



Jesus in the Sermon on the Mount: Protecting women from abusive divorce practices

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Domestic violence and abusive divorce practices remain significant issues in contemporary societies. This article presents a New Testament perspective on addressing these injustices, demonstrating how prevailing views on adultery and deplorable divorce practices exacerbated the vulnerability of women within the patriarchal society of the time. This article examined Jesus's two antithetical arguments in the Sermon on the Mount against the abusive practices of adultery and divorce, highlighting his protective stance towards women. It explores Jesus's opposition to unjust divorce practices and their relationship with adultery, emphasising the importance of inner purity and the necessity for men to regulate their thoughts and desires to uphold the sanctity of marriage.

Contribution: This article illustrated how misinterpretations of adultery and divorce practices further aggravated the vulnerability of women in that era. Although Jesus's theses were directed towards his followers, the findings of this study underscored the urgent need for societal reform and the establishment of robust support systems to combat and prevent abuse against women.

Keywords: adultery; divorce; abuse; patriarchal; Sermon on the Mount; greater righteousness; antitheses; bill of divorce; divorce letter.

Introduction

This article examines Jesus's two antithetical arguments against abusive practices towards women. Matthew 5:21–46 contains six antitheses forming part of his *halakhic* argument for the greater righteousness that he requires of his followers (Mt 5:20). Three of these arguments explicitly address violence: murder (Mt 5:21–26), retaliation (Mt 5:38–42), and the love or hatred of enemies (Mt 5:43–46). Two of the antitheses concern the relationship between men and women: adultery – the second antithesis (Mt 5:27–30), and divorce – the fourth antithesis (Mt 5:31–32), both of which implicitly deal with the abuse of women by men. These two antitheses are closely related, as the issues they address are interconnected. Adultery (Mt 5:27–30) is discussed within the context of the stipulations on divorce (Mt 5:27). This is significant, but even more so because these two antitheses appear consecutively. This article focuses on Jesus's opposition to divorce practices and their relationship with adultery.

Domestic violence and abusive divorce practices remain serious issues in contemporary societies. The World Health Organization (WHO n.d.) defines domestic violence as the intentional use of force, power, and threats against an individual or group with the aim of causing death or physical injury. The organisation estimates that globally, approximately one in three women (30%) have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime.

Dragiewicz, DeKeseredy and Schwartz (2017) provide a comprehensive examination of social science research on the abuse that women endure from male partners during and after separation or divorce. Their study includes detailed discussions on the causes and forms of abuse as well as personal narratives from both perpetrators and survivors in the United States.

Johnson and Booyesen (2021:184–189) explore the lived experiences of South African women who survived intimate partner violence that resulted in separation abuse. They identify four key themes characterising these women's experiences: (1) the persistent fear of their partner; (2) abusive attempts to exert power and control over children; (3) inadequate protection from partner violence; and (4) resilient living, wherein, despite experiencing anger, grief, and pain,

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the women demonstrate an ability to cope both physically and psychologically.

Fapohunda et al. (2021:653–661) investigate intimate partner and domestic violence in South Africa, finding that abusive behaviour is often used to gain or maintain control over an intimate partner or family member, leading to physical, psychological, emotional, sexual, or economic harm. Such abuse occurs even within religious communities.

This article offers a New Testament perspective on countering these injustices. It demonstrates how prevailing views on adultery and deplorable divorce practices aggravated the vulnerability of women within the patriarchal society of the time. It is argued that the misinterpretation and misuse of Deuteronomy 24:1 contributed to the mistreatment of married women. The article examines the interpretation of this Mosaic ruling in the writings of prominent Jewish leaders of those days, noting that several interpretations facilitated the abuse of women. Jesus offers corrective teaching in his urge for greater righteousness. His appeal is particularly relevant for Christian communities, urging self-reflection and caution, especially among men, to be mindful of their conduct and in ensuring that they do not take God's commands lightly.

This article begins by contextualising Jesus's statements on adultery and divorce within a series of antithetical statements. This is followed by a semantic analysis of these two statements. As these arguments reflect the traditions that, in some cases, draw on Jewish Scriptures, a closer investigation of these scriptural echoes is incorporated into the discussion.

Context of these antitheses

The two statements concerning the treatment of women in the Sermon on the Mount should be interpreted within the context of six antitheses.

Matthew frequently depicts Jesus engaging in debates with the Pharisees and scribes regarding their interpretation of the Torah. Several interpretations of the Law's stipulations became pivotal issues, leading to differences and divisions within Judaism (Dunn 2003:292). The Sermon on the Mount plays a crucial role in Matthew's argument about the true purpose of the Torah, contrasting it with contemporary teachings and practices. Jesus elaborates on certain stipulations of the Law (Viljoen 2018:141–168).

