Examining Loopholes for the Remarriage of a Divorced Person

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In our day the marriage covenant could almost be classified as an endangered species. A popular movie several years ago was entitled “The Last Married Couple.” Each decade divorce is easier to come by in many states. And we never know when we will find out about some other couple who is getting a divorce. Most of us in our own immediate families have someone involved in a divorce-remarriage situation. Surely it is important that the church speaks clearly on what the Bible has to say about divorce and remarriage. We must decide whether we stand on the New Testament passages which deal with the subject, because there is much diversity of thought.

Divorces in Jesus’ day could be had very easily. The Pharisees came to Jesus and asked what His opinion was of this question, and He answered them (Matt. 19:4-5) by going back to Genesis and quoting from Gen. 2:24, “And said, For this cause shall a man leave father and mother, and shall cleave to his wife, and they twain shall be one flesh.” That is God’s ideal of marriage. That is the original plan, and you will note that there is no room for the ending of marriage.

Today more and more marriages are ending in divorce. What has happened? Has God’s ideal for marriage changed? The primary reason for the change, in my judgment, is because the church has let down its standards concerning divorce and remarriage. We have tried to make the Bible applicable to our day and that is always a mistake. We must seek to make our day accord with the message of the Bible. As we become involved in evangelism, we get into some very sticky situations. We call for conferences and discussions and studies on the subject, trying to see if there is a way to interpret the scriptures so that there are some “loopholes” that would allow divorce and the remarriage of divorced persons (whose partners are still living). Many in the church have pussy-
footed around with this issue and have said, “God can cure an alcoholic; God can cure a drug addict; God can take away a prostitute’s desire—but oh my—if there has been a marital problem that leads to separation, you can’t expect a young wife to go through life without a husband.” And so the search for loopholes continues. We want to examine some of the loopholes that have been presented in recent years in an attempt to justify the remarriage of divorced persons.

1. The Exception Clause Found at Two Places in the Book of Matthew.

Matt. 5:32 says, “Whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery; and whosoever shall marry her that is divorced committeth adultery.” Matt. 19:9 repeats the same exception. The exception clause (“except it be for fornication”) is usually understood to mean that divorce and remarriage is okay if sexual unfaithfulness has happened on the part of one of the married partners. But before we get too deeply into the meaning of the words, it is important that we notice to whom Matthew is written. The gospel according to Mark was written primarily to the Romans, and the exception clause is omitted. The book of Luke was written to the Greeks, and the exception clause is omitted. Matthew was written primarily to the Jews, and the exception clause is included.

Undoubtedly Matthew had the Jewish wedding custom in mind. When a young man wanted to marry a girl, he traveled to the house of the prospective bride, negotiated a price for the girl, established a covenant of betrothal, and then returned to his father’s house for a period of about twelve months. The betrothed bride and groom were called “husband” and “wife” even though there was still no physical union. The marriage ceremony (and physical union) only occurred after the twelve-month period of separation. And the exception clause found at two places in Matthew refers not to marriage divorce, but to a betrothal divorce. If the young man discovered that his prospective bride had been unfaithful during the period of betrothal, he could return her to her father with a paper of divorcement.
The exception clause was not included in Mark and Luke, because Greek and Roman marriage customs did not recognize the betrothal provision and so it was not necessary for them to even mention the exception. Notice however, in the exception clause, that the word is “fornication”–not “adultery.” Fornication speaks of sexual relations between two unmarried people. There are times in the scriptures when “fornication” is used to speak of all illicit relationships, but notice that in this particular portion of scripture, the words “fornication” and “adultery” are used in contrast with each other (in the same setting), and when that happens in the Greek language, the two words cannot mean the same thing. So we find that what Jesus is saying here is not that divorce and remarriage are okay if sexual unfaithfulness has developed after marriage, but what Jesus is clearly saying is that the engagement can be broken if sexual unfaithfulness has happened during the betrothal period.

