

## THEOLOGICAL TRENDS

### Marriage and Divorce in the Gospel according to Mark (Chapter 10:1–12)

THE DIVORCE RATE IN THE United States and many western nations is appallingly high. A study of recent trends cited in the *Encyclopedia of sociology* (1992) concluded that as many as ‘two-thirds of current marriages are likely to end in separation or divorce’.<sup>1</sup>

This statistic represents a fairly new development. According to Steven Nock, ‘There was very little divorce until the end of the nineteenth century’.<sup>2</sup> Even so, the changing social political situation merited Leo XIII’s encyclical *Arcanum divinae sapientiae* (1880), which warned that ‘once divorce has been allowed, there will be no sufficient means of keeping it in check within any definite bounds’.<sup>3</sup>

Nock then noted ‘a slow but constant growth in divorce rates through the first half of the twentieth century’.<sup>4</sup> Pius XI responded to that development in his encyclical *Casti connubii* (1930): ‘The daily increasing facility of divorce is an obstacle to the restoration of marriage to that state of perfection which the divine Redeemer willed it should possess’.<sup>5</sup> Like Leo XIII, he approached the matter in terms of politics and the legal jurisdiction of civil law in the area of marriage and divorce.

The most significant increase in divorce rates for modern times began in the 1960s<sup>6</sup> and continued exponentially to the present, when the great majority of marriages are expected to end in separation or divorce. Vatican II spoke to this situation in *Gaudium et spes* (1965), which included divorce among problems of special urgency and referred to it as a plague (*lues*),<sup>7</sup> but did not address it directly. Instead, it focused on bolstering the institution of marriage and strengthening the family.<sup>8</sup>

For many, the recent escalation in the incidence of divorce in the United States and many other countries is a cause of deep concern about the future of marriage, and some sociologists have used these data to question the very survival of the family in the western world.<sup>9</sup> The Church, which maintains a very long-range view in such matters, speaks repeatedly of the gravity of the situation, but is not alarmist. In his apostolic exhortation *Familiaris consortio* (1981), John Paul II refers to the growing number of divorces and speaks of divorce as one of the negative phenomena affecting family life, but as part of ‘an interplay of light and darkness’.<sup>10</sup> He calls for a greater understanding of current developments regarding marriage and divorce and asks the Church to address these in its mission of evangelization.<sup>11</sup>

Recent years have seen many developments in the human sciences, providing a clearer understanding of human relationships, including those involved in marriage. Many couples who think they can make a life-time marriage

commitment are in fact psychologically incapable of doing so. There are also many pressures from the structure, pace and high mobility of modern society, making marriages far more difficult to maintain. The pope asks us to explore and address these in relation to the gospel and the Church's mission of evangelization.

This is not the first time in history that marriage in the western world enters into crisis. In many respects, the situation today is much like that of the first century in both the Jewish and the Greco-Roman world. Like us, the early Church had to deal with widespread divorce and a serious breakdown in the family at all levels of society.

The present situation thus invites us to see how the New Testament responded to the crisis of marriage in the first century. This study focuses on Mark, the oldest of our Gospels,<sup>12</sup> whose presentation of Jesus' teaching prohibiting divorce is quite comprehensive and radical, allowing no exceptions. Mark is the only Gospel that confronts both the Jewish setting where, with very few exceptions, divorce was initiated by the husband (Mark 10:1-9) and the Greco-Roman setting where divorce was initiated either by the husband or by the wife (Mark 10:10-12).

For one who reads Mark's account as a set of legal prescriptions, it is bound to be disconcerting, given the Church's current practice. The Church recognizes the state's obligation to promote the common good regarding marriage as well as the state's competence to declare a marriage null and void in keeping with the state's jurisdiction over the civil effects of marriage. Remarriage, however, is possible only after the marriage bond has been annulled by the Church. None of these distinctions and possibilities were foreseen in Mark's Gospel.

