



Divorce and Remarriage

This is a much debated topic within the body of Messiah, just as it was with the Pharisees in the 1st century. To establish where Bat-Tzion stands on this issue, we need to look to Scripture with a correct understanding of what Scripture says and doesn't say about divorce and remarriage.

Before we dive into the details of what Yeshua says, we need to make sure that we understand the marriage relationship that exists in Scripture, which is often ignored or not understood, and this is the cause of faulty interpretation.

The Torah is Elohim's instruction to us. The Son, Yeshua HaMashiakh, cannot and will not contradict the Father's Torah, and the Shlikhim cannot and will not contradict Yeshua or The Father.

So, linguistically, what does Scripture say about divorce?

Deut 24:1-4

"If she finds no favor in his eyes:"

וְהָיָה אִם-לֹא תִמְצָא-הֵן בְּעֵינָיו, כִּי-מָצָא בָהּ עֲרוֹת דָּבָר

But he found in her a 'word/thing' 'unseemly' in her: khi, which she did NOT find, is quite simply 'grace.' הֵן

But what he DID 'find' or 'bring out of her' [confession, proof of guilt] 'ERVAT.' עֲרוֹת

Ervat is SHAMEFUL NAKEDNESS, a disgraceful sexual act. This word is first used of Noakh, when K'na'an 'saw his nakedness.' This could mean here in Deut 24 that the husband did not find her to be a virgin, OR, he found her cheating or compelled an admission of guilt to cheating out of her.

This word, "ervat," is used in ALL THE PROHIBITIONS for sexual sin in LEV 18:6-17 and their punishments in Lev 20:11, 17-21 where 'shameful nakedness' is used. So, the spouse could have found any one of these offenses in the other spouse, as justifiable cause for dissolving the marriage.

So, if his wife [and conversely if the wife finds it in her husband, as Abba is just] commits ANY of these things, then a "divorce" is permitted. But, let us be careful not to write OUR understanding of divorce into the text. If a spouse does not desire a valid remedy to one of these offenses, but simply wants a 'separation' for matters of convenience, it is not a 'legal' act of parting of spouses.

Next in Deut 24 we have:

He may write a "bill of divorcement" [english translations] : Hebrew: **Sefer K'riyut**

סֵפֶר כְּרִיּוּת

"A book of cutting off/separating" **AND** "shilkha mi beito." שְׁלַחָהּ מִבֵּיתוֹ **SEND her from his house**, bearing in mind that house is the 'whole tomato,' the household. It is usually only PART of this phrase that is being translated in the Brit Khadasha as 'divorce,' and sometimes the other part of it is implied. So, bear in mind, a Torah-supported "divorce" is defined in Torah as:

A 'BOOK OF CUTTING OFF' AND SENDING AWAY FROM HIS (HER) HOUSE for a VALID REASON: SOME FORM OF SEXUAL SIN ON THE PART OF THE GUILTY SPOUSE [those sins listed in Lev 18 as 'ervat'].

The rest of the verses in Deut 24 explain that the original husband MAY NOT MARRY HER AGAIN, even IF the 'divorced wife's ' new spouse gives her a legal "divorce." The SECOND husband's divorce is conditioned upon 'rejection,' yet does not specify the reason for the rejection. But, we **must** assume that this condition is the same as the first valid reason Torah gives us. The condition also includes OR HE DIES. So, LEGAL OR NOT, her ORIGINAL husband is **not to take her back**. *This does NOT mean she cannot marry again.* It simply means she cannot go back to a man she had previously been married to. If we add anything to this, we change the integrity of the text. Yeshua would NOT do this! He did not.

This is ALL the Torah says about divorce!

But, it tells us in the one statement in Deut 24:1 ALL the LEGAL reasons for divorce. This actually fits perfectly what Yeshua says in Matt 5:32

What Yeshua ACTUALLY says according to the original language [Aramaic] is:

"A man who SENDS AWAY his wife **EXCEPT BECAUSE OF A WORD/THING of HARLOTRY** causes her to commit adultery."

A 'proper/Torah-permissible' sending away bears with it a SEFER KRIYUT. Yeshua did not have to say that here. The Torah command had already been stated in His previous verses. Remember, they are operating in historical context and knowledge we do not immediately have without Torah. They were Jews who understood the Torah mandate. Even without that knowledge, however, we see that Yeshua sticks to the integrity of Deut 24.

What the Pharisees ask in Matt 19:3 is:

"Does Torah permit a man "d'nishri" to 'set his wife free for any reason,' It does **NOT say 'divorce!'**

This is the Aramaic. The Aramaic word for DIVORCE [sefer kriyut and sending away from house] in Deut 24:1 is: "Gat Fiturin," a 'book of separation' AND send her away, just like the Hebrew.

The word here in the Brit Khadasha Aramaic is actually rooted in the word for EAGLE,

neshet, FLYING AWAY!

