

6. JESUS, DIVORCE, AND SEXUALITY

A Jewish Critique¹

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The American public's interest in what did, or did not, transpire between William Jefferson Clinton and Monica Lewinsky is symptomatic of a larger societal concern with morality and marital ethics. In 1997, the Promise Keepers rallied in Washington to pledge their lives to "traditional family values," while spokespeople from various women's advocacy groups condemned the gathering as a putsch for patriarchy. Covenant marriage is gaining increasing attention in state legislatures, as are initiatives to repeal sodomy laws and legalize same-sex relationships. The Roman Catholic practice of annulment was recently brought to public attention by a separation within the Kennedy family;² the plight of the *aguna* (the deserted wife) occasionally surfaces in the media,³ as do instances of polygamy among groups who have separated from the main body of the Church of Jesus Christ of Latter-Day Saints. The Southern Baptist Convention's endorsement of the headship of the husband remains fodder for discussion and dissent, as does the current interest among some evangelicals in "courtship" as opposed to "dating."⁴ While some Christian theologians insist that those who divorce and remarry, even in cases of spousal abuse, are committing sin, others see as sinful the clergy's frequent silence on domestic violence and counsel to the beaten wife that she should suffer "in Christ's name."

Pronouncements in the name of religion will always have a role in public morality and public policy. Too often, however, these voices are inflammatory or soporific rather than grounded and thoughtful. Too often scriptural passages are taken out of literary and cultural contexts; too often their complexities and challenges are erased, dismissed, or otherwise trampled. The TaNaK (Hebrew scriptures, Old Testament),

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the Christian Gospels, and the writings of Paul present various statements on divorce, celibacy, gender roles, and marriage. Each passage needs to be examined in terms of both its historical context and its various appropriations by the diverse communities that hold it sacred. If scripture is to be invoked in legislative discussion, the least the public can do is be informed of what the ancient texts say. This point holds for all residents of the United States, regardless of their religious affiliation. The debate typically proceeds according to Christian terms (not unexpectedly, given the Christian majority in the West), but it has a specific valence for Jews, given both the Jewish contexts of Jesus and Paul and the use of Jewish history as a foil for understanding the comments attributed to them.⁵

First, Jesus' views on gender and sexuality inform us Jews of a missing piece of our own history. Jesus was a Jew; his immediate followers were Jews; his views stem from the cultures of Judea and the practices of Judaism. Synagogues and temples too quickly move their educational programs from the Maccabees in the mid-second century B.C.E. to the destruction of the temple in 70 C.E. and then into rabbinic texts. By skipping Christian origins, they sell Jewish history short and fail to recognize the importance of the movements and peoples—pagan, Christian, apocalyptic, etc.—with which, in dialogue and debate, Judaism came to define itself. Concurrently, those congregations that emphasize social justice and *Tikkun Olam* (“mending of the world”), the safety of the State of Israel, and modern midrash, risk losing sight of, or never recognizing, the historical grounding of *Halachah* (“the path one follows, orthopraxy”). We may not agree with those ancient sources, but we should at least know what they say and what the alternatives were.

Second—and this is a major focus of my essay—there is a tendency among Christians and even a few Jews (scholars, theologians, clergy, and laity) to read Jesus' comments on gender and sexuality selectively, and always to the disparagement of Judaism. For example, one of the presenters at a 1994 World Council of Churches seminar asserted: “Two thousand years ago Jesus Christ gave women their rightful place despite the heavy yoke of the Jewish culture weighing on them. For women in

general and Jewish women in particular the coming of Jesus meant a revolution.”⁶

How revolutionary was Jesus? A few more citations, all from books published by reputable presses within the past ten years, should suffice:

“Christ was the only rabbi who did not discriminate against the women of his time.”⁷

And he was needed, given “the dehumanizing situation in which the women of the time were enslaved.”⁸

“In Jesus' time, women were not allowed to read scriptures, not allowed to say prayer . . . not allowed to take any form of leadership, not allowed to talk to men in public, not allowed to divorce.”⁹

“The honor of the male is . . . based on the sexual purity of the woman related to him (mother, wife, daughters, sisters), not on his own sexual purity. This means that women are confined in inside spaces in the house or the village.”¹⁰

And well she remained there, since “Women in general were believed to be ‘gluttonous, eavesdroppers, lazy and jealous,’ devoid of intellectual capacity, and living only for self-ornamentation.”¹¹

In contrast to this monolithically negative social and religious context emerges a Jesus either untouched by or in deliberate rejection of his culture. Jesus' relations with women are seen as “not only innovative, but shocking,” because women were “not circumcised and hence could not be part of God's covenant.”¹² “As a Jewish rabbi,¹³ [Jesus] . . . chose to ignore the traditional Jewish attitudes and instead treated women with compassion and complete acceptance.”¹⁴

