

Marriage and Divorce Situations

There are many different possible situations for divorce, and it seems like each real-life circumstance has its own unique set of conditions. False teachers seeking their own desires will sometimes claim that God's law is too complicated to fully comprehend, so those in positions of power will declare that God has ordained them to make case-by-case rulings that others must accept in submission. To the contrary, a careful investigation of scripture reveals that God has ordained a clear and simple law governing divorce and remarriage that has universal applicability.

1. Authority Review

A brief review of the principles involving the interpretation of scripture and establishing authority is beneficial to any study on the application of God's word. Particularly in matters that are often emotionally sensitive, such as divorce and marriage, we must be devoted to unbiased examination. A deep study of hermeneutics is beyond the scope of this presentation, but these points are offered as a reminder.

1.1. Word-based communication

1.1.1. Authority from scripture

The validity of scripture is realized in a separate study, but for the scope of this discussion, the Bible is accepted as God's infallible word. It is the standard and the source of the authority for the conclusions stated.

1.1.2. The meaning of words

God created language; it is the way He ordained communication with mankind from the beginning. Words are the stuff language is made of, so their meaning is vital. The meaning of a word with multiple definitions is revealed by the context. We must be careful not to distort words into what we want them to say.

1.1.3. Specific and generic terminology

All words have broad and narrow senses. The student of scripture will recognize this and make logical application. For example, the word "lewdness" is more generic than "fornication." Fornication is one way of committing lewdness, but not all lewdness is fornication.

1.2. Interpretive method

1.2.1. The rules of logic

- Necessary inference (deductive reasoning)
- Direct authority - recorded statements and command (premises)
- Indirect authority - approved scriptural examples

1.2.2. Avoid logical fallacies

Logical fallacies abound in religious discussions, doubtless because unsound reasoning is inevitably required to attempt to justify man-made doctrines. Just a few fallacies are cited here. Bible students need to be aware of some of the methods often utilized in arguments to validate unlawful divorce in certain circumstances.

- Fallacy of authority (following the words of men),
- Fallacy of pity (showing favoritism in the face of adverse consequences),
- Fallacy of genetics (demonstrating prejudice),
- Fallacy of emotion (yielding to persuasive pressure),
- Fallacy of power (judging out of fear),
- Fallacy of ambiguity (manipulating word meanings),
- Fallacy of relevance (appealing to traditions),
- Fallacy of ignorance (appealing to the silence of scripture).

1.2.3. Recognize figurative language

Scripture utilizes all kinds of figures of speech: metonymy, synecdoche, simile, metaphor, hyperbole, etc. Sound investigation requires an awareness in this. For example, when Jesus, by hyperbole, describes lust as sin the same as is adultery, He did not thereby redefine lust as being actually the same as fornication.

1.3. Clarification of marriage terms

There is a difference between being married and bound and between being divorced and loosed. Marrying and divorcing are human actions at free will. Binding and loosing are the actions of God, and man has no control over it.

1.3.1. The actions of men: marrying and divorcing

Men and women marry with or without the approval of God. Marriage is a civil, physical action between men and women declaring their intention to live together as husband and wife. God does not prevent men and women from marrying. Some societies even allow same sex marriages.

Mat 24:38 - "For as in those days before the flood they were eating and drinking, marrying and giving in marriage, until the day that Noah entered the ark."

Men and women divorce with or without the approval of God. Divorce, by definition in English and in accordance with civil law, is the legal dissolution of a marriage contract. Nothing prevents men and women from doing this. State law typically permits this on any grounds.

John 4:18 - "for you have had five husbands, and the one whom you now have is not your husband; this you have said truly."

1.3.2. The actions of God: binding and loosing

God binds men and women together. When a couple marry having scriptural right to do so, God joins them. Man has no control over this, this is the work of God alone.

Matthew 19:6 - "So then, they are no longer two but one flesh. Therefore what God has joined together, let not man separate."

Rom 7:2 - For the married woman is bound by law to her husband while he is living; but if her husband dies, she is released from the law concerning the husband.

God frees a person from a marriage bond when their spouse dies or is known to have committed fornication.

Rom 7:3 - So then, if while her husband is living she is joined to another man, she shall be called an adulteress; but if her husband dies, she is free from the law, so that she is not an adulteress though she is joined to another man.

Matt 19:9 - "And I say to you, whoever divorces his wife, except for immorality, and marries another woman commits adultery; and whoever marries her who is divorced commits adultery."

The binding and loosing in marriage is entirely governed by divine law as revealed in scripture.

