



ory and telling Herod that if he would repent, he could continue to “have” her (12).

Jesus taught, “**what God has joined together, let not man separate**” (Matt. 19:6). When a marriage is unlawful we are not talking about something that “**God has joined together.**” It is not sinful therefore to end what is unlawful. In the days of Ezra, the

Israelites had violated Mosaic Law by marrying women who had not converted to Judaism. Repentance did not mean they could stay in a marriage that was unlawful. Those who sought to follow God ended their unlawful unions (Ezra 9-10). The same is true today. When one who seeks to follow Christ comes to recognize that he is in a

marriage that violates the Law of Christ, he too must recognize of his own wife, “**it is not lawful for you to have her.**” As painful as this may be, it is exactly what John died to affirm and exactly what the Law of Christ demands.

Works Cited

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Faithful Sayings Issue 23.51 December 19, 2021

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ISSUE

23.51

December 19, 2021

Faithful Sayings

BULLETIN OF
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Evangelist:

Kyle Pope

“It Is Not Lawful for You to Have Her”

By Kyle Pope

As John prepared the way for Jesus, the Bible tells us he called all the people to repent and prepare for the Messiah (Luke 3:7-14). One of the boldest demonstrations of this came when he had the courage to rebuke the unlawful marriage of Herod and Herodias. He told Herod, “**It is not lawful for you to have her**” (Matt. 14:4, NKJV). According to Josephus, Herodias was Herod’s niece by his brother Aristobulus (*Antiquities* 18.5.1), but she was also “**his brother Philip’s wife**” (Matt. 14:3).

Both Matthew and Mark identify Herodias’s first husband as Philip (Mark 6:17), but Josephus simply calls him “Herod” (*Antiquities* 18.5.1). The names “Herod” and “Philip” were common in the Herodian family and were likely both applied to Herodias’s first husband. Many scholars, without explanation call him “Herod Philip.” Although no ancient sources identify him this way, it is reasonable to conclude that both names were applied to him. This was not the Philip whom Luke identifies as the tetrarch of Iturea and Trachonitis (Luke 3:1), who was also Herod’s brother. Herod Philip was a son of Herod the Great by Mariamne, the daughter of the High Priest (Josephus, *Wars* 1.28.4).

Josephus records that Herod Antipas, while on a journey to Rome, stayed with his brother and fell in love with Hero-

dias. Herod was already married to the daughter of Aretas, the Nabatean Arabian king of Petra. Upon agreeing to “put away” his lawful wife, Herodias “put away” Philip and married Antipas. Mark makes it clear that Herod and Herodias were not just living together, **“he had married her”** (Mark 6:17). Herod Antipas’s divorce of the daughter of Aretas eventually led to war with the Nabatean king in retaliation for Herod’s mistreatment of his daughter (*Antiquities* 18.5.1-4).

Not only had John rebuked Herod’s unlawful marriage, but Luke adds

that John had rebuked him for Herodias **“and for all the evils which Herod had done”** (Luke 3:19). Steve Klein expresses it well that, “The Herods, though not generally very moral, were very familiar with the religion of the Jews and were obliged from a political viewpoint to respect it” (62). John declared of their marriage **“it is not lawful.”** The word translated **“lawful”** is not derived from Greek word *nomos*, meaning “law,” but refers to what is permitted or allowed in accordance with law. Earlier in the Gospel of Matthew Jesus addressed questions about what was **“lawful”** (12:2-12). The Jews interpreted things as *unlawful* if they violated their own traditions. Herod may have thought that things he chose to do were *lawful* because of his own civil authority. Yet Jesus, like John was always concerned with what was truly **“lawful”** as it related to divine law. Herod represented civil authority, but had violated God’s law. He was indeed married to Herodias (in that he had made a marriage covenant with her), but it was *unlawful* for him to do so.

What made this marriage unlawful?

Although John was preparing the way for Jesus he was still under Mosaic Law. When he rebuked Herod, he was rebuking the violation of Mosaic Law. Herod’s marriage to Herodias violated Mosaic Law in at least three ways. First, marriage to one who was **“near of kin”** (i.e., “a blood re-

lation”) was prohibited (Lev. 18:6).¹ Josephus identifies Herodias as the daughter of Herod’s brother Aristobulus (*Antiquities* 18.5.1). Second, marriage to the wife of a brother was prohibited (Lev. 18:16; 20:21), unless the brother died childless (Deut. 25:5-9). Herod Philip was still alive when Herodias married Herod Antipas (cf. Josephus *Antiquities* 18.5.4). Third, Mosaic Law only allowed the man to “put away” his wife (Deut. 24:1-4). Josephus writes that, “Herodias took upon herself to confound the laws of our country, and divorced herself from her husband while he was alive, and was married to Herod [Antipas] her husband’s brother” (*Antiquities* 18.5.4). This was not the first time a woman in the Herodian family had done this. Josephus earlier in the same work wrote about Salome, the sister of Herod the Great, Herodias’s great-aunt. Josephus describes her action against her husband Costobarus, “she sent him a bill of divorce and dissolved her marriage with him, though this was not according to the Jewish law, for with us it is lawful for a husband to do so; but a wife; if she departs from her husband, cannot of herself be married to another, unless her former husband put her away. However, Salome chose to follow not the law of her country, but the law of her authority, and so renounced her wedlock” (*Antiquities* 15.7.10). Any or all of these violations would justify John’s charge that it was not lawful for Herod to have Herodias.

¹ The Hebrew in Leviticus 18:6 literally reads “flesh of his flesh.” Although a niece was not specified in the verses following 18:6, a niece would be “near of kin.” In the same text intimacy with a daughter was not specified, but was clearly a “flesh of his flesh” prohibited relationship, just as a niece would have been.

Modern Application

This situation offers important application to modern marriage issues. While all men are now governed by the Law of Christ, similar principles relate to modern violations of Christ’s laws on marriage. If a man has joined himself into a marriage covenant that **“is not lawful,”** it is true today, as it was true in Herod’s day, **“it is not lawful for you to have her”** (cf. Matt. 5:32; 19:9). It is commonly taught today that two people who have joined themselves into an unlawful marriage may simply repent before God and remain in their marriage. Some would even argue that to divorce would compound sin upon sin. John’s words show the error of this teaching. Brother Jesse Jenkins notes:

A prevalent theory is that the “marrying” is a sin, but that one can repent of the “marrying” and then live with the one whom he married . . . I suspect that John could have saved his life by changing to this the-