To support these views, commentators frequently look to Jesus' pronouncements against divorce; these sayings are then seen as protecting women's honor, saving women from social and economic marginalization, and offering a corrective to a morally degenerate, misogynistic, cruel Judaism: “Jesus explicitly sets about to rectify contemporary ethics, which he sees as debased by Pharisaical Scripture-twisting”¹⁵; his program was essential, because “Judean divorce practices were particularly

unfair to women.”¹⁶ He “condemned casual divorce practices in which men took advantage of wives (Mt 19:4–6).”¹⁷ Jesus becomes not only the guardian of family values, but also the savior, in particular, of Jewish women.

These claims are based on a selective reading of rabbinic sources (which should be compared, not to the Gospels, but to the Church Fathers, who are not known either for their “feminist” views); they presume all Jews were wealthy enough to have homes with women’s quarters, when in fact this was a luxury only of the very few; they ignore texts—Philo, Josephus, the Pseudepigrapha and the Apocrypha, and the Rabbis—which speak of women’s education and intellect, loyalty, prayers, modesty, even divorces. They are, at best, Christian apologetic.

Over twenty years ago, Jewish theologian Judith Plaskow observed that the flip side of Christian feminism is anti-Judaism.¹⁸ Since the evidence that Jesus was specifically concerned with women is confusing (are the elimination of divorce, the emphasis on celibacy, the prioritizing of the movement as opposed to the biological family, good or bad for women?) and possibly negative (e.g., the twelve male apostles in the inner circle, the division of the family home as followers of Jesus take to the road to spread the gospel, the retention of traditional gender roles in parabolic teachings), Christians needed a way to make Jesus look progressive on women’s issues. The more misogynistic his first-century Jewish context could be made to appear, the better Jesus looked. The result is both bad history and bad theology, and, unfortunately, public policy draws upon both.

Divorce and Remarriage: History and Appropriation

The tendency to define Jesus as uniquely progressive on women’s issues necessarily affects how commentators interpret his pronouncements on divorce and the family. To explore these topics, the reader must look both to sayings material and to narrative descriptions in the documents of earliest Christianity, and then this information must be correlated with marriage and divorce practices of first-century Jewish society. While the evidence is not entirely consistent for either Jesus or Judaism, a general picture does emerge.

Although Mary Rose D’Angelo cautions that “it can no longer be taken for granted that [the divorce pronouncement] originated with Jesus”¹⁹ and that the legislation may instead derive from early Christian prophecy, I find persuasive the arguments for the authenticity of the divorce legislation attributed to him: multiple sources suggest that Jesus permitted neither divorce nor, especially, marriage after divorce (Mark 10:2–12 [repeated by 1 Cor 7:10–11]; Matt 5:31–32; 19:3–9; and Luke 16:16–18). The prophet Malachi similarly speaks out: “For he hates divorce, says the Lord” (2:16), and divorce is an issue within the Dead Sea Scrolls. Thus, Jesus’ sayings are not anomalous.

The majority Jewish view was that divorce and remarriage were permitted; even Malachi’s condemnation indicates that the options were available. The debate focused rather on the rationale by which one could obtain a divorce. Given this practical issue, it would not be surprising were someone to have asked Jesus his views.²⁰

The Gospels depict Jesus’ citing Genesis 2 in support of his radical pronouncement against both divorce and remarriage, and Jesus elsewhere justifies his stances with biblical allusion (e.g., the “sign of Jonah” in Matt 12:39; 16:4; Luke 11:29). Finally, the tradition does attempt to mediate the radicality of the interdiction through both the *porneia* clause in Matt 5:32 and 19:9 and Paul’s cautious “if she is separated” (1 Cor 7:11).²¹

I also see little problem with the historicity of Mark’s version, even though Mark 10:12—“And if she, having divorced her husband, marries another, she commits adultery”—is typically seen as an adaptation to a gentile setting. Commentators, following rabbinic texts, have assumed that Jewish women in the first century could not sue for divorce. Detailed first-century evidence from Judea and the Galilee is lacking; however, Jewish women in the Diaspora did obtain divorce, and it is quite plausible that Roman culture’s somewhat open views on divorce influenced Jewish life under the empire’s rule as well.²² Historians Carolyn Osiek and David Balch observe:

Divorce was commonly practiced in all ancient Mediterranean societies. . . . Though it was more likely to be initiated by the husband, a wife too in most situations could initiate divorce, though

sometimes only through the intervention of her father or male relative responsible for protecting her honor and that of her family of origin. Adultery and infertility were the two leading causes of divorce, but there need not be a cause; mutual consent with family approval sufficed.²³

