

In view of the questionnaire issued in preparation of the extraordinary Synod of Bishops on the family, October 2014

NATURAL LAW IN THE CONTEXT OF MARRIAGE

FIRST

Asking the faithful about their opinions is a good thing, but it seems to presuppose that there are believers who are representative of the church. I think that the question if and how one believes is a key issue. It is a thorny matter, but it is highly relevant. How does a person live his or her faith? Is it founded on knowledge? Does one pray at home and talk about the faith? What do you do during the Eucharist? Is there a form of spiritual life? Why are you Catholic? The official teaching of the Church with regard to marriage and sexuality is in reality not truly binding.

Next, the questionnaire begins with the Bible and Magisterium. Do those who drafted it, presuppose that many believers actually read the encyclicals and that they are familiar with the concept of 'natural law'? Or do they rely on the 'sensus fidelium'? This is interesting in view of the actual answers given by people – insofar as we know them – and of earlier reactions. Of course, one has to start somewhere. However, I think that a 'bottom up' approach would have been much more difficult, but also give us a far better view on what is really going on.

This paper is in particular about the second question of the questionnaire 'on marriage according to natural law'. I want to argue from a normal, average family situation and the contemporary society in (Western) Europe. I shall only briefly touch upon the sacrament of marriage, which I have discussed more extensively elsewhere.

NATURAL LAW

If we look at it from a rational, scientific perspective, living nature preserves the individual and the species; it does so by food and procreation. We can call that 'the order of nature'. It is rather self-evident. Without it, only chaos and stone would exist. In this sense, one can speak about a 'law' or 'inevitability'. Next, making enough room for our fellow human beings so that everyone can survive as best as possible, gives rise to a notion of 'law' in the sense of 'right', 'obligation'. This notion of law is more like a utilitarian principle and is also in one's own interest. It is universally applicable: Everybody is answerable to this law. It has to do with behavior, starting with common sense. This is natural law in the ethical sense with 'right' as an essential element: moral natural law.

To assign qualifications like 'plan', 'purpose', 'goal' and 'ideal' to this natural order is a human activity. In that case, the inevitability of biological regularity is no longer applies as with animals. An animal acts only in a limited way: on the basis of the suitability of something to its end, on inner impulse or (acquired) habit. But with the qualifications mentioned earlier, a human being is involved, who interprets consciously, who knows, is free, judges and chooses. Within this context, only personal conviction counts. There is nothing wrong with that as long as nature does not falsify it. An animal is dependent on its natural instincts, but a human being is less limited and can use nature as a means to a purpose he sets himself and can control nature to a certain extent. A human being can also interrupt the natural cycle of 'to eat and to be eaten', either for general usefulness or as an ideal.

Besides, if one nevertheless wants to claim that also then the law of natural order applies, that human beings are fully bound to biological regularity and cannot choose, one has to show on the basis of the outcome, i.e. the present situation, that only this law has existed and/or that its denial threatened and still threatens the present situation.

Moral natural law is what remains. It appears when rights and justice matter. Also procreation belongs to it, that is: doing justice to that aspect of the natural order.

PROCREATION

From an objective point of view, procreation belongs to the nature of humanity and for the same reason as mentioned above, viz. self-interest, it will be performed as efficiently as possible. But no human being will be satisfied with that. A person experiences sexual intercourse in a personal way and not only as an instrument for procreation. In the first place, it implies "I love you." The major force that is unleashed in orgasm, that immense confirmation of oneself and of each other, knowing one another in way that transcends borders, tenderness and freedom are all elements that stand out as they are directly experienced. This is human nature transcending merely biological nature, which is impossible for an animal. That direct experience is also a resource for preserving marriage and giving it content.