This is the provision that Joseph was going to use when he discovered that Mary was expecting a child (See Matthew 1:18-20). So we find that Jesus, in this first (so-called) loophole, is not making room for divorce and remarriage after the marriage has been consummated (if there has been sexual unfaithfulness), but the exception is a provision for the breaking of an engagement (if sexual immorality has occurred).

2. The Question of Whether Adultery is a State or a Single Action.
The Bible clearly says that whenever remarriage occurs, adultery results, and that is pretty much accepted by almost every Bible reader. Adultery is identified in every passage where the remarriage of divorced persons is mentioned. But the important question is this: Does adultery take place in the act of becoming remarried, or does it exist in the state of being remarried? If adultery is just the act of remarriage, then a couple who is remarried can go to the Lord, confess that sin, and be forgiven, and go on living together and not be guilty of adultery until such a time when they split up again, and go to the Lord again and confess that sin, and be free again until they split up again and go and confess
again. If adultery is merely a single act, then that is how the process can work. The act can be forgiven like any other sin can be forgiven.

Notice that in the Bible accounts, Matthew, Mark, and Luke all use the term “commits” (“committeth”) adultery. The phrase is in the present tense, which in Greek nearly always denotes a continuous action. Romans 7:2-3 clearly uses the continuous action tense when it says, “She shall be called an adulteress.” Furthermore, we are told here why the remarriage of divorced persons is adultery. It is adultery because the first marriage is still binding. People talk in our day about “ending” marriages. You can’t do that. It plainly says in Romans 7:2 that the wife is bound to her husband as long as he lives. It is not divorce, but death, that ends marriages. The only thing that divorce does to a marriage is to make adultery legal in the eyes of the government. As long as a former mate is living, the original marriage union is secure in God’s eyes, and that is a state of marriage.

When one of the married partners separates from the other and joins himself to someone else, that does not free him from the state of marriage that he is in, but instead, it enters him into a state of adultery. First, the remarriage act, and then the state of being remarried, constitutes adultery. Just like the act of becoming married leads one into the state of matrimony, so the act of becoming remarried is adultery that leads one then into the state of an adulterous relationship.

This is not the popular point of view, but it is the biblical view. If you are going to be honest and read Romans 7:2-3 carefully, you cannot come up with any other conclusion. I know that Paul is not speaking specifically here to the point of divorce and remarriage, but what he is doing is using an illustration about our relationship to the Law. Nevertheless, the truth about divorce and remarriage is clear.

The adulterous relationship resulting from a second marriage is an on-going intimate relationship, and thus is not a one-time act of adultery but a continuing state of adultery.
3. The Case of Remarriage that Occurred Before the Couple Became Christians.

What do we do with the situation where a young man or woman has married and divorced and married again (maybe as often as three or four times), and then they come to know the Lord as Saviour? The argument is that we certainly cannot hold that against them, because they did it when they were non-Christians; surely God forgives all that. But Mark 10:5-9 indicates that marriage is a divine institution which was ordained by God from the beginning, and it is not particularly a Christian institution. Mark 10:6-9 says, “But from the beginning of the creation God made them male and female. For this cause shall a man leave his father and mother, and cleave to his wife. And they twain shall be one flesh…What therefore God hath joined together, let not man put asunder.” Jesus says that marriage is binding in all cases, and it was that way from the beginning, not just since the beginning of the Christian era.

One term which helps clarify the all-inclusive nature of God’s marriage laws is the word “whosoever.” The word “whosoever” is used seven times in the New Testament references to marriage and divorce and adultery. It is used frequently in the New Testament in reference to salvation, and whenever it is used, it always means “all inclusive, anyone, everyone.” (Note the use of the word in John 3:16). It does not matter if one is from Asia, Europe, the islands of the sea, or a small American village—whosoever meets the conditions of salvation shall not perish. It is all inclusive. And just so, when the Bible uses the word in connection with marriage—and talks about “whosoever shall put away his wife and marry another, committeth adultery”—it is likewise all inclusive. That is true whether the person is from a culture which has spoken against the remarriage of divorced persons or is from a society where remarriage is not frowned upon. The marriage vows are binding upon all, whether Christian or not.

