

DIVORCE AND REMARRIAGE

Study done for Berean Baptist Church, Grand Rapids, Michigan, based on study notes by Glenn Kerr and augmented with further research by Ben DeBoer, Shirley and Walter DeBoer, Duane Duhon, Cindy Ferwerda, Dave Jewell, Carla Rodriguez, and Marilyn van Kuiken, with supplemental materials from David Instone-Brewer, David Kennedy, Don Vander Kolk, and Wilbert Welch

I. What constitutes a marriage?

- A. Differing Christian views of marriage (see graphics at end of document, page 11):
 - 1. Marriage is a sacrament, administered and overseen by the church
 - 2. Marriage is a vow, a unilateral covenant to God, in which unfaithfulness by one does not change the responsibility of the other
 - 3. Marriage is a legal contract between a man and a woman, which God watches over and witnesses – the best understanding of the nature of a marriage contract
- B. A marriage consists of two parts:
 - 1. Contract – Mal. 2:14 – the Hebrew word for “covenant” is the same as for “contract”
 - 2. Consummation – Gen. 2:24 – a man leaving father and mother, cleaving to his wife, the two becoming one flesh
- C. Cases of consummation but not marriage:
 - 1. Gen. 34:1-12 – Jacob’s daughter Dinah and Shechem
 - 2. Ex. 22:16 – a man is required to marry an unbetrothed virgin if he has relations with her
- D. Cases of contract but not marriage
 - 1. Gen. 20:2-18 – Abimelech takes Abraham’s “sister” as his wife
 - 2. Matt. 1:19-20 – Joseph and Mary (a betrothal is a contract without a marriage)
- E. Luke 20:34-36 – marriage is an earthly institution
- F. Christian and non-Christian marriages are the same in general character legally, though not the same spiritually (see I.A.3. above)

II. What constitutes a divorce?

- A. Old Testament
 - 1. Exodus 20:14 – the seventh commandment established the concept of marital fidelity
 - 2. Exodus 21:7-11
 - a. This passage is the first passage in the Bible that treats the issue of divorce, and the grounds for divorce are neither adultery nor desertion, rather it is neglect of duties of marriage, i.e. “he may not reduce her food, her clothing, or her conjugal rights” (שְׂאֵרָהּ כְּסוּתָהּ וְעִנְתָּהּ לֹא יִגְרַע)
 - b. This passage was regarded by the rabbis as establishing the additional three-fold marriage duties of food, clothing, and cohabitation (love) – v. 10
 - c. Neglect by her husband of any of these three meant the woman was free of the marriage and also no longer a slave to him or anyone – v. 11
 - d. The rabbis reasoned that if this was done for a slave, so much more for a wife
 - e. In Judaism after the captivity until the time of Christ, these issues of marital neglect were universally accepted as grounds for divorce, based on this passage
 - 3. Deuteronomy 21:10-14
 - a. This passage is also a reference to the treatment of a slave (see II.A.2.c above)