In the narrative of the Matthean Gospel, Jesus and his disciples were frequently accused of failing to keep the Torah's commands, while Jesus himself is repeatedly challenged on his knowledge and understanding of it. In a densely formulated and fundamental statement in Matthew 5:17–19,¹ Jesus asserts the continuing validity of the Torah:

1.This statement consists of a series of statements combined to form a thematic unit (see Viljoen 2018:74–88).

ἢ νομίσητε ὅτι ἦλθον καταλῦσαι τὸν νόμον ἢ τοὺς προφῆτας· [Do not think that I have come to abolish the Law or the Prophets – notion rejected] ... οὐκ ἦλθον καταλῦσαι ἀλλὰ πληρῶσαι· [I have not come to abolish them but to fulfil them – notion confirmed]. This statement is both polemical and apologetic, laying the foundation for the *Streitgespräche* and the legal material that follows in the Gospel (Viljoen 2018:92).

This crucial statement distinguishes between various forms of δικαιοσύνη [righteousness], asserting that the righteousness of Jesus's followers must exceed that of the scribes and Pharisees: ἐὰν μὴ περισσεύσῃ ὑμῶν ἡ δικαιοσύνη πλεῖον τῶν γραμματέων καὶ Φαρισαίων, οὐ μὴ εἰσέλθῃτε εἰς τὴν βασιλείαν τῶν οὐρανῶν [unless your righteousness surpasses that of the teachers of the Law and the Pharisees, you will certainly not enter the Kingdom of Heaven] (Mt 5:20). This statement functions as a hinge between the preceding statement of the Law's continuing validity (Mt 5:17–19) and the six antitheses² that follow (Mt 5:21–47).

These antitheses reflect a *halakhic* form of debate, designed to encourage moral conduct (Sigal 2007:3–60). In Matthew 5, the *halakha* is introduced through a series of six theses, each beginning with variations of ἠκούσατε ὅτι ἐρρήθη τοῖς ἀρχαίοις [you have heard that it was said to/by the people long ago] (Mt 5:21, 27, 31, 33, 38, 43), followed by variations of ἐγὼ δὲ λέγω ὑμῖν [but I say to you] statements by Jesus in Matthew (5:22, 28, 32, 34, 39, 44).

The term ἠκούσατε [you have heard] likely refers to the Scriptures read in the synagogue, accompanied by interpretations provided by Jewish teachers. These theses echo passages from the Torah;³ yet, it is implied that their meanings have been distorted by scribal interpretations and traditions. Jesus responds to these distortions (Viljoen 2013:3–4).

These six antitheses culminate in the statement ἔσεσθε οὖν ὑμεῖς τέλει ὡς ὁ πατὴρ ὑμῶν ὁ οὐράνιος τέλειός ἐστιν [be perfect, therefore, as your heavenly Father is perfect] (Mt 5:48; see Viljoen 2013).

This final declaration encapsulates the purpose of the antitheses. Although the future indicative of the verb ἔσεσθε is typically understood as a command, this formulation also conveys a promise (Schweizer 1976:135). Grammatically, such an interpretation is plausible (Jordaan 2014:72). By adhering to Jesus's *halakha*, his followers would achieve perfection.

2.Although it is quite common to depict these statements as antitheses, the grammar allows for more nuances in translation, such as 'in contrast to' / 'in addition to that' / 'in agreement with that' (Davies & Allison 2004:504; Moo 1992:455).

3.The first thesis, 'you shall not murder' (Mt 5:21a) refers to the Decalogue (Ex 20:13 and Dt 5:17). The second thesis is also taken from the Decalogue (Ex 20:14 and Dt 5:18), 'you shall not commit adultery' (Mt 5:18). The third thesis 'Anyone who divorces his wife must give her a certificate of divorce' alludes to Deuteronomy 24:1. The fourth thesis (Mt 5:33) is a two-part compilation, 'Do not break your oath', alluding to Leviticus 19:12, and 'but fulfil to the Lord the vows you have made' that alludes to Numbers 30:2, Deuteronomy 23:21–23 and Psalm 50:14. The fifth thesis 'Eye for an eye, and tooth for tooth' (Mt 5:38) refers to three passages from the Pentateuch, Exodus 21:24, Leviticus 24:20 and Deuteronomy 19:21. In the sixth statement, Jesus responds to two rulings, 'Love your neighbour' which refers to Leviticus 19:18, and 'hate your enemies' which probably echoes passages like Exodus 34:12 and Deuteronomy 7:2, 20:16 and 23:4, 7.

