

Exegetical Brief: The Betrothal Explanation Of *Πορνεία* in the Exception Clause

John F. Brug

[This brief was originally published in volume 105/4 (Fall 2008)
of the *Wisconsin Lutheran Quarterly*]

In recent years among Evangelicals it seems that there are four or five views on almost every topic. There has been a whole series of books with titles like *Four Views of X, Y, or Z*. Among the many topics being debated is the possibility of remarriage after divorce. Some Evangelicals are moving to the Roman Catholic view that no remarriage is possible after divorce, not even for an innocent party who has been victimized by adultery. This debate is summarized in the book, *Divorce and Remarriage: Four Christian Views*, edited by Wayne House.

To forbid all remarriage after divorce, an interpreter must find a way to set aside what seems to be the clear meaning of the "exception clause" in Matthew 5:32 and Matthew 19:9. In these passages Jesus seems to assert that divorce and remarriage is a sin *except* when one of the parties has broken the marriage by sexual immorality (*porneia*). Divorce and remarriage are forbidden *παρεκτὸς λόγου πορνείας* or *μὴ ἐπὶ πορνείᾳ*. In that case, the victim of the adultery can remarry without sin.

The most common way to try to set aside this clause is to restrict the meaning of *porneia*.¹ Attempts to limit *porneia* claim that it refers only to premarital sex that was not discovered until after the marriage, to incest, or to other forbidden relationships. This view claims that adultery is not included in the category *porneia*, therefore Jesus is not allowing for remarriage of the innocent party after adultery.

An article in the January-March 2008 issue of *Bibliotheca Sacra* presents another claim which attempts to limit *porneia*, namely, to limit its application to sexual relations of a betrothed person with someone other than his or her betrothed during the time between the betrothal and the time the couple began living together as husband and wife. This view claims that the dissolution of the betrothal in such a case would not really be a divorce leading to remarriage, since it would be an annulment of a marriage that was never consummated. Thus the "exception clause" would not really be allowing an exception to the rule "no divorce and remarriage."

For a number of reasons this view is not tenable.

- There is no valid reason to exclude adultery from the category *porneia*. *Porneia* can serve as a general term for sexual sins of all sorts. The *porneia* of Hosea's wife in Hosea 1 and 2 and of the Lord's spiritual wife in Ezekiel 16 and 23 is not limited to premarital or betrothal offenses. It includes adultery.
- There were probably two main reasons for Jesus to choose the term *porneia* rather than "adultery" in this context. The most important is that the term used in Deuteronomy 24, the passage which is being debated between Jesus and his adversaries, is more general than adultery (עֲרֹת דְּבָרַי, ἄσχημον πᾶγμα). Jesus' use of the term *λόγος πορνείας* in Matthew 19 is very close to a literal rendering of עֲרֹת דְּבָרַי. By using the term *porneia* Jesus also indicates that though the offense envisioned in Deuteronomy may be broader than adultery in a technical sense, it properly refers to sexual sin, not to an offense like burning supper. It is something indecent, not merely something that displeases a husband. Certainly sex during the betrothal period or even before the betrothal would be included in *porneia*, but this would not be the only offense in that category. *Porneia* which breaks a marriage could also include homosexual conduct, oral sex with another party, and pornography addiction. But above all, it would include adultery in the technical sense of the term.

¹ Another way, which we will not deal with here, involves a different interpretation of the prepositions *παρεκτὸς* and *μὴ ἐπὶ*, which allegedly allows one to translate Jesus' words "even in the case of adultery."

- While it is true that every use of the term *porneia* does not necessarily include every form of sexual sin, it is not valid to arbitrarily exclude any form of sexual sin from a general use of *porneia*, when nothing in the context gives a ground for such a limitation. There are no grounds for excluding a reference to adultery from this passage.
- Jesus and his opponents were discussing marriage and divorce, not engagement and annulment. Inserting a reference to engagement would be almost gratuitous in the context. Deuteronomy 24, the passage under discussion, is also clearly about marriage not engagement.
- Furthermore, in the customs of that time the betrothal was the legal establishment of the marriage. It was not simply an engagement in the modern sense of the term. The betrothal was a legally binding marriage, a covenant, a contract. A betrothed couple was legally and morally married. The modern concept of engagement does not even fit into the setting of the text.
- Ending a betrothal required a bill of divorce. The author of the article in *Bibliotheca Sacra* cites sources that claim that in these passages Jesus refers to an annulment rather than to a divorce, but the very sources cited say that the Jews called such dissolution a divorce, and that it required a bill of divorce. The article cites no evidence that the Jews thought of this as an annulment not a divorce. This seems to be a contemporary concept that the advocates of the betrothal view are reading back into the past.
- The penalty for sexual misconduct during the betrothal period was the same as that for adultery after the consummation of the marriage. Both were liable to the death penalty that was appropriate to adultery (Dt 22:23-24). Sexual misconduct before betrothal was not equal to adultery from the point of view of civil law (Ex 22:16), though it could become so if a promiscuous party had entered a marriage under the false premise of virginity (Dt 22:13-21).
- According to this view that the Jewish betrothal was not yet marriage, it would be sexual intercourse not consent that establishes the marriage. It is true that refusal to consummate the marriage could be considered grounds for annulment rather than divorce under some law codes, but did Jewish law operate with this concept? Furthermore, the concept of annulment applies only to legal marriages not to engagements.

The betrothal view appears to be an arbitrary attempt to escape the difficulty of dealing with the exception clause. There is, however, no contradiction between Jesus' statements about divorce in Luke and Mark, which do not mention the exception clause, and those in Matthew which do. In order to establish a legal standard, a lawgiver may first state the bare principle without mentioning exceptions and later add more detailed statements which explicitly allow for exceptions. There is no contradiction between such statements. It happened by chance that shortly after I prepared the draft of this article I read a legal document that included this statement: "It is a fundamental principle that the specific language of a document supercedes and takes precedence over other general language." Jesus' statements on divorce in the gospels are examples of this phenomenon. Only in Matthew does he mention the exceptions. Elsewhere he simply states the general principle. In doing this, he first emphasizes that the basic principle is that there should not be any divorce at all. Sin is involved in every case. However, there are circumstances in which someone may be the victim of the divorce rather than a perpetrator, namely, in the case of sexual sin by the other spouse that has broken the marriage. It is significant that the exception clause occurs in Matthew 19, the most complete statement of Jesus' dispute with the religious authorities of Israel. Luke 16:18 and Mark 10:11 contain only brief statements of the basic principle without providing a more comprehensive explanation. The other statement of the exception clause is in the Sermon on the Mount, in which Jesus is not confronting advocates of lax divorce practices, but giving guidance to his followers in how to fulfill the intent of the divine law against divorce. There is no contradiction between these statements. They serve different purposes.