Mark's Gospel, however, did not intend to issue legal prescriptions so much as to address a social situation not unlike our own where marriage was seriously eroded by soaring divorce rates. Such also has been the purpose of conciliar and papal pronouncements, not so much to provide legal prescriptions as to challenge our society with the gospel regarding areas such as marriage. In Mark, Jesus' teaching on marriage and divorce is an integral part of a long unit on following Christ to the passion-resurrection (8:22-10:52), delivered in the uncompromising spirit of prophecy, teeming with hyperboles, allowing neither distinctions nor exceptions. We therefore turn to Mark not for prescriptive norms but for a prophetic challenge, proclaiming the gospel of Christ's passion-resurrection and applying it to marriage and married life.

#### *Jesus' encounter with the Pharisees*

While Jesus was teaching the crowds in the district of Judaea (Mk 10:1), the Pharisees approached him with a question: 'Is it lawful for a husband to divorce (*apolusai*, dismiss) his wife?' (10:2). The Pharisees' conflict with Jesus began early in the Gospel (see 2:16; 2:24; 8:11). Now, with their hearts hardened (3:5; see 10:5) and already bent on having Jesus put to death (3:6), they returned to test him on a point of law. Their asking this question presupposes that Jesus had a

known position on divorce, that his position had been the accepted teaching in the Markan community but was now being disputed. Jesus responded with a further question, 'What did Moses command you?' (10:3), and the Pharisees replied that 'Moses permitted him (the husband) to write a bill of divorce (*biblion apostasiou*) and dismiss (*apohusai*) her' (10:4).

*Divorce in the Old Testament*<sup>13</sup>

The Old Testament passage referred to by the Pharisees is Deuteronomy 24:1-4, which in the Septuagint reads as follows:

When a man, after marrying a woman and having relations with her is later displeased with her because he finds in her something indecent (*aschemon pragma*, an unseemly or shameful thing), and so writes out a bill of divorce (*biblion apostasiou*) and hands it to her, thus dismissing (*exaposteleti*) her from his house: if on leaving his house she goes and becomes the wife of another man, and the second husband also comes to dislike her and dismisses her from his house by handing her a written bill of divorce; or if this second man who has married her dies, then the former husband, who dismissed her, may not take her as his wife after she has become defiled. That would be an abomination before the Lord, and you shall not bring such guilt upon the land which the Lord, your God, is giving you as a heritage.

Contrary to the understanding of the Pharisees in Mark 10:4, the intention of Deuteronomy was not to permit divorce but merely to regulate its practice, which was recognized as a fact. In doing so, it also restricted the practice by requiring that once a woman had remarried, her prior divorce remained permanently in effect, thus protecting her from future claims by her first husband.

The procedure for divorce was quite simple. The husband had only to write a bill of divorce, place it in the woman's hand and send her away from his house. The bill of divorce provided her with proof of the divorce so that she could be defended against charges of adultery when she remarried.

From Deuteronomy 10:1-4, the Pharisees did have grounds to infer that Moses accepted divorce, but when the passage was placed in the context of the entire Law, it could also be interpreted quite differently, as Jesus did in Mark 10:5-9.

To complete the Old Testament legal dossier, two cases should be noted where divorce was absolutely prohibited. The first involves one who has falsely accused his wife of not being a virgin at the time of their marriage (Deut 22:13-17). The second involves one who had relations with a virgin not yet betrothed and was required to marry her (Deut 22:29). There are also two instances from the post-exilic period where divorce was absolutely required. Both refer to Israelites who remained behind at the time of deportation and married foreign women (Ezr 9-10; Neh 13:22-30).

*Divorce in early Judaism*<sup>14</sup>

To understand the position of the Pharisees and Jesus' message on divorce, we need to know how Deuteronomy 24:1-4 was interpreted in early Judaism. For this we turn to the Mishnah<sup>15</sup> and the tractate *Gittin* ('Bills of divorce') from the Mishnah's third division, *Nashim* ('Women'). The passage, which refers to Deuteronomy 24:1-4, gives three positions regarding the grounds for divorce (9, 10).