Because of all this, sexual intercourse does not have to be 'justified' by new life. The triad of 'Eros, Philia and Agapè/Caritas' is the motive and new life, whether or not intended, is some extra addition. Even if this addition adorns and perfects nature, would that be a reason to present it as an inevitable, necessary, determining purpose, as a compelling ideal? Then there is a great chance that it will shrivel into a burden. I myself – and I am neither the first, nor the only one – find it indelicate when new life is used as purpose or justification for sexual intercourse. This is not how married people experience it. An appeal or reference to natural law as a biological given is below the mark. The same goes for the rhythm method of contraception, which ignores women and has nothing to do with natural experience.

I think that church authorities should respond with great caution. The plain, common-sense observation 'sexuality belongs to the two of us' has no need of further explanation. In the past, the idea that contraceptives were difficult to handle or dangerous and, therefore, wronged women, might have played a role, but nowadays we no longer have to worry about that.

Human beings can plan procreation and that is a responsibility of the married couple who wish to realize that goal or ideal. Would contributing to procreation be devalued if sometimes intercourse generates new life in a planned way? Would nature, creation, then be desecrated? Would the married couple be less grateful? Planning, accepting, and caring for new life fits into the triad Eros-Philia-Agape, which is the basis of the family and in which also bodily 'warmth' has its fruitful place. It is proper to human beings.

MORALITY OF MARRIAGE

When talking about the issue of morality of marriage, which goes beyond what I have said so far, it becomes very difficult to remain only rational and to limit ourselves to the level of humanity itself. For it transcends nature and science: also what I would call 'The Religious' enters the scene, as a capacity that is peculiar to human beings - if the step towards faith and conscience has not already been taken. What was 'an objective goal', now becomes an ideal, a vocation. In the triad of thinking-acting-experiencing, religious understanding clearly has its own place while what was said in the previous sections remains valid all the same.

Sexuality is a very strong human power and it makes sense that civil authorities take measures to prevent its abuse through legislation. Sexuality is also a beautiful power and it makes sense that 'ideal' authorities present an ideal. I do not deny church leaders neither a say nor care, but if an ideal is turned into a law, transgression of which is punished as a sin, the ideal is gone. The supervising and monitoring role that was given to the Church as the only universal institution during the middle ages, has since then been transferred to the civil state within the framework of the rule of law. Would this change not be an occasion or even a reason for reconsidering the whole issue and for thinking in a different way? We should also remember that – even if it is not the original intention of the questionnaire – the actual contribution of the faithful is proof of their hope-inspiring commitment. However, it might turn into the opposite if it is frustrated. I have a sense of urgency – it is now or never – but there is enough time left for reflection and growth.

From within the context of faith, I call marriage 'the strongest sacrament' because of its immediate experience, which opens the prospect of communicating with and participating in The Creative Love. I think that within the ideal of the great divine mystery and the vocation based on baptism and confirmation, offered

by the Church as its characteristic, the Church – or church authorities – should entrust the morality of marriage (also) to the many married systematic theologians, pastoral and moral theologians, pastoral psychologists, sociologists and intelligent housewives, who can also reflect on the issue from personal experience. This were the notion of 'sensus fidelium' becomes relevant. I know it means more than 'the opinion of lay people' but the old proverb 'vox populi, vox Dei' (the voice of the people is the voice of God) has its charm.

If we broaden and reconsider the discussion, other questions can be asked. For example, if Church marriage could be optional so that the couple can choose more freely and consciously for "this mystery is great" (Eph. 5,32) without failing in faith and parenthood. Do we need besides a mere 'no valid objection', also a specific positive intention of the couple? And: what space can be given when a relationship is really on the rocks, when there is "the hardness/rigidity of heart" (Matthew 19,8 and Mark 10,5) and the sacrament no longer works or can work? (Cf. clarification below). Jesus' proviso "except for adultery" (Matthew 19,8) now makes sense. It is not about a fallacy, but about what is honest and real: something is really the matter.

