christ in the main reverts to the stricter view of this question which 'hath been from the beginning', viz. that the marriage contract can never be as if it had not been, nor can the parties to it look upon themselves as wholly absolved from its obligation, except in the case when the wife has been guilty of infidelity, when it is implied that the husband is free. This exception is given by A and B, not hinted at by C and D.

The phraseology of A requires close attention. At first sight it seems to contain more than one impossible statement. Apparently a woman is made an adulteress not by the commission of the sin of fornication after marriage but by being put away for trivial reasons: and the questions force themselves on the reader (1) is she any the less an adulteress if she is divorced for the grave reason? (2) if she is divorced for a trivial reason, why is the guilt hers and not her husband's?

The explanation depends partly on the modern restricted use of the word 'adultery' compared with the Greek word which it renders in the Gospels. In all the four passages given above *μοιχεύω* (or the kindred forms of the verb) means to violate the marriage bond without any

A and B, on grounds of unsuitability. One of the most recent critics, Prof. Bacon (*The Sermon on the Mount* p. 177), says the words are 'certainly a gloss', and appeals to the authority of Luke and to the general principle that Jesus 'refuses to occupy the seat of the law-giver or magistrate in the imperfect conditions of the world': and that 'the exception *παρεκτός λόγου πορνείας* transforms the principle' (i. e. of an ideal standard) 'into a rule, and involves Jesus in the rabbinic debate between the schools of Shammai and Hillel'. The grounds of this distinction are not clear. In laying down the unqualified principle of the indissolubility of marriage, Jesus repealed and abrogated human divorce laws, and what is that but legislating! Again, the exception is, I admit, a piece of legislation: but it is also the affirmation of a principle, viz. that the divine ordinance of matrimony is only abrogated by one particular sin. Even if this last remark be disputed it remains that those who wish to divest our Lord's teaching of all legislative element must cut out vv. 31, 32 and parallels altogether.

In the same page Prof. Bacon approves of Wendt's substitution of the Lucan reading *μοιχεύει* (in xvi 18) for *ποιεί αὐτήν μοιχευθῆναι*, on the ground that it is simpler. Certainly it is: but in the absence of any textual reason to the contrary, the more difficult reading is to be preferred.

reference to the definite act of post-nuptial fornication, which is denoted in A and B by *πορνεία*. But our word 'adultery' is restricted to the one way of violating the bond, which in A and B is called fornication, and hence the English rendering is very confusing. As a matter of fact excluding John viii 3 there is no passage in the New Testament where the words *μοιχεία*, *μοιχός*, and *μοιχεύω* necessarily refer at all to the sinful act (*πορνεία*) except strangely enough verse 28 of this chapter, just before our passage<sup>1</sup>. In A, B, C, D the meaning of adultery is simply such ignoring of the bond as a man is guilty of who formally puts away his wife and regards himself as unconnected with her by any contract. B, C and D state hypothetical cases in which the man manifests this view of the situation by marrying again: and the sin of adultery consists in his treating the original contract as null and void when it is not. The word for 'to put away' does not mean simply to send out of the house to live apart, but to divorce formally under the impression that the first contract is thereby wholly dissolved. Therefore when in A

<sup>1</sup> This statement, as far as I can determine, is strictly accurate. If John viii 3 is included in the writings of the Evangelists, the word adultery (the noun and the verb) must be taken in its modern *compound* sense of sin against marriage consummated in a particular act. In classical Greek the verb and noun are used occasionally as synonyms of *πορνείω* and *πορνεία* (cf. Ar. *Pax* 958). But for the most part the usages of these words seem to apply indifferently to *πορνεία* and what we term adultery (so Liddell & Scott). May not the sense given in the New Testament, which *always* covers the breaking of the marriage bond, be an indication of the reverence felt for marriage? The exact difference between the three uses I would mark thus:

*Μοιχεία* (class. Gk.), the sin of the flesh: properly by one married.

Adultery (mod. Eng.), the sin of the flesh: certainly by one married.

*Μοιχεία* (N. T.), violation of the marriage bond by the sin of the flesh or otherwise.