In early Judaism, the legality of divorce, which was the point of the Pharisees' question, was taken for granted (see Mt 1:19) and the procedure to be followed, as spelled out in Deuteronomy 24:1-4, was the accepted practice. The questions discussed by the scribes and rabbis had to do with the grounds needed for divorce (see Mt 19:3). There were three opinions.

The first is that of the House of Shammai: 'A man should divorce his wife only because he has found grounds for it in unchastity, since it is said, "Because he has found in her indecency in anything"' (Deut 24:1).

The House of Shammai, a contemporary of Jesus (c. 50 BC - AD 30), tended to be more stringent than the others. Its position hinged on the interpretation of the term 'indecency', a fairly vague term in Hebrew, '*erwat dabar*', which was read as 'unchastity'. In Matthew's Gospel the term is rendered as *porneia* (sexual immorality, Mt 5:32; 19:9). A literal rendering of the Hebrew would be 'an indecent' or 'unseemly thing' (see Deut 23:15).

The second opinion is that of the House of Hillel: 'Even if she spoiled his dish, since it is said, "Because he has found in her indecency in anything"' (Deut 24:1).

The House of Hillel, who flourished in the latter part of the first century BC, was generally lenient. The example given, 'even if she spoiled his dish', implies that just about anything the woman might do wrong could be grounds for divorce. The opinion hinged on an extremely broad interpretation of '*erwat dabar*'. A similar interpretation is reflected in the Pharisees' question as it appears in Matthew: 'Is it lawful for a man to divorce his wife for any cause whatever (*kata pasan aitian*)?' (Mt 19:3).

The third opinion is that of Rabbi Aqiba (Akiva): 'Even if he found someone else prettier than she, since it is said, "and it shall be if she find no favor in his eyes"' (Deut 24:1).

Aqiba's position was the broadest of all. The woman need not have given any cause at all for divorce. It was enough that the man's attention was drawn to someone else. His interpretation hinged on the phrase, 'if she found no favor in his eyes' (Deut 24:1).

In all three interpretations of Deuteronomy 24:1-4, it was always a matter of a man divorcing his wife, never of a woman divorcing her husband. In this respect, Mark 10:1-12, which addresses cases where a woman divorces her husband, is almost unique in biblical and early rabbinical literature. The only precedent was in Paul, who considered marriage and divorce among male and female believers and unbelievers (see 1 Cor 7:12-16).

*The teaching of Jesus*<sup>16</sup>

When Jesus asked the Pharisees what Moses commanded in the matter of a husband divorcing his wife, they responded, 'Moses permitted him to write a bill of divorce and dismiss her' (10:2-4). Even though Moses did not really permit this, Jesus did not question the Pharisees' interpretation of Deuteronomy 24:1-4. Instead, he declared that Moses wrote this commandment 'because of the hardness of their hearts'. Apart from this, Moses would not have written the commandment, and the basic 'law' of creation would have been maintained.

Jesus then recalled the story of creation:

'From the beginning of creation, "God made them male and female" (LXX, Gen 1:27). "For this reason a man shall leave his father and his mother [and be joined to his wife] and the two shall become one flesh" (LXX, Gen 2:24). So they are no longer two but one flesh. Therefore what God has joined together, no human being must separate.' (10:6-9)

The texts from Genesis (1:17; 2:24) do not speak of divorce. They speak of marriage and the way it joins two human beings, one male and one female, into one flesh, making them one single person, as it were. The union effected in marriage arose not from a later historical development but from the beginning of creation. Since the union of husband and wife is from a divine creative act, no human being, that is no spouse, can sever it.

With Jesus' teaching we are very far from the positions taken by the House of Shammai, the House of Hillel and Rabbi Aqiba. Bypassing all discussion of what constituted grounds for divorce, Jesus and Mark's Gospel took a stand against the very legality of divorce, a position directly opposed to that of the Pharisees; hence their question to Jesus and their wanting to test him in this matter.