And: what if the couple is mentally disabled? What about giving up a child? What can the Church offer in the case of adoption? How far can we go with IVF? With embryo donation? Do cultural differences make a differentiation in marriage advisable or even necessary? And what about the wish of par. 7.1 of the questionnaire: "How to increase the birth rate?" within the context of "The most serious duty of transmitting human life" ? (Humanae vitae)

Questions about abortion demand a more specific and detailed discussion as there are no simple black and white answers to them. However, a basic reasonable principle is that the couple, in the end the woman, cannot dispose autonomously of the new life, in spite of the symbiosis. On the other hand, it is also reasonable that because of the symbiosis, the woman eventually has the last word in abortion if it is a grey area. Respect and care, concern and caution, are crucial. Also for the woman herself.

SAME-SEX RELATIONS

The term 'same-sex marriage' is a misnomer because 'marriage' presupposes the relationship between husband and wife that intends having and raising one's own children. However, the triad of Eros-Philia-Agape/-Caritas, which is proper to human beings, works also in same-sex relations. I don't see any reason for denying same-sex couples this threefold experience, its expression, and its significance – not even with reference to natural law. In my view an appeal to the bible against that is not valid because homosexuality as a natural human phenomenon does not appear in the bible. The bible is about straights acting like gays.

A same-sex couple does not automatically have the right to adopt children. A basic principle is that a child has the right to a father and a mother. Of course, occasionally one has to choose a lesser 'evil' and use what is good. Even if adoption by a same-sex couple does not contribute to procreation, it does help the preservation of the human species and serves the well-being of the child. Don't think too lightly of adoption. Raising one's own children is already quite a job.

EXPLANATION of Jesus' response to Pharisees' question about divorce.

The translation in the NRSV of Jesus' answer to the Pharisees in Matthew 19,8 and Mark 10,5 about Moses' divorce rule: "because you were so hard-hearted" (Matthew 19,8) and "because of your hardness of heart" (Mark 10,5) is a very specific and, as I shall argue, questionable interpretation. It assumes that the Pharisees are villains, champions of insensitivity. Because Jesus, who is not married, addresses the Pharisees with 'you', it seems as if his answer is meant for them in particular. However, the passage is about a discussion¹ on the Law, which already existed long before the Pharisees and which applies to every pious Jew. For every pious Jew the question could come up, unless Moses had thought that all Jews would enter marriage with a hardened heart.

We should also keep in mind that it was a discussion among men only. Nowadays, we accept that men and women are equal. But in that time, women were not discussion partners.

¹ Cf. Mt 23: 2 "The scribes and the Pharisees sit on Moses' seat; 3 therefore, do whatever they teach you and follow it ..."

Let's take a closer look at the translation of "because you were so hard-hearted" (Matthew 19,8) and "because of your hardness of heart" (Mark 10,5). In both passages, the Greek has *προς την*. However, in order to indicate a reason or cause, classical Greek uses a conjunction (*γάρ* or *ὅτι*) with a subordinate clause, or it may use a preposition with a participle, but not a preposition with a substantive.² The Greek *προς την* means only "with respect to", "in view of". Then the passage reads: "with respect to your hardness of heart, Moses has ...", which means 'if the situation of hardness of heart occurs - also in the case of the pious Jew - then the rule applies.' In other words, it is not about a reason for a universal situation, but about indicating a particular case or special circumstances.³

The Greek *σκληροκαρδια* (hardness or rigidity of heart) is mentioned only twice in the New Testament, in Mt 19 (Mc 10) and Mc 16,14. Within the context of marriage, it can be paraphrased as "when he relationship is in a rut": when the relationship has become rigid, petrified, when the heart no longer speaks and hears, when love has gone, then one can/may (maybe even 'must'?) apply Moses' divorce rule. So, it has to do with a *change*. In translating *σκληροκαρδια* in Mc 16,14 with "hardness", one is heartless for it ignores the trauma and misfortune that happened to the disciples after the death of Jesus. It is rather the inability, powerlessness of them than their unwillingness, stubbornness. They could not believe (their eyes) and change, even if they wanted to. Thomas had to be encouraged to change, to believe again. Deut 10,16, Sir 16,10 or Jes 6,10 are not relevant; belief or insight are not the issue here because it concerns conjugal fidelity and right. And furthermore, I wonder if a word, used approx. 300 years before in the LXX only three times, should have the same meaning. For real stubbornness, the Greek has a different word: *σκληροτραχηλος* (Acts 7,51), which literally means 'stiffneckedness.' The NRSV has also in Mark 3,5 "hardness of heart." However, the Greek word there is *πρωωσις*, which means 'blindness', of the heart. This means a situation not a change.

