EXCEPT IT BE FOR FORNICATION?

Recently two articles have renewed discussion of the famous texts in Matthew—5:32: 'excepting the cause of fornication'; and 19:9: 'except it be for fornication.' Father Bruce Vawter, C.M.[1] defends the view of the late Canon J. P. Arendzen,[2] that Christ really said: 'Whosoever putteth away his wife'—I say whosoever, leaving aside all consideration of the *'erwat dabar* of Deut. 24:1—'whosoever putteth away his wife and marrieth another, committeth adultery.' The second article was by Father A. Vaccari, S.J.,[3] urging difficulties against this exegesis and supporting the same general view defended by us,[4] and elaborated with great learning by Father J. Bonsirven, S.J.[5] which understands the text as meaning: 'Whosoever puts away his wife, unless his union with her is really concubinage, and marries another, commits adultery.'

There are many explanations of these famous texts, of which Fathers Vawter and Vaccari think the following are the most important:

(1) The 'classic' interpretation, sometimes called the traditional Catholic interpretation, which understands the texts as permitting a separation from bed and board, but no true dissolution of the marriage.

(2) The 'Protestant' interpretation, which takes the texts as permitting a true dissolution of the marriage, with freedom to marry again.

(3) The 'inclusive' interpretation, which holds that Christ meant that 'even when adultery has been committed' divorce is forbidden. This interpretation is based upon what Father Vawter calls 'linguistic acrobatics,' which turn the 'except' into 'even including.'

(4) The 'interpretative' explanation, which suggests that Christ gave an exegesis of Deut. 24:1, accepting Shammai's interpretation as the authentic meaning of the Old Law but making no reference to the legislation of the New Law.

(5) The 'preteritive' interpretation, as Father Vawter calls it, which holds that Christ excluded consideration of Deut. 24:1, with its exception in case of *'erwat dabar*. This is defended by Canon Arendzen and Father Vawter.

(6) The 'rabbinic' interpretation, which holds that Christ in the

[1] *Catholic Biblical Quarterly*, XVI, 2 (April 1954), pp. 155–67
[2] *The Clergy Review*, XXI (July 1941), pp. 23–6
[3] *Biblica*, XXXVI (1955), pp. 149–51
[4] *The Clergy Review*, XX (April 1941), pp. 283–94
[5] *Le Divorce dans le Nouveau Testament*, Paris, 1948

exceptive phrases referred to an illegitimate marriage. This is defended most recently by Father Vaccari.

The question largely hinges upon the meaning to be given to the word *porneia* in the two phrases *parektos logou porneias* and *me epi porneia*. In explanations (1) and (2) it is taken as meaning adultery; in (3), (4) and (5) it is taken as meaning the same as the *'erwat dabar* of Deut. 24:1, that is, something indecent or shameful; whereas in (6) it is taken to mean a *zenuth* marriage, that is, a union which is concubinage.

Against *porneia* meaning adultery the gravest objections are urged. If adultery is meant, why is the normal word *moicheia*, not used, a word which in its verbal form occurs twice in the passage? In Matt. 15:19, as in 1 Cor. 6:9, *moicheia* and *porneia* are used in an obviously different sense; and if an exception is to be made for the precise sin of adultery, it is inexplicable why the appropriate and common word *moicheia*, should not be used. Moreover, the explanations which take *porneia* to mean adultery necessarily fall into other inextricable difficulties. The 'classic' interpretation must take the word *apoluein*, to put away, in two different senses: first of a complete divorce and then of a mere separation from bed and board. In verse 3 of chapter 19 the Jews ask Christ: 'Is it lawful for a man to put away his wife for any cause?' and in verse 8, Christ says, 'Moses by reason of the hardness of your hearts permitted you to put away your wives'; in both instances the word *apoluein*, to put away, is taken in the meaning of a complete severance of the bond, with freedom to marry again. Why then in verse 9, 'whosoever shall put away his wife,' should the same word be given a different meaning? And a meaning which would have been scarcely intelligible to the Jews, among whom a legal separation, with the bond remaining, was unknown. Possibly for these reasons this explanation has steadily lost favour with exegetes and it would be difficult to name a single scripture scholar who in recent times has written in its defence.

