

# The Bible Says: Divorce and Remarriage is NOT Adultery

By Dr. Stephen E. Jones

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# Divorce and Remarriage is NOT Adultery

Church opinion has long favored the teaching that remarriage after divorce is adultery, based upon what we believe to be a single mistranslated word in Matthew 5:32 and a few incorrect assumptions. The result? A great many people today who are divorced and remarried are being expelled from their churches. Others are being refused leadership positions or are being plied with a load of guilt for “living in constant adultery.” It is tragic, and so very unnecessary. Many times it turns people away from God all together, either in rebellion against what they feel is an injustice in Scripture, or else through discouragement over their own inability to remain single for the rest of their lives.

In order for us to gain a better understanding of the entire question, we must go back to the beginning, to the days before God gave His holy law to Israel. We shall look first at the ancient Babylonian law Code of Hammurabi and then compare it with God's law in this matter of divorce and remarriage.

But first we must make it clear that this is not intended to be a book on marriage counseling. We have limited our focus to the question of whether or not God forbids remarriage after divorce. This book should not be used to encourage divorce, for the Bible makes it clear that God intended from the beginning for married people to make a life-long commitment to each other. On the other hand, it takes two to make a marriage, and it is often the case that only one marriage partner really wants to make the marriage work.

The fact is, in today's world there are many, many people who are divorced, and many of them are now happily remarried. Some counselors have actually suggested that these should be divorced and seek to remarry their former spouse. We will show from the divine law that such counsel is not of God, for God defines such remarriage to a former spouse as a sin. Such counsel only underlines the importance of our present book.

## Hammurabi is the Biblical Nimrod

The oldest known law code from Mesopotamia is the Code of Hammurabi. Historians date this king of Babylon between 2400 and 2100 B.C. The book of Jasher 27:2 identifies him with Nimrod “the rebel” and dates him from 1908-2123 years from Adam, which is 1987-1772. B.C. (See our [Chronology of History](#).) According to Prof. A.H. Sayce, Hammurabi was mentioned in Genesis 14:1 under the name of Amraphel, one of the kings who helped the king of Elam conquer Sodom and capture Lot. In his book, [Monument Facts and Higher Critical Fancies](#), page 60, we read:

“Khammu-rabi, like others of his dynasty, claimed divine honours, and was addressed by his subjects as a god. In Babylonian *ilu* is ‘god,’ the Hebrew *el*, and *Ammu-rapi* would be ‘Khammu-rabi the god.’ Now *Ammu-rapi ilu* is letter for letter the Amraphel of Genesis.”

The war with Sodom took place during a time when Babylonia had been conquered by Chedorlaomer, the Elamite king of Gen. 14:1. Nimrod, or Amraphel (Hammurabi), was subject to Elam for many years. When Nimrod finally overthrew the Elamite yoke, he drew up his famous law code. Sayce tells us in [Monument Facts](#), p. 67, 68:

“The compilation of the code marked the overthrow of the Elamite domination, the recovery of Babylonian independence, and the establishment once more of a Babylonian empire.”

## Hammurabi's Law on Divorce

According to Hammurabi's Code, a marriage was a simple contract, valid only if it was written, sealed (signed), and witnessed (Par. 128). Divorce was allowed, but treated in various ways, depending on which party broke the contract. If the wife were guilty, he could divorce her with the words, "I put her away," and he could send her away empty-handed (Par. 141). In the book by Stanley a. Cook, M.A. entitled, [The Laws of Moses and the Code of Hammurabi](#), page 120, he quotes from paragraph 141 of the Hammurabi Code:

“If the wife of a man who is living in his house has set her face to go out, and has acted extravagantly, ‘has wasted her house’ (*bit-za u-za-ap-pa-ah*), and has neglected her husband, one can bring her to justice, and if her husband formally divorces her,

with the words ‘I repudiate her’ (*e-si-ib-sa*), she goes her own way and receives no *uzubu*. If the husband does not pronounce this formula, and takes another woman (*zinnistu*), she remains in his house as a maid-servant.”