The Pharisees suggest that divorce is allowed "for any cause" (Matthew 19,3), while Jesus claims there is only one valid reason for circumventing God's intention, viz. when the hearts have become hard, cold. The Law, Moses, foresees very wisely – probably out of experience – that something like that can happen and in that case you don't have to do the impossible. But to divorce "for any cause" is fundamentally against God's intention. It is against God's intention from the very beginning, for it is a principle of creation, to which both Matthew and Mark refer (cf. Gen. 2,22-24). By giving this answer, Jesus gets round internal Jewish differences of opinion, mainly the school of Hillel and the school of Sjammaï.

The key to the disputation is "for any cause" (Hillel). Matthew 19, therefore, is more specific than Mark 10 where these words are missing.⁴ Matthew 19 gives the right and complete order of the argument: first the question, then the answer with the general principle, based on creation ('principle' means 'beginning'), and, finally the exception to the rule. Mark first gives the exception in 10,5, then the principle in 10,6, but this only serves to highlight that Moses' divorce rule is an exception. It seems that the exception was necessary because people dealt with the commandment "Thou shall not commit adultery" too carelessly (see verse 10). Incapacity separates, not a human being.

Moreover, the Greek text indicates 'principle'. Like Joh 1.1 "*ἐν ἀρχῇ*", it does not have "from the beginning", but "from beginning". That signifies that it is about a point of departure, a principle. If so, then there is also room for exceptions. Matthew emphasizes this in verse 8, because it is at the start of Jesus' answer. Also an exception is mentioned in verse 9: "except for unchastity", cf. Matthew 5,32. So, it is not about a normal, straight forward situation.

Luke 16,18 functions within the context on justice and presupposes the principle stated in verse 17, 'the Law stays valid': Moses allows divorce but who divorces his wife not according to the Law, "for any cause", commits adultery. Only this explanation applies to that context and fits in with Matthew 19,3-8. A similar

² J. Harold GREENLEE: *A concise exegetical grammar of New Testament Greek*, Grand Rapids: Eerdmans, p. 71, 1963.

³ We find the correct translation for example in: Walter BAUER: *Wörterbuch zum Neuen Testament*. Berlin: Walter de Gruyter, 1971 kol. 1409: "*Im Hinblick auf eure Verstocktheit*." And the *Vulgata Nova*: "*ad duritiam cordis*." However, almost all modern Bible translations in English, German, French and Dutch give a causal meaning.

⁴ A similar order also occurs in Lk 17,3.4, which completes Mt 18,21.22: if your brother asks for forgiveness, only then.

kind of warning that lawlessness in marriage does not befit the community, is given in Hebrew 13,4. Apparently such general warnings were necessary, see v. 10.

Matthew 19,9 is a gloss and repeats the teaching of Matthew 5,31-32, where it is part of an enumeration. The phrase "and/but I say to you" (19,9 cf. 5,32) is a disputation term. As objection it fits with Matthew 5,31-32 but not with Matthew 19, because the answer is finished by verse 8; they are different contexts and should not be mixed. Moreover, the untranslatable Greek particle "ὅτι" in the clause "whoever divorces his wife" indicates that the sentence is a slogan, a title of an item, not an argument in a longer line of reasoning. The same goes for Mark 10,11.