The concept of δικαιοσύνη frames the antithetical argument, reappearing in Matthew 6:1, where it refers to δικαιοσύνη in Matthew 5:20 (Deines 2004:437). While δικαιοσύνη in Matthew 5:20 relates to righteousness in some general situations, Matthew 6:1 explicitly condemns⁴ acts of righteousness performed for public recognition (Weren 1994:73).⁵

The term δικαιοσύνη thus creates a literary *inclusio* around the antitheses, serving as a crucial hermeneutical key for their interpretation (Viljoen 2018:130).

Antithetical argument on adultery (Mt 5:27–30)

As previously mentioned, the second argument is derived from the Decalogue: οὐ μοιχεύσεις [you shall not commit adultery], the seventh commandment (Ex 20:14 and Dt 5:18). Table 1 outlines the structure of this argument.

Thesis (Mt 5:27)

The introductory phrase, ἠκούσατε ὅτι ἐρρέθη [you have heard that it was said] in Matthew 5:27a, along with the Torah commandment, οὐ μοιχεύσεις [you shall not commit adultery] in Matthew 5:27b, is more concise than the initial argument in the series. The phrase omits τοῖς ἀρχαίοις [to the people long ago] which appears in Matthew 5:21, although this audience is implicitly understood. Unlike the first argument, the succinct commandment from Exodus 20:14 and Deuteronomy 5:18 (Septuagint [LXX]) does not specify a penalty for its violation.

Antithetical statement (Mt 5:28)

Matthew 5:28 presents an antithetical statement with a distant parallel in Luke 16:18. In Luke's account, the distinct arguments concerning divorce and adultery, found in Matthew, are merged into a single statement, as shown in Table 2.

In Luke, this statement is not presented as part of an antithetical argument, and the reasoning behind adultery is framed differently. In Luke, it serves as a warning directed at the Pharisees, who justify themselves. Jesus warns them: 'You are the ones who justify yourselves in the eyes of others, but God knows your hearts. What people value highly is detestable in God's sight' (Lk 6:15). The context in Matthew, however, differs.

In Matthew, Jesus employs this statement to contend that the original purpose of the prohibition extends beyond mere literal compliance. It emphasises the necessity of eliminating

TABLE 1: The antithetical argument on adultery in Matthew 5:27–30.

| | |
|---|--|
| Matthew 5:27: Thesis | |
| Introductory formula: ἠκούσατε ὅτι ἐρρέθη | You have heard that it was said, |
| Ruling: Οὐ μοιχεύσεις. | 'You shall not commit adultery'. |
| Mt 5:28: Antithesis | |
| Introductory formula: ἐγὼ δὲ λέγω ὑμῖν | But I tell you |
| Antithetical statement: ὅτι πᾶς ὁ βλέπων γυναῖκα πρὸς τὸ ἐπιθυμῆσαι αὐτήν ἤδη ἐμοίχευσεν αὐτήν ἐν τῇ καρδίᾳ αὐτοῦ. | That anyone who looks at a woman lustfully has already committed adultery with her in his heart. |
| Mt 5:29: First proverbial solution | |
| εἰ δὲ ὁ ὀφθαλμός σου ὁ δεξιὸς σκανδαλίζει σε, ἔξελε αὐτὸν καὶ βάλε ἀπὸ σοῦ· συμφέρει γάρ σοι ἵνα ἀπόληται ἐν τῶν μελῶν σου καὶ μὴ ὅλον τὸ σῶμά σου βληθῇ εἰς γέενναν. | If your right eye causes you to stumble, gouge it out and throw it away. It is better for you to lose one part of your body than for your whole body to be thrown into hell. |
| Mt 5:30: Second proverbial solution | |
| καὶ ἐῖ ἡ δεξιὰ σου χεὶρ σκανδαλίζει σε, ἔκκοψον αὐτήν καὶ βάλε ἀπὸ σοῦ· συμφέρει γάρ σοι ἵνα ἀπόληται ἐν τῶν μελῶν σου καὶ μὴ ὅλον τὸ σῶμά σου εἰς γέενναν ἀπέλθῃ. | And if your right hand causes you to stumble, cut it off and throw it away. It is better for you to lose one part of your body than for your whole body to go into hell. |

TABLE 2: The antithetical statement on lust in Matthew 5:28 paralleled in Luke 16:18.

| Matthew 5:28 | Luke 16:18 |
|---|---|
| ἐγὼ δὲ λέγω ὑμῖν ὅτι πᾶς ὁ βλέπων γυναῖκα πρὸς τὸ ἐπιθυμῆσαι αὐτήν ἤδη ἐμοίχευσεν αὐτήν ἐν τῇ καρδίᾳ αὐτοῦ but I tell you that anyone who looks at a woman lustfully has already committed adultery with her in his heart. | Πᾶς ὁ ἀπολύων τὴν γυναῖκα αὐτοῦ καὶ γαμῶν ἑτέραν μοιχεύει, καὶ ὁ ἀπολελυμένην ἀπὸ ἀνδρὸς γαμῶν μοιχεύει. Anyone who divorces his wife and marries another woman commits adultery, and the man who marries a divorced woman commits adultery. |

the root cause of sin and focusing on the heart's intent (Betz 1995:231; Meier 1976:136). Jesus cautions against 'thought adultery' (Foster 2004:105).