Then the Pharisees ask "Why did Moshe command to give her a 'Sefer Kriyut' and Shilkha [send her away]?"

And Yeshua responds, REAFFIRMING Torah, AND, what He ALREADY SAID:

A man who SENDS AWAY his wife **EXCEPT** for the cause of ADULTERY commits adultery." [this is a 'summary' of the 'ervat' offenses of Lev 18]

She is not 'stoned,' because she has not been caught WITH THE MAN in the act, and tried properly. They must be caught...by more than one witness, and brought properly before the Elders [Sanhedrin]; but, he can 'discover it' nonetheless, and not be fit emotionally to stay with her [or she with him].

The Mark 10 passage is basically the same, but with slightly different words.

Verse two asks if it is lawful for a man to "nishkov" LEAVE [affirmed in Hebrew as **ezov**] his wife, or **'forsake.'**

So here, it is **not** the wife being sent, it is the man **LEAVING**. This is NOT a 'legal divorce.' This is a person FORSAKING spousal duties! It happens all the time!

Yeshua gives them the same answer, affirming the "divorce" [remember the whole biblical definition] for the right reasons was written into the Torah because of our hard hearts.

In Luke, it does NOT say "divorce," but ONLY "Sends away,' his wife. This implies **no certificate is given**, and that no infraction or justifiable cause for divorce was committed.

The one who **marries a woman THUS REPUDIATED** [NOT biblically divorced!] commits adultery!

1 Cor 7:10-11 tells a woman not to 'parash' or 'divide from' her husband [parash is where we get our word for parasha, or divided portions of the Torah; it is also the modern word for illicit affair!]. This fits Yeshua's narrative as well, and the Torah command we've studied. If she simply 'parts,' she should not marry again.

This verse also tells the man not to **FORSAKE** his wife, as above. This is leaving without a legal, Torah-justifiable divorce.

Verse 12 also tells the man with an unbelieving spouse that he should not **FORSAKE** his unbelieving wife.

If THEY [the unbelieving spouse] leave, the believing spouse is **not 'bound' to the marriage**. He/she is **FREE to marry** again, which is confirmed by Sha'ul further in the chapter. Bear in mind, the unbelieving spouse is NOT bound by Torah, so would not offer a 'sefer kriyut.' The believing spouse is not bound to this oversight!

1 Cor 7:27-28 'Are you bound to a wife? Do not seek to be loosed. Are you loosed from a wife? Do not seek a wife. **But if you take a wife, you do not sin**; and if a virgin marries, **she does not sin...**

Yeshua tells us that the **justifiable cause for divorce** is adultery; it is **ONLY** those who remarry after 'putting away' a spouse **without proper cause** or not in the proper manner who commit adultery. THAT is 'illegal divorce;' not all divorce. He further explains that the reason Abba allows this, is because of the 'hardness of your heart'; did He anticipate our inability to be forgiving in these matters? Yes. And He understands the passion of jealousy, and how harmful it can be in the heat of the moment, when emotions are involved and hearts are hard; so, in His mercy, He gave us permission to divorce **properly**. The restriction on remarriage to a previous spouse is in preventing **FURTHER ADULTERY** with a former spouse.

So, the **CONTEXT** of remarriage in Duet 24 is within the boundaries of a **TWICE LEGALLY** divorced woman **RETURNING** to her **first** husband! The husband is **NOT** forbidden here to remarry to a **different, virtuous** woman!

The same applies when a woman divorces an adulterous man, obviously. She may remarry a chaste man, if she herself is chaste.

This is what Shaul is addressing in 1 Cor 7; he **IS** saying the same thing as Yeshua, that without adultery, divorce **SHOULD NOT HAPPEN**; Yeshua is telling us that if someone **DOES** commit adultery against us, we should **STRIVE** to forgive them and remain married; but we are **NOT** obliged to do so. This mercy is that which we see in Hoshea, a demonstration of mercy and forgiveness. Hoshea had **NOT** divorced her, she was just a harlot. But, Abba does **NOT** forbid **ALL** divorce, but only **unnecessary/improper** divorce.

What is not discussed is the preservation of life concept, where a woman [or man] should leave an abusive spouse. Are we so arrogant as to think Abba expects a spouse to remain in an abusive relationship? Just because it isn't directly addressed, does not mean that we should not understand wisdom and the mercy of Elohim.

This principle of the preservation of life is shown clearly by Yeshua when the Pharisees asked Him if it was legal to heal on Shabbat.

Mathew 12: 9-13 'And Yeshua departed from thence and came to their Beit K'nesset. And there was a man there whose hand was withered. And they questioned Him, saying, "Does Torah permit to heal on Shabbat?" that they might accuse Him. He said to them, "Who is the man among you who has even one sheep, and if it should fall into a pit on Shabbat, would he not take hold of it and lift it up? How much more important is a man than a sheep? It is therefore permissible to do good on Shabbat." Then He said to the man, "Stretch out your hand." And he stretched out his hand, and it was restored like the other.'