The wife too had the right to divorce her husband, if her husband had violated the marriage contract. However, this was a risky thing to attempt to do, because if the court should find HER to be the guilty party, she was thrown into the water and drowned (Par. 142, 143). Thus, another serious consideration for her was whether or not she could obtain justice in the court.

When the husband was at fault, the law was quite generous with her and took pains to provide for her support. If she had no children, her husband was to give her her dowry and the equivalent of her bride-price as she left the house (Par. 138). The dowry was the portion of her father's wealth given to her when she was married. Although she brought the dowry with her into her husband's house, it was tied to her for life and was never considered to be the property of her husband. It was her security in case of disaster or divorce. After her death, it was to be divided among her children, but never to go to her husband, even if he outlived her.

The bride-price was usually a lesser amount, which the suitor gave to the bride's father to secure the marriage. It was usually one mina of silver (60 shekels, or the equivalent of 120 days' work at common labor).

The dowry and the bride-price was her means of support after her divorce. If her husband had given her father no bride-price when he married her, he still had to give her one mina if he were rich and 1/3 mina if he were poor (Par. 139, 140).

On the other hand, if the divorced wife had children, and if the husband were the guilty party, it was handled differently. She received her dowry, of course, but in place of the bride-price, she was instead to have use of his property and food from his field or garden. This provision served as alimony and child support. Further, if he should decide to give any inheritance to the children, she was to receive a share equal to one son (Par. 137).

If a man should be captivated and deported, his wife could only remarry if she had lost her means of support. However, if he returned

from captivity, she had to return to him, leaving any children of her second marriage with their father (Par. 133, 135.) If a man simply deserted his wife, she had the right to remarry, and if her former husband returned, he had no claim on her (Par. 136).

The only prohibition on divorce, other than when no one had violated the marriage contract, was when the wife was incurably sick and in need of care. In such a case, the husband may not divorce her, although he could take a second wife (Par. 148).

### **God Corrects the Law of Hammurabi**

God's law had been in existence since the creation and was thus much older than the Code of Hammurabi. Adam had been given dominion over the earth at the time of creation (Genesis 1:26-28), and this right to rule the earth under God was one of the foremost features of the Birthright that was passed to succeeding generations. Just as Adam was the lawful King of the earth while he lived, so also were Methuselah and Noah.

However, during the days of Noah, Nimrod (Hammurabi) usurped the throne with the support of his army. For this reason the Bible calls him Nimrod, “the rebel.” Shem and his son Eber then migrated to Canaan and built the city of Jerusalem. Here Shem appears under the title of Melchizedek, the "King of Righteousness." The book of Jasher calls him Adonizedek, “Lord of Righteousness” in Jasher 16:11, 12.

11 And Adonizedek king of Jerusalem, the same was Shem, went out with his men to meet Abram and his people, with bread and wine, and they remained together in the valley of Melech.

12 And Adonizedek blessed Abram, and Abram gave him a tenth from all that he had brought from the spoil of his enemies, for Adonizedek was a priest before God.

This title was continued in Jerusalem (Salem) even after the line of Shem was overthrown by the Canaanites some time prior to the Israelite invasion under Joshua. In Joshua's day we read that the king of Jerusalem was still called Adonizedek (Joshua 10:1), though by now the rule was in the hands of Canaanite usurpers. The true Kingship over the earth, the legitimate Birthright, belonged to the Biblical

Patriarchs, who continued to observe the laws of God and rule the people by its system of justice.

Long before Hammurabi (Nimrod) the people and judges had altered God's law to suit their own understanding of right and wrong. Hammurabi himself seems only to have codified it to set the legal standard for Babylonia. Once again, Prof. Sayce writes on page 68 of his book,

“The individual laws [of the Hammurabi Code] had been in existence before. They embody for the most part the decisions of the judges in the special cases brought before them, Babylonian law being, like English law, ‘judge-made’ and based upon precedent.”