A slogan has no nuances. Take for example, "thou shall not kill." Actually it means "thou shall not kill unlawfully" for Jews did accept death penalty. "Thou shall not commit adultery" also means "thou shall not commit adultery just like that." Like the other "thou shall not" rules, it presupposes evil intent, as the commandment "thou shall not covet your neighbor's wife" specifically shows. Inability, powerlessness, is not the issue here.

If "because you are hard-hearted (and stubborn)" had been the right translation, the Law would legitimize something wrong and evil, which is impossible. The Law does not accept stubbornness nor excuses, but it does provide for human shortcomings. We can call it 'mercy' or something even better: pastoral care, experience and common sense – unfortunately sometimes necessary. Therefore, the correct translation is something like 'if the relationship has broken down.'

Jesus did not change the Law. On the contrary, he maintains also this rule and gives an interpretation: it is about an irretrievable situation. I cannot understand that the Law (of Moses, holy to him) would be outstripped, overruled by a so-called divine law. Luke 16,17 is clear and I don't see how the Justice of The Kingdom is wronged by the right application of The Law. We can say that Jesus gives a positive content to the negative commandment "thou shall *not* (commit adultery)" and turns it into a vision, ideal, vocation, in the same way as he wreathes the Ten Commandments with the Eight Beatitudes ⁵ - followed by the six "And I say you"-items in Matthew 5.

I think that the conjunction ὅτι in Matthew 19,8 is pivotal (it is not relevant in Mark). Almost all translations leave it untranslated as if it merely introduces direct speech: "He said to them (ὅτι) 'It was because (προς την) you were so hard-hearted that Moses allowed you to divorce ...' ". Now, ὅτι may have that function in Greek, but it may also indicate a reason or cause ("because"). I think the latter is the case here. Verse 8 gives Jesus' direct answer to the Pharisees' question in verse 7: "'Why then did Moses command us to give a certificate of dismissal and to divorce her?'" and the ὅτι is part of Jesus' answer, namely to the 'why' of the question. The ὅτι, "because", concerns ἐπέτρεψεν; the cause of divorce is σκληροκαρδία.

The translation should be: "He said to them 'Because (ὅτι) Moses allowed you to divorce in the case of the hardening of your hearts ...' ". Jesus resists the suggestion of verse 7, which alludes to Matthew 5,31 "It was also said, 'Whoever divorces his wife, let him give her a certificate of divorce' ". Jesus refuses to acknowledge that this was said by Moses, as if Moses had given a commandment to divorce. Jesus makes clear that according to Moses, divorce is not allowed, unless To the question "Why then did Moses command us to give a certificate of dismissal and divorce her?" Jesus does not answer "because of the hardness of your hearts", but "because (ὅτι) Moses allowed you (only) in the case of the (προς την) hardening of your hearts to divorce your wives."⁶ The reason for the commandment is Moses' allowance, not the stubbornness of the Jews or Pharisees.

And Jesus continues: "But that was not from beginning," meaning "that was not the Divine Intention" because man and wife continue the creation as his image, one and unique, and His love.

⁵ The number 'eight' indicates the new era, which begins with Him.

⁶ Also the *Vulgata Nova* does not translate ὅτι and interprets it as an indication of direct speech: "Moses ad duritiam cordis vestri permisit vobis dimittere uxores vestras." As a result, the "ad duritiam cordis vestri", though by itself correctly translated ("with respect to the hardness of your heart"), receives undue emphasis and this creates the impression that the hardness of heart is the reason for Moses' commandment to give a certificate of dismissal. The correct translation in Latin would be: "Ait illis: **Quoniam** Moses permisit vobis ad duritiam cordis vestri dimittere uxores vestras."

In the background is also the idea that Moses commanded the man to give the certificate of dismissal to the woman because without it, the woman would be without rights in Jewish society. In other words, it was for her protection. The Jew should not steal her rights.