- b. The statement “you shall let her go wherever she wishes” (NASV) (וְשִׁלַּחְתָּהּ לַיְנֻפֶּשֶׁת) in v. 14 is similar to wording in texts on divorce throughout the ancient Near East, allowing freedom to remarry
4. Deuteronomy 24:1-4
- a. This OT passage established the idea of the divorce certificate, which was unique among customs of the ancient near east – “Nowhere outside Judaism is there any reference to a divorce certificate or any other document that would be taken away by every divorced woman.” – (Instone-Brewer, *Divorce . . . Bible*, 28)
- b. Grammar of the passage:
- (1) The Pharisees interpreted the writing of the bill as a command
 - (2) Jesus interpreted it as permission
 - (3) KJV, Geneva, ASV, Darby, Douay, Luther interpret it as a command (essentially Reformation translations, following the lead of rabbinic commentaries)
 - (4) RSV, NAB, NEB, NASV, NIV, NKJV, JB, Berkeley, Goodspeed, Moffatt interpret vs. 1-3 as the protasis and v. 4 as the apodosis (essentially all modern translations), meaning the description of the conditions is given in vs. 1-3 and then the ruling in v. 4
 - (5) All the verbs after “that she finds no favor in his eyes” in v. 1 (אִם-לֹא תִמְצָא־הוּן) bear vav-consecutive (are continuous verbal sequences) until the first verb of v.4, thus continuing the “if” condition until v. 4. This seems to imply that the first part of the passage is not stating a command, but rather setting up a scenario without saying whether this is commanded or prohibited action
- c. The meaning of “some indecency” (עֲרֻת דְּבָר), in v. 1
- (1) Shammai interpreted it as adultery
 - (2) Hillel interpreted it as “any matter,” and this type of divorce was common in Jesus’ day. Especially after the destruction of the Temple, the Shammai school virtually ceased to exist, so Hillel-type divorces were the only ones available in rabbinic circles
 - (3) Adultery was punished by death – but this was probably rarely practiced because of the difficulty of proving the matter, so divorce was the punishment instead
 - (4) It could be a term corresponding to “sexual immorality” (πορνεία), including but not limited to adultery, or it could be synonymous with adultery
- d. The fact of the irrevocability of the divorce after a second marriage has ensued implies the validity of the second marriage regardless of the reasons for divorce
- e. The concept that the woman was free to remain married to the second husband is a concept different than typical in other ancient cultures, where the first husband, if he wanted the wife back, could force the second husband to divorce her. The divorce certificate in effect guaranteed the woman the right to remarry
5. Ezra 10:1-16, Nehemiah 13:23-30
- a. These passages present some unique interpretive difficulties. The best conclusion seems to be to treat them as a “second exodus” scenario in which the ban on marriage of foreign wives was equated with the ban on making peace or alliances with the Canaanites

- b. The divorces could be considered special cases where the purity and integrity of the returning remnant was considered a higher priority than the issue of the marital contract
 - c. Deuteronomy 7 and 20 might have been interpreted in this “second exodus” framework to mean the forbidding of marriages to the “Neo-Canaanites,” so that the marriages dealt with by Ezra and Nehemiah would have been not just invalid, but treasonous
 - d. “Some have pointed out that Jews also intermarried with foreign women in other communities outside of Judah, for example, at Elephantine in Egypt with the result that other deities besides Yahweh were worshipped and the communities eventually disappeared” – (David Kennedy)
6. Hosea 2:2, Jeremiah 3:8
- a. God divorces his people and gives them a divorce certificate
 - b. Hosea 2:2 is consistent with other ancient Near Eastern expressions to indicate Hosea is divorcing his wife (and in analogy God is divorcing Israel)
 - c. Jeremiah 3:8 states the divorce of Israel
7. Isaiah 50:1
- a. Zion has been divorced from God because of sins, even though there is no divorce certificate that can be produced
 - b. Isaiah 51:3 indicates God will restore Zion
8. Malachi 2:14-16
- a. This passage is linked in time and subject to Ezra 10:1-16 and Nehemiah 13:23-30
 - b. “In other words they appear to have divorced their first wives in order to marry a foreign wife. It looks like Malachi would not have been so upset if they had married two wives – he appears to have regarded the divorce of their first wife as a second offence.” – (David Instone-Brewer e-mail communication)
 - c. The fact that God hates divorce does not mean there are no legitimate divorces. Also, even a legitimate divorce is a painful thing at best, involves human sin and failure, and does not reflect the ideal
9. A summary of OT law would view adultery as punishable by death or divorce, and neglect or abandonment punishable by divorce alone, with the result that by NT times all were grounds for divorce due to the difficulty of applying the death penalty
- B. New Testament
1. Cultural background details of Second Temple Judaism
- a. Exodus 21:7-11 had become a foundational text for establishing material and emotional neglect as biblical grounds for divorce
 - (1) Material neglect, such as failure to provide food and clothing, was carefully defined by the rabbis, even to the point of amounts of food and status of life, and was often grounds for divorce
 - (2) Emotional neglect, while sometimes grounds for divorce, was often more grounds for intervention in the marriage
 - (3) Two different schools of teaching on divorce were found in Judaism, the Shammaite and the Hillelite schools. While they agreed that adultery, desertion, material and emotional neglect were grounds for divorce, the Hillelite school also said a man could divorce his wife for “any reason”

