

On Remarriage After Divorce

John Owen / Modernized by Richard J. Vincent

It is confessed by all who accept Scripture as their authority that adultery is a just and sufficient cause for divorce between married persons. However, a difference of opinion exists as to the extent of the effects of this divorce. Is the divorce a full separation from the bond and mutual obligations of marriage, or is it only a separation from the mutual obligations of marriage?

Some teach that divorce consists in an absolute dissolution and termination of the bonds of marriage and thereby allows the innocent party the freedom to marry again.

Others teach that this divorce is only a separation "from table and marriage bed" and therefore the divorce does not actually dissolve or terminate the marriage relation. Instead, it merely relinquishes one from the duty of providing physically and sexually for their spouse.

I am convinced of the first opinion. I will show that the second view is unthinkable and unscriptural because of its many weaknesses and also give three reasons why the first view is true.

The second view is not true for the following reasons:

First, this divorce "from table and marriage bed" is not a true divorce according to the light of Scripture and the law of nature. This position is a late invention in the history of mankind. Even those in the Roman church that assert it is true grant that in the Old Testament and in other ancient cultures divorce was always a termination of the marriage bond. Yet the moral duties and God-honoring relations of the Old Testament are not abrogated by the New Testament, rather their motives and purposes are more clearly defined.

Roman Catholics come to this position because of their unbiblical view that marriage is a Christian sacrament and therefore since it carries the status of sacrament it is indissoluble. But if this is true, then marriage should only take place among believers and have no authority over non-believers and this is clearly not true. Marriage is a creation ordinance and thus is to be practiced by all mankind, not merely believers.

Secondly, a divorce which remains perpetually "from table and marriage bed" is hurtful and destructive to mankind. If this were true it would establish a new state of being, unknown to Scripture. In this new state a man would lawfully be obligated to have a wife and simultaneously obligated to not have a wife. Every man that is capable of marriage is and must be in one (and only one) of these two situations--whether he would like to be or not. God does not call any man into the state where he is bound by conscience to not receive back the adulterous partner and at the same time to not take another as his wife due to this divorce.

This unnatural and unlawful and unknown condition may--and probably will--cast a man under a necessity of sinning. This is what I mean when I say that this view is hurtful and destructive to mankind and to righteousness. For suppose that a man doesn't have the gift of celibacy. If this is the case then it is the express will of God that he should marry for his relief. Yet, if he does marry, he has sinned; and if he doesn't marry, he will sin.

Thirdly, this view is unlawful. For if the bond of marriage remains then the relation still continues. This relational bond is the foundation of all mutual duties and obligations in marriage. Therefore, while the bond remains, no one can lawfully refrain from carrying out the proper duties of marriage, nor prohibit their performance. In marriage, each partner has certain duties and obligations to each other that they are required to perform so that each partner is not their own, but one another's. Thus each partner may claim the duties of marriage from the other partner lawfully. They may separate for a time by mutual consent and this may hinder the actual execution of certain marital duties for a time. But to make such an obligation to one another completely void while at the same time the marriage relation continues is against the law of nature and the law of God.

Fourthly, the very light of nature and common grace among the nations never pointed to this kind of divorce. Marriage is a creation ordinance given by God and is thus practiced by all mankind. No mere man would ever have ordained such a relation. Yet in all of history there is never any mention made of a divorce that is merely "from table and marriage bed." The case has always been that those who justly divorce their wives might marry another. Some cultures, like the ancient Greeks and Romans, even allowed the husband to kill the adulteress. This was later changed by the Romans, but the offense still remained a capital offense. In these cases, divorce took place to purposely allow the innocent person the freedom to marry again. Therefore, the view that divorce is merely "from table and marriage bed"--from the duties and obligations of marriage alone and not from the bond of it--is a false view.

The first view--that divorce absolutely dissolves the marriage bond and allows for remarriage--is the true view. There are three reasons for this.

First, that which dissolves the structure (union) of marriage and thus destroys all the practices (obligations) of marriage does therefore dissolve the bond of marriage. If you take away the inherent structure and purpose and end of any moral relation, the relation ceases to be. And this is what is done by adultery and therefore calls for divorce. For the structure of marriage consists in this: The two persons become "one flesh" (Gen. 2:24; Matt. 19:6). But this union is dissolved by adultery, for the adulteress becomes one flesh with the adulterer (1 Cor. 6:16). Thus she is no longer one flesh in union with her husband, but rather she absolutely breaks the bond and covenant of marriage. And when she breaks the bond she also absolutely destroys all the obligations and duties which accompany that bond. For how can one talk of a bond that exists if at the same time it is broken? Is that still a bond? Or how can one speak of a bond that doesn't bind? But isn't this what the second view teaches?