In the past, it was assumed that Matthew was the oldest gospel. Possibly, that might have motivated people to see Mark as a kind of addition to Matthew and that this would grant greater authority to the text of Mark. However, now the general consensus among biblical scholars is that Mark is older than Matthew and that Matthew (and Luke) probably had a written version of Mark's gospel at his disposal. So Matthew 19 gives a supplement to Mark 10 and Matthew 5,32 to Mark 10,11.

Maybe verse 9 ("And I say to you, whoever divorces his wife, except for unchastity, and marries another commits adultery"), which is a gloss, fitted too well in this idea about the indissolubility of marriage.

Another old idea is that the story about Paradise in Gen. 2 concerned a historical reality and this might have motivated the translation "in *the* beginning." However, contrary to Latin, Greek has definite and indefinite articles and there is no article in this clause. It reads "in beginning", "in principle." *The* beginning never existed. It is about a growing insight by which human beings came to realize (or received in faith the knowledge) that they basically were meant to remain together in marriage forever.

On my reading, which I think also fits with our actual, daily reality, there is no longer a problem with or about the Law nor with Jesus' explanation. Jesus emphasizes the ideal of a lasting unity between husband and wife, but acknowledges the exception according to the Law. In short, there is no basis in the Gospel for the absolute indissolubility of a Church marriage. If the sacrament no longer works, no longer has tools because the relationship (the vice-versa between two people) has stopped functioning, in spite of all the good intentions and honest promises, the marriage should be ended, however painful it might be, and create a space in which 'discomfort' is minimized as far as possible, injustice is prevented, and new perspectives –unreservedly– become possible and meaningful. This is a task for the married morality group I mentioned at page 3, that must specify what should motivate Peter to dissolve and motivate the Church to offering efficient support and (re-)confirming a state of grace for the new situation. It is about the Church's pastoral capacity, no longer juridical but pastoral-psychological, no longer of the past but of the present.

If you know more, shouldn't you start thinking differently for the sake of what is true and has value?

FINALY

Let it be clear that I do not promote divorce. Love asks for unity, of which it never gets enough. I was married for 55 years when my wife died and I know that death will not do us part and that I have been rich and blessed. Also in faith. However, it can happen that a relationship dies. Also then justice should run its course.

Nevertheless, one might ask the question how the misreading of the gospel about the dissolution of marriage could occur and last for so long and why no one noticed that on that reading and mistranslation, the Law and Moses would honor an abuse, viz. obstinacy. I shall not enter into the history, but limit myself to a few remarks:

1 The Bible should be used in a knowledgeable way, according to the present standards of knowledge, also scholarly. One should have an idea of the culture of stories, in which people lived in those times. And one should distinguish between what is really important and what is less important. This should be done on the basis of knowledge about the origin and the transmission of texts and about the Greek language (or Hebrew, in the case of the Old Testament). In particular with the New Testament, one should be suspicious of biases and the prejudice "it has always been like this," when it can be better.

2 With respectful hesitation, but in reality: by now, we know more about the subconscious than people of two or three generations ago. The psychological mechanism that secretly might function -in a way- within the celibate 'it does not go for me, so it may also not go for you' is real and can be misleading, also in the case of sexuality, even if it is meant well. Also here watchfulness is a virtue.

3 Believers who are divorced and have entered a second, civil marriage, are allowed to attend the Eucharist, but not to receive communion. That is strange. The Eucharist consists of offering plus thanksgiving plus communion. Are these persons pure enough to offer thanks "through Him, and with Him, and in Him" but not to receive communion? The classical dismissal of the catechumens before the beginning of the Offertory made more sense.

THE TEXTS

Greek: Nestle-Aland

Mark 10

2 Καὶ προσελθόντες Φαρισαῖοι ἐπηρώτων αὐτὸν εἰ ἔξεστιν ἀνδρὶ γυναῖκα ἀπολύσαι, πειράζοντες αὐτόν.