In New Testament times, patriarchal society regarded adultery very differently for men and women. Women were expected to remain chaste and faithful, while men had greater sexual freedom. Women caught in adultery faced severe social stigma and penalties, including stoning. In many societies, it was deemed acceptable for a man to have sexual relations with another woman, provided she was not another man's wife, as this would constitute a violation of the husband's honour and rights. Whether a sexual act was considered adultery depended on the woman's marital status. Adultery was perceived as an offence against the woman's husband or fiancé, dishonouring him, and was seen as theft of his property (Osborne 2010:196; Shields 2006:57). Consequently, a man was typically not regarded as an adulterer for engaging in extramarital sexual activity unless the woman involved was married or engaged (Morris 1992:122; Sigal 2007:116). Adultery was seen less as a moral transgression and more as a breach of a husband's exclusive right to his wife's sexuality, ensuring the legitimacy of his offspring (Shields 2006:57; Viljoen 2013:6).

Jesus challenges this practice, explicitly addressing men in his warning against adultery and confronting the gender norms that placed the burden of sexual immorality primarily on women. He calls on men to uphold moral integrity, asserting that a man commits adultery when he engages in relations with a woman who is not his wife, irrespective of her marital

4. In an honour and shame society, one's good reputation is maintained by the esteem of others who benefit from their public actions (Malina & Rohrbaugh 2003:370; Witherington 2013:49). Therefore, Jesus challenges a fundamental societal pattern.

5. Three specific activities are mentioned: doing charity, praying, and fasting. These practices were fundamental to Jewish piety during the Second Temple period (Betz 1995:338; Morris 1992:135). The issue was not their actions as such, but rather that they performed them as ὑποκριταὶ [hypocrites] to impress onlookers and bolster their own esteem.

status (Sigal 2007:117). By doing so, Jesus elevates the status of women and prohibits men from exploiting them.⁶

Two proverbial solutions (Mt 5:29–30)

Two proverbial applications follow, advocating drastic measures to resist the temptation of adultery. The first concerns the right eye, and the second, the right hand, as indicated in Table 3.

The paired statements in Matthew 5:29–30 have a parallel in Mark 9:43–48, albeit in a different context, where they feature as part of a threefold proverbial declaration, as shown in Table 4.

In Mark, Jesus warns the 12 disciples against leading the ‘little ones’, who believe in him, into sin, stating that it would be better for anyone causing such a stumbling block to have a large millstone hung around their neck and be thrown into the sea (Mk 9:42). He then follows this with a threefold proverbial warning concerning the hand, foot, and eye.

Similarly, in Matthew, Jesus issues warnings against temptations, specifically in the context of adultery. He broadens the definition of adultery beyond the physical act to include lustful thoughts and desires. According to Jesus, even looking at someone with lustful intent is equivalent to committing adultery in the heart. This teaching underscores the importance of inner purity and the moral integrity of thoughts and intentions, rather than focusing solely on outward actions.

Jesus does not advocate self-mutilation but employs hyperbole to emphasise the seriousness with which one should avoid lustful thoughts. Through this striking imagery, Jesus stresses the necessity of taking serious measures to overcome inappropriate sexual urges (Osborne 2010:197). The right eye, which ironically should help prevent one from falling, can instead lead to a fall. If a valuable member, such as the right eye, causes one to sin, it is better to remove it. Likewise, the activity of the right hand, which acts upon what the eye has stimulated, can lead to stumbling. One should be willing to renounce even one’s most valued activities if they cause stumbling.

In summary, Jesus employs this antithetical argument to challenge the societal norms of his time, insisting that men must take personal responsibility for their moral actions. The Law demands δικαιοσύνη that surpasses practices in which vulnerable women are exploited while men engage in self-justification.

6.Banks (1975:190) and Luz (1990:296) highlight the close parallels between this warning and rabbinic literature. The *Mekhilta* of Rabbi Shimon III states, ‘He is not to commit adultery ... either by the eye or by the heart’. Similarly, *Pesiqta Rabbati* 24.2 declares, ‘Even he who visualizes himself in the act of adultery is called an adulterer’. The Book of Jubilees 20:3–4 advises, ‘Let them not fornicate with her after their eyes and hearts’.