Finally, I have little trouble in seeing Jesus as extending the definition of adultery to include a sin committed against the first wife by the divorced and remarried husband. Mark 10:11 reads, “Whoever divorces his wife and marries another commits adultery against her.” The Torah does not level against a man the charge of adultery were he to have relations with a woman not his wife; he is only forbidden from relations with the wife of another. Thus, Mark 10 offers an intensification of biblical law. Also attesting to the historicity of the intensification is the tradition’s attempt to modify its radicality. Matthew 5:32 rewrites the statement: “everyone who divorces his wife . . . makes her an adulteress”; the implication here is that the first wife’s remarriage would be adulterous. Matthew 19:3–12 and Luke 16:18 omit the sin against the wife.

Jesus forbade divorce and, especially, remarriage to both husband and wife. This is an egalitarian move, not in its providing women new legal options but in its placing women and men in the same position: neither should divorce or remarry. However, scholars debate both the causes and the benefits (especially to women) of this innovation.

The standard response conjoins the two debates. Scholars argue that Jewish men were, willy nilly, leaving their wives without resources, honor, or hope: “for centuries prior to the time of Christ, men had developed their patriarchal privilege to include the putting away of their wives for trivial reasons, even for spoiling a dish, according to Hillel.”²⁴ (The rabbinic reference is *M. Gittin* 9.10.) Jesus, then, sought to protect women from such systemic abuse. This construct connects him with those present-day organizations that want to strengthen families by instituting covenantal marriage, restricting divorce, and otherwise legislating “family values” in an increasingly decadent society.

The argument is, however, wrong. First, there is no evidence of rampant divorce in the first century. *M. Gittin* 9.10 (cf. *Sifre Deut* 269),

which also cites R. Akiva’s claim that a man could divorce “even if he found someone else prettier than she” is not indicative of social fact; it is rabbinic rhetoric intended to show what is possible given certain legal presuppositions. It is no more descriptive of second temple Jewish society than is Jesus’ exhortation to pluck out the offending eye and chop off the offending hand indicative of a group of blind and maimed messianists. In addition, while Christian scholars show little hesitation in citing Akiva’s statement, rarely do they look in the Mishnah. Akiva’s comment itself responds to the House of Shammai’s restriction of divorce to cases of unchastity (citing Deut 24:1; cf. Matthew’s *porneia* clause). Moreover, in response to Akiva, the Talmud cites R. Eliezer: “Whoever divorces his first wife, the very altar sheds tears for him” (*B. Sanhedrin* 22a).²⁵

Second, we do not have an indication that divorce left either the man or the woman without honor; because the marital relationship was treated as a contract, divorce was, at least according to the system, no more implicated in shame than would be the termination of a contract for services. As Osiek and Balch state, divorce in antiquity “usually did not carry with it any noticeable form of social stigma.”²⁶ The divorcée was then free to remarry, and likely many did.

Third, Jewish women received marriage contracts (*Kethubot*; singular, *Ketubhah*), which made divorce financially prohibitive for the husband and guaranteed the wife some financial security should the marriage be dissolved.²⁷ Tal Ilan observes that “the number of actual documented cases of divorce during the [second temple] period is relatively small. . . . The main reason for the paucity of actual cases seems to be economic: divorce was very expensive for the man, who had to pay his former wife her *Ketubhah*, for which all his property was accountable.”²⁸

Finally, since polygamy was permitted to Jewish men, divorce was not necessary in cases of a man’s “finding someone prettier,” as R. Akiva put it.

Certainly, some divorces may have functioned to the detriment of the woman; some may have involved false charges causing her to lose not only her *Ketubhah* but also her honor, but these need not be seen as

normative. Nor would requiring a loveless marriage to continue necessarily be to the wife's benefit.

Most of the evidence for Jewish divorce in the first century comes from the elite classes: Josephus (*Ant.* 20:143–47) recounts the separations of Agrippa I's daughters Bernice (from Polemo of Cilicia), Drusilla (from Azizus of Emesa), and Mariamne (from Julius Archelaus). He also speaks (*Life* 415) of how his first wife left him. *Antiquities* 15.259 mentions that Herod's sister Salome sent her second husband, Costobarus, a bill of divorce. Regarding the best-known divorce in the Gospels, Ilan remarks: "Herodias acted as a fully empowered party in the cancellation of her marriage with Herod the son of Herod and her subsequent marriage to his high-ranking brother, Antipas" (*Ant.* 18.110).²⁹ Although Josephus insists that among the Jews, "It is only the man who is permitted by us" to divorce (*Ant.* 15.259), his comment is questionable in that he continues by anomalously (and probably incorrectly) observing that a divorced woman requires her ex-husband's permission to remarry; plausibly he is attempting to paint a picture for his gentile readers of Judaism's moral (i.e., patriarchal) superiority.