3 ὁ δὲ ἀποκριθεὶς εἶπεν αὐτοῖς· τί ὑμῖν ἐνετείλατο Μωϋσῆς;

4 οἱ δὲ εἶπαν· ἐπέτρεπεν Μωϋσῆς βιβλίον ἀποστασίου γράψαι καὶ ἀπολύσαι.

5 ὁ δὲ Ἰησοῦς εἶπεν αὐτοῖς· πρὸς τὴν σκληροκαρδίαν ὑμῶν ἔγραψεν ὑμῖν τὴν ἐντολὴν ταύτην.

6 ἀπὸ δὲ ἀρχῆς κτίσεως ἄρσεν καὶ θῆλυ ἐποίησεν αὐτούς·

7 ἔνεκεν τούτου καταλείπει ἄνθρωπος τὸν πατέρα αὐτοῦ καὶ τὴν μητέρα [καὶ προσκολληθήσεται πρὸς τὴν γυναῖκα αὐτοῦ] ,

8 καὶ ἔσονται οἱ δύο εἰς σάρκα μίαν· ὥστε οὐκέτι εἰσὶν δύο ἀλλὰ μία σὰρξ.

9 ὁ οὖν ὁ θεὸς συνέζευξεν ἄνθρωπος μὴ χωριζέτω.

10 Καὶ εἰς τὴν οἰκίαν πάλιν οἱ μαθηταὶ περὶ τούτου ἐπηρώτων αὐτόν.

11 καὶ λέγει αὐτοῖς· ὃς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ καὶ γαμήσῃ ἄλλην μοιχᾶται ἐπ' αὐτήν·

12 καὶ ἂν αὐτὴ ἀπολύσασα τὸν ἄνδρα αὐτῆς γαμήσῃ ἄλλον μοιχᾶται.

NRSV:

2 Some Pharisees came, and to test him they asked, 'Is it lawful for a man to divorce his wife?'

3 He answered them, 'What did Moses command you?'

4 They said, 'Moses allowed a man to write a certificate of dismissal and to divorce her.'

5 But Jesus said to them, 'Because of your hardness of heart he wrote this commandment for you.

6 But from the beginning of creation, "God made them male and female."

7 "For this reason a man shall leave his father and mother and be joined to his wife,

8 and the two shall become one flesh." So they are no longer two, but one flesh.

9 Therefore what God has joined together, let no one separate.'

10 Then in the house the disciples asked him again about this matter.

11 He said to them, 'Whoever divorces his wife and marries another commits adultery against her;

12 and if she divorces her husband and marries another, she commits adultery.'

Matthew 19

3 Καὶ προσήλθον αὐτῷ Φαρισαῖοι πειράζοντες αὐτόν καὶ λέγοντες· εἰ ἔξεστιν ἀνθρώπῳ ἀπολύσαι τὴν γυναῖκα αὐτοῦ κατὰ πᾶσαν αἰτίαν;

4 ὁ δὲ ἀποκριθεὶς εἶπεν· οὐκ ἀνέγνωτε ὅτι ὁ κτίσας ἀπ' ἀρχῆς ἄρσεν καὶ θῆλυ ἐποίησεν αὐτούς ;

5 καὶ εἶπεν· ἔνεκα τούτου καταλείπει ἄνθρωπος τὸν πατέρα καὶ τὴν μητέρα καὶ κολληθήσεται τῇ γυναικὶ αὐτοῦ, καὶ ἔσονται οἱ δύο εἰς σάρκα μίαν

6 ὥστε οὐκέτι εἰσὶν δύο ἀλλὰ σὰρξ μία. ὁ οὖν ὁ θεὸς συνέζευξεν ἄνθρωπος μὴ χωριζέτω.