1.3.3. The contrast of civil and divine law

- It is possible to be divorced by civil law but still bound by divine law.
- It is possible to be married by civil law but loosed by divine law (Matt 14:4).

It is equally valid to consider the one able to lawfully put away in Matthew 19 as being civilly married but not bound and to consider the one not able to lawfully put away in Romans 7 as being civilly divorced but not loosed.

2. The Marriage Bond

It is important now to rehearse the law of God regarding the marriage bond before presenting the application in various divorce situations.

2.1. The meaning of "bound"

"Bound" translates DEO {deh'-o}, rendered in KJV as: bind 37, tie 4, knit 1, be in bonds 1, wind 1; 44, meaning "1) to bind tie, fasten 1a) to bind, fasten with chains, to throw into chains 1b) metaph. 1b1) Satan is said to bind a woman bent together by means of a demon, as his messenger, taking possession of the woman and preventing her from standing upright 1b2) to bind, put under obligation, of the law, duty etc. 1b2a) to be bound to one, a wife, a husband 1b3) to forbid, prohibit, declare to be illicit" [Thayer]. A characteristic of this is that the one so bound is not able to loose himself. If he can loose himself, he is not actually bound.

*Mark 5:3, 4 ...who had his dwelling among the tombs; and no one could **bind** him, not even with chains⁴ because he had often been bound with shackles and chains. And the chains had been pulled apart by him, and the shackles broken in pieces....*

*Matthew 14:3, 4 For Herod had laid hold of John and **bound** him, and put him in prison for the sake of Herodias, his brother Philip's wife. For John had been saying to him, "It is not lawful for you to have her."*

When used of marriage, it indicates a permanent commitment and obligation of the marriage under the force of divine law. It is a covenant of God (Mal 2:14). The duty of the marriage bond is established through what is made illicit by it, as follows:

- One has no right to leave the other; they must stay together for life.
- Neither has the right to put away; they cannot lawfully divorce.
- He must not neglect her but take care of her; she must not be insubordinate but submit to him.
- They must not defraud each other sexual intimacy. (This privilege comes only with the covenant lifetime commitment).

All these requirements are bound together in God's law of marriage; if one is removed, all are removed.

2.2. The meaning of being loosed

The word for "loose," LUO, is the opposite of DEO, and means, "1) to loose any person (or thing) tied or fastened 1a) bandages of the feet, the shoes, 1b) of a husband and wife joined together by the bond of matrimony 1c) of a single man, whether he has already had a wife or has not yet married 2) to loose one bound, i.e. to unbind, release from bonds, set free 2a) of one bound up (swathed in bandages) 2b) bound with chains (a prisoner), discharge from prison, let go 3) to loosen, undo, dissolve, anything bound, tied, or compacted together..." (Thayer).

To understand the scope of the loosing, the scope of the binding must be understood. Whatever is the effect of the bond and the things declared illicit by its law, loosing is the removal of those same restrictions. Therefore, if a woman is loosed from her marriage bond while her husband is still living:

- She has the right to leave him; she doesn't have to stay with him.
- She has the right to put away; she can lawfully divorce him.
- She is no longer accountable to submit to him; he is no longer her head.
- She may defraud sexual intimacy. (She no longer has this privilege unless she reconciles and accepts again the covenant lifetime commitments).

2.3. The breaking of the bond

The moment the breaking of the marriage bond occurs is revealed in Romans 7 and Matthew 19 by necessary inferences through deductive reasoning, as outlined in the chart to follow. Please note that the genders in Matthew 19 are accommodatively reversed (Mark 10:11, 12). What applies to the goose applies to the gander.

	Romans 7:2-4		Matthew 19:3-9	
Condition:	Husband lives	Husband dies	Husband faithful	Husband fornicator
State:	Wife bound	Wife loosed	Wife bound	Wife loosed
Action:	Divorce, remarry	Remarry	Divorce, remarry	Divorce, remarry
Result:	Adultery	Not adultery	Adultery	Not adultery

This is explained as follows.

2.4. The effect of fornication

2.4.1. God's law of loosing

Binding and loosing is determined by divine law. By definition of the law, adultery includes being married to one while bound to another. The reason the widow in Romans 7 does not commit adultery when she remarries is because she is no longer bound. She is no longer bound, not because her husband is dead, but because the law says she is loosed if her husband is dead. So then, in Matthew 19:9, if an innocent wife can divorce her husband because of his known fornication and remarry and it not be adultery by divine law, then it can only be because she is no longer bound. Comparing Romans 7 with Matthew 19, the difference between the two non-adulterous remarriages is the law concerning the spouse's death on one hand and the exception concerning the known fornication on the other.