- b. The divorce certificate as provided for in Deut. 24:1-4 had become a standard document for a woman to establish her right to remarry after a divorce
 - c. The concept that both parties after a divorce were free to remarry was universally accepted in Second Temple Judaism, and even required by Roman law
2. Matthew 1:19-20
- a. Betrothal was a binding relationship, since it was a legal contract – ending it typically required a divorce
 - b. The righteous thing in the Jewish mind for a man in that time was to divorce the unfaithful fiancée, not to marry her
3. Matthew 5:31-32, Matthew 19:3-9, Mark 10:2-12, Luke 16:18
- a. Our understanding of these passages and Jesus’ teaching in the gospels in general is critical to our understanding of the issues of divorce and remarriage in the New Testament
 - (1) Some view these as establishing the NT view of divorce and remarriage, and that Jesus was laying aside all rabbinic opinions and all Jewish law with a new standard
 - (2) Some view these as specifically addressing the two schools of thought among the rabbis and clarifying the interpretation of one OT passage, Deut. 24:1-4
 - b. The phrase in Matt. 5:32, “matter of sexual immorality” (λόγου πορνείας) is a nearly direct word-for-word translation of the Hebrew phrase from Deut. 24:1 “some indecency” (עֲרֹת דָּבָר), but the word order is reversed from the original Hebrew and given in the same order as the Shammaite school normally explained it
 - (1) “The Shammaites took the two words to mean ‘a matter of indecency,’ by which they understood the phrase to mean ‘adultery.’ In their ruling they quoted the text of Deuteronomy 24:1, but they reversed the order of the two contentious words to emphasize their interpretation, though they also quoted the text in its normal form. In this way they indicated that although they recognized that the text said עֲרֹת דָּבָר ‘indecency of a matter,’ one should read it as דָּבָר עֲרוּהָ ‘a matter of indecency.’” (Instone-Brewer, *Divorce . . . Bible*, 111)
 - (2) It is not a quote from the Septuagint, which has ἄσχημον πράγμα
 - (3) It is an atypical Greek phrase, also pointing to the fact that it was a direct comment by Jesus about the correct interpretation of Deut. 24:1
 - (4) The fact that Jesus chose the word “sexual immorality” (πορνεία) was to deny the teaching by the Hillel school, which said that anything the husband did not like could be a cause for divorce
 - c. Christ was not abrogating the law, but rectifying the interpretation of the passage in Deuteronomy 24 – “Jesus’ appeal to first principles has the effect of apparently setting one passage of Scripture against another, but this is not in the sense of repudiating one in favor of the other, but of insisting that each is given its proper function” – (R. T. France, *Matthew*, 281)
 - (1) This discussion about divorce was made against the understood but not expressed backdrop of rabbinic understanding of OT law, much like the question of giving in the NT is discussed against the understood but not expressed backdrop of OT tithing.