The divine law—insofar as it had been revealed to Adam and his descendants—was centered around Shem, the priest-king in Jerusalem. Because he lived 600 years, Shem actually outlived Abraham by 35 years. In fact, both Abraham and Nimrod died the same year, according to the book of Jasher. (Abraham was 175, and Nimrod was 215.) Shem apparently had some sort of educational facility to teach the laws and ways of God, for Jasher 24:17 tells us that Isaac went there after his mother died.

17 And when the days of their mourning passed by, Abraham went away his son Isaac, and he went to the house of Shem and Eber, to learn the ways of the Lord and his instructions, and Abraham remained there three years.

Both laws existed side by side during the days of Abraham, Isaac and Jacob, but Hammurabi's Code was the common law of most of the world, including Canaan. During Israel's sojourn in Egypt, God's law was largely forgotten. Thus, it became necessary for God to teach the people His law once again. If God had given lawful judgments on every different situation that was to arise in the course of history, the law books could not have been borne by the entire nation of Israel. So we must realize that to some extent, rather than being an exhaustive law code, God's law gives the basic moral principles in the Ten Commandments and then continues with only a few hundred specific statutes to define those principles. Often, God merely corrects the errors of the Hammurabi Code, and where there was nothing to correct, God did not elaborate, since custom already dictated that

which was right. It is our job now to study the principles given to us and apply them to every situation that we face today.

### **God's Law on Divorce and Remarriage**

A conditional contract (covenant) is one that specifies conditions that both parties must fulfill; and if one party breaks the contract, the wronged party may sue at law for damages or annulment of the contract. By definition marriage contracts are conditional contracts. It was always so in ancient times, and in this respect the Code of Hammurabi is in total agreement with the law of God.

Divorce that is, a complete break in the marriage contract is lawful, because virtually all marriage contracts involve vows made by two parties. In God's marriage to Israel at Mt. Sinai, Israel (the bride) agreed to submit to His authority and obey His laws (Ex. 19:3-8). God, on the other hand, agreed to give them the Kingdom and the blessings of the Birthright. These included honor, protection, sustenance, and children (Gen. 12:1-3).

Israel violated this contract, being incapable of full obedience, and refused to repent; and thus, her Husband divorced her and sent her out of His house. Jeremiah 3:8 says,

**<sup>8</sup> And I saw that for all the adulteries of faithless Israel, I had sent her away and given her a writ of divorce, yet her treacherous sister Judah did not fear; but she went and was a harlot also.**

Note that God not only sent her away, but only did so after giving her a written bill of divorce. This was in accordance with the law in Deut. 24 that we will quote shortly. Hosea 2:2 also shows that God's divorce meant Israel was no longer God's wife, saying to her,

**<sup>2</sup> Contend with your mother [Israel], contend, for she is not my wife, and I am not her husband;**

Because God Himself is a divorcee, we can safely say that divorce itself is not necessarily a sin. It can be a sin, of course, if the one demanding a divorce does so with evil motives that are not in the will of God. But the fact that God divorced Israel shows that lawful divorce is the result of sin, or violation of the contract. It is the final solution to the problem when all else fails, and when reconciliation is impossible. God's law on divorce and remarriage is given in Deut. 24:1-4.

**<sup>1</sup> When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give *it* in her hand, and send her out of his house. <sup>2</sup> And when she is departed out of his house, she may go and be another man's *wife*. <sup>3</sup> And *if* the latter husband hate her, and write her a bill of divorcement, and giveth *it* in her hand, and sendeth her out of his house; or if the latter husband die, which took her *to be* his wife; <sup>4</sup> Her former husband, which sent her away, may not take her again to be his wife, after that she is defiled; for that *is* abomination before the LORD: and thou shalt not cause the land to sin, which the LORD thy God giveth thee *for* an inheritance.**

From verse 1 we see immediately that God recognizes there must be a cause of divorcement. It is not specified in any detail, other than finding something unclean in her. Some insist that means divorce is only lawful in case of adultery. But the penalty for adultery is death—not divorce.

Others say it means divorce is only lawful if the husband discovers that his wife had had illicit sexual relations with someone else before they were married. However, such a situation also calls for the death penalty, and this is elaborated upon in detail in Deut. 22:13-21.