The 'Protestant' interpretation, which also takes *porneia* as meaning adultery, is excluded not only by the parallel passages in Mark and Luke, and by St Paul, but even by the context of Matt. 19, in which Christ revokes the concession made to Moses and brings marriage back to its original unity, indissoluble by man.

What then of the suggestion that *porneia* corresponds to the *'erwat*, the nakedness or shame, of Deut. 24:1? Here divergence between Fathers Vawter and Vaccari is acute. Father Vawter argues that in Matt. 19:3, 'the Pharisees were not asking whether divorce was lawful—a thing taken for granted and explicit in the Law—but what

were the lawful grounds for divorce according to the Law. More directly they were asking whether Hillel's liberal view represented a sound exegesis of Deut. 24:1.' To this question Christ made no direct answer, but affirmed the original unity and indissolubility of marriage. Whereupon the Pharisees abandoned the question about the interpretation of Deut. 24:1, and asked concerning the authority of the Law itself: 'Why then did Moses command to give a bill of divorce and to put away?' 'We are thus prepared,' continues Father Vawter, 'for Christ's pronouncement in verse 9 to include some cognisance of Deut. 24:1, though certainly not an interpretation of it, which he has refused to give, nor an acceptance of its provisions, which he explicitly repudiated. 'It is only natural that the final elucidation of his teaching should conclude, in effect: "I say to you, whoever dismisses his wife—Deut. 24:1, notwithstanding—and marries another, commits adultery."' This is exactly what Canon Arendzen held: 'Moses by reason of the hardness of your hearts permitted you to put away your wives, but from the beginning it was not so; hence I say to you that whosoever shall put away his wife—I set aside Deuteronomy's *'erwat dabar*—and marries another, committeth adultery.' Father Vawter adds: 'The most natural acceptation of *me epi porneia* is as a reference to the *'erwat dabar* of Deut. 24:1. The phrase (shame of a thing—something shameful) has an even more precise equivalent in the *logos porneias* of Matt. 5:32. The Matthean formula is obviously dependent upon Deuteronomy. The best assumption is that the Greek *Matthew* has translated the Semitic expression of Our Lord with a phrase that by common consent had come to represent the legal form derived from Deuteronomy and which was used in preference to the wooden *aschemon pragma* of LXX. . . . That *me epi porneia* and *parektos logou porneias* are allusions to *'erwat dabar* seems to be beyond question.'

Nevertheless, Father Vaccari not only questions the matter, but judges that it is not even probable that *logos porneias* corresponds to *'erwat dabar*. He argues first, that the grammatical structure is different; the Hebrew word *'erwat* is in the construct, and *dabar* in the absolute, giving the literal translation 'the nakedness or shame of a thing'; whereas in the Greek, the word *porneias* is in the genitive and modifies *logos*, that is, 'a matter of impurity or uncleanness.' Secondly, the expression *'erwat dabar* refers to a physical indecency rather than to a moral one. Father Vaccari instances Deut. 23:14, where the expression *'erwat dabar* is used of uncovered excrement, and could not possibly be translated by *logos porneias*, since *porneia* means a sexual sin. This argument of Father Vaccari's can be confirmed by reference to a multitude of places in the Old Testament—for instance, Gen. 9:22;

Exod. 20:26 ; Lev. 20:11 ; 18:8, etc. ; Is. 20:4—where the primary meaning of *'erwat* is nakedness, and only reductively shame or indecency. In these passages of the Old Testament the *aschemon pragma* of the Septuagint fits perfectly and the *logos porneias* would not fit at all. It is significant that Hatch and Redpath, in their Concordance to the Septuagint, give not a single instance where the word *porneia* corresponds to the Hebrew *'erwat*. It is significant, also, that Delitzsch in his Hebrew translation of the New Testament, renders the *logos porneias* of Matt. 5:32, by *debar zenuth* and not by *'erwat dabar*. Linguistically, then, Father Vaccari seems fully justified in denying Father Vawter's contention that the *logos porneias* must correspond to the *'erwat dabar* of Deuteronomy.