Jesus was not the first in the Bible to raise his voice against divorce. After speaking out against marriage with foreigners, the prophet Malachi had been especially vocal in denouncing divorce among Israelites (Mal 2:13-17). Foreign influence had led to the proliferation of divorce among Israelites, and the prophet saw this as particularly reprehensible when an Israelite man divorced an Israelite woman to marry a foreigner. Like Jesus, Malachi appealed to the story of creation.

One of the expressions used by Malachi, 'the wife of your youth' (2:14), helps us grasp the situation. A man may have been quite pleased with his wife when she was young, but when she got old, he divorced her to take another woman, presumably young and beautiful. In the post-exilic context, the man might even have divorced his wife to marry an attractive foreign woman. Proverbs 2:16-17 describes a similar case while warning men of loose women who forsake the companion of their youth and forget the covenant of their God.

In the face of such practices, the prophet appealed to Genesis' creation story. 'Did he [the Lord] not make one being, with flesh and spirit . . .?' (2:15). By

protecting the marriage, the husband consequently safeguards his own life. For Malachi, divorce is therefore equivalent to self-destruction: 'You must safeguard life that is your own' (2:15).

The prophet's strongest statement against divorce comes when God says, 'I hate divorce', for divorce is the same as covering one's garment with injustice. In the Bible, garments express a person's identity. To cover one's garment with the injustice of divorce is to identify oneself with such injustice.

Malachi's prophetic denunciation stands in the background of Jesus' own message regarding divorce and provides a key to its character. Like Malachi, Jesus was not giving legislation, prescribing what one must or must not do in a particular matter. Rather, his intention was prophetic, part of his effort to open the eyes of the blind (see Mk 8:22-26) that they might see clearly what was at stake and respond accordingly (see Mk 10:46-52). In the present situation where divorce had become quite widespread, what was at stake was the marriage institution itself.

At times, Jesus told stories. At times he taught as a sage developing the ways of wisdom. At other times, he spoke out prophetically. On the matter of divorce, as in all of Mk 8:22-10:52, his message was prophetic, a personal effort to stem the tide of divorce. Some members of Mark's community appear to have forgotten Jesus' message or to have been challenging it.

In Mk 10:5-9, Jesus spoke to the Jewish context of very early Christianity, where divorce was possible only for the husband. There were exceptions, but these were far too few to influence the moral climate. Jesus' radical stance could be seen as defending the position of wives, who were quite vulnerable and could be dismissed for little or no reason at all. The broader intention, however, was to strengthen the marriage institution among the disciples and align social realities with God's design in creating man and woman. As such, Jesus' prophetic message was an integral part of his proclamation of the kingdom of God and the need to repent and believe the gospel (1:14-15).

#### *In the Roman world*

In Mark 10:1-9, Jesus was surrounded by crowds in the districts of Judaea over by the Jordan. With Mark 10:10, the setting changes. Jesus is now away from the Pharisees and the crowds, 'at home again' (*eis ten oikian palin*) with the disciples. The term *palin* (again), which is characteristic of Mark's compositional style, associates a new event with an earlier one (see 10:1). In this case, it relates the teaching on divorce given in 10:10-12 to the previous time Jesus gave special teaching to the disciples in private (9:33-50).

Instructing the disciples at home away from the crowds is an established pattern in the Gospel (see 7:17-23; 9:28-29; also 4:10-25). In each such instance, Jesus prepares the disciples for situations that would arise later after the community moved out of Judaism into the Gentile environment. Each instance represents an effort to apply Jesus' teaching, which was originally intended for the Jewish environment, to a set of challenges arising from the Greco-Roman world.

The disciples questioned Jesus about what he had just said on the subject of divorce (10:2–9). In response, Jesus developed his teaching still further, applying it to Christians living in the Greco-Roman environment, where divorce had become very common and could be initiated by the wife as well as by the husband. As earlier, for the Jewish environment, Jesus' message was uncompromisingly prophetic:

‘Whoever divorces his wife and marries another  
commits adultery against her;  
And if she divorces her husband and marries another,  
she commits adultery.’ (Mark 10:11–12)

Christians of Gentile origin had to deal with wives divorcing their husbands as well as with husbands divorcing their wives. Jesus consequently extended his earlier prohibition to include both and added that their remarriage was adulterous. Such a stance was extremely counter-cultural. Recall that John the Baptist was beheaded for his prophetic stance on Herod's unlawful marriage to Herodias (6:17–29).