Thus, the grounds for divorce in the 24th chapter must be something else. Since the grounds are not specified, it would appear that the common law needed no modifying here. Thus, it is helpful to look at the Code of Hammurabi for a list of the grounds for divorce.

The Code specifies cruelty, slander, waste of family assets, and running up needless debts as being grounds for a man to divorce his wife. This is in addition to any other violation that may have been written into the contract.

The wife, too, could divorce her husband for those same offenses, but in addition to them, she could divorce him for lack of support (i.e., food, clothing, and conjugal relations; compare with Exodus 21:10,11.)

We may conclude, then, that these basic grounds for divorce were similar in both law codes, as God's law passes over the question without modification. The primary difference between Hammurabi and Moses is that God takes an interest in the matters of the heart. Hence, even if the outward grounds for divorce appear to exist, there may well be hidden motives and sinful attitudes are against the spirit of the divine law. Such things, in the eyes of God, would make that divorce unlawful.

The divorce PROCEDURE differs in one very important area. Whereas the Code of Hammurabi allows either the man or the woman to divorce the spouse with a verbal statement, God's law demands a written document, the "bill of divorcement." Hammurabi was careful to mandate that the marriage contract be written (Par. 128), but divorces were purely verbal. This was bound to cause problems in some cases, so God solved the problem by making divorces written as well. One could easily imagine a situation where a man divorced his wife verbally, whereupon she remarries—only to have her former spouse fly into a fit of jealous rage. He might then deny his verbal divorce and accuse her and her new husband of adultery. Since adultery called for the death penalty, this was a very serious charge.

Justice is safeguarded by the written bill of divorcement, which a divorced wife may produce to prove that her former husband no longer has any claim upon her. It is her security and her license to remarry. For this reason, Deut. 24:2 follows on the heels of verse 1, stating that once she has those divorce papers, she is free to remarry. It is common knowledge among Bible scholars that this was how all the rabbis of ancient times interpreted this divorce law. There was never any question of the lawfulness of divorce. The only problem was their abuse of the divorce law, and this was what Jesus addressed in Matthew 5, as we will see shortly. Divorce and remarriage was lawful, but if she were to remarry without those divorce papers, she would be committing adultery.

Hammurabi's Code had allowed women to remarry if their husbands had been taken captive, so long as the wives had no means of support. Then, if and when he should return from captivity, his wife had to leave the latter husband and any children by him, returning to the former husband. This law attempted to solve a social problem of the day, but just as often, it created further difficulty and heartache.

The system of welfare built into the laws of God provided for the support of a wife whose husband was captivated, so she was not to remarry while her husband was still alive. Thus, his possible homecoming would be a joyous affair, rather than a cause for further grief.

Since the Code did allow remarriage to a former husband in this case, God's law pursues the subject a bit further in Deut. 24:3,4. There, He forbids marriage to a former spouse, at least after she has remarried. This law also shows that God recognizes the validity of the second marriage, as well as the binding nature of the bill of divorcement. **"Put away" does not mean "divorce."** The term "put away" generally comes from the Hebrew words *shalach* ("to send away") or *garash* ("to drive away").

The words differ only in intensity. In reference to a husband and wife, it refers to the act of separation, where a man sends his wife out of the house. The term "divorce" is from the Hebrew word *kerithuth*. This word refers to the procedure by which the marriage relationship is lawfully terminated. It is used only 4 times in the Old Testament, and each time it is used in the full phrase, "bill of divorcement" (Deut. 24:1, 3; Isaiah 50:1; Jer. 3:8).

In the New Testament the Greek word for "divorce" is *apostasion*. *Apo* means "away from;" *stasis* means "standing; established (by law)" referring in this case to the written marriage contract. We can see then that the Greek word *apostasion* signifies more than a mere separation, or "putting away." It is the lawful disestablishment of the marriage contract, accomplished by the written bill of divorcement.