TABLE 3: Two proverbial solutions to avoid adultery in Matthew 5:29–30.

| | |
|---|--|
| <p>First proverbial statement</p> <p>εἰ δὲ ὁ ὀφθαλμός σου ὁ δεξιὸς σκανδαλίζει σε [if your right eye causes you to stumble].</p> <p><u>ἔξελε αὐτὸν καὶ βάλε ἀπὸ σοῦ</u> [gouge it out and throw it away].</p> <p>συμφέρεi γάρ σοι ἵνα ἀπόληται ἓν τῶν μελῶν σου καὶ μὴ ὅλον τὸ σῶμά σου βληθῇ εἰς γέενναν [for it is better for you to lose one part of your body than for your whole body to be thrown into hell] (Mt 5:29)].</p> | <p>Second proverbial statement</p> <p>καὶ εἰ ἡ δεξιά σου χεὶρ σκανδαλίζει σε [and if your right hand causes you to stumble].</p> <p><u>ἔκκοψον αὐτήν καὶ βάλε ἀπὸ σοῦ</u> [cut it off and throw it away].</p> <p>συμφέρεi γάρ σοι ἵνα ἀπόληται ἓν τῶν μελῶν σου καὶ μὴ ὅλον τὸ σῶμά σου εἰς γέενναν ἀπέλθῃ [for it is better for you to lose one part of your body than for your whole body to go into hell] (Mt 5:30).</p> |
|---|--|

TABLE 4: Parallels between the statements in Matthew 5:29–30 and Mark 9:43–48.

| Matthew 5:29–30 | Mark 9:43–48 |
|--|---|
| <p>²⁸ εἰ δὲ ὁ ὀφθαλμός σου ὁ δεξιὸς σκανδαλίζει σε <u>ἔξελε αὐτὸν καὶ βάλε ἀπὸ σοῦ</u> συμφέρεi γάρ σοι ἵνα ἀπόληται ἓν τῶν μελῶν σου καὶ μὴ ὅλον τὸ σῶμά σου βληθῇ εἰς γέενναν</p> <p>³⁰ καὶ εἰ ἡ δεξιά σου χεὶρ σκανδαλίζει <u>ἔκκοψον αὐτήν καὶ βάλε ἀπὸ σοῦ</u> συμφέρεi γάρ σοι ἵνα ἀπόληται ἓν τῶν μελῶν σου καὶ μὴ ὅλον τὸ σῶμά σου εἰς γέενναν ἀπέλθῃ</p> <p>²⁹ [If your right eye causes you to stumble, gouge it out and throw it away. It is better for you to lose one part of your body than for your whole body to be thrown into hell.]</p> <p>³⁰ And if your right hand causes you to stumble, cut it off and throw it away. It is better for you to lose one part of your body than for your whole body to go into hell.]</p> | <p>⁴³ Καὶ ἐὰν σκανδαλίσῃ σε ἡ χεὶρ σου, <u>ἀπόκοψον αὐτήν</u>· καλὸν ἐστὶν σε κυλλὸν εἰσελθεῖν εἰς τὴν ζωὴν, ἢ τὰς δύο χεῖρας ἔχοντα ἀπελθεῖν εἰς τὴν γέενναν, εἰς τὸ πῦρ τὸ ἀσβεστον.</p> <p>⁴⁵ καὶ ἐὰν ὁ πούς σου σκανδαλίσῃ σε, <u>ἀπόκοψον αὐτόν</u>· καλὸν ἐστὶν σε κυλλὸν εἰσελθεῖν εἰς τὴν ζωὴν ὥλων, ἢ τοὺς δύο πόδας ἔχοντα βληθῆναι εἰς τὴν γέενναν.</p> <p>⁴⁷ καὶ ἐὰν ὁ ὀφθαλμός σου σκανδαλίσῃ σε, <u>ἔκβαλε αὐτόν</u>· καλὸν σέ ἐστιν μονόφθαλμον εἰσελθεῖν εἰς τὴν βασιλείαν τοῦ Θεοῦ, ἢ δύο ὀφθαλμοὺς ἔχοντα βληθῆναι εἰς τὴν γέενναν,</p> <p>⁴⁸ ὅπου ὁ σκώληξ αὐτῶν οὐ τελευτᾷ καὶ τὸ πῦρ οὐ σβέννυται.</p> <p>⁴³ [If your hand causes you to stumble, cut it off. It is better for you to enter life maimed than with two hands to go into hell, where the fire never goes out.]</p> <p>⁴⁵ And if your foot causes you to stumble, cut it off. It is better for you to enter life crippled than to have two feet and be thrown into hell.</p> <p>⁴⁷ And if your eye causes you to stumble, pluck it out. It is better for you to enter the kingdom of God with one eye than to have two eyes and be thrown into hell,</p> <p>⁴⁸ where ‘the worms that eat them do not die, and the fire is not quenched’.]</p> |

The antithetical argument on divorce (Mt 5:31–32)

The antithetical argument on divorce addresses yet another practice that exploited women, building upon the previous discussion on adultery (Mt 5:27–30).⁸ It is the shortest in the series of six arguments and lacks any parabolic appendix or pedagogical applications, as demonstrated in Table 5.