The Gospel of Matthew depicts Joseph who, "being a righteous man and not wanting to disgrace [Mary], planned to divorce her secretly" (1:19) upon finding her pregnant. The divorce appears then to be a *Halachic* response to Mary's (ostensibly) breaking her marriage contract. That Joseph could divorce "secretly" or "quietly" both complements his righteousness (he does not seek her public humiliation) and demonstrates that divorce need not lead to scandal.³⁰

Thus, the historical evidence counters claims that situate Jesus' forbidding of divorce in the context of a Jewish society in which divorce was rampant and divorcées were left destitute. To understand Jesus' injunction, a source other than a hypothetical societal ill, and an approach other than anti-Jewish apologetic, needs to be discovered.

The New Family of the Disciples

Jesus' views concerning divorce and remarriage should fit within his overall message. However, publications on Christian marriage and divorce typically do not focus on Jesus' overall mission and message;

rather, they list the various biblical pronouncements, offer little if any explanation for Jesus' statements (other than positing the negative view of Judaism described above), and then either focus on subsequent church-historical discussions or provide pastoral guidance.

Studies of Jesus, on the other hand, typically do not look in detail at his comments on divorce and remarriage. Nor, indeed, do the majority of constructs of Jesus have a place within which to contextualize these comments. Neither Jesus the "Cynic sage" nor Jesus the "compassionate visionary" provides an adequate context for understanding the divorce statements. The only view of Jesus' program that does make sense of the radical pronouncements is that of eschatological prophet.³¹ In the context of millenarian piety, family configurations change. A strong sexual ethic is often the hallmark of apocalyptic communities (1 Corinthians and Revelation are instructive), as is the attempt to recreate the golden age.³² The divorce legislation conforms to all these characteristics.

Mark's Jesus provides an atemporal frame for his injunctions against divorce:

Because of your hardness of heart, [Moses] wrote this commandment [concerning the mechanism of divorce] for you. But from the beginning of creation, "God made them male and female." For this reason, a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh. So they are no longer two, but one flesh. Therefore, what God has joined together, let no one separate. (Mark 10:2–12; cf. Gen 1:27; 2:24)

The appeal to Genesis, to the golden age, is typical of millenarian piety.

As an intensification of traditional practices, Mark 10:2–12 is not contrary to *Halakhah* (cf. Deut 24:1); there is no law requiring one to divorce. It is, rather, an intensification of Torah based on Torah itself. A similar argument, in the context of another, biblically based ideal, is found in the Dead Sea Scrolls. These texts clearly legislate against polygamy (11QTemple 57:17–19 includes the statement, "He shall take no other wife apart from [his first wife]") and may well speak against remarriage after divorce or the death of a spouse (see CD 4:21–5:6

[esp. 4:19–21]: “. . . are caught twice in fornication by taking two wives in their lives, even though the principle of creation is ‘male and female he created them’”).³³

Within an eschatological context, family dynamics necessarily shift. Luke 18:29 reads, “Truly I tell you, there is no one who has left house *or wife* or brothers or parents or children, for the sake of the kingdom of God, who will not get back very much more in this age, and in the age to come eternal life” (italics added; see also Luke 14:20, 26; 20:34–36). While most commentators assume Luke added “wife” (it is missing from Mark 10:29–30 and Matt 19:29), perhaps the other Evangelists omitted the reference, since “to leave a wife” can also connote “to divorce” (see 1 Cor 7:11).³⁴ Separation in the context of millenarian piety, while refusing divorce, is not unusual (for example, the Shakers). Such movements do not want to risk sexual scandal: members are not to use their affiliation in order to justify either divorce or remarriage.

Whether Jesus endorsed marriage is a separate and equally conflicted question. Within the synoptic tradition, marriage functions primarily as a metaphor. Jesus is the bridegroom, but there is no bride (see Matthew’s Parable of the Ten Virgins, 25:1–13); he occupies the liminal position between being single and being a husband. The impact of the metaphor is one of joyful anticipation and celebration, but there is no consummation. Most of the people he encounters appear apart from typical domestic arrangements; the only married couple who appear together, aside from the deadly relationship of Herodias and Antipas (Mark 6:14–19; Matt 14:1–12) is the (synagogue) ruler and his wife (Matt 9:18–26; Mark 5:21–43; Luke 8:40–56).