Some quote from 1 Corinthians 7:17, 20, 24 and say that the Bible tells a person to remain in the same condition in which he was when he was first saved. This becomes a loophole for justifying the
remarriage of divorced persons who remarried while they were still unsaved. But we need to look at the setting of the 1 Corinthians 7 passage. Paul is talking about two things—circumcision and servanthood. He says that if God calls you and you are not circumcised, don’t bother getting circumcised. And if, when you come to know the Lord, you are a servant (a slave), don’t bother trying to free yourself. Stay where you were when you were called. Paul is not talking about sin and wrong living. He is not saying, “If you are a murderer, just continue being a murderer.” He is not saying, “If you are a liar, keep on lying.” He doesn’t say, “If you were a fornicator, keep on in your immorality—that’s okay.” Proverbs 28:13 makes it clear that God wants all of us to turn from sinful living.

John the Baptist lost his head defending this principle. Mark 6:17-18 tells how John the Baptist had said that it was not lawful for Herod to have his brother’s wife. Herod was not a Jew. Herod was not a Christian. Herod was a typical representative of the Mideast culture. John was talking about God’s eternal law—the law which from the beginning was one man and one woman in the marriage relationship. John said to Herod, “It is not lawful for you to have her.”

Marriage is binding on all—whether Christian or non-Christian. Hebrews 13:4 says so. It is important to notice that neither Mark nor John recognized Herod’s second marriage as valid. Mark (in 6:17) describes the woman as “his brother Philip’s wife.” That is whose wife she was, even though Herod had married her (Mark 6:18). She wasn’t Herod’s wife. Herod was living with her in adultery. She was Philip’s wife. God does not recognize the second marriage because the first marriage is binding until death. That is an eternal principle settled in the eternal counsels of God. Marriage is not just a Christian institution; it is a broad, general institution, and therefore it is binding whether you were married when you were 14 in the ghettos of New York City or united in marriage at age 25 in a typical Brethren wedding ceremony. From God’s point of view, all marriages are binding and can be broken only by death.
4. The Argument that an Innocent Party has Certain Freedoms

First off, it is doubtful that there ever is “an innocent party” in a marriage conflict. I don’t know of any case where there has been a marital separation in which one of the parties was totally innocent. I agree that there are different degrees of fault, but to say that someone is innocent is a pretty big statement. There are exceptions to the general rule, and so we should look at how the Bible would deal with the conflict if someone is indeed innocent.

What about the person who has experienced marriage failure and seems totally innocent of any wrongdoing which led to the divorce? Is it proper for that person to remarry? The latter part of Matthew 19:9 records the words of Jesus: “…and whoso marrieth her which is put away doth commit adultery.” Jesus does not say why the woman was divorced. Perhaps she didn’t cook right, or maybe she ran off with another man, or she may have combed her hair in a way that displeased her husband. At any rate, one who marries another who is divorced involves himself in an adulterous relationship. God is saying that the marital relationship is so sacred that there are no exceptions—even if one of the parties is innocent. 1 Corinthians 7:11 says that we need to keep the marriage intact because in marriage we are involved in a covenant relationship, and we need to keep our part of the covenant even if the other party breaks his or hers. Even if there is such a thing as “an innocent party” in a marriage conflict, there is still no right to remarry.