Thesis (Mt 5:31)

Matthew 5:31 begins with the formulaic phrase in its shortest form, ἐρρέθη δέ [it has been said], followed by the Torah reference ὅς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ, τότε αὐτῇ ἀποστάσιον [anyone who divorces his wife must give her a certificate of divorce]. This reference alludes to Deuteronomy 24:1,

If a man marries a woman who becomes displeasing to him because he finds something indecent about her, and he writes

7.Some manuscripts add the wording of verse 48 as verses 44 and 46.

8.In Matthew 19:3–9, the Pharisees ask Jesus about whether a man can divorce his wife for any reason. Jesus responds stating that divorce is permissible only in cases of unchastity. In Luke 16:18, Jesus says the same. In Mark 10:2–12, Jesus explains to his disciples that a man who divorces his wife to marry another woman commits adultery, and likewise, a woman who divorces her husband to marry another man also commits adultery.

TABLE 5: Antithetical argument against divorce.

| | |
|--|--|
| 5:31: Thesis | |
| Introductory formula: Ἐρρέθη δέ | It has been said, |
| Ruling: Ὃς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ, δότω αὐτῇ ἀποστάσιον. | ‘Anyone who divorces his wife must give her a certificate of divorce’. |
| 5:32: Antithesis | |
| Introductory formula: ἐγὼ δὲ λέγω ὑμῖν | But I tell you |
| Two-fold statement: | |
| ὅτι πᾶς ὁ ἀπολύων τὴν γυναῖκα αὐτοῦ παρεκτός λόγου πορνείας ποιεῖ αὐτὴν μοιχευθῆναι, | that anyone who divorces his wife, except for sexual immorality, makes her the victim of adultery, |
| καὶ ὃς ἂν ἀπολελυμένην γαμήσῃ μοιχᾶται. | and anyone who marries a divorced woman commits adultery. |

her a certificate of divorce, gives it to her and sends her from his house

It is essential to recognise that divorce in Deuteronomy is assumed rather than endorsed. Deuteronomy does not prescribe laws on divorce but acknowledges its existence (Lundbom 2013:670). Divorce was regulated by customary law rather than formal legislation, with stipulations found in indirect references such as prophecies and narratives. Although not prescribed, these measures aimed to prevent the mistreatment of women. The primary guidelines on divorce are detailed in *Tractate Gittin* [Divorce Certificates] (Tigay 1996:220).⁹ If a man divorced his wife, he was required to provide her with a certificate of divorce – a practice intended to ensure humane treatment of women in precarious positions (Lundbom 2013:669). Over time, both the certificate and the act of divorce itself came to be seen as mandated by Moses (cf. Mt 19:7).

The mistreatment of women appears to have been exacerbated by isolating Deuteronomy 24:1 from its broader context and interpreting certain phrases in a way that led to injustice. However, this verse is part of a longer statement spanning verses 1 to 4. As shown in Table 6, Deuteronomy 24:1–3 provides the *protasis*, outlining the condition, while verse 4 presents the *apodosis*, stating the law.¹⁰

When read in context, the ruling was intended to protect women (Sigal 2007:111–117). Prior to this ruling, a husband could simply dismiss his wife by saying, ‘You are not my wife’, leaving her without proof of divorce and in an extremely vulnerable position (Lundbom 2013:672). If she entered a new relationship after being sent away, she could easily be charged with adultery. Additionally, the husband who had sent her away could demand her return at any time. Thus, Moses did not command divorce but required that a certificate be issued if a man chose to divorce his wife. As Stonehouse (1948:204) states, ‘The aim of the legislation is not to condone divorce as such, but to mitigate its evil consequences’. A man could not simply send his wife away and later claim that she was still his wife. The bill of divorce implied that the husband

9. One of the tracts of the *Mishnah*, the *Gittin*, deals with the laws of divorce, focusing on the *get* (bill of divorce).

10. An abridged version of this law found in Jeremiah 3:1 with an unsettling comparison is made to Yahweh’s broken relationship with Israel (Lundbom 2013:670).