Jesus’ statement that the married couple become “one flesh” does appear to endorse both marriage and the sexuality attendant to it (Matt 19:5; Mark 10:7). Yet even this ostensibly simple statement is complicated. The tradition also appears to commend celibacy: Jesus speaks also of “eunuchs for the kingdom of Heaven” (Matt 19:12) and, as noted above, he speaks of the importance of owing him, not the spouse, loyalty. Perhaps then his reference to “one flesh” is an evangelistic addition that extends a shorter, earlier biblical allusion. Perhaps it is less an

endorsement of sexual intercourse than it is of the new family related not biologically or by contract, but by loyalty to Jesus.³⁵ Granted, these ideas are highly speculative, but they do provide at least two cogent means of understanding the various pronouncements.

In John’s Gospel, the matter becomes much more indeterminate: Jesus is not only present at the wedding in Cana, he also provides excellent wine. He also finds an evangelist in a much-married woman from Samaria. However, many biblical scholars question the historicity of both accounts. They are otherwise unattested in the Gospel tradition. Jesus typically does not do miracles for self-serving reasons. John’s stories tend to emphasize symbolic rather than literal meanings, and Jesus elsewhere eschews travel to Samaria and even contact with Samaritans (Matt 10:5b; Luke 9:51–56).

Yet even if we take both Johannine accounts as historical, we may still have a Jesus who favors celibacy. Attendance at a wedding is no more an endorsement of marriage than eating at the home of a tax collector or sinner is an endorsement of tax collecting or sin. Jesus provides the wine as a favor for his mother; he is never shown in contact with the bride and groom. While Jesus does not condemn the Samaritan woman, neither does he praise her multiple marriages and present cohabitation; moreover, her encounter with Jesus occurs not when she is married, but when she is with a man who is not her husband. For Jesus, the ideal state is apparently that of the single person, the person who does not procreate (Matthew 19’s “eunuchs for the kingdom”), the person who is like the angels in heaven, who “neither marry nor are given in marriage” (Luke 20:34–36, cf. Mark 12:24–25; Matt 22:30).

If Jesus is, like Paul and, apparently, like John the Baptist, convinced that a new way of living is around the corner, then it makes a great deal of sense for him to construct a fictive kinship group or a countercultural view of marriage and the family. That is, if one believes the end of the world is imminent, one is, so cross-cultural studies tell us, much more likely either to intensify marital relationships by forbidding divorce (thereby recreating the golden age), or to erase all law and live in sexual freedom.³⁶ Jesus chose the former.

The Next Generations

Judaism, as it came to be formulated through rabbinic thought, preserved the option of divorce, encouraged its practitioners to “be fruitful and multiply,” and determined voluntary celibacy to be an oddity. The Pauline churches, and likely Paul himself, saw celibacy as the preferable lifestyle. Complementing the reference to Gen 1:27 in the Jesus tradition, Gal 3:28 speaks of how in Christ there is “not male and not female”; that is, the new creation is like the earthling (*ha-adam*) prior to the creation of the one into two, male and female.³⁷

For Mark, marriage may have functioned as a form of “sacrificial service,” and therefore as a form of discipleship.³⁸ Retaining Jesus’ eschatological interests, Mark insists that there is to be no divorce. Matthew’s Gospel offers an adaptation of the injunction: the Matthean Jesus permits, if not actually requires, divorce in the case of *porneia*. Luke adapts the prohibition against remarriage into a general program of asceticism. For example, Luke 20:34–36 affirms that “those who belong to this age marry and are given in marriage, but those who are considered worthy of a place in that age and in the resurrection from the dead neither marry nor are given in marriage” (see also Matt 22:30; Mark 12:25). Aside from the infancy narratives, the only extended account of a married couple in Luke’s corpus is that of Ananias and Sapphira (Acts 5:1–11); their example is not a strong endorsement of marital benefits.

Outside the Gospels, Christian scripture continued to adapt. While Rev 14:4 commends the 144,000 male virgins “who have not defiled themselves with women,” 1 Tim 2:15 insists that women gain salvation through childbearing. Some communities, for example, those attested by the apocryphal Acts, moved toward monastic models; still others, represented by Ephesians and the Pastoral Epistles (1–2 Timothy, Titus), subscribed to the household codes of Roman patriarchal society.

It is the genius of the Church that it applied its “prophetic authority to understand, apply, rethink, even suppress the prohibitions [against divorce] in response to their own situations.”³⁹ How much more adapting it does, in light not just of current moves to liberalism⁴⁰ but also in light of both what may be concluded about Jesus’ own historical context and the real problems of real people, remains to be seen. The most

convincing historical case I can make for Jesus locates him as eschatologically motivated: something was about to change, either through war, or divine intervention into history. Like John before him and Paul after him, Jesus saw the importance of dedicating one’s life to the *basileia* (kingdom). Marriage and children are distractions at best, likely signs of the weakness of the flesh, and soon to pass away as we all become angels in heaven. He did not approve of divorce, and his disapproval of remarriage was even greater.