Besides extending his teaching to cases where a woman divorced her husband, Jesus added, ‘and marries another’. This stipulation was not needed in the Jewish context, where remarriage was taken for granted. Nor was it needed in the purely Greco-Roman context, where a succession of marriages was commonplace. The addition presupposes a specifically Christian context like that represented in 1 Corinthians 7:10–11: ‘A wife should not separate from her husband – and if she does separate she must either remain single or become reconciled to her husband – and a husband should not divorce his wife’. The teaching Paul had received from the Lord forbids divorce, whether by a husband or by a wife, but in cases where there nevertheless is divorce, it forbids the woman to marry another man.

In Mark 10:11–12, Jesus addresses situations where a man or woman divorces his wife or her husband and does remarry. In such cases, the man or woman commits adultery against the person to whom he or she had been married. Adultery is not a purely personal sin. It is a sin against the person one had married. The wife who had been divorced by her husband had rights over that husband. By remarrying, the husband violated her rights. He also did violence to his own person, since in marriage he and his wife had become one flesh. The same reflections apply to the husband who had been divorced by his wife. He had rights over her person. By remarrying, she violated those rights and did violence to her own person.

#### *Roman law and practice*<sup>17</sup>

As with Jesus' earlier teaching, where we examined the Old Testament and Jewish background, Jesus' special teaching to the disciples on divorce, remarriage and adultery must be viewed against the background of first-century Roman law<sup>18</sup> and practice, where the situation had greatly devolved over the years.

In the early days of the Roman Republic, every marriage<sup>19</sup> was contracted *cum manu*, that is as including the passage of the wife into the authority of her husband. Everything the wife acquired subsequent to the marriage automatically became the property of her husband. When a husband repudiated his wife, she had no appeal, but the husband did need to have grounds for divorcing his wife. These grounds were presented to his family, that is to his father and his brothers, and it is they, acting as a domestic tribunal, who accepted or rejected the grounds presented by him. In the third century BC, acceptable grounds included her inability to bear him a child.

By the second century BC, marriage *sine manu*, that is, without the woman passing into the authority of her husband, was rapidly becoming the rule. In such cases, the woman was either under the authority of her father or *sui juris*, juridically independent. In this later context, just about any pretext could suffice for divorce.

By the first century BC, marriage *sine manu* has completely replaced the old form of marriage *cum manu*, and the woman could divorce her husband as easily as he could divorce her. Her family, that is her male relatives, could come forward and take her back to her family home, and if she had no male relatives, she could personally declare herself free.

In the age of Augustus, divorce became extremely common, at least among the upper classes. An eloquent witness to the situation was left by Quintus Lucretius Bessillo, a consul in 19 BC, in a stone epitaph to his wife Turia, who died between 8 and 2 BC:

Seldom do marriages last until death undivorced;  
but ours continued happily for forty-one years.<sup>20</sup>

Our knowledge for the general population is limited, because Roman literature, which is our main documentation outside the New Testament, dealt mainly with the aristocracy and the wealthy class. We can assume, however, that divorce had become just as common among the lower classes. Otherwise there would have been no point to developing Jesus' teaching in Mark 10:10-12, which was intended for ordinary people.

Divorce became so common and widespread among Roman citizens in the Empire that Augustus enacted laws<sup>21</sup> requiring divorced people to remarry. His intention was to stem the fall in the birth rate among Roman citizens, especially in the upper classes, but all that the law actually did was encourage further divorce. With multiple marriage came multiple divorce.

The breakdown of the Roman family and the high rate of divorce was bound to be noticed by the Roman writers of the time. And indeed, the subject came up quite frequently. Most often the writers refer to the women who divorced their husbands and rarely to the husbands who divorced their wives. The fact that the writers were men surely contributed to this one-sidedness, but the main factor was simply that there was nothing unusual about a man divorcing a woman, while a wife divorcing her husband was something new. It also dealt a

serious, if not fatal, blow to the Roman family and household, once a proud institution and the foundation of Roman society.