Father Vaccari moreover, disagrees with Father Vawter's opinion that in Matt. 19 'we are prepared for Christ's pronouncement in verse 9 to include some cognisance of Deut. 24:1.' In fact, the whole question about the law in Deuteronomy has been dismissed already by Christ's words that it was merely a concession made by God because of the hardness of their hearts and that in the beginning it was not so. The Mosaic concession is thus fully and finally rejected, and after this it would be both needless and confusing to revert to the *'erwat dabar*. In Matt. 5:31 and 32, such a suggested introduction of this Mosiac concession would be strained in the extreme : 'It hath been said, whosoever shall put away his wife, let him give her a bill of divorce. But I say to you, that whosoever shall put away his wife, excepting the cause of fornication, maketh her to commit adultery : and he that shall marry her that is put away, committeth adultery.' Nothing about *'erwat dabar* has occurred in the previous verses, and the introduction of an obscure phrase from Deuteronomy, so to speak out of the blue, definitely weakens Christ's clear and forceful rejection of the provisions of the Old Law.

Further, this exegesis, which takes *porneia* as corresponding to *'erwat*, is obliged to give a most forced and unnatural explanation both of the *parektos* and of the *me epi*. Father Vawter and Canon Arendzen think that both are really equivalent to 'irrespective of,' 'setting aside,' 'even admitting,' the *'erwat dabar*. Canon Arendzen says : 'Can *parektos* bear this meaning : "irrespective of, setting aside, independently of," or equivalent expressions ? It is a very rare word. Outside the New Testament it is found only twice in the Greek literature of the period. In the *Didache* 6:1, "Take heed lest any make thee to go astray from this way of teaching, seeing he teaches thee *parektos theou*," the meaning can only be "irrespective of God, without His Sanction." In the other known passage *The Testament of the Twelve Apostles*, Zebulon i:4, *parektos ennoias* does not mean

" except reason, but " outside, contrary to, reason." St Paul uses the term twice. In 2 Cor. 11:28 *choris tôn parektos* refers to the troubles which came to the Apostle from outside, in contrast to the mental anxieties which came from within. In Acts 26:29, St Paul wishes all men to be like him *parektos tôn desmôn*. It might in this case be translated " except these bonds," but equally well " without these bonds " or even " notwithstanding these bonds." Thus the fundamental meaning of *parektos* seems to be " outside," i.e. " beyond, independently of," and hence " irrespective of." '

Canon Arendzen's comments, however, do not appear to prove what he means them to prove, namely, that *parektos logou porneias* may mean ' independently of ' in the sense that *porneia* is ruled out of consideration, and consequently that a man may not dismiss his wife even if there is *porneia*. In the *Didache*, *parektos theou* means that God is definitely excluded from the teaching, and if God appears in the teaching, then it is not *parektos theou* ; and similarly, the case of the dismissal of the wife is changed if *porneia* appears. In Zebulon 1:4, the teaching in question is not one ' independent of reason ' in the sense that reason may or may not be present, but is a teaching clearly ' outside ' reason, in which there is no reason. Similarly the dismissal of the wife must be ' outside ' the case of *porneia*, and not a dismissal which may or may not be occasioned by *porneia*. In 2 Cor. 11:28, St Paul contrasts the troubles from ' without ' with the troubles within ; and similarly the dismissal of the wife without *porneia* would be in contrast to a dismissal with *porneia*. The same is true of Acts 26:29. St Paul wishes his converts to be like him, but not to be in bonds, and it is quite unreasonable to try to make St Paul mean a mere setting aside all consideration of the bonds, so that, in effect, he would wish them to be like himself, whether in bonds or not. He clearly does not wish them to be in bonds. Similarly, the dismissal of the wife is one in which there is not *porneia* ; it is not a dismissal whether there is *porneia* or not.