Today we tend to plan for the future. Given this shift, adaptations to the radicality of Jesus’ pronouncements are necessary: for battered spouses who will more likely see the end of their life than the end of the world if they remain in the marriage; for relationships that have dissolved into a miasma which condemns not only husband and wife but also children; and for the divorced or widowed who seek remarriage for love, companionship, economic stability, and wholeness. Jesus did not speak to these issues, although the Jewish tradition that followed upon his time period does, as do many churches established in his name.

Finally, whatever Jesus said, the canon of the Church offers several options. This theological point should not be lost on those who adduce only select statements to establish policy. Individuals most likely to appeal to Jesus are also often likely to subscribe to a biblical literalism. Ironically, they only cite those portions of the text that support their preconceptions. Those who insist on the legal necessity of preserving marriages marked by incompatibility, desertion, and abuse have yet, as far as I am aware, to demonstrate their own fidelity to the words of the gospel by plucking out their own offending eyes and cutting off their own offending hands, making themselves eunuchs for the *basileia*, selling all they have and giving to the poor, and turning the other cheek.

NOTES

1. This essay is based on a talk given to the Hillsboro Presbyterian Church in Nashville (October 1997) and the priests of the Middle Tennessee Diocese of the Roman Catholic Church (November 1997). I thank both groups for their thoughtful questions and trenchant suggestions. For a complementary paper

that, in addition to divorce, explores Jesus' views on celibacy and gender roles in relation to his Jewish social matrix, see Amy-Jill Levine, "The Word Becomes Flesh: Jesus, Gender, and Sexuality," in Florida Southern Biblical Symposium series, ed. Walter Weaver and James Charlesworth (Harrisburg, Pa.: Trinity Press International, 2000).

2. See Sheila R. Kennedy, *Shattered Faith* (New York: Pantheon, 1997).

3. See Irving A. Breitowitz, *Between Civil and Religious Law: The Plight of the Agunah in American Society* (Westport, Conn.: Greenwood, 1993); Jack N. Porter, ed., *Women in Chains: A Sourcebook on the Agunah* (Northvale, Ill.: Jason Aronson, 1996).

4. See Joshua Harris, *I Kissed Dating Good-Bye: A New Attitude toward Romance and Relationships* (Sisters, Ore.: Multnomah Publishers, 1997).

5. Pauline materials are beyond the scope of this essay. For general information on the use of Judaism as a negative foil for Pauline thought, see the now classic: E. P. Sanders, *Paul and Palestinian Judaism* (London: SCM Press, 1977), esp. 1–29.

6. Marguerite Fassinou, "Challenges for Feminist Theology in Francophone Africa," in *Women's Visions: Theological Reflection, Celebration, Action*, ed. Ofelia Ortega (Geneva: WCC Publications, 1995), 9. On the origins of and corrections to such anti-Jewish material in international women's scholarship, including the several examples cited below, see Amy-Jill Levine, "Lilies of the Field and Wandering Jews: Biblical Scholarship, Women's Roles, and Social Location," in *Transformative Encounters. Jesus and Women Re-viewed*, ed. Ingrid-Rosa Kitzberger (Leiden: E. J. Brill, 2000).

7. Grace Eneme, "Living Stones," in *New Eyes for Reading: Biblical and Theological Reflections by Women from the Third World*, ed. John S. Pobee and Bärbel von Wartenberg-Potter (Geneva: WCC Publications, 1986), 30. Her example of "nondiscrimination" is that Jesus "allowed Susanna, Joanna and others to minister with him."

8. Hisako Kinukawa, "A Well-Cherished but Much-Clouded Story," in *Reading from this Place*, vol. 2, *Social Location and Biblical Interpretation in Global Perspective*, ed. Fernando F. Segovia and Mary Ann Tolbert (Minneapolis: Fortress Press, 1995), 85.

9. Alina Maente Machema, "Jumping Culture's Fences," in *Talitha, Qumi! Proceedings of the Convocation of African Women Theologians*, ed. Mercy Amba Oduyoye and Musimbi Kanyoro (Ibadan, Nigeria: Daystar, 1990), 133.

10. Hisako Kinukawa, *Women and Jesus in Mark: A Japanese Feminist Perspective*, The Bible and Liberation Series (Maryknoll, N.Y.: Orbis Books, 1994), 12.

11. This is but a sample (citing *Genesis Rabbah*) of the description of Jewish women from Teresa Okure, "Women in the Bible," in *With Passion and Compassion: Third World Women Doing Theology*, ed. Virginia Fabella and Mercy A. Oduyoye (Maryknoll, N.Y.: Orbis Books, 1988), 103.