TABLE 6: Moses’s instruction on a divorce certificate.

| | |
|---|--|
| Protasis | |
| 1 If a man marries a woman who becomes displeasing to him because he finds something indecent about her, and he writes her a certificate of divorce, gives it to her, and sends her from his house, | |
| 2 and if after she leaves his house she becomes the wife of another man, 3 and her second husband dislikes her and writes her a certificate of divorce, gives it to her, and sends her from his house, or if he dies, | |
| Apodosis | |
| 4 then her first husband, who divorced her, is not allowed to marry her again after she has been defiled. That would be detestable in the eyes of the Lord. Do not bring sin upon the land the Lord your God is giving you as an inheritance. | |

relinquished his claim on her (Morris 1992:121). This certificate, a document of separation or a bill of dismissal, served as proof of the divorce and indicated that the couple was no longer husband and wife (Hs 2:4). In such a case, she was free to remarry (Jr 3:8; Is 50:1).

In ancient Babylon, divorce was initiated simply by the husband declaring, ‘You are not my wife’ or ‘She is not my wife’ (Lundbom 2013:672). In some cases, the wife received a monetary settlement, but often she was left with nothing. The Deuteronomic ruling required this statement to be confirmed in writing. According to the *Mishnah* (*Mish. Git.* 9.3), the basic formula was: ‘You are hereby permitted to marry anyone’. A recently discovered bill of divorce, dated AD 111, contains the following declaration:

I dismiss and divorce of my own free will today. I Yosef, son of Naqsan, you, Miriam [*daughter of*] Yehonatan [*fr*]om [*Ha*] nablate, living at Masada, who was my wife previously. You are free unto yourself to go and marry any Jewish man you please. Let this be to you from me a writ of divorce and a letter of dismissal (P. Mur. 19).¹¹

The instruction for a husband to provide his ex-wife with a bill of divorce forms part of a longer *protasis* spanning Deuteronomy 24:1–3 with the *apodosis* in Deuteronomy 24:4. When read as a whole, this ruling specifies that a man is not permitted to remarry his former wife if she has married another man in the interim. Verses 2 and 3, which are still part of the *protasis*, outline the condition of her marriage to another man and state that her latter husband also rejects [*ū-śā-nē-’āh*] her. Taking these conditions stated in the *protasis* into account, the *apodosis* follows in verse 4, her first husband is not allowed to take her back, as this would bring sin upon the land.

There are several reasons for this ruling. It was designed to preserve the sanctity of the second marriage and to prevent malpractices that would undermine respect for the institution of marriage. Such malpractices could include temporary marriages, wife-swapping, prostitution, bribery to take back a woman, or even the suspicious death of the second husband.

11. The bill of divorce referred to as P. Mur. 19 is an ancient document from the Murabba’at collection, which consists of various legal and administrative texts from the Judean Desert. This particular document is a bill of divorce, also known as a ‘get’, issued in accordance with Jewish law. It outlines the formal process of divorce, including the names of the parties involved, the date, and the declaration of the husband’s intention to divorce his wife.

However, what sadly happened is that Deuteronomy 24:1 was often read in isolation, as if it contained both *protasis* and *apodosis*, thereby granting permission and reasons for divorce, and justifying it independently (Lundbom 2013:670). In such cases, a man was allowed to divorce his wife simply if she 'found no favour' [*hên*] in his eyes. This interpretation was accepted by Josephus (*Ant.* 4.253)¹², the School of Hillel, and Rabbi Akiba (*Mish. Git.* 9:10), leading to a wide range of subjective and often abusive reasons for divorce (Viljoen 2013:7).

Rabbi Akiba cited this verse to argue that a man could divorce his wife simply because he found someone else more attractive (*Mish. Git.* 9:10). Others debated the meaning of a husband 'finding' [*mā-šā*] something indecent [*er-waṭ dā-bār*] about her'. 'To find' [*mā-šā*] was understood as catching someone engaged in wrongdoing, implying offensive conduct rather than a mere physical feature (as in 1 Sm 29:3, 6, 8; 2 Ki 17:4). 'Something indecent' [*er-waṭ dā-bār*] was understood as something obnoxious or unpleasant. The LXX translates this phrase as *ἄσχημον πρῶγμα* [shameful or naked thing], suggesting immodest exposure or behaviour. This translation expanded the term's scope beyond sexual misconduct to include any form of indecency. The Vulgate translates it as *aliquam foeditatem*, referring not only to sexual indecency but to any form of impurity. Thus, the reasons for divorce became highly subjective.

Ancient Near Eastern documentation reflects this subjectivity. According to the Hammurabi Codes (CH 141 and 143) divorce could be granted for reasons such as a wife's suspicious absence from home, misuse of her husband's property, humiliation of her husband, denial of marital rights, or adultery. The prescribed punishment for adultery was often execution. *Sirach* 25:25–26 recommends divorcing a wife who is *bold and* disobedient to her husband, depicting her as evil (*Mish. Ketub.* 7:6).¹³ In such cases, the husband could divorce her without a monetary settlement (*Mish. Ketub.* 7:6), or alternatively, he could retain her as a slave while marrying someone else.