But can the exceptive phrase *parektos logou porneias* refer, not to the mere dismissal, but to the whole of Christ's declaration, so that the meaning is : ' I say to you that whoever puts away his wife—and I say this whatever may be the interpretation of *'erwat dabar* in Deuteronomy—and marries another, he commits adultery ' ? If that were the meaning, it would be far more natural that the phrase should read : ' I say to you, *parektos logou porneias*, whoever puts away his wife etc.' The *parektos* is manifestly exceptive, and if the exception is to the whole logion of Christ, it is strange that it is not placed where it would clearly be so. Further, if the *logos porneias* corresponds to *'erwat dabar*, then the meaning would seem, on this hypothesis, to be that what

Christ says does not consider the *'erwat dabar*, not that he rules out consideration of it ; it he were to consider it, what he says might be different. But, in fact, *parektos* excludes not mere consideration of a thing, but the thing itself ; it does not mean ' irrespective of ' a thing, but without it.

Thus even in Chapter 5 there is no support for the idea that the phrase is not truly exceptive ; in Chapter 19, however, the *me epi porneia* is so adverse to the suggestion that the case of *'erwat dabar* is passed over as irrelevant, that Canon Arendzen is forced to conclude either that it is a mistranslation of the Aramaic, or else that the true reading is the same as in Chapter 5, *parektos logou porneias*. It is true that some manuscripts, including the Vaticanus and the Codex Beza have the same reading of the phrase in Chapter 19 as in 5 ; but they are so few that scarcely any editor dares to incorporate it into his text, against the overwhelming majority of the manuscripts. Recourse to so far-fetched expedients is almost a confession that the case is hopeless.

Taking all these reasons together, it seems less likely that *porneia* refers to the *'erwat dabar* of Deuteronomy, and we are left with the suggestion that it means an illegitimate marriage. The word is used in 1 Cor. 5:1: ' It is absolutely heard that there is *porneia* among you . . . that one should have his father's wife,' as meaning an incestuous and illegitimate marriage ; and in Acts 15:20, it almost certainly means a marriage contrary to Jewish law, as Father Vawter agrees. The word, however, as Father Bonsirven has shown, is not used exclusively for incest, but is a general word meaning unlawful intercourse. In John 8:41, the Jews say to Christ, ' we are not born of *porneia*,' that is, we are legitimate children of Abraham, a meaning confirmed by many texts of the Old Testament, where to be born of *porneia* is to be illegitimate, Gen. 38:24 ; Num. 14:33, etc. *Pornogenes* means one born illegitimate. St Paul says that Esau was a *pornos*, Heb. 12:16, and reference to Gen. 26:34, 35 and 27:46, shows that Esau committed *porneia* in that he took foreign women as his wives. Consequently, Bonsirven, Zerwick and Vaccari think that the text means ' Whosoever dismisses his wife—unless she is not really his wife—and marries another, commits adultery.'

Father Vaccari points out that in Hebrew and Aramaic and New Testament Greek the same word is used to signify a legitimate wife and an illegitimate associate, and the same is true of a husband. Christ said to the Samaritan woman : Thou hast had five husbands—*andras*—and he whom thou now hast is not thy husband ' (John 4:18). The same word is used for a legitimate wife, for one in the position of the Samaritan woman, and for Herodias the ' wife ' of Herod, Mark 6:18. Herein lies the answer to the objection raised by Canon Arendzen,

that the explanation proposed would make Christ's words tautological, as meaning, ' If a man putteth away his wife—except of course when she is not his wife—he committeth adultery.' The meaning rather is : ' If a man puts away his " woman," unless she is not his true wife, he commits adultery.'