But it is important to remark further that in all the *Gospel* uses of the words *μοιχαλς*, *μοιχᾶσθαι*, *μοιχεία*, *μοιχεύειν*, except two, the idea of the sin of the flesh is not necessarily included, the meaning being simply that of violation of the bond. The two passages are John viii 3 (4), and Mt. v 28. The former has been dealt with. In the latter the word *μοιχεύω* either = *πορνείω*, or the modern 'adultery', and the question depends on whether the woman spoken of is supposed to be another's wife (so Zahn emphatically p. 233; B. Weiss p. 114; Stier p. 128, vol. i, but dubiously in a qualified and confused note followed by Alford). This is hardly doubtful. The whole passage is on the sin of adultery, not fornication, and though ethical precepts against the latter may be gathered from the passage (see Stier) by inference, the meaning of the word *μοιχεύω* is to be settled by the plain sense with which v. 27 begins. Also there is the whole difference as regards the truth of the prohibition in the one case and the other. Human love is necessarily complex, and the animal element cannot be wholly excluded from the lawful passion of a man for a maid. But if *γυναίκα* here is taken for 'another's wife', the sense is perfectly distinct and logical. The word therefore is used here only in the Gospels (exc. John viii 3 and 4) as 'adultery' in modern English.

nothing is said about the husband marrying again, the meaning of the text is unaltered. It is implied that a husband who goes through the formality of divorce with the intention of putting an end to the contract thereby is guilty of that special behaviour towards the contract which is called adultery<sup>1</sup>. If he marries again he only translates this false view of his position into action.

Further, in A, B and D, Christ says that if a third party similarly takes the false view of the contract, and shews that he does so by marrying the divorced wife, he too is guilty of adultery. In C the guiltiness of the wife who so behaves is stated. If she takes the active part and divorces her husband—no reason being here given as sufficient—and marries again, she is an adulteress.

So far the meaning is fairly plain. But a very difficult expression is used in A. The husband who thus lightly thinks to dissolve the marriage contract by divorcing his wife is not said simply to commit adultery, but to 'make her commit adultery'. Now this expression which is in any case obscure, is quite unintelligible unless the above restricted view of adultery is adhered to, and the modern associations of the word put on one side. The woman is made an adulteress not because she has been unfaithful to the contract; *that supposition is expressly barred*—but because she is placed in a position of being different in the eye of the law from what she is in fact: or different in the view of man from what she is in God's sight. According to the one she is a freed woman, not a wife: according to the other she is still a wife, still bound to her husband.

The glaring contradiction between truth and appearance constitutes a false or adulterous position. The woman is not said to *become* an adulteress voluntarily and deliberately, but to be *made* one: so that the expression would cover the case of a wife who has done nothing but fail to retain her husband's love, and then has been quite unwillingly 'put away'. She is made an adulteress, or, more strictly, to commit adultery. It is as if the mere fact of her existence, apart from any wrong thoughts she may have harboured in her mind, is an offence against the divine law; she is made in her person to embody the revolt of society against the purity and completeness of the marriage union. For in the 'hardness of their hearts' men have ordained the legal instrument of divorce and attached to it a meaning forbidden by God. They have construed it as though the cumbrous formalities of the *Gē* obliterated wholly the Sacred bond which preceded it: and when a husband wantonly and in obedience to his own whim declares before the whole world that his life partner is wholly sundered from him and is free for re-marriage, he declares a lie, and she, however much in her

<sup>1</sup> In C it is called 'adultery against her', the wife.

heart she may dissent from this, is made in virtue of her false position to share in the community's disloyalty to God's decree. The wife may in her own private capacity disown her husband's action by refusing to marry again, but nothing can alter the fact that the legal position into which her husband has forced her is that by which society has formally and deliberately uttered its refusal to fall in with the divine requirements as to marriage<sup>1</sup>.

An important corollary from this interpretation remains to be drawn. In all civilized societies the question of the re-marriage of divorced persons is a burning one. As is well known there is a difference in the law of the Eastern and Western Church on the point. In the former the re-marriage of the 'innocent party' is allowed, and though not permitted by the canons of the Western Church it has been recognized by the resolutions of the Lambeth Conference of 1888. But whatever there is to be said for this concession it ought not to be based on the teaching of Christ as recorded for us. According to C and D nothing can dissolve the marriage bond: according to A and B the one sin, called fornication after marriage, can do so. But there is not a word to imply that after divorce consequent on this sin, the re-marriage of the guilty party is forbidden any more than that of the innocent<sup>2</sup>. It is not said anywhere that to marry the guilty divorced woman is to commit

<sup>1</sup> There is only one other conceivable sense of *ποιεῖ αὐτὴν μοιχευθῆναι*: that is, 'causeth her to commit adultery' by making it practically certain that she will marry again. But this is not practically certain. Moreover it ignores the meaning of *ἀπόλυσις*. The guilt of *ἀπόλυσις* consists in a formal assertion of a freedom which God has declared to be non-existent: and this particular guilt is unaffected by any sequel. By adultery Christ means the attempt to dissolve the indissoluble: what we mean is the act which really does dissolve it.

