

Divorce and Remarriage

by J. T. Smith

God's institution of marriage. "Therefore a man shall leave his father and mother and be joined to his wife, and they shall become one flesh" (Genesis 2:24). God intended one man for one woman for life. "For the woman who has a husband is bound by the law to her husband as long as he lives. But if the husband dies, she is released from the law of her husband. So then if, while her husband lives, she marries another man, she will be called an adulteress; but if her husband dies, she is free from that law, so that she is no adulteress, though she has married another man" (Romans 7:2-3). Man has deviated from God's plan.

The issue of divorce and remarriage is causing one of the greatest problems today among brethren. Hardly a family in America has escaped the horrible effects that this problem has brought about. Divorce is getting easier to obtain. Today in most large cities one can pick up a newspaper and read advertisements of how a divorce may be obtained for less than \$100. People who have been involved in 2nd and 3rd marriages are learning the gospel, and are faced with the problem of what they must do in order to be right with God. Also, many people find themselves worshipping with congregations where preachers and elders teach and/or except the doctrine that a person may remarry after having divorced for any and every cause, remain in that condition and be in full fellowship with God's people. Those who find themselves in that condition are faced with the problem of what they must do to be right with God. What are the answers to these important questions? The purpose of this article is to try to find some Bible answers.

God has always hated "putting away" (Malachi 2:16). In His confrontation with the Pharisees, Jesus specified God's Will on marriage: how long it is to last, "putting away," remarriage, and in what condition one places himself when he divorces and remarries

(Matthew 5:32; 19:1-9; Mark 10:11-12; Luke 16:18). As far as I can determine from the above passages, God permitted “putting away” and remarrying under Moses’ Law “because of the hardness of their hearts” as Jesus said in Matthew 19:8. This, however, was not God’s plan from the beginning. And even though God *permitted* it in times past, Jesus instructs those of us who are living now.

In Matthew 5:32, 19:9; Mark 10:11-12; Luke 16:18, Jesus discusses people being “put away” for fornication and for other causes. “But I say to you that whoever divorces his wife for any reason except sexual immorality causes her to commit adultery; and whoever marries a woman who is divorced commits adultery” (Matthew 5:32). “And I say to you, whoever divorces his wife, except for sexual immorality, and marries another, commits adultery; and whoever marries her who is divorced commits adultery” (Matthew 19:9). “So He said to them, ‘Whoever divorces his wife and marries another commits adultery against her. And if a woman divorces her husband and marries another, she commits adultery.’” (Mark 10:11-12) “Whoever divorces his wife and marries another commits adultery; and whoever marries her who is divorced from her husband commits adultery” (Luke 16:18). Jesus discusses people being “put away” for fornication and for other causes. His main point in this discussion is the condition of one who “puts away” his/her spouse and remarries — and the condition of the one who marries that person who has been “put away.” The text in Matthew 19:9 shows that the one who “puts away” his spouse for every cause (with one exception: fornication) commits adultery when he/she remarries. One who marries the one who has been “put away” (whether for every cause or for fornication) commits adultery.

Problem 1: Some say, “If one who has put away his spouse ‘for fornication’ is free to remarry, it is obvious that he is not ‘bound’ to his spouse. And, if the ‘bond’ is broken for one, then she is obviously not bound to him and is thus free to remarry.

Answer 1: Although this human reasoning may sound good, there are a number of things wrong with it.

In the first place, the word “marry” is being equated with the word “bound.” But they are not equal. The word “bound” is from the Greek word *dedesai* and means, “to bind by a legal or moral tie, as marriage, Rom.7:2; I Cor.7:27, 39” (Bagster’s **Analytical Greek Lexicon**, page 89). “To bind, i.e. put under obligation, s.c. of law, duty, etc. To be bound to one: of a wife, Rom. 7:2; I Cor. 7:27, 39” (Thayer’s **Greek-English Lexicon**, page 131). Romans 7:2: “Bound by the law of her husband.” “The law here referred to, is the law of marriage promulgated in Paradise, Gen. 2:24, whereby our Lord declared Matt. 9:6, marriages were appointed to continue for life, except in the case of adultery” (MacKnight On **The Epistles**, volume I, page 313). One can be “married” and not “bound,” or he can be “bound” and not “married.”