- (2) Christ's teaching agreed with the Shammai school of interpretation; that school, like the Hillel school, also viewed abuse and neglect as grounds for divorce based on Ex. 21:7-11. If Jesus had not agreed with abuse and neglect as grounds for divorce, he would undoubtedly have addressed that matter as well
- d. Davies & Allison believe that the question of remarriage after divorce because of adultery is simply not addressed in this passage, "and we cannot wring from the text what it will not give" (W. D. Davies and Dale C. Allison, *Matthew*, 528)
- e. Possible explanations for "commits adultery/causes her to commit adultery":
 - (1) The adultery is because of the second marriage – (*makes remarriage a sin*)
 - (2) The adultery is because of the inability of the woman to remarry, causing her to choose prostitution – (*unlikely interpretation, too narrow*)
 - (3) The adultery is because the man divorces his wife for the specific reason of marrying another with whom he is already involved – (*possible*)
 - (4) The adultery is because of the invalid divorce – (*most likely, but does not completely explain woman's guilt*)
 - (5) The adultery is because the woman consents to the invalid divorce, or even asks for it – in order to make another person guilty of a certain thing done by a first person, the other person's willing actions must in some way be tied up in the first person's actions – (*this alone says why the woman is guilty of adultery*)
- 4. Romans 7:1-3
 - a. Some say this forbids remarriage after divorce
 - b. Jewish law only gave the man the right to divorce whereas Roman law allowed the marriage to be brought to an end by the free will of either party (Dunn, James D. G., *Romans*, 368)
 - c. This passage apparently was not intended to teach specifics in regard to divorce
 - d. An incidental use of an analogy cannot be used to contradict Christ's teaching on divorce
- 5. 1 Corinthians 7:10-15, 27-28
 - a. Vs. 10, 11 are Paul's statements that were part of Christ's teachings – "I command, yet not I, but the Lord"
 - b. Vs. 12-15 are words spoken by apostolic authority but not part of Christ's teaching – "speak I, not the Lord"
 - c. The meaning of "not bound" (οὐ δεδούλωται) – v. 15:
 - (1) Some say this is freedom from marital responsibilities, separation
 - (2) Others say this is divorce and the right to remarry – best interpretation
 - d. Vs. 27-28 seem to state that remarriage in any case is not a sin
 - (1) The phrase "loosed from a wife" (Ἀέλυσαι ἀπὸ γυναικός) could mean "divorced from a wife," "lost your wife," or "unmarried to a wife"
 - (2) The phrase is wide enough in interpretation to apply to any situation of being unmarried, whether widowed, divorced, or never married, and may have been selected for that reason
 - (3) V. 28 says that the "you" of the end of v. 27 (i.e. one unmarried, whether widowed, divorced, or never married) does not sin if he marries or remarries any more than does a virgin woman who has never married
- 6. What about 1 Tim. 3:2, Titus 1:6, "husband of one wife"? (1 Tim. 5:9 widow's list "wife of one husband")

- a. Some say this refers to a non-polygamist, a person who would not marry more than one wife
- b. Some say it means a non-divorced person, a person who has never been divorced
- c. Why couldn't it be both?
- d. This passage seems to teach more than simply the physical situation of only having one wife, but rather a matter of attitude and disposition, of being the kind of person who is faithful to one woman
- e. Since blamelessness is the key word in this passage, and recognizing that all people have parts of their past that are not blameless, the issue of being the husband of one wife is a part of being blameless as it relates to forgiveness and established reputation of the person under question

III. Summary

- A. Possible positions in Christian circles (all of which held by some):
 1. Divorce is allowed, but remarriage is not
 - a. Divorce is essentially separation; annulment is used in certain situations
 - b. Marriage in this view is indissoluble except by death
 - c. This is the historic Catholic position which regards marriage as a sacrament
 2. Divorce and remarriage are allowed for any good social reason
 - a. This is a humanistic and situational approach
 - b. In this view divorce is a social, not a scriptural problem
 - c. "Divorce and remarriage seem to me to be human and social problems on which the theologian can claim no special expertise. I see nothing in the Christian faith that makes an effective case against divorce as an unfortunate but genuinely human necessity" – (William Hamilton, *Spectrum of Protestant Beliefs*, 63)
 3. Divorce and remarriage are allowed for sexual immorality and desertion
 - a. Both actions destroy the marriage bond
 - b. Desertion is only grounds for divorce in the case of a spiritually mixed marriage, because of the hardness of the unregenerate heart
 - c. Desertion might be considered sexual immorality according to Ex. 21:10
 4. Divorce and remarriage are allowed for sexual immorality alone
 - a. Some would say it is dangerous to go too far with 1 Corinthians 7:15
 - b. These would say that if the marriage bond is the same for mixed, Christian, and non-Christian marriages, allowing desertion as grounds for divorce is a double standard
 5. Divorce and remarriage are allowed for sexual immorality, desertion, physical or emotional abuse, or serious and extreme neglect
 - a. This is the best position, though it is not the historical position of many Christian churches
 - b. This position makes the OT and NT in general compatible
 - c. This represents a biblical restriction on divorce and defense of the abused, and runs counter to the prevailing worldly position during Jesus' and Paul's day
- B. Additional thoughts
 1. For proper reasons, as stated in 5 above, divorce is scripturally allowable
 2. Divorce is not mandatory in any case; in fact, great effort should be made to preserve marriages, provided there is true repentance and forgiveness