Therefore, if the innocent party simply has the ability to lawfully divorce and remarry at her choosing, she is actually already no longer bound. Conclusively, the very moment she obtains knowledge of his fornication, she is immediately at liberty to put him away (with or without legal action), so she is at that moment no longer under binding commitment to him, though still married. Therefore, it must be that the known fornication immediately and automatically breaks the bond. It is not sound reasoning to declare that the divine marriage bond is not dissolved until the divorce is finalized; that is not what Matthew 19:9 says.

2.4.2. Knowledge required

For clarification, consider the possible time lapse between the actual committing of the fornication and when it becomes known to the innocent spouse. All reasonable law must have practical applicability. For example, if a parent gives his child a prohibition, that child is subject to punishment the moment he disobeys. However, it is impossible for the parent to justifiably punish unless he knows. Once the parent knows, then things really change. Now look at God's law: "...whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery" (Matthew 5:32). It is intrinsically impossible to put your wife away for the reason of fornication unless you know she committed fornication. You cannot divorce on a hunch. Jesus does not say "saving for the cause of suspected fornication" or "saving for the cause of probable fornication." The moment the fornication is committed, the innocent party would have the right to put away, if he only knew. The forced conclusion is that this right must be known before it can be exercised. If the innocent party does not know, he is by no means consenting. God cannot justifiably hold us accountable for something that has not been revealed. This is a basic principle of law well developed in the epistles (1 Cor 2:9-16; Eph 3:2-5 Col 1:25-28; 2 Pet 2:21). If he suspects that she is unfaithful or thinks the probability is likely, he has good reason to investigate more closely, but he does not have the right to defraud or divorce (1 Cor 7:3-5). Once he knows, however, the situation changes.

2.4.1. Consequences of proclaiming the bond endures until the divorce settlement

Consider also that if a woman is truly bound to her fornicating husband by divine law until a civil divorce settlement, then she is still obligated to fulfill his sexual needs until then. It would not be her possible option but her divine duty; the bond is the obligation to stay, obey, and not divorce (1 Cor 7:3-5). However, if it is clear that God's law gives her permission to divorce him because she knows of his fornication (Matt 5:32), then we must conclude that she is at that moment no longer bound, even while still civilly married, and she no longer has the obligation to not withhold sexual contact with him.

Contrarily, if the bond is declared not to be loosed until the divorce papers are signed, then she is obligated to perform her duty in his bed until that time. This is horrific and preposterous. Scripture indicates no such thing.

2.5. The effect of divorcing

2.5.1. The active and the passive

A frequent argument proposed is that for a man to remarry after divorce and it not be adultery according to divine law, he must have been the initiator of the civil divorce (active voice), and the reason of fornication must be stated on the divorce papers. Moreover, if he is in any circumstance divorced (passive voice) by his wife, he cannot have a right to remarry. The basis for this reasoning is that the verbs translated "divorces" and "is divorced" are in the active and passive voice respectively: "...and whoever marries her who is divorced [passive voice] commits adultery" (Matt. 19:9 NKJ). Further examination will show that this is not based in sound reasoning.

It is true that every instance of the verb "divorce" in scripture is always either in the active or the passive voice. However, it is also often in the subjunctive mood, as it is in Matthew 19:9, indicating no action yet actually occurring but only the circumstantial possibility or prospect of it: "...if a woman divorces..." (Mark 10:12). An "if-then" statement is linguistically analogous to a conditional exception clause:

- Right turn on red light is not permitted, except from curb lane.
- If in curb lane, then right turn on red light is permitted.

2.5.2. An illogical case overturning God's ordinance

Remember that marrying and divorcing are man's actions, and binding and loosing are God's actions according to His law. When the innocent party knows and has evidence of the fornication, he immediately has the right to divorce and is therefore no longer bound. Though he has the right to do this, he might only contemplate doing so for some time, while holding himself away from her sexually. According to the "active-only" doctrine, if, while considering his decision, his wife takes the active initiative to divorce him, he then loses his right to divorce, and so, conclusively, the bond that was loosed by her known fornication is then automatically reapplied to him – only because he delayed in taking the action God had given him a right to.

Undeniably, the actions of men are powerless to negate the judgments of God. It is unreasonable to assert that the fornicating wife, who adds to her sin by unlawfully divorcing her husband, can possibly overturn God's law of exception for the innocent party. The compounded sin of others should never revoke the liberty of the righteous. This is "race-to-the-courthouse" doctrine, and it is without foundation. Besides, it is irrational to envision one meaningfully divorcing another who is actually no longer bound to them.