<sup>2</sup> In Dr Gore's *Sermon on the Mount* (Appendix iii p. 216) the following passages occur: 'What has happened since then (the time of the post-Reformation canons) is that the opinion of a great number of the best English divines and commentators on St Matthew has been expressed in favour of allowing the re-marriage of the "innocent party" after divorce for adultery.' And on p. 218: 'Our Lord appears on this matter to be legislating rather than laying down a principle. . . He appears to be sanctioning in the case of an innocent and deeply aggrieved person a dispensation which violates the logic of the marriage tie on grounds of equity: but this carries with it no necessary consequence of a similar dispensation in favour of the chief offender.'

I think, on the other hand, it must be admitted that the Matthew texts give exactly equal right to both the innocent and guilty parties to marry again, in so far as the re-marriage of either the one or the other is not what our Lord in these words is defining to be adultery. Of course there may be principles which He has enunciated elsewhere which justify a distinction; but no such principle is to be found here.

It would be equally true to say that the right to re-marry is withheld equally from the innocent and the guilty party. All I contend for is that inequality, in this respect, between the two cannot be justified from these verses.

adultery : but it is said, in A and B, that to marry an innocent divorced woman is adultery. Accordingly, though there may be much to be said for the relaxation above referred to ; though the social conscience may be perfectly right in drawing a distinction between the guilty and the innocent party, there is no warrant whatever for it in these passages which give all our Lord's teaching on the subject. That teaching declares the re-marriage of either party following on unjustifiable divorce to be adultery : perhaps we may infer that re-marriage of *either* party following on justifiable divorce is not adultery. If a third party chooses to marry one who has made havoc of one marriage contract and has snapped it by the commission of the great sin, he takes upon himself the responsibility of union with a criminal. The guiltiness of doing this must depend on whether the divorced person is repentant or not. But whatever the guiltiness may be, nothing whatever is said about it in the two passages in St Matthew<sup>1</sup>.

Let us now take notice what exactly the Church has done in drawing a distinction between the innocent and guilty party in respect of the legitimizing re-marriage. She has relied on the C and D passages as far as the guilty party is concerned and on A and B in regard to the innocent party. A and B imply that divorce consequent on conjugal infidelity is the human pronouncement of a dissolution already effected, which leaves *both parties* free to marry again. C and D if taken separately from A and B forbid any re-marriage to both parties. The Roman Church has taken up the intelligible position that all re-marriage in the life-time of the divorced partner is forbidden. This, however, ignores A and B. The Eastern and the English Churches have not ignored A and B but have gone only half-way in recognizing the words. And yet though not based on the Gospel teaching this position is defensible. The principle on which we act is to recognize that the Gospel teaching only deals with a restricted portion of the subject, viz. the defining of the scope of the word adultery : but that there is the great crime of snapping the marriage-tie, the punishment of which is not here specified, though its heinousness is strongly stated : and which has to be dealt with by the Church. Though Christ excludes it from His definition of adultery, He implies that it is a crime of the first magnitude ; and the punishment inflicted by the Church is to deprive

<sup>1</sup> The particular sin of adultery which Christ is defining is committed in three ways : (1) by the man or woman who divorces the marriage partner on the assumption of freedom, when nothing serious enough has occurred to warrant it ; (2) by the third party who marries the divorced person ; (3) by the partner who is wrongly divorced. Nothing is said about *νομωία* being adultery in the sense indicated, nor about the guilt of it generally : nor is it stated that the man guilty of *νομωία* should be treated in the same way as the woman.

the sinner of that liberty of re-marriage to which on a narrow reading of Christ's teaching he would be legally entitled.