There are those who teach that a true divorce is unlawful in the eyes of God, and therefore what we term "divorce" is really only a SEPARATION in His eyes. Thus, remarriage would be adultery against the separated spouse. However, as we have seen, the phrase "put away" refers to lawful separation, while the word "divorce" refers to the actual lawful termination of the marriage contract. The fact that God allows not only a "putting away," but divorce as well shows that it is not a sin to get a divorce, so long as there is just cause to cancel the marriage contract.

God's law states that a bill of divorcement (*kerithuth*) must always accompany the act of separation, or "putting away" (*shalach* or

*garash*). Without such a written document, the act of putting away does NOT constitute a lawful divorce in the eyes of God, and she is not free to remarry.

Thus we see that the two terms are not synonymous, although by law they always were to go together. If the two words meant the same thing, it would not have made sense to talk about putting away and divorcing in the same sentence in Deut. 24:1. This may seem like nitpicking, but this point will take on great importance when we attempt to understand Jesus' words in Matthew 5:32.

### **Did Jesus Outlaw Divorce?**

In Mark 10:2-9 the Pharisees asked Jesus if it were lawful to put away one's wife. Jesus asked them in turn what Moses had said. They answered that Moses had commanded them to write a bill of divorcement and to put her away. Jesus then replied, "For the hardness of your heart he wrote you this precept." He went on to explain that divorce did not follow the perfect order of creation that was set up at the beginning. In other words, divorce is not a good thing, but because men's hearts are hard, it is necessary that provision be made for handling broken marriage contracts. For the same reason, God instituted the death penalty for first-degree murder. From the beginning it was not so, for God created us to live together in harmony. But for the hardness of men's hearts, it became a very necessary judgment to curb such violent crime.

The fact is, ALL LAWS exist only because of the hard-ness of men's hearts. If all men were perfect, there would be no need for laws, for the laws would be written in our hearts. We would be totally incorruptible. Paul wrote in 1 Timothy 1:9, "the law is not made for a righteous man, but for the lawless and disobedient." Thus, so long as there are unrighteous men on the earth, the law must remain in effect, in order that we may have some restraint on men's lusts and wickedness. We conclude, then, that in order to govern men justly in the present state of affairs, God's laws on divorce are absolutely necessary prior to the time that men come fully under the New Covenant and are no longer lawless. Divorce, therefore, should not be necessary among Christians. However, Christians, too, are often lawless and disobedient to the perfect will of God. For this reason divorce provisions are necessary even for Christians.

When a marriage contract has been broken, and especially if one or both parties refuse to repent and restore the lawful order, divorce may well be the only solution. God does not expect the innocent party to honor the contract when the guilty party refuses to do so. The contract is always conditional. Thus, Jesus' statement, "For the hardness of your heart," should not be construed to mean that divorce itself is a sin. Remember that God Himself is a divorcee, according to Jer. 3:8, yet He did not sin in divorcing Israel.

Nor must we believe that the people twisted God's arm and forced Him to allow divorce. If divorce were a sin, and God allowed it, then God was legalizing sin. This would be a serious accusation for mortals to make, especially in view of the testimony of David in Psalm 19:7 that "The law of the Lord is PERFECT, converting the soul."

### **Did Jesus Outlaw Remarriage After Divorce?**

Matthew 5:31, 32 is by far the most important passage used by most people to prove that remarriage after divorce is adultery. It reads:

**<sup>31</sup> It hath been said, Whosoever shall put away his wife, let him give her a writing of divorcement; <sup>32</sup> But I say unto you, that 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.**

As interpreted by the King James translation, it would appear that Jesus positively condemned divorce and remarriage, thus showing God's law to be inferior to divine moral standards. If divorce indeed causes one to commit adultery, then divorce itself would be a sin, according to God's law of liability. Remarriage, too, would constitute adultery. However, as we will show, neither is a sin.

First of all, this passage is a part of His "Sermon on the Mount," which is for the most part a commentary on Bible law. In verses 17-19 He disclaimed the idea that He was trying to destroy or undermine the law. Further, He positively condemned those who would break the shortest commandment and teach others to do so. From this alone it should be clear that Jesus did not abolish God's laws on divorce and remarriage.