Herod’s case is an example of one being “married” (according to the laws of the land) but not “bound” by God (Mark 6:17-18). The woman in Romans 7:2-3 is a good example of one who was “married” to another but was still “bound” to the first husband. Thus, according to the above definition of the word “bound,” I can tell a person who has “put away” his spouse *for fornication* that he may remarry because Jesus releases him from “his obligation to the law of his wife.” However, Christ nowhere indicates that the wife is released from “her obligation *to the law* of her husband.”

In fact, Paul is using this matter as a means of illustrating to the Jews the reason why they are no longer under the Law of Moses. But notice in verse 1 that Paul points out “that the law hath dominion over a man as long as he lives,” and then illustrates it by showing that the same is true with the marriage law, that it has dominion over a man so

long as he lives. “Why then,” someone may ask, “may the innocent one (who has put away his wife for fornication) remarry if the marriage law has dominion over one until death?” Because *Jesus releases* the innocent one from the relationship as well as *the law* which had dominion over him. And, there is no passage that gives such authority for the release of the guilty one.

“But,” someone says, “it is impossible for one to be bound while the other is loosed. If one is bound, both are bound.” This, however, is not the case. For example: if an officer and a thief are bound together, wherever the officer goes the thief must go. But, when they get to the courtroom, the thief must remain, yet the officer may leave. Though they are loosed from each other, the thief is *bound by law* to remain until sentence is pronounced upon him. Thus he is both loosed (from the officer) and bound (to remain in the courtroom) at the same time.

Another way to show that a position is erroneous is to see if you can reduce it to an absurdity. If one is put away for *some cause other than fornication*, when that person remarries he commits adultery. But, if one is put away *for fornication*, when that person remarries he *does not* commit adultery — so we are told.

God said He would judge adulterers (Hebrews 13:4). But, according to the above statement, God judges the “bread burner” guilty and the fornicator innocent. Thus God’s consequences are much greater for the “bread burner” than for the “fornicator!” This is absurd. That the adulterer may remarry without sinning but the “bread burner” may not is indeed absurd.

Problem 2: “But,” someone may say, “what about I Corinthians 7:27-28 which says, ‘art thou loosed from a wife? Seek not a wife. But if thou marry, thou hast not sinned. .’ Who are those who are loosed?”

Answer: 2: Yes, Paul said those who are “loosed” may be married. Here again, the mistake is made of trying to equate “loosed” with “divorced.” *Man* divorces, *God* looses. But who is loosed? The answer is simple if we go the Scriptures.

1. One who has never been married is free to marry a person who is eligible to marry according to the Scriptures (I Corinthians 7:28).

2. The innocent party who has put away his mate for fornication is “loosed” and free to marry. (Matthew 19:9).

3. One whose mate has died is loosed from the law of her husband and has the scriptural right to marry another man (Romans 7:3).

Just because one is divorced does not mean he is loosed. Unless one is loosed by God, when that person remarries he/she commits adultery and continues to do so as long as the first mate lives (Romans 7:2-3).

Problem 3: Some attempt to find a cause for “putting away” after the fact. This is sometimes referred to as *mental divorce*. The reasoning goes like this. When the person was “put away,” it was *not* for the cause of fornication. So, the one who was put away did not want the divorce and begged his spouse not to get the divorce. However, at a later time when the first spouse remarried (or was known to be committing adultery) the one who was put away could then *mentally divorce* the spouse for fornication and be free to remarry.

Answer 3: There is nothing in the Scriptures that indicate a mental “putting away.” To explain this, let’s just say that two people can’t get along. They get a divorce and at this point no fornication is involved. After the divorce (which one of the parties did not want and begged the other not to get) is final, the person who got the divorce decides that he cannot live alone. So, he either moves in with someone or remarries. Now the

person's first spouse says, "My former husband is married again and is committing adultery. Therefore since I did not want the divorce in the first place, I can now put him away for fornication and have scriptural grounds (be free) to remarry."