7 Λέγουσιν αὐτῷ· τί οὖν Μωϋσῆς ἐνετείλατο δοῦναι βιβλίον ἀποστασίου καὶ ἀπολύσαι [αὐτήν];

8 λέγει αὐτοῖς ὅτι Μωϋσῆς πρὸς τὴν σκληροκαρδίαν ὑμῶν ἐπέτρεπεν ὑμῖν ἀπολύσαι τὰς γυναῖκας ὑμῶν, ἀπ' ἀρχῆς δὲ οὐ γέγονεν οὕτως.

9 λέγω δὲ ὑμῖν ὅτι ὃς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ μὴ ἐπὶ πορνείᾳ καὶ γαμήσῃ ἄλλην μοιχᾶται.

(10 Λέγουσιν αὐτῷ οἱ μαθηταί· εἰ οὕτως ἐστὶν ἡ αἰτία τοῦ ἀνθρώπου μετὰ τῆς γυναικός, οὐ συμφέρει γαμήσαι.)

NRSV:

3 Some Pharisees came to him, and to test him they asked, 'Is it lawful for a man to divorce his wife for any cause?'

4 He answered, 'Have you not read that the one 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 they are no longer two, but one flesh. Therefore what God has joined together, let no one separate.'

7 They said to him, 'Why then did Moses command us to give a certificate of dismissal and to divorce her?'

8 He said to them, 'It was because you were so hard-hearted that Moses allowed you to divorce your wives, but at the beginning it was not so.'

9 And I say to you, whoever divorces his wife, except for unchastity, and marries another commits adultery.'
(10 His disciples say unto him, If the case of the man be so with his wife, it is not good to marry.

FROM THE TALMUD

I only quote this text as a possible background of Matthew 5,31a and to stress how Jesus' answers are to the point and striking. To understand Talmud is a special profession – so don't ask me.

Mishna Gittien 9:10 (The three quotations are from Deuteronomium 24,1)

The School of Sjammai say, A man may not divorce his wife unless he has found in her aught improper, as it is said, "because he hath found unseemly thing in her". But the School of Hillel say, Even if she spoiled a dish for him, as it is said, "because he hath found some unseemly thing in her".

R. Akiba says, Even if he found another more beautiful than she is, as it is said, "Then it cometh to pass if she find no favour in his eyes."

APPENDIX FOR FANATICS

A effort to a concentric structure of Mt 19, 3-4. 6-8

title: Καὶ προσήλθον αὐτῷ Φαρισαῖοι πειράζοντες αὐτὸν καὶ λέγοντες·

a εἰ ἔξεστιν ἀνθρώπῳ ἀπολύσαι τὴν γυναῖκα αὐτοῦ κατὰ πάσαν αἰτίαν;

b οὐκ ἀνέγνωτε ὅτι ὁ κτίσας ἀπ' ἀρχῆς ἄρσεν καὶ θῆλυ ἐποίησεν αὐτούς ;

c ὥστε οὐκέτι εἰσὶν δύο ἀλλὰ σὰρξ μία.

d ὃ οὖν ὁ θεὸς συνέζευξεν

c' ἄνθρωπος μὴ χωριζέτω.

b' τί οὖν Μωϋσῆς ἐνετείλατο δοῦναι βιβλίον ἀποστασίου καὶ ἀπολύσαι [αὐτήν];

a' ὅτι Μωϋσῆς πρὸς τὴν σκληροκαρδίαν ὑμῶν ἐπέτρεπεν ὑμῖν ἀπολύσαι τὰς γυναῖκας ὑμῶν,

conclusion: ἀπ' ἀρχῆς δὲ οὐ γέγονεν οὕτως.

Title and conclusion should make clear that it concerns a question about a principle.

a and a' the concrete question and the answer on it.

b and b' the principle of creation and the deviation from it.

c and c' de unity, that should not been broken because

d God has joined.

I consider verse 5 as an inserted elaboration. Verse 9 is a gloss (Matthew 5,32) that does not render words of Moses but words of Jesus himself. It is elaborated in Matthew 19 but, if it applies to this context, it does more introduce the following verses that concern another item than it does conclude the preceding text.

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