I am herein stating what I believe the Bible to teach on a number of phases of the "Marriage Question." Out of a desire for unity of mind and judgment, and thus be able to strive together for the truth of the gospel, I submit the following for your consideration:

First, I want to give what I believe to be the truth concerning the statement of Christ in Matt. 19:3-9:

1. The Law of Moses was God's law to Israel when this question was asked (Matt. 19:3,7).

2. The law in its entirety ended at the cross (Col. 2:14). Christ plainly taught, "Till heaven and earth pass, one jot or one tittle shall in no wise pass from the law, till all be fulfilled" (Matt. 5:18).

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?" (Matt. 19:3).

First, I insist that the Pharisees were his opposers and did not believe that he had a law or ever would have, thus did not ask the question with the idea of wanting to know what his law said, or if it was lawful according to his law. Yet, they wanted to know if according to some law it was lawful for a man to put away his wife for any cause.

Second, I insist that if he answered their question rightly, there was only one law that he could have had in mind, or answered according to. The only law that can determine whether it is lawful for a man to do anything is the law he is subject to, or is living under. If someone from our
nation should ask a lawyer of this nation if it is lawful for him to do a thing, and he answered him according to the law of Mexico, he would not answer him rightly. Mexican law does not determine what is lawful for our citizens to do. We are not under that law.

If, as some insist, he had answered the Pharisees according to a law that did not yet exist (answered according to his law), he would not have answered them rightly. They (the Pharisees) were not under his law. At that time, his law had nothing to do with whether it was lawful or unlawful for a man to do anything.

Both Christ and these Pharisees were under the law of Moses at that time, and of necessity he had to answer according to that law. Since Deut. 24:1 is the only place that [a writing of] divorce is granted in that law (Moses' law), he must have told them exactly what Deut. 24 actually permitted. It was lawful for a man to put away his wife for fornication only, and was not lawful for "every cause." We might say here, that according to history, the Jews were divided into two sects (schools of thought), that of Shammai and Hillel (pg. 23, Jameson, Faucett and Brown’s Commentary on Matthew). Those of Hillel taught it was lawful for "every cause." They (the Jews) were divided over their own law, thus, we have the Pharisees’ question, "Is it lawful for every cause?"

God granted divorce (a written one) in the law because of the hardness of the Jews’ hearts. If under the gospel he does so, would it not be for the same cause? (Divorce "was not so from the beginning.") Moses' law permitted deviation from God’s "perfect" marriage law issued in the beginning (Matt. 19:4-6), but Moses' law was imperfect. If the gospel permits this deviation, will it not likewise be imperfect to this extent?

In Matthew 5:32, we have practically the same statement as that made by Christ in Matt. 19:9, which seems to confuse some. So, to a study of Matthew 5. In verses 17-20, Christ makes some general statements concerning the law. In verse 21 he begins to consider some of the perversions, additions, etc., of the applications and interpretations with what the law really taught. Some insist that he was here contrasting Moses' law with what the gospel would teach, but we believe it can be shown by a number of statements that this theory is not true.
Verse 21: He begins by "Ye have heard that it hath been said by them of old time." When referring to what was actually recorded in the law, Christ made reference generally by saying, "It is written." Many things referred to here are perversions of the law, at least in part, and thus the statement, "It hath been said by them of old time." (Tradition rather than the law's written detail.)

Verse 22: "But I say unto you, that whosoever is angry with his brother without a cause shall be in danger of the judgment; and whosoever shall say to his brother, Raca, shall be in danger of the council."

Verse 23: "Therefore if thou bring thy gift to the altar...here is a statement that could not apply today. We do not bring a gift to an altar. But, the Jews did that. This teaching applied to the Jew, not to the gospel.

Verse 27: "Thou shalt not commit adultery." The law of Moses said this. The Jews were legalists and thought that just so they were not guilty of the act (per letter of the law) they were guiltless, but Jesus here teaches them that this is not the whole law...that lust would condemn them. Paul says in Rom. 7:7, "Nay, I had not known sin but by the law; for I had not known lust, except the law had said 'thou shalt not covet.'" Again, "This people draw nigh unto me with their mouth, and honor me with their lips, but their heart is far from me." (Matt. 15:8). Thus, just an outward show of obedience was not all the law required.

Verse 31: "It hath been said, whosoever shall put away his wife, let him give her a writing of divorcement." It hath been said, but this was not what was said in the law. Rather, some of the Jews (Hillel) did say this. It was their interpretation and application of what the law in Deut. 24 granted.

Verse 32: Here Jesus teaches the Jew what Moses' law really granted--divorce for one cause. And, he tells them what that cause was. Just as some preach today that the gospel allows men to put away a wife for every cause, some Jews taught that their own law permitted divorce for every cause.