We expect the satirists, Martial and Juvenal, to have commented on the situation, and they did. Juvenal let loose against Sartorius, for whom three wrinkles on his wife's face or even a runny nose were grounds enough to send Bibula packing (*Satire VI*, 142–148). Later in the same satire, he inveighs against the woman who lords it over her husband but soon relinquishes her kingdom and moves from home to home and husband to husband – eight in five autumns – wearing out her bridal veil and coming full circle to the imprint of her own body in the bed she first abandoned (219–230).

Martial sneered at Telesilla, who was marrying her tenth husband. This was no longer marriage, but legal adultery. An honest prostitute was less offensive (*Epigrams*, Book VI, 7). Writers of epigrams and satires are not historians, but they do provide a window onto attitudes and mores. Each barb contains at least a grain of recognizable truth, otherwise it would have no impact.

Seneca, the moral philosopher, can usually be taken more seriously, but even he got carried away with disgust:

Is there any woman who still blushes at divorce now that certain illustrious and noble women no longer count the years by the number of consuls but by the number of husbands, and now that women leave home to marry, but marry only to divorce? (*On benefits III*, 16, 2)

These few texts from Roman writers provide a fairly good idea of the situation regarding marriage and divorce in Rome and the Roman Empire in New Testament times. They make it quite clear that to be effective Jesus' response to the Pharisees was not enough. It had to be supplemented by further teaching taking the Greco-Roman world into account.

Speaking out of the Jewish context, the Pharisees had asked about the lawfulness of divorce. Knowing that Moses himself had provided for situations where divorce occurred, they meant to test Jesus in relation to the law. Jesus responded that Moses permitted divorce only because of their hardness of heart. However, with the kingdom of God at hand and in the following of Christ, there could be no divorce. For this Jesus appealed to God's purpose in creating man and woman. The Pharisees had asked a legal question. Jesus gave them a prophetic answer (10:3–9).

The Gentile Christians, however, were influenced not so much by Jewish customs and tradition as by life in the Greco-Roman world from which they came and in which they lived. Looking beyond the Jewish context, Mark consequently had Jesus address the situation in the world of his readers. Jesus' message had to be adapted and applied to prevent it from becoming irrelevant. Jesus thus took into consideration situations in which women divorced their husbands. He also drew out the implications regarding adultery when either a husband or a wife did divorce and remarry (10:10–12).

This last teaching was given to the disciples at home. It is Jesus' special message to the young Church as it moved into the Gentile world in pursuit of its

mission. From that vantage point it also speaks to us today, when divorce has again become extremely easy to obtain and its rate appallingly high. However, we need to turn to Mark not for prescriptive norms but for a prophetic challenge.

The Gospel's purpose is to form people in the values of Christ's gospel and the kingdom of God. With these as a starting point, Mark helps us as a people to focus and maintain the ideals of married life while dealing with the contingencies associated with the difficulties involved in realizing these in the modern world. Mark's purpose is never to tell us what we must do but to form us as a people that will know what to do as circumstances continue to change and new situations arise.

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#### NOTES

<sup>1</sup> See Paul C. Click, 'Marriage and divorce rates', *Encyclopedia of sociology*, edited by Edgar F. Borgatta and Marie L. Borgatta (New York: Macmillan Publishing Company, 1992), vol III, p 1195. The study cited is 'Recent trends in marital disruption', by Martin and Bumpass in *Demography* 26, pp 37-51.

<sup>2</sup> Steven L. Nock, 'Divorce', *Encyclopedia of sociology*, *op. cit.* vol I, p 507.

<sup>3</sup> Leo XIII, *Arcanum divinae sapientiae* (10 February 1880), no 30.

<sup>4</sup> Nock, *loc. cit.*

<sup>5</sup> Pius XI, *Casti connubii* (31 December 1930), no 84.