Against this explanation, Father Vawter says : ' The objections against applying this meaning to Matt. 5:32 and 19:9, are of the logical order. It is difficult to see how the reservation envisaged by this theory would fit the context of 5:32, where the argument involves the perfecting of the Mosaic Law, not perpetuating its refinements. In 19:9, it would be simply an irrelevancy. Here the law of Deut. 24:1, whatever its original perview may have been, is certainly being used by the Pharisees as the legal sanction for divorce in the strict sense, conceived by them as a privilege which God conceded to his people to the exclusion of the gentiles. In declaring the revocation of the Mosaic concession, why should Christ be imagined to have introduced gratuitously a matter governed by entirely different legislation, concerning which there was no controversy, and about which the Pharisees needed neither reassuring nor correction ? ' To what purpose, moreover, would our Lord have confirmed the invalidity of *zenuth* marriages ? Surely not to make the law of Leviticus and its derivatives normative for his Church. In Acts 15:20, 29, the prohibition of *porneia* and the observance of the kosher laws are imposed by the Apostles as a compromise in the Judaising controversy to avoid forcing an issue by giving needless offence to Jewish sensibilities. The very fact that such a law was formulated should tell us that there was no logion of Christ relating to the matter.'

Here Father Vawter makes an acute objection, reinforced by his learned study of the question ; but as Father Vaccari points out, the objection is not conclusive. In Matt. 5:32, Christ is by no means ' perpetuating the refinements ' of the Mosiac law, but is merely adding the exception in order to avoid cavil on the part of the Pharisees and to make his teaching clear. No doubt the case of John the Baptist having urged the dismissal of Herodias gave point to the exception made by Christ, and the case of the Samaritan woman shows that illegitimate unions were by no means unknown. In contrasting his law with that of Moses, Christ most reasonably added the exception in order to make clear that he did not mean to impose the obligation of retaining a ' woman,' even though in some sense she was like a wife, but yet was not a true wife. Moreover, is it so certain that the Pharisees needed no correction on the matter ? They would appear to have connived at the ' marriage ' of Herod and Herodias, for denunciation of which John lost his life.

By the exceptive phrase about *porneia* Christ did not impose the Levitical norms for legitimate marriage, but only declared that where the norms in actual force were violated, there was reason for dissolution of the marriage. Among the Jews those norms were in fact Levitical, and consequently Matthew, writing primarily for Jews, had more reason to mention the matter of *porneia* than had Mark and Luke, who wrote rather for gentiles. It is clear from Acts 15 that there was, early in Christian history, considerable discussion about the matter among Hebrew converts, and the Council of Jerusalem may well have legislated before Matthew's Gospel was written, with full knowledge that Christ had spoken in this sense.

In so complex a matter, where Scripture scholars differ, one must speak cautiously. Father Vaccari's conclusion, however, seems acceptable: the view which holds that the *porneia* of Matt. 5:32 and 19:9 means an illegitimate marriage is supported by sound reasons and avoids difficulties inherent in other explanations. On this view it is manifest that real divorce, involving a breaking of the marriage bond, is utterly excluded. The texts of Mark, Luke, and of Paul fit happily into this explanation and, indeed, are themselves explained and confirmed by it. 'Whosoever putteth away his wife—unless his union with her is illegitimate—and marries another, committeth adultery.'

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QUMRAN AND CHRISTIANITY

When documents can fetch as much as three pounds sterling per square inch it may be supposed that they are not uninteresting. These we speak of are associated with Khirbet Qumran, the ruined remains of the headquarters of that semi-monastic, semi-eremitical body of priestly penitents known as the Community of the Alliance. For our purpose it is precise enough to say that they occupied the site and the caves in its neighbourhood from the end of the second century B.C. to the first A.D., finally deserting it when the Tenth Legion marched on Jericho on its way to the siege of Jerusalem (A.D. 67).

All the world knows of the 1947 discovery (Cave 1). The hunt was up, and the Arabs are still scouring the rock-face west of the Dead Sea. Their most rewarding find was that of Cave 4 in September 1952. This mass of new material has forced the recruitment of a small team of scholars who are carrying on with their work conscious of the popular impatience but fortunately not disturbed by it. More than once Père de Vaux, director of the investigation,