Then in verse 20 Jesus said that our righteousness must EXCEED that of the Scribes and Pharisees. With that in mind, He began to give us examples of Bible law to show how they fell short of the law's righteous standard. They did not keep the true spirit of the law and misinterpreted it in many ways.

1. Thou shalt not kill (vs. 21-26)
2. Thou shalt not commit adultery (vs. 27-32)
3. Thou shalt not bear false witness (vs. 33-37)
4. An eye for an eye (vs. 38-42)
5. Thou shalt love thy neighbor as thyself (vs. 43-48)

In each case the law in question is introduced with the following format: "It has been said (interpreted in the synagogue). . . but I say unto you. . ." This is not to be construed to mean that Jesus is putting away all of these divine laws, or that He is replacing each of them with something different or better. It is not the law of God He is discrediting; it is the Pharisaical interpretation of the law and a legalistic spirit that He is disagreeing with. In other words, Jesus did NOT put away the law on murder when He said, "Thou shalt not kill. . . but I say unto you. . ." Nor did He make it lawful to commit adultery, so long as you don't look upon another woman with lust while you do it.

In a nutshell, then, the purpose of the "Sermon on the Mount" was to improve upon the law's interpretation and application. The true spirit of the law had been lost through the traditions of the elders.

With that context in mind, and knowing that Jesus did not destroy the law, let us look at Matthew 5:31, 32 in greater detail. These two verses are a part of His comment on "Thou shalt not commit adultery," so the final thrust of His comment is to define adultery in relation to the laws of divorce and remarriage. Verse 31 simply refers to Deut. 24:1, where God demanded that men give their wives a WRITTEN bill of divorcement before they could lawfully put away their wives. Verse 2, of course, allowed divorced wives to remarry after a lawful divorce. So let us take another look at Matthew 5:31, 32, inserting a few key words in the original Greek, so that we get a proper translation of the passage.

<sup>31</sup> **It hath been said, Whosoever shall put away (*apoluo*) his wife, let him give her a writing of divorcement (*apostasion*).**

<sup>32</sup> **But I say unto you, that whosoever shall put away (*apoluo*) his wife, saving for the cause of fornication, causeth her to commit adultery; and whosoever shall marry her that is divorced (*apoluo*, lit. "put away") committeth adultery.**

To paraphrase this: The law says that she commits adultery if she remarries without a written bill of divorcement. BUT I SAY UNTO YOU that whoever puts her away (without divorce papers; that is, unlawfully) causes her to commit adultery (if she remarries under such conditions). Thus, he who simply put her out of his house without divorcing her properly is JUST AS LIABLE AS SHE IS. And whosoever marries her that has been put away (without divorce papers) also commits adultery, because he is marrying another man's wife.

Jesus is here condemning men who put away their wives Babylonian style (verbally), instead of putting them away in the manner prescribed by God's law. Under the laws of liability, this would make him guilty of adultery if she were to remarry. So we see that the whole point of this commentary is to bring out a point of law that had not been covered by the Pharisees in their interpretations.

But what of the phrase, "saving for the cause of fornication?" What does this mean? Most people assume it means that if a wife commits adultery, then it is lawful to divorce her. However, it does NOT say, "except for the cause of ADULTERY." Further, the penalty for adultery was death-not divorce. So what is meant by "fornication?" Why is it alright to put away one's spouse without divorce papers in a case of fornication?

### **The Meaning of Fornication**

The most common type of fornication is prostitution (Ex. 22:16). This is where a man has sexual relations with an unmarried woman. The solution is either to get married (Ex. 22:16, 17) or separate (repent and stop doing it). However, the word also covers other forms of unlawful sexual relations. In Hebrews 12:16 Esau is called a fornicator; yet there is no record in Scripture of his buying the services of a prostitute. But Genesis 26:34 does say that he married Hittite

wives. From the account in Scripture, this obviously went against God's command not to take a wife from among the Canaanites. Thus, it may be classified as an unlawful marriage.