The critical questions which have arisen in connexion with these verses have been mainly concerned with the excepting clause in A and B. But there is another question to which less attention has been given, that is whether vv. 31, 32 are not wrongly placed here. An argument in favour of an affirmative answer is to be found in the sharp difference of meaning of *μοιχεία* in vv. 28 and 32. A paraphrase of v. 28 would be 'Ye have heard . . . thou shalt not commit the sin which breaks the marriage bond: But I say that this sin which you call adultery is committed when anything is purposely done to stimulate desire, even if the desire be not translated into action.' Here we notice *μοιχεία* is expanded in one direction: it is made to include antecedent actions likely to cause the commission of the sin itself, and certain to produce a corrupt state of feeling; the inference being that man must curb his thoughts, not only his actions. Christ might have chosen another word than 'adultery'. But it was His method to employ familiar old commandments rather than to invent new categories of sins.

But when we come to v. 32 we are dealing with a subject only faintly connected with that of v. 28. The word *μοιχεία* is expanded in an opposite direction. Instead of bringing out further the idea of individual guilt and the relation of sinful thought and action, Christ exposes the disloyal behaviour of mankind in trying to separate those whom God had joined: and in so doing He revives the early Scriptural idea of the permanence of wedlock. The share taken by different parties to the contract in the abortive attempt to annul it is indicated; and the only point of contact with v. 28 is in the implication of that verse that fornication (i.e. the modern 'adultery') alone can sever the bond which has been knit by divine operation and hallowed by divine decree. The sin which in v. 28 was analysed in respect of the comparative guilt of evil thought and action, is only glanced at in v. 32 in its relation to the ordinance of matrimony. This change in the meaning of *μοιχεία* seems to point to a dislocation of vv. 31 and 32.

It would be tempting to some to go further and say that if vv. 31, 32 do not belong to this context they are merely a version of C, and hence the *παρεκτός* clause is an interpolation. But for this there is no evidence. It is very probable that in regard to different versions of apparently the same words, the disciples asked their Lord for an explanation of some saying, as we know they did on more than one occasion (Mk. iv 10; Mt. xiii 26). Indeed in Mk. x 24 an unspoken question draws from Him just such a modification of His original saying as we find in two parallel versions. I would suggest that we have in this passage the

genesis of many a diverse report. It is not unlikely that the *laud* saying and the modification were subsequently both preserved in writing, and some of the phenomena of the Synoptic Gospels would thus be explained.

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### ST MARK AND DIVORCE.

ALL three Synoptic Gospels report a saying of Jesus to the effect that whoever puts away his wife and marries another commits adultery, but the saying is given with characteristic differences. Matthew and Mark give the saying in connexion with a question asked of our Lord by adversaries when He was the other side of Jordan on the way to Jerusalem (Mark x 11, 12 = Matt. xix 9); with some change of wording it had been already given by Matthew as part of the Sermon on the Mount (Matt. v 31, 32), while Luke gives it only in a detached form practically without context (Luke xvi 18). It is a natural preliminary inference that the saying had a place in both the chief sources of our Gospels, viz. in the lost document commonly called the 'Logia', as well as in Mark (or *Ur-Marcus*). Moreover Matthew inserts in both places an exception *μη ἐπι πορνεία*, or equivalent words: it is evident that the stringent rule given by Mark, or his source, needed some modification when regarded as the basis for the law of a Christian society.

According to Mark the woman who divorces her husband is declared to have committed adultery as well as the man who divorces his wife. This condemnation of the woman is not found in the other Gospels and is pretty generally assumed to be a secondary addition, 'based on Roman Law', says Dr Schmiedel in *Ency. Biblica*, 1851. It is supposed to have been monstrous and unheard of that a Jewess should divorce her husband.

Monstrous it was, no doubt, but not quite unheard of. I venture to think that to appreciate the historical meaning of the passage we must apply the familiar maxim *cherches la femme*. Not that we have to look very far: we know the woman and her history—her name was Herodias. Her husband, whom she left in order to live with Antipas, was the man whom Mark calls 'Philip' but Josephus only knew as 'Herod'. Antipas also was guilty: he had put away the daughter of the Arabian king Aretas to take up with Herodias his half-brother's wife, she herself being his half-niece.

A curious side-light can be thrown on the public actions of our Lord from this point of view. In the estimation of many the Galilean