The Sabbath is a **HIGH** command; it came **BEFORE** marriage in Gan Eden. If it is permissible for mercy to break Shabbat, then the same can be understood of a 'bad marriage.' A spouse who does not 'cleave to' the other as Abba commands is clearly not following Elohim, and the divorce is permitted. "Understand what this means, "I DESIRE MERCY....""

Shaul actually shows us another **ACCEPTABLE** reason for divorce, while at the same time encouraging **FIDELITY**:

1 Corinthians 7:10-16 'But those who have wives, I command (yet not I but Adonai), let not the wife be separated from her husband; but if she separates, let her remain single, or be reconciled to her husband; and let not the husband forsake his wife. But to the rest, I say this, not Adonai: if any brother has a wife who does not trust, and she wishes to live with him, let

him not forsake her. And the woman who has a husband who does not trust, but is content to live with her, let her not forsake him. For the husband who does not trust is sanctified through the wife who trusts, and the wife who does not trust is sanctified through the husband who trusts; otherwise, their children would be impure, but in such cases they are pure. But if the one who does not trust wishes to separate let him separate. In such cases, a man or woman who trusts is free; for Elohim has called us to live in shalom. For how do you know, O wife, whether you shall save your husband? Or how do you know, O husband, whether you shall save your wife?'

In 1 Cor 7, Shaul is stating that under ordinary circumstances, **DO NOT GET A DIVORCE** [for religious reasons, for matters of piety, for convenience' sake, for money's sake, etc.]

He is also **PERMITTING DIVORCE** [or an unbeliever's separation] in the case of an unbelieving spouse who does not want to remain with the new believing spouse. This is hardly a treatise against ANY divorce. Also, the believer is set free from an **IMPROPER** divorce, because an unbelieving spouse is hardly following Torah, and does not yield to it to give the believer a proper divorce! That's why the words 'parash' and 'ezav' are used here, and not 'sefer kriyut' and 'send away.'

Shaul is, however, encouraging 'mismatched' marriages to remain together if possible, so the believing spouse might save the other spouse, who is 'set apart' by their marriage!

So we can see that there are 'legal' reasons for divorce within the Scriptures, adultery/fornication, abandonment, or the preservation of life due to physical/mental abuse, and due to separation from an unbelieving spouse. Where there is a legal ground for divorce, remarriage to a different spouse is **NOT** forbidden.

So what about those who were divorced under illegal circumstances? There are many within the body of Messiah that have been divorced and remarried **before** coming to faith in Mashiakh, **or before** walking in Torah and understanding these instructions; or there are even those divorced and/or remarried as believers and while walking in Torah. Some of those divorces were not legal or justifiable according to Scripture. So what is our response as a Congregation?

There are many within the believing community at large and within Messianic circles that shun those who have been divorced and/or remarried and take a hard line approach to this particular sin. Some would even teach that if you are remarried not only have you committed Adultery but that you are in a perpetual state of adultery based on their understanding of Yeshua's words in Matt 5:32. However, if someone wants to use Yeshua's teaching to draw this hard line, then shouldn't we use His definition of Adultery as well? By this definition almost all would be guilty of adultery at some point.

Matthew 5:27-28 "You have heard that it is said, 'you shall not commit adultery.' But I say to you, that whoever looks at a woman with the desire to covet her has already committed adultery with her in his heart.

We can see examples of adultery throughout Scripture, including by many of the patriarchs; because the adultery that Abba talks about the most is **spiritual** adultery, we could argue that when any of us stray from the Torah, the truth of His Word, that we commit adultery against Abba.

Based on the idea of perpetual sin, some would suggest that those who have been remarried should divorce their current spouse. We see in Malachi 2:16 that Abba hates the 'Putting away' of a wife, so committing another sin does not make right the first sin! It doesn't, and remarrying your original spouse is clearly not approved by Abba; this is a violation of Torah according to Duet 24:4, and it is referred to as an abomination.

Is it sin to remarry if your divorce was not legal according to Scripture? Yes it is sin [error], and according to Scripture it is adultery. But is it a sin that is greater than any other sin? No... Is it a sin that is too great for the blood of Mashiakh to cover? Absolutely not... There is a perfect example of His forgiveness with King David, a man who had many wives but is still the one whose line Messiah came through and was "a man after Abba's own heart," even though he violated the concept of "one flesh" on many occasions.

Then how is someone supposed to handle this once they are convicted of their sin in this matter? The same way we are to handle all sin: we are to acknowledge all of our sins and approach Abba in **true repentance** with a broken and contrite heart, seeking His **forgiveness** and bringing Him the sacrifice for our sin, which is Yeshua HaMashiakh Himself. "Go, and SIN NO MORE."