Proponents of the "active-only" doctrine will cite that, according to textual analysis of scripture, it is the divorcer himself that must actively divorce the other for the cause of fornication by civil law for the exception clause to take effect. However, this disregards the irrevocability of God's rule for the innocent party. In the textual analysis, Jesus is actually identifying just one specific possible example where remarriage would be permissible. The reason this remarriage is not adultery is because of God's law of exception releasing his bond if fornication is known before the divorce. However, the exception clause necessarily infers the allowance for another lawful divorce situation not specifically mentioned by Jesus. To explain, Jesus said earlier not to put asunder what God has joined. The exception clause is legitimately extended also to one who would divorce for the cause of fornication but choose not to remarry, though Jesus does not mention this exact situation. The reason this divorce is not sin is likewise because of God's law of exception if fornication is known beforehand, releasing his bond. The one actively instigating the legal divorce or what the ink on the divorce paper says or does not say cannot nullify God's law of exception.

Consider also that God's exception for lawful divorce is amenable also in primitive societies where no formal judicial system exists or in modern societies where the subjects have no right to the civil courts. God's law is independent of man's law. The "active-only" doctrine breaks down without a man-made legal system; therefore, this so-called "active-only" doctrine is unsustainable.

2.6. The effect of reconciliation

When the innocent party learns that his wife has committed fornication, he is released from his bond and has the right to divorce her. However, scripture makes no indication that he has the obligation to divorce; he also has the choice to reconcile with her (1 Cor 7:11). Conclusively, he unavoidably faces several lawful options:

- He can separate himself from her without divorcing,
- He can reconcile with her without divorcing, restoring the bond,
- He can separate himself from her and divorce,
- He can separate, divorce, and then reconcile and remarry her, restoring the bond,
- He can separate himself from her, divorce, and remarry another.

Reconciliation, by definition, is the process of removing the enmity that marred a relationship, returning it exactly back to its former favorable state. Whenever a relationship changes back from enmity to friendship, hostility to harmony, turmoil to tranquility, variance to favor, or conflict to fellowship: this is reconciliation, as reflected in Bible usages of the term (2 Cor 5:18-20; Eph 2:12-19; Col 1:20, 21).

When a marriage is marred by fornication, the wholesome relationship of peace with its privileges and lifetime commitment is changed to an unfavorable relationship of enmity with privileges lost. However, in marriage reconciliation, the innocent party disregards the known fornication, casting off its effect, removing the enmity, and vowing devotion again. God only has one law of marriage, so when the innocent spouse reconciles, God restores the relationship exactly back where it was prior to the fornication becoming known. The covenant bond and sexual privileges are restored, and neither has the ability to put away the other. The husband cannot go back later and reinstate her past fornication – which he disregarded – as grounds for divorce, since the permanent bond of the marriage covenant is now restored. God's law makes no provision for a trial, experimental, or probational marriage bond. Marriage is a dependent covenant; the benefits and privileges (sexual intimacy) are only for those who accept the God-ordained responsibilities and obligations (life-time commitment).

3. Practical Situations

Some proponents of false divorce doctrines will refuse to discuss "hypothetical situations," as if they lack credibility. However, various situations inevitably occur, and this is precisely how Jesus and Paul teach on the subject. Let's examine some conditions in which divorce in a lawful marriage often occurs in time-line sequences of events with the outcomes (shown in *italics*) according to divine law.

Note the following:

- Every situation of divorce involves sin – without exception.
- In every unlawful case, divorce or separation occurs without the knowledge of fornication.
- In every lawful case, the knowledge of fornication occurs before the divorce.

3.1. Divorce without lawful cause

Husband	Wife
bound	bound
divorces	divorced
<i>sin</i>	---

(Matt 19:6)

3.2. Divorce and remarriage without lawful cause

Case 1:

Husband	Wife
bound	bound
divorces	divorced
<i>sin</i>	---
remarries	---
<i>adultery</i>	---

He commits adultery because he is still bound to the first when he marries the second. (Rom 7:2-4)

Case 2:

Husband	Wife
bound	bound
divorces	divorced
<i>sin</i>	---
---	remarries
<i>guilty</i>	<i>adultery</i>

The divorcing husband is guilty of causing his ex-wife to commit adultery if he had divorced her without lawful cause. (Matt 5:32)

Case 3:

Husband	Wife
bound	bound
divorces	divorced
<i>sin</i>	---
---	fornication
<i>guilty</i>	<i>adultery</i>
knowledge	---
remarries	---
<i>adultery</i>	---