3. The fact that God divorced Israel and Judah proves that divorce can be carried out in a completely righteous way by one party against the other, as does the issue related to the betrothal of Joseph and Joseph's contemplated divorce of Mary
4. A sound view of divorce must be linked with a scriptural view of church discipline
5. Divorcing for invalid reasons is a form of unfaithfulness in itself on a par with adultery, and it therefore severs the marriage bond
6. Marriages contracted and consummated after invalid divorces are still valid marriages
 - a. This is implied or even directly stated in Deut. 24:2
 - b. Malachi 2:13-16 implies that the one who has wrongfully divorced is not heard by God, but that does not say their marriage is invalid, nor does it say they cannot face up to their sin, confess, and be restored
 - c. Christ's statement to the woman at the well implies that at least four of her other marriages were regarded by God as valid. Christ recognized that the woman at the well had had five husbands, and that the present one was not a husband (John 4:16-18)
 - d. The statements in 1 Cor. 7:27-28 seem clearly to say that marriage or remarriage is not a sinful action, even for the divorced
7. The Bible does not seem to address directly the issue of physical abuse in marriage
 - a. Abuse was viewed as grounds for divorce in rabbinic times, the neglect or abuse of "love" or cohabitation or marriage rights specified in Exodus 21:10
 - b. The abused partner has a right to safety, just as Jesus told his disciples to flee persecution in Matt. 10:23
 - c. Abuse could be regarded as similar to siblings fighting, grounds for intervention but not divorce
 - d. Abuse could be a rejection of the other person, a "desertion," so to speak, and therefore grounds for divorce
8. Hardness of the heart – Matt. 19:8, Mark 10:5
 - a. This may possibly be regarded as the ultimate cause for all divorce, though in itself not the charge
 - b. The matter of the hardness of the heart is a matter that must be weighed as to its contribution to the other more overt factors of unfaithfulness or desertion or neglect
 - c. Hardness of heart may relate to the abuse factor, not grounds in itself, but it is a serious factor that must be weighed for its impact on the other critical overt factors
9. Innocence or guilt of each party
 - a. This whole question is often one of relative innocence or guilt, since many situations approaching divorce involve serious or significant failure by both parties
 - b. Though all sin is bad, the consequences of all sins are not the same; some sins sever the marriage bond, and some do not
 - c. In judging cases where divorce might be warranted, sometimes the amount and severity of certain offences is critical, and sometimes the type of offence itself is critical to judgment concerning the permissibility of divorce
10. Remarriage issues