Verses 33-37: He is teaching concerning swearing. To whom [do these verses] apply? We can understand, for observe his statement in the last part of verse 35; "Nor by the earth; for it
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is his footstool; neither by Jerusalem, for it is the city of the Great King. "Jerusalem is not so in the gospel age, but it was literally true under the Law—Jerusalem was their Holy City. God— the Great King—had made it so.

Verse 43: "Love thy neighbor, and hate thine enemy." Here is another perversion, more Jewish tradition. Yes, even the law taught the idea of "love your enemies." Christ here corrects the Jew in his concept of what his own law (of Moses) taught. (The concept, "avenge not yourself," had its origin in the law, Psa. 94:1, Pro. 24:17-18.)

Chapter 6:9-10. "After this manner therefore pray ye." Note verse 10. "Thy kingdom come, thy will be done on earth as it is in heaven." Thy kingdom come—could we scripturally pray this prayer under the gospel age?

Now, to the expression, "But I say unto you." I insist that with this expression (the "I says" of Matt.5) Christ taught the Jews the correct understanding and application of their own law—Moses' law. With this expression he brought the Jew back from Jewish tradition and perversions of Moses' law, and thus returned the Jew to a correct understanding and rendering of their own law. He did not speak as a "law giver" but rather as one teaching the Law (Moses') aright. Thus, he often said, "But I say unto you."

Now consider the reasoning of some who insist that the "uncleanness" of Deut. 24 could not have been the "fornication" mentioned by Christ in his answer to the Pharisees (Matt. 19).

First, they say "fornication and adultery under the law of Moses was punishable by death," and that "fornication discovered before or after marriage was to be punished, without exception, by death." Now it is true that some cases of fornication known before marriage were to be punished by death, but others definitely were not. Example: "If a man take a wife and then made a charge against her, 'I took this woman and when I came to her I found her not a maid'" (Deut. 22:13-22), and she thus was made a public example, and by so doing her guilt was proven, this woman was stoned to death. Likewise was the case where a man is found lying with the wife of another man. But, turn to Deut. 22:28-29 and here is a case where marriage is required, but neither death or other penalties are handed out. Again, in Lev. 19:20 we have another case of fornication where the death penalty is not required. In no wise could death be inflicted without proof of guilt, and guilt was to be established by the "mouth of two or three witnesses." Even one witness was not
regarded as sufficient proof (Deut. 17:6). Even the husband of a wife, "when he found her not a maid," must prove this to be so before death could be meted out, but at the same time there is no evidence that the husband must make the charge or that he must make a "public example" of the wife. Note the example of Joseph and Mary (Matt. 1:18-25): "When she was found to be with child, Joseph being a just man, and not willing to make her a public example, was minded to put her away privily." If the law had demanded death for every case of fornication, then Joseph could not have properly been "minded to put her away privily." If, as some claim, death was the penalty for fornication under the Law, and without exception, it would have been Joseph’s duty to accuse Mary, make a public example of her, furnish proof of her guilt or require proof of her innocence, and if guilt was established (as it evidently could have been in this case—that is, supposing the case would not have been a miracle), see that the sin was punished by death. But, as the case was, and as the Law was, Joseph had a choice including the writing of a divorcement (Deut. 24:1).

Second, it is argued by some that fornication (uncleanness) was not the only cause for which divorce was permitted under the Law. They offer cases such as the Hebrew servant (Ex. 21:2-6), a maid servant owned by a Hebrew (Ex. 21:7-11), the captive woman (Deut. 21:10-14). They say these are cases of divorce, but I want you to note that neither a marriage nor divorce is mentioned in these cases, even though the words husband and wife are used. Let’s study, for instance, the word "wife."

"When a man hath taken a wife and married her..." (Deut. 24:1). This expression within the context indicates that not all "wives" were taken "by marriage." The word "wife" as used by W.E. Vine, pg. 215 (with reference to the relation of a man and a woman): Wife—gune, a woman, married or unmarried. We have the word used in a number of places where there was no marriage involved. For instance, Gen. 16:3, "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." Again, notice Gen. 30:3-4. Rachel, Jacob’s wife said, "Behold, my maid Bilhah, go in unto her; and she shall bear upon my knees, that I also may have children by her, and she gave him Bilhah, her handmaid to wife." Examine the example of Gen. 30:9. "When Leah saw that she had left bearing, she took Zilpah her maid, and gave her Jacob to wife." In none of these cases is there actually a marriage, and it follows that no divorce could come into existence.

Now exactly like this, and after this manner, I believe we have a number of cases where there was a "state of slavery," captive women, where they were used as wives (sexually) and were therefore spoken of as wives, and all because they owned them, had control over them, etc. There was no real marriage, nor is divorce mentioned when "masters" (men) ceased to use them as so-called wives.
Consider now the Hebrew word in Deuteronomy 24 that was translated into the King James Version as "uncleanness." Scholars tell us that the Hebrew characters would produce the word ervah, that which scholars tell us had a number of different phases of meanings, such as: matter of nakedness; thing offensive; shamefulness, filthiness, etc. Likewise the English word "uncleanness" derived (or used) from ervah has a number of different phases of meanings.