The above is simply human reasoning. If we search all the Scriptures in the New Testament that deal with remarriage (Matthew 5:32; 19:9; Mark 10:11-12; Luke 16:18; Romans 7:2-3), we will not find a single passage that teaches the above doctrine. In fact, the Scriptures teach just the opposite.

For example, let's look at the first half of Luke 16:18. "Whoever **divorces** his wife and **marries** another **commits adultery**." As you can see, this is the very situation of the person we described in problem 3. He has put away his wife and has married another and is committing adultery. Now, the question was raised, "is it possible for the one who has been put away *to now* put that person away for fornication (adultery) and remarry without sin?" If we just read the latter part of the verse we can let Jesus answer the question. "And whoever **marries** her **that is divorced** from her husband **commits adultery**."

But someone is heard to say, "But if that is the case, one would have to suffer for the rest of his life for someone else's mistake, and that is not fair." That is true, it is not fair. However, that is life. Someone is put in prison for life for a crime he committed. His wife and children begged him not to commit it. Nevertheless, the children are left without a father and the wife without a husband for the rest of their lives.

Some have used Mark 10:11-12 to try to prove their case. However, you will observe that in Mark's account, Jesus does not discuss the "put away" person *remarrying*. You must go to other passages that discuss remarriage in order to find the answer to that question.

Problem 4: Does I Corinthians 7:15 ("But if the unbeliever departs, let him depart; a brother or a sister is not under bondage in such cases . . .") teach that the desertion of a believer by an unbelieving mate gives the believer the right to remarry?

Answer 4: Many good and conscientious brethren believe that it does because of the word "bondage." They believe the word "bondage" refers to the *marriage bond*.

There are two different Greek words that are translated "bound" and "bondage" in the New Testament. The word "bound" is from the Greek word *deo*. The word "bondage" is taken from the word *dedoulotai*, and is 3rd person, singular, perfect, passive, indicative of *douloo*, which is from the Greek word *doulos*. *Doulos*, or a form of the word, is found 133 times in the New Testament according to Smith's **Greek-English Concordance**, page 93. According to Bagster's **Analytical Greek Lexicon**, page 107, the word means, "To reduce to servitude, enslave, to oppress by retaining to servitude, . . . pass. To be under restraint, I Cor. 7:15, to be under bondage, held by constraint of law or necessity, in some matter" (Thayer's **Greek-English Lexicon**, page 158). "Originally the lowest term in the scale of servitude, came also to mean one who gives himself up to the will of another" (W. E. Vine's **Expository Dictionary of New Testament Words**, volume 1 page 139). In no reference does *douloo* ever refer to the marriage bond unless it can be proven to so refer in I Corinthians 7:15.

The literal rendering of the Greek word *dedoulotai* is "has not been enslaved" (Nestle's **Greek-English Interlinear**, page 673). This does not carry with it the idea of something that is to take place in the future — "If the unbelieving depart" — for it is in the Greek perfect, passive, tense.

"The Greek perfect, passive, tense denotes the present state resultant upon a past action. There is no English tense corresponding to the Greek perfect" (Machen's **Greek**

Grammar, page 187, articles 451 & 452). As an example, Mr. Machen uses the following illustration. “It is written — which means it stands written.” That is, what is now in writing is the result of someone writing it in the past. To negate the above thought we would simply say it is *not* now in writing because it never was written.

Thus the force of the statement in I Corinthians 7:15 would be, she is not under bondage now because she has never been under whatever kind of bondage Paul has under consideration.

In view of the above it would be impossible for the word *dedoulotai* (*bondage*) to be the “*marriage bond*.” Notice what the passage would be teaching. “She is *not* under the marriage bond *now* because she has *never been* under the marriage bond.” That which proves too much proves nothing.

Problem 5: Many people believe that an alien sinner is neither subject to Christ’s Law (nor Moses’) of divorce and remarriage. It is believed the “alien sinner” has his sins washed away when he is baptized (and he does if he repents). Now, if one is living in an adulterous relationship with someone else’s spouse, when he is baptized his adulterous relationship is washed away and he may remain with that person in the husband-wife relationship and be saved eternally.