12. María Clara Bingemer, "Reflections on the Trinity," in *Through Her Eyes: Women's Theology from Latin America*, ed. Elsa Tamez (Maryknoll, N.Y.: Orbis

Books, 1989), 71, citing Leonardo Boff, *The Maternal Face of God: The Feminine and Its Religious Expressions* (San Francisco: Harper & Row, 1987), 81. Jewish women, it should go without saying, are part of the covenant, as both those by birth and those by choice could then, and do now, attest.

13. A frequent tautology.

14. Bette Ekeye, "Woman, For How Long Not?" in *Feminist Theology from the Third World: A Reader*, ed. Ursula King (London: SPCK; Maryknoll, N.Y.: Orbis Books, 1994), 145.

15. William F. Luck, *Divorce and Remarriage: Recovering the Biblical View* (San Francisco: Harper & Row, 1987), 86. George R. Ewald, *Jesus and Divorce: A Biblical Guide for Ministry to Divorced Persons* (Waterloo, Ont: Herald, 1991) begins with a "brief review of Jewish marriage customs and abuses of patriarchal rights" (p. 21) against which he contrasts the "gentler, more sensitive" 1 Timothy.

16. John Temple Bristow, *What the Bible Really Says about Love, Marriage, and the Family* (St. Louis, Mo.: Chalice Press, 1994), 111.

17. Walter A. Elwell and Robert W. Yarbrough, *Encountering the New Testament: A Historical and Theological Survey* (Grand Rapids: Baker Book House, 1998), 341. I cite this volume in particular because it is becoming the most common textbook in evangelical classrooms. Matthew 19:4–6, by the way, says nothing about "casual practices" or "taking advantage of wives."

18. Judith Plaskow, "Blaming the Jews for the Birth of Patriarchy," *Lilith* 7 (fall 1980): 11–12, 14–17; Judith Plaskow, "Anti-Judaism in Feminist Christian Interpretation," in *Searching the Scriptures*, vol. 1, *A Feminist Introduction*, ed. Elisabeth Schüssler Fiorenza (New York: Crossroad, 1993), 117–29. See also Susannah Heschel, "Anti-Judaism in Christian Feminist Theology," *Tikkun* 5.3 (May-June 1990): 25–28, 95–97; Amy-Jill Levine, "Yeast of Eden: Jesus, Second Temple Judaism, and Women," *Biblical Interpretation* 2 (March 1994): 8–33; Levine, "Lilies of the Field."

19. Mary Rose D'Angelo, "Remarriage and the Divorce Sayings Attributed to Jesus," in *Divorce and Remarriage*, ed. William G. Roberts (Kansas City, Mo.: Sheed & Ward, 1990), 93.

20. N. T. Wright, *Jesus and the Victory of God* (Minneapolis: Fortress Press, 1996), 397–98, suggests that the teaching in Mark 10:10 is cryptic, given the political liability of arguing against divorce in Antipas's territory; cf. Mark 6:18, 21–29.

21. The Greek term *porneia* has a broad semantic range, much as does its derivative, "pornography." *Porneia* may concern marriages rendered illegal by consanguinity (Lev 18:6–18); divorce would then be warranted. This argument receives support from both Matthew's respect for Torah and the connection of *porneia* to gentile catechumens in Acts 15:20, 29; 21:25. A second explanation is that Matthew's clause, like the *Shepherd of Hermas*, reflects the Roman legislation of 18 B.C.E. (the *lex iulia de adulteriis*) making adultery a crime, such that the man who did not divorce and prosecute his adulterous wife could be accused of pimping (*lenocinium*). Even if *porneia* be given its most broad definition of "sexual misconduct" and therefore seen to include not only adultery and incest but also

intercourse during menstruation, homosexual encounters, visiting prostitutes, and other behaviors condemned in various parts of scripture, it is unlikely that Jesus added the reference to *porneia*. In Jewish settings, incestuous marriage would be illegal in the first place; in Jesus' announcement of the *basileia*, escape clauses are as rare as camels that can fit through needles' eyes.

22. See Bernadette Brooten, "Konnten Frauen in altem Judentum die Scheidung betrieben? Überlegungen zu Mk 10, 11–12 und 1 Kor 7, 10–11," *Evangelische Theologie* 42 (January–February 1982): 65–80; Bernadette Brooten, "Zur Debatte über das Scheidungsrecht der jüdischen Frau," *Evangelische Theologie* 43 (September–October 1983): 466–78. On Jewish marriage contracts from antiquity, in which the wife is accorded the ability to stipulate divorce proceedings, see Mordecai Friedman, *Jewish Marriage in Palestine*, 2 vols. (Tel Aviv: Jewish Theological Seminary, 1980), vol. 1, chap. 5, and see also discussion in Rachel Adler, *Engendering Judaism: An Inclusive Theology and Ethics* (Boston: Beacon Press, 1998), 178–80.