Secondly, if the innocent party of a divorce is not at liberty to marry again then two things ensue:

1. *The innocent party is deprived of their freedom by the sin of another.* This is against nature. This gives the wicked great power over the righteous for every wicked and unfaithful spouse then has it in their power to deprive their partner of their natural rights and freedoms.

2. *The innocent party, if not allowed to remarry, is exposed to sin and judgment because of the unfaithfulness of another.* Our Savior allowed divorce in the case of adultery as an option to the innocent party to allow for their liberty, advantage, and relief. But if one is not allowed to remarry, this liberty would be no liberty at all, but would only prove a snare and a yoke to them. For if one does not have the gift of celibacy, then he is exposed to sin and judgment.

Thirdly, our blessed Savior gives express direction in the case of adultery. "And I say unto you, whoever shall divorce his wife, except it be for fornication, and shall marry another, commits adultery" (Matt. 19:9). Thus it is evident and is the plain sense of the words that the opposite is also true: "He who puts away his wife for fornication and marries another does not commit adultery." According to Jesus, the bond of marriage is in the case of adultery dissolved, and the person that puts away his wife is at liberty to marry again. While Jesus teaches against divorcing the wife and marrying again for any cause whatsoever, the exception of adultery allows the husband to both divorce and remarry.

Every exception is a particular case that is contradictory to the general rule. The rule here in general is: "He that divorces his wife and marries another commits adultery." The exception here is: "He that divorces his wife because of fornication and marries another does not commit adultery." This could be stated another way. The rule in general: "It is not lawful to divorce a wife and marry another; it is adultery." The exception: "It is lawful for a man to divorce his wife for fornication, and marry another."

It is of no use to argue that the other gospel writers, Luke and Mark do not include the exception clause in their gospels (Mark 10:11-12; Luke 16:18). For even though they do not comment on it, it is used twice by Matthew (Matt. 5:32; 19:9) and therefore was certainly spoken by our Savior. Also, every good interpreter knows that where the same thing is reported by several writers, the briefer and shorter expressions are to be measured and interpreted by the fuller and longer accounts. And every general rule in Scripture is to be limited by any exception attached to it in another place of Scripture. Know for certain that there is hardly any general rule of Scripture that does not admit of an exception.

It is even more vain to argue that our Savior speaks here with respect to the Jews alone so that the exception clause only has application to them. In Jesus' answer to the Pharisees he refers back to the law of creation and the original creation ordinances which have authority over all mankind and not merely the Jews. He declared that the original institution of marriage was prior to the law of Moses and therefore is not limited to the Jews alone. This is a law, therefore, that is applicable to all mankind.

Also, when the Pharisees inquired of Jesus concerning divorce, they inquired of a divorce that was absolute and provided liberty to marry following the divorce. They had never heard of any other type of divorce. They had never heard of a mere separation "from table and marriage bed" in the Old Testament. Our Savior answers their query according to their understanding and therefore refers to the bond of marriage and not merely a separation from the duties and obligations alone. Therefore, Jesus denies the causes of divorce which the Pharisees allowed and then asserts fornication to be the only just cause of divorce. He therefore teaches that this divorce, of which they inquired about, was an absolute divorce from the bond of marriage. This

is how the Pharisees would understand it and we cannot assume that Jesus does not answer them according to their understanding.

Furthermore, the Apostle Paul clearly states that the innocent party who is maliciously and obstinately deserted by their partner is set free to marry again. This affirms that the Christian religion does not remove the natural right and privilege of men in the case of divorce. "If the unbelieving depart, let him depart. A brother or a sister is not under bondage in such cases" (1 Cor. 7:15). If a spouse departs--whether due to religious differences or otherwise--and refuses to live together with a husband or wife, the deserted party is at liberty to marry again. The deserted spouse is at liberty because all the purposes and obligations of marriage are frustrated by this condition of desertion. Therefore, what shall a brother or sister that is a Christian do in the case that they are deserted? The apostle says, "They are not in bondage, but are free and thus at liberty to marry again."

This is the constant doctrine of all Protestant churches in the world.

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Reference

The Works of John Owen, Vol. 16, Banner of Truth 1991. pp 254-257.