Answer 5: This is actually a two-part question. First, let’s consider the alien sinner. If he is neither under Moses’ Law nor Christ’s Law regarding marriage, how did he become an adulterer? I believe every person is subject to all of Christ’s Law that is applicable to him. (Obviously a single man is not subject to the New Testament teaching regarding bringing up children, etc. Thus one is subject to all of Christ’s Law that is applicable to him). All are subject to Christ’s Law on marriage, divorce and remarriage. Jesus said “*whosoever*.” (Matthew 19:9, et. al.). However, if we grant that one is under neither of the marriage laws (Moses’ or Christ’s) then he would, of necessity, but under the original marriage law to which Christ referred (Matthew 19:4-6, 8) which we can read in Genesis 2:24. Since we have no exceptions given in the original law, there would be no scriptural cause for divorce. Even fornication would not be a scriptural cause. Thus no one would have the scriptural right to remarry. As we have already shown in this paragraph, we are under the Law of Christ.

Second, baptism is not a marriage ceremony. So, divorcing one’s husband or wife and marrying another (according to the laws of the land) is nothing more than legalized adultery in the sight of God. Those who are in that condition are “living in fornication (adultery)” (Colossians 3:5-7). If they are “living in adultery” *before* they are baptized, they will be “living in adultery” *after* they are baptized. Baptism *does not change the condition of their relationship*. In order to receive remission of any sin, one must repent. (The same would be true of homosexuals, liars, etc. They would have to quit their practice before baptism).

Problem 6: The word “adultery” in Matthew 19:9, et. al., does not mean the sex act. Whosoever *puts away* his wife and *marries another* commits adultery. In other words, the *putting away* and the *remarrying* constitute *sexless* adultery. Thus all one has to do is repent of this *sexless adultery* and continue with his new bride regardless of how many times, or for what reason, he has been married, divorced and remarried.

Answer 6: This doctrine is becoming very popular. In order to determine whether or not the above position is correct, we must first find out the meaning of the word “adultery” as it is used in the New Testament. In order to do this, we must go to dictionaries and lexicons that define the original word *moichao* that is translated by our English word *adultery*.

The word Greek word *moichao* “Denotes one who has unlawful intercourse with the spouse of another. Used in the middle Voice in the N. T. is said of men in Matthew 5:32; 19:9; Mark 10:11; of women in Mark 10:12” (W. E. Vine’s **Expository Dictionary of New Testament Words**, pages 32-33). “To have unlawful intercourse with another’s wife, to commit adultery with; . . . to commit adultery: of the man, Mt.v.32; xix.9” (**Greek-English Lexicon**, by Joseph Henry Thayer, page 417). As I have already pointed out, Thayer and Vine are giving the definition of the original Greek word *moichao*. Also, you will observe that they cite the very passages that we are discussing.

The word “adultery” is sometimes used in a figurative sense in the New Testament (cf. James 4:4). However, as with any other word, there is something in the text or context that indicates that it should be so used. Not so in Matthew 19:9.

Secondly, notice the latter part of Luke 16:18. “And whosoever marrieth her that is put away from her husband committeth adultery.” Now how could one, according to the *above usage* of the word adultery (that is takes both the *putting away* and *remarrying* to commit it), who has never been married (a single person) ever commit adultery?

Conclusion

From the things learned in this study, I must conclude that:

1. Jesus gave only one reason for “putting away” with the right to remarry that is fornication.
2. The Scriptures teach that three different groups of individuals may marry.
 - (1) The innocent one who “puts away” his/her spouse for fornication (Matthew 19:9).
 - (2) One whose spouse has died (Romans 7:2-3; I Corinthians 7:39).
 - (3) One who has never married (I Corinthians 7:28).

Now to answer the questions we asked in the beginning. If one who is contemplating obedience to the gospel has been married two or three times (without having put away his spouse for fornication) he/she is living in adultery. If so, that one must sever that adulterous relationship to show forth fruits worthy of repentance. And he may not contract another relationship, for it too would be adulterous.

Secondly, if there are those in the congregation who admittedly are “living in adultery,” Paul’s admonition the Corinthians in I Corinthians 5 must be heeded. If one finds that brethren will not heed Paul’s admonition, he has no other alternative than to “come out from among them” and worship with brethren who teach and practice the truth. Brethren, if we are to be saved, we have no choice in the matter. ☞