By going to Numbers 5:19 I believe we can definitely determine the meaning of the word uncleanness there by the way it is used. We read in verse 19, "And the priest shall charge her by an oath, and say unto the woman, if no man have lain with thee, and if thou hast not gone aside to uncleanness with another instead of thy husband..." On the one hand, I believe this definitely establishes reference to fornication or adultery, and we can see that it eliminates our going to the "uncleanness" of Deuteronmy 24 with the claim that the word there could not possibly mean fornication on the other hand.

Consider now the expression "putting away." From a careful study of God's Word, I find no evidence by which to conclude that God ever gave a law by which a woman could put away her husband. The "bill of divorcement" of Deut. 24:1 is something the man alone was authorized to give, and this is only if he found some "indecency" (R.S.V.) in her. The Law nowhere states an equal privilege for the woman in divorce. And, before the Law, there is no place where a woman is authorized to divorce her husband. Christ speaks in accord with the Law of Moses on this matter when he makes it clear that "She" is loosed from the law of "her husband" (at death), and this Paul said "to them that know the law" (Rom. 7: 1). Paul even adheres to the language of the Law when he speaks in the gospel in a passage that excludes the possibility of divorce, for he says, "A wife is bound to her husband" (1 Cor. 7:39), but at his death, "she is free." The thought is "bound to the husband"—"free from the husband." It is said elsewhere, "he took a wife." Again, the thought is the man took the wife—the man put away the wife. This the Law of Moses alone allowed, and for one reason. There was no "putting away" privilege given a woman. The woman could not break the marriage tie even with her sin (of Deut. 24:1), for the husband alone made the decision as to putting her away. If he didn't put her away, she was not free to go.

Consider the comparison Paul makes in Rom. 7:1-3. The Hebrew was married to God through the Law (of Moses). The Law is now dead, therefore the Jew was free from this marriage and could thus be married to Christ by the gospel. Death brought this freedom, and it was the "female" part of this marriage that was set free. Paul compares this to human marriage where the female part is first bound beyond release, then enters death, and thus
comes release and freedom. This is God's primal law on both marriage and freedom from (release from) marriage—from the beginning of time unto the end of time.

Once the marriage of a Jew had been completed, and fornication did not exist in the wife at the beginning, neither could ever be free from this marriage until death. This tie could never be broken while the two lived.

Death can bring all marriages to an end, and this rule has applied to all ages. But it should be noticed that a Christian widow's second marriage must be "only in the Lord." This must be obeyed, and there are no exceptions.

However, if she does marry out of the Lord (an alien), she does not commit the sin of adultery, but she is guilty of quite another sin. Some reason that if those who are divorced and remarried must separate to straighten out their lives with God, then the same would be required of a widow if married to an alien. But, the difference is those who divorce and remarry enter into a marriage state in which and by which adultery is committed. We read, "So then if, while her husband liveth, she be married to another man, she shall be called an adulteress; (Rom. 7:3). But please note, a widow is not married to "another" while her husband liveth, but rather, is married to another after her first husband is dead. Adultery is a sin committed again and again within an unlawful marriage, but the widow's sin of marrying "out of the Lord" is done but once. Once done, it cannot be repeated. It is not something she can live "in" as is the case with the sin of adultery.

Let us consider Paul's statement in I Cor. 6:15-16. "Know ye not that your bodies are the members of Christ? Shall I then take the members of Christ, and make them members of an harlot? For two, saith, shall be one flesh." Some argue that this "joining" is only the physical joining in a sex act with the harlot. I must say here that this idea has become the foundation, in my opinion, of one of the most corrupt teachings there is among those of the brotherhood concerning marriage—that the sex act alone constitutes a marriage. If such were true, where would be fornication and adultery, for the act would cease to be a sin, but rather would just be folks "getting married."

Notice that Paul said, "Know ye not that he which is joined to an harlot is one body? Who said the two "shall be one flesh?" Why, God, Christ, Paul...when was it first said? When reference was being made in the Old Testament to marriage, and likewise when reference was being made to marriage in the New Testament. Who was it said about to begin
with? Any man and woman who were marrying each other. How is a man joined together to make one body? In marriage, of course. Therefore, Paul is talking about a Christian becoming married to a harlot —something of which Paul said, "God forbid!" Marriage is what Paul is talking about, and not just a "sex union" as some would have us believe. Being "one body" has been the relationship between a man and a woman (his wife) since Adam and Eve, and thus it is from marriage until death.