By the rules of logical reasoning, a cause always precedes its effect; therefore, the divorce cannot be for the cause of fornication if the fornication is committed after the divorce. There is no scriptural basis to permit remarriage for the cause of a fornication committed after the divorce – for either party. Besides, the divorcing husband is an accomplice, causing his ex-wife to commit adultery, and it would not be justice that he gain an advantage from it. (Matt 5:32)

Case 4:

Husband	Wife
bound	bound
defrauds	---
<i>sin</i>	---
---	fornication
<i>guilty</i>	<i>adultery</i>
knowledge	---
divorces	divorced
remarries	---
<i>adultery</i>	---

A perverse and lurid false doctrine declares that a one can just separate without divorcing, and then, when the other commits fornication, he is freed from the bond when it becomes known and can divorce for the cause of fornication and remarry. This "waiting game" doctrine has no scriptural basis, and to defend it is to indorse temptation. Since the one defrauding deliberately entices the other to commit fornication (1 Cor 7:2-5) he is by no means "the innocent party." It is already sin to separate and defraud (Mark 10:7-9), so it is unjust to attempt to gain any advantage by it. You cannot violate God's law and then make claims to its rights and liberties. In lawful divorce, the knowledge of fornication always comes first and then the separation because of it – not the other way around.

Case 5:

Husband	Wife
bound	bound
divorced	divorces
---	<i>sin</i>
---	fornication
---	<i>adultery</i>
knowledge	---
"repudiates"	---
remarries	---
<i>adultery</i>	---

The popular doctrine of "mental divorce" claims that the divorced party in this case is not actually divorced, because it is done without God's approval and that they are actually still married "in God's eyes." According to the claim, the so-called "divorced" spouse can repudiate the bond due to the known fornication, loosing him and allowing him to lawfully remarry. This doctrine neglects that marriage and divorce are the real actions of men and women alone – with or without God's approval. This doctrine is based on the false premise that a thing does not actually occur if it occurs without God's approval. Moreover, the rule of cause and effect does not allow for this actual divorce to be for the cause of fornication, since the fornication is committed after the divorce.

Case 6:

Husband	Wife
bound	bound
---	fornication
---	<i>sin</i>
divorced	divorces
---	<i>sin</i>
knowledge	---
"repudiates"	---
remarries	---
<i>adultery</i>	---

The "mental divorce" proponents claim that the divorced person in this situation likewise has the right to repudiate the bond, as if going back in time, and lawfully remarry. However, regardless of the timing when the fornication is committed, the rule of cause and effect does not allow for the divorce in this situation to be for the cause of fornication, since the fornication is not known at the time of the divorce. The divorce in this case occurs while both parties are still bound, so any remarriage thereafter is adultery. Conclusively, the "mental divorce" doctrine has no validation in scripture.

3.3. Divorce with lawful cause

Husband	Wife
bound	bound
---	fornication
---	<i>sin</i>
knowledge	---
<i>loosed</i>	---
divorce	divorce
<i>no sin</i>	---

By God's law of exception, the innocent party is already loosed before the time of the divorce, knowing of the fornication, and his right to put away is not forfeited, regardless who initiates the divorce.

3.4. Divorce and remarriage with lawful cause

<u>Husband</u>	<u>Wife</u>
bound	bound
---	fornication
---	<i>sin</i>
knowledge	---
<i>loosed</i>	---
divorce	divorce
<i>no sin</i>	---
remarries	---
<i>no adultery</i>	---
---	remarries
---	<i>adultery</i>

This is the situation of Jesus' combined examples in Matthew 19:9.

3.5. Reconciliation with lawful cause for divorce

<u>Husband</u>	<u>Wife</u>
bound	bound
---	fornication
---	<i>sin</i>
knowledge	---
<i>loosed</i>	---
reconciles	reconciled
<i>bound</i>	<i>still bound</i>

Reconciliation of the bond indeed occurs, even with no divorce occurring. Lawful cause for divorce can only occur after reconciliation if fornication again occurs.

3.6. Divorce and reconciliation with lawful cause

<u>Husband</u>	<u>Wife</u>
bound	bound
---	fornication
---	<i>sin</i>
knowledge	---
<i>loosed</i>	---
divorces	divorced
<i>no sin</i>	---
reconciles	reconciled
remarries her	remarries him
<i>no adultery</i>	---
<i>bound</i>	<i>still bound</i>

Though the innocent husband may disregard his wife's fornication, the wife still bears her sin before God until she repents and obtains His forgiveness. Once reconciliation is accomplished, their marriage bond is permanently restored – with or without her repentance.

This list of possible divorce circumstances is not intended to be exhaustive. Other situations will no doubt occur, but these examples are presented to illustrate how the law of God can be applied in any case.