The *Mishnah* (*Mish. Git.* 9:10) records a debate between the School of Shammai and the School of Hillel. The Shammai School argued that '*er-waṭ dā-bār*' referred specifically to sexually indecent behaviour (Betz 1995:247), implying public indecent exposure (*Mish. Git.* 9:10). According to contemporary moral customs, this could include a woman appearing in public with her hair down, uncovered arms, or a slit in her skirt. In contrast, Rabbi Hillel interpreted the phrase more broadly, including actions such as speaking disrespectfully to her husband or spoiling his meal (Guelich 1982:203). Josephus also supported this broader interpretation (*Ant.* 4:253).

12. In 'Antiquities of the Jews', Flavius Josephus describes the history of the Jewish people from creation to the Jewish revolt against Rome in 66 AD.

13. The *Mishnah Ketubot* is a tractate of the *Mishnah* that forms part of the order of *Nashim* (Order of women). It primarily deals with the *ketubah*, which is a Jewish marriage contract.

However, neither of these interpretations seems entirely accurate. If Shammai's view were correct, the woman would have been stoned unless she had already been legally divorced. On the other hand, Hillel's interpretation would have trivialised the law. More likely, 'indecency' referred to something less severe than adultery but still considered improper. A direct translation of '*er-waṭ dā-bār*' is 'naked thing', indicating some form of inappropriate exposure or behaviour (Lundbom 2013:671). Elsewhere in Deuteronomy, the term is indeed used to describe any conduct a husband would find intolerable.

Antithetical statement (Mt 5:32)

Against these common assumptions, Jesus responds antithetically: ἐγὼ δὲ λέγω ὑμῖν ὅτι πᾶς ὁ ἀπολύων τὴν γυναῖκα αὐτοῦ παρεκτὸς λόγου πορνείας ποιεῖ αὐτὴν μοιχευθῆναι, καὶ ὃς ἐὰν ἀπολελυμένην γαμήσῃ, μοιχᾶται [But I tell you that anyone who divorces his wife, except for sexual immorality, makes her the victim of adultery, and anyone who marries a divorced woman commits adultery.] Jesus argues that *πορνεία* [adultery] is the only legitimate ground for divorce, as such an act inherently annuls the marriage by creating a new sexual relationship. If a husband divorces his wife for any other reason, he is complicit in causing her to commit adultery. The final clause of the divorce statement prohibits another man from marrying a divorced woman. This teaching is intended to protect women from the arbitrary whims of men. Jesus calls his followers to appreciate the true intention of marriage as a lifelong covenant between a man and a woman that should not be dissolved lightly.

Conclusion

This article has examined Jesus's two antithetical arguments aimed at protecting women from the abusive practices of adultery and divorce, both of which constitute violence against vulnerable women. These arguments, part of a series addressing various forms of violence, adopt the *halakhic* style of debate, referencing a Torah statement followed by Jesus's alternative interpretation. Jesus sought to establish δικαιοσύνη that exceeded the prevailing norms of his time, urging his followers to embody the attributes of God the Father.

The Matthean antitheses parallel similar themes in Luke where issues of divorce and adultery are intertwined, whereas Matthew addresses them separately yet in direct relation. In the patriarchal context of that era, women were often blamed for adultery, while men were exempt unless they engaged with another man's wife. Jesus redirects this responsibility to men, addressing both physical and *thought adultery*, emphasising that adultery encompasses not only actions but also adulterous thoughts and desires. Jesus advocates for serious measures to avoid adultery, underscoring personal moral responsibility and the sanctity of marriage.

Jesus's teachings on divorce highlight the exploitation of women by men who employed trivial reasons for divorce based on a misinterpretation of Moses's instructions. Moses's ruling, intended to protect women and uphold the sanctity of marriage, was distorted to justify divorce. Jesus counters this by asserting that adultery is the sole legitimate ground for divorce, as it inherently annuls the marriage. Any other reason implicates the man in causing his wife to commit adultery.

By presenting these antitheses, Jesus did not abolish the Law but fulfilled its true intention. His teachings aimed to end the exploitation of women and to uphold justice, astonishing his audience with an authority that surpassed that of their traditional teachers.

This call for righteousness and moral integrity remains relevant in modern societies, where women continue to face violations. The WHO's estimate that one in three women globally has experienced physical or sexual violence underscores the ongoing relevance of Jesus's teachings. These findings highlight the urgent need for societal change and the development of robust support systems for survivors to combat and prevent abuse.

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Author's contributions

F.P.V. is the sole author of this research article.

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Data availability

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Disclaimer

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