Some quote from 1 Corinthians 7:15 and conclude that the Bible says in certain situations people “are not under bondage.” These people would say that if you are married to an unbeliever, and the unbeliever departs, you are free from the bondage of marriage—as free as if you had never been married. But what Paul is talking about in this passage is that we are not bound to follow after the departing individual and serve him as a slave. If you are married to an unbeliever and the unbeliever chooses to leave you, then you do not have to feel that since you are a Christian wife, you have a marital obligation to follow him around, knock on his door, and
say, “I’m here. I want to cook your supper; after all, that is my obligation and responsibility. I’m your wife.” He slams the door, moves to another apartment, and gets an unlisted phone number, and somehow you find out what the number is and call him up and say, “Where are you living? I’ve got to come.” No, the Bible says you are free from that if the unbelieving partner departs and doesn’t want to have anything to do with you, let him go. You are not bound to keep following him, serving him, and hounding him. Let him go. God has called us to peace.

To interpret the passage any other way would contradict other verses in the same chapter (1 Corinthians 7). Verse 11, for example, says, “Let her remain unmarried.” There is something binding about the first marriage. The married person is always to let the door open for reconciliation. Down in verse 39 of the chapter, we read that the wife is bound as long as the husband lives, regardless of how he treats her or what he does to her. Only death terminates a marriage. Therefore the word “bondage” in verse 15 (of 1 Corinthians 7) does not mean that one is free from the bond of marriage if serious conflict arises.

There is a Biblical way to experience God’s blessing when tangled marriage situations are present. There needs to be a voluntary separation of the partners who are wrongly married. True, the remarried divorcees sometimes seem happy together. They have a family and home. Yet the real solution is to separate.

We find that the children of Israel were involved in sinful marital relationships, and Ezra 10:11 says that they were instructed to “separate yourselves from…the strange wives.” Ezra 10:44 says that in some of the families children were involved. There were probably some young men and women in that camp who were deeply in love with each other, yet all of us must be reminded that “the way of transgressors is hard.” Sometimes there is no easy way out.

An important principle related to some of the tough issues in life is found in 1 Peter 2:19-21. Verse 20 says, “If when ye do well and suffer for it, [and] ye take it patiently, this is acceptable with God.”
We are encouraged to suffer for righteousness’ sake. It is never pleasant, of course, to encourage suffering. Our flesh-nature shrinks from suffering, but nevertheless God’s plan sometimes requires that, in this present world, we are going to suffer for righteousness’ sake. I believe that is God’s perfect will. But God realized that there are some people who will not be able to stand up to that. Thus in 1 Corinthians 7:10-11, the Lord gives a permissive will related to marriage: “Let not the wife depart from her husband. But and if she depart, let her remain unmarried, or be reconciled to her husband; and let not the husband put away his wife.” God does allow married partners to separate if the relationship between them becomes too strained. When separation occurs, however, there are only two options–to remain unmarried or to become reconciled to the married partner. Once again, there is no provision for divorce and remarriage.

Also, Jesus talked about a “eunuch solution” to marriage problems (Matthew 19:10-12). Some are “born” eunuchs–born without the ability or desire to be involved sexually with another person. Others are “made” eunuchs–desexed by doctors so that they could be used in certain capacities for their master. Also, there are some who “make themselves eunuchs” for the kingdom of heaven’s sake. We often say that it is too much to ask a person to go through life without enjoying the blessings of marriage. But Paul says in 1 Corinthians 7:8 that singleness is a good choice to make. He gives reasons in 1 Corinthians 7:32-34. God calls some people to remain eunuchs for the kingdom of heaven’s sake. We should exalt this position as an option for our young people. God has a real blessing in store for those who choose that direction. Isaiah 56:4-5 informs us that God holds a special place in His heart for those people who are willing to forego some of the otherwise acceptable pleasures of this life for the kingdom of heaven’s sake.

Surely, if God has special blessings and grace for those who choose a life of singleness for the kingdom of heaven’s sake, there will be sufficient grace for those who have had unfortunate marriages and are determined to go through life without remarrying (as long as their mate is living). Every faithful disciple of Christ needs to do
what he can to encourage and help victims of divorce who choose to obey God in the matter of not taking the route of remarriage.