23. Carolyn Osiek and David Balch, *Families in the New Testament World, The Family, Religion, and Culture Series* (Louisville, Ky.: Westminster John Knox Press, 1997), 62.

24. Ewald, *Jesus and Divorce*, 18.

25. See the discussion in Tal Ilan, *Jewish Women in Greco-Roman Palestine* (Peabody, Mass.: Hendrickson Publishers, 1996), 141–47.

26. Osiek and Balch, *Families in the New Testament World*, 62.

27. See John J. Collins, "Marriage, Divorce, and Family in Second Temple Judaism," in *Families in Ancient Israel*, ed. L. G. Perdue et al., *The Family, Religion, and Culture Series* (Louisville, Ky.: Westminster John Knox Press, 1997), 107–12, 115–19.

28. Ilan, *Jewish Women*, 147. The number of papyri attesting to divorce does rise for the Bar Kokhba period. See the review of Ilan by John J. Collins in *Journal of Religion* 77 (January 1997): 123–25.

29. Ilan, *Jewish Women*, 80.

30. The second-century Christian document *Shepherd of Hermas* (4.1.4–12) requires divorce in the case of adultery. The husband is then forbidden to remarry. The Jewish pseudepigraphon *Slavonic (2) Enoch* 71 depicts the decision of Noah's brother, Nir, to divorce his wife upon finding her pregnant and knowing that he is not the father.

31. See E. P. Sanders, *The Historical Figure of Jesus* (London: Penguin Books, 1993), 198, on "perfectionism and the new age"; cf. E. P. Sanders, *Jesus and Judaism* (Philadelphia: Fortress Press, 1985), 256–60. Sanders cautions that the divorce saying does not "prove that Jesus' world-view was determined by eschatological expectation" (*Jesus and Judaism*, 259). I argue the reverse: eschatological expectation makes the best sense of the injunction.

32. Wright, *Jesus and the Victory*, 285–87, connects the injunction with Jesus' vision of the "new heart" and the inauguration of the "new covenant."

33. For the texts, see Florentino García Martínez, *The Dead Sea Scrolls Translated*, 2d ed (Leiden: E. J. Brill, 1996), 174, 36. Geza Vermes, "Sectarian Matrimonial Halakhah in the Damascus Rule," *Journal of Jewish Studies* 25 (February 1974): 197–202, insists that the scrolls prohibit not divorce but polygamy.

34. D'Angelo, "Remarriage and the Divorce Sayings," 95.

35. See the discussion, with references, in Andrew Cornes, *Divorce and Remarriage: Biblical Principles and Pastoral Care* (Grand Rapids: Wm. B. Eerdmans Publishing, 1993), 58–61. Geoffrey Robinson, *Marriage, Divorce and Nullity: A Guide to the Annulment Process in the Catholic Church* (Collegeville, Minn.: Liturgical Press, 1987), 69, nicely states: "A married couple can no more cease to be husband and wife than a brother and sister can cease to be brother and sister."

36. Possibly Jesus viewed intercourse and hence semen production as a necessary evil that brought about weakness and loss of spiritual vigor; such a view was common in Mediterranean society. See Osiek and Balch, *Families in the New Testament World*, 104–7.

37. See D'Angelo, "Remarriage and the Divorce Sayings," 101.

38. Richard B. Hays, *The Moral Vision of the New Testament: A Contemporary Introduction to New Testament Ethics* (San Francisco: HarperSanFrancisco, 1996), 350. Hays suggests Mark likely "radicalized" a saying of Jesus that forbade remarriage after divorce (cf. Matt 5:31–32; Luke 16:18): Hays, *Moral Vision*, 352.

39. D'Angelo, "Remarriage and the Divorce Sayings," 79. For thorough treatments of interpretations of the various pronouncements, see William A. Heth and Gordon J. Wenham, *Jesus and Divorce: Towards an Evangelical Understanding of New Testament Teaching* (London: Hodder & Stoughton, 1984); Theodore Mackin, *Divorce and Remarriage: Marriage in the Catholic Church* (Ramsey, N.J.: Paulist Press, 1984). Mackin's 565 pages, which could have been extended with more detailed exegesis of the Gospels, indicate how complicated, and controversial, the question is.

40. Cornes, *Divorce and Remarriage*, is refreshingly consistent in insisting that remarriage is illegitimate. I am relieved he is not my pastor.