<sup>6</sup> Nock, *loc. cit.*

<sup>7</sup> *Gaudium et spes*, no 47.

<sup>8</sup> *Ibid.*, Part II, chapter I, nos 47-52.

<sup>9</sup> See Marilyn Ihinger-Tallman, 'Marriage', *Encyclopedia of sociology*, *op. cit.* vol III, p 1181.

<sup>10</sup> *Familiaris consortio* (15 December 1981), no 6.

<sup>11</sup> *Ibid.*, no 4.

<sup>12</sup> A number of voices have argued that Mark's Gospel is secondary to Matthew (see C. S. Mann, *Mark, a new translation with introduction and commentary*, The Anchor Bible [Garden City, New York: Doubleday & Company, Inc., 1986], vol 27, pp 47-71). But, while recognizing that some traditional materials in Matthew antedate Mark, the scholarly consensus supports the priority of Mark (see Frans Neiryck, 'Synoptic problem' in *The new Jerome biblical commentary*, Part II, *The New Testament and topical articles*, edited by Joseph A. Fitzmyer SJ, and Raymond E. Brown SS [Englewood Cliffs, New Jersey: Prentice Hall, 1990], 40:1-37). See also Joseph A. Fitzmyer SJ, 'The Matthean divorce texts and some new Palestinian evidence', *Theological Studies* 37 (June 1976), pp 197-226, whose analysis of Matthew 19:3-9 and Mark 10:2-12 supports the priority of Mark and the two-source theory 'as the most plausible solution to the synoptic problem'.

<sup>13</sup> For a brief treatment of divorce in the Old Testament, see Roland de Vaux, *Ancient Israel, its life and institutions* (New York: McGraw-Hill Book Company Inc., 1961), pp 34-36. See also D. Freeman, 'Divorce', *The international standard Bible encyclopedia* (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1979), vol I, pp 974-976; and Robert W. Wall, 'Divorce', *The Anchor Bible dictionary*, edited by David Noel Freedman (London: Doubleday, 1992), vol 2, pp 217-218.

<sup>14</sup> For a brief treatment of divorce in early Judaism, see Joachim Jeremias, *Jerusalem in the time of Jesus* (Philadelphia: Fortress Press, 1969), pp 370-371.

<sup>15</sup> See Jacob Neusner, *The Mishnah, a new translation* (New Haven: Yale University Press, 1988), p 487.

<sup>16</sup> For a short treatment of divorce in the teaching of Jesus and the New Testament, see A. D. Verhey, 'Divorce', *The international standard Bible encyclopedia*, *op. cit.*, pp 976–978.

<sup>17</sup> For a general presentation on marriage and divorce in Roman life, see Jerome Carcopino, *Daily life in ancient Rome* (New Haven: Yale University Press, 1940), pp 95–100; Hugh Last, 'The social policy of Augustus' in *The Cambridge ancient history*, edited by S. A. Cook, F. E. Adcock, M. P. Charlesworth (Cambridge: Cambridge University Press, 1934), vol x, pp 441–456.

<sup>18</sup> See Barry Nicholas, *An introduction to Roman law* (Oxford: Clarendon Press, 1962), pp 80–90; Max Kaser, *Roman private law*, translated by Rolf Dannenburg, 2nd edition (London: Butterworths, 1968), pp 238–249.

<sup>19</sup> In the western world today, marriage is either a religious and legal act or a purely legal act, whereas in the Roman world it was neither of these, but a social fact regulated by Roman private law. See Kaser, *op. cit.*, p 238.

<sup>20</sup> See Ludwig Friedlander, *Roman life and manners under the early empire* (London: Routledge & Sons Limited, 1928), vol I, p 243.

<sup>21</sup> According to the *Lex Julia de maritandis ordinibus* (18 BC) and the *Lex Papia Poppaea* (AD 9), men aged 25–60 and women aged 20–50 who were unmarried, widowed or divorced were obliged to marry unless they already had at least three children. Note that a celibate was not in compliance with this law (Kaser, *op. cit.*, p 243).