- a. The relative silence of Scripture on the issue of the freedom of the offender to remarry can be explained against the backdrop of Jewish culture
- b. “Jesus was silent about allowing remarriage after a valid divorce, which was universally accepted by all his hearers” (Instone-Brewer, *Divorce and Remarriage in the Bible*, 286)
- c. Without a direct statement in Scripture that the offending party is not free to remarry we have no grounds to extrapolate such a prohibition, especially since we have a direct statement in Deut. 24:2 that allows that freedom
- d. The statements in 1 Cor. 7:27-28 seem clearly to say that marriage or remarriage is not a sinful action, even for the divorced
- e. Numerous passages in the New Testament teach the importance of marriage, and admonish us not to forbid marriage (1 Cor. 7:1-2, 1 Tim 4:1-3, Heb. 13:4)
- f. If the marriage bond has been broken, then neither the innocent party or the guilty party is married to anyone else. If the innocent remarries, the guilty is not still married to that one
- g. To deny divorce and remarriage to the guilty party implies that God cannot or will not forgive the guilty party of the sin that caused the divorce and the act of divorce itself, i.e. it implies a wrong divorce is the “unpardonable sin”
- h. Where does repentance or the absence of it fit into the remarriage picture?
 - (1) Without repentance, forgiveness, and restoration where possible, the subsequent marriage cannot have God as its partner
 - (2) Admitting a member into the church who is unrepentant or even indifferent about a past divorce is unwise
 - (3) The question of whether the guilty partner remains an adulterer forever must be answered by the nature of confession and forgiveness – a person is an adulterer (or any other sinful person) until they confess and forsake the sin, and make restitution as far as possible
- i. “A wrongfully obtained divorce, although legal and binding, should be recognized as sin, and like any other sin it should be confessed, repented of, the offended parties approached if possible, and forgiveness sought and restitution made to the degree possible. But don’t break up one’s present remarriage. When God forgives us we begin a new day of life and liberty in the Lord” – (Wilbert Welch)

Conclusion:

- A. The teaching of the Bible on divorce is essentially consistent throughout both testaments
- B. Marriage is a legal contract between a man and a woman entailing vows of obligation, basic obligations each party has to the other:
 1. Sexual faithfulness
 2. Love and personal care
 3. Material provisions
- C. Divorce is allowable but not required for the following reasons:
 1. Sexual immorality
 2. Desertion
 3. Abuse
 4. Serious or extreme neglect
- D. Biblically, there is no such thing as a “no-fault” divorce

1. The purpose of divorce seems to be threefold:
 - a. to identify the cause of and party responsible for the breakup of the marriage
 - b. to rescue the innocent party from blame for the breakup and from further harm
 - c. to free the innocent party from the obligations to the offending party
 2. The church has the obligation to protect the oppressed and call the oppressor to repentance and restoration, i.e. to judge between parties in a divorce
 3. Divorce, if for valid biblically-based reasons, must be regarded as a biblical solution to dealing with certain marital problems and not as a concession to secular or worldly practices
- E. After a divorce, all parties, whether at fault or not, have a biblical and legal right to remarry, and all have an obligation to repent before God and seek restitution for whatever wrongs they have committed against their former marriage partner
1. If marriage is a legal contract, then a divorce is a legal severing of that contract, and the question of remarriage then becomes not a legal question of right to remarry, but a moral question of the suitability of each party as a prospective partner in a future marriage contract
 2. The church should advise and direct people wishing to marry or remarry where divorce is involved, should help willing parties make good choices, and should investigate past circumstances to the best of its ability within the limits of prudence and discretion, not ignoring known sin when such matters come to its attention nor stirring up irresolvable problems with third parties
 3. Repentance and restoration of a person who was the cause of a divorce does not mean that he or she can or should return to their previous spouse if another marriage contract has been entered into by either party; restoration will include faithfully honoring one's existing marriage contract and making restitution to the previous partner in whatever manner that can be negotiated

“It seems that many of our congregations see divorce as a matter of uncleanness rather than a matter of sin: we neither call the guilty to account for sin nor defend the oppressed, but we lump them together into a category called ‘unclean’ that we do not wish to touch, lest it contaminate us. In so doing, we show compassion on neither party. And by judging all divorced people as if they had chosen their situation, we do not reflect the justice of the God who defends the oppressed, the God who stands up for the widows bereaved by their spouses’ death—and those of the divorced who have been bereaved by their spouses’ betrayal.” (Craig S. Keener, *And Marries Another: Divorce and Remarriage in the Teaching of the New Testament*, Peabody, Mass.: Hendrickson, 1991, p. 4.)

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