We find the term "fornication" used again in 1 Cor. 5:1. It is reported commonly that there is fornication among you, and such fornication as is not so much as named among the gentiles, that one should have his father's wife. Thus we see that Paul uses the term "fornication" to describe another unlawful marriage or sexual relationship that had been forbidden in Leviticus 18:7, 8, namely, incest.

In Jude 7 we read of the people of Sodom and Gomorrha who had given themselves over to "fornication," going after "strange flesh." This, too, is obviously a sexual sin, and yet the only thing we have on record of their sexual tendencies is homosexuality, or "sodomy" (Gen. 19:4-8). Each of these examples have one thing in common: they are unlawful sexual relationships, and therefore, there is no LAWFUL marriage contract to bind the two parties together. In other words God does not recognize the "marriage" in the first place. It is void from the start.

Thus, when Jesus says it is alright to "put away" (separate without divorce papers) one's spouse in the case of fornication, the reason is quite obvious. There was no lawfully-binding marriage contract in the first place, so how can one appeal to the law of God to have it voided? God requires no such divorce papers. However, if the couple had obtained a marriage license from a humanist government such as those of this world order, then they would have to petition it for a divorce as well, because humanist governments recognize many marriage relationships that God's law does not. God does not recognize relationships which are homosexual, incestual, or otherwise forbidden as in the case of Esau, even if the parties sign a marriage contract. Another case where divorce papers are unnecessary is in the case of prostitution. Since prostitutes do not enter marriage contracts with a client, the solution is separation, not divorce.

### **Did Paul Ban Remarriage After Divorce?**

Since some have been taught that Paul banned remarriage in 1 Cor. 7:10,11, we shall study this passage to show that Paul actually wrote that remarriage is NOT a sin.

<sup>10</sup> **And unto the married. . . let not the wife depart** (*chorizo*) **from her husband;** <sup>11</sup> **But and if she depart** (*chorizo*), **let her remain unmarried** (*agamos*), **or let her be reconciled to her husband;** **and let not the husband put away** (*aphiemi*, "to dismiss") **his wife.** <sup>12</sup> **But to the rest speak I, not the Lord; if any brother hath a wife that believeth not, and she be pleased to dwell with him, let him not put her away.**

At first glance it might appear that Paul is speaking of divorce and remarriage. However, the word *apostasion* does not appear here, since he is not discussing divorce, but rather the problem of separation, as we see from verse 1.

<sup>1</sup> **Now concerning the things whereof ye wrote unto me: It is good for a man not to touch a woman.**

Thus, the subject of this discussion is whether or not to abstain from sexual relations and marriage itself. Apparently, Paul had previously taught them that "it is good for a man not to touch a woman," but the Corinthian church had misinterpreted it to mean that sexual relations prevented Christians from attaining to a truly spiritual life. Thus, the young people were being discouraged from marrying, and some of the married couples were even separating.

So here, Paul corrects their error. He had told them that it was good not to marry, it is true, but NOT because marriage itself was a sin or a hindrance to one's personal relationship to God. Rather, it was because of two things: (1) the "present distress" discussed in verse 26; and (2) to be able to devote more time and energy to spreading the Gospel (vs. 32-35). In those days a man never knew if he were going to be imprisoned or executed and his family with him. So because of the dangerous political climate, it may have been a good idea not to marry, if a person could bear the incontinence. And, of course, it is quite certain that Paul himself could not have traveled as he did, if he had been married and had had to support a family. Thus, it was an advantage to him and to others like him to remain unmarried so long as they had the gift of continence.

In verse 5 Paul makes it clear that it was not right for married couples to separate, or even to abstain from normal sexual relations, except during times of prayer and fasting. (People lose most sexual desire during fasts anyway.) In verses 7-9 he tells unmarried people that if they can take a life of celibacy, they may do so; but if they do NOT have that gift, "it is better to marry than to burn" (with lust).

Regarding the same subject, Paul then turns his attention to married couples and especially to those couples who had already separated, thinking this was the spiritual thing to do. Paul's verdict is, "Let not the wife separate (*chorizo*) from her husband" in verse 10. But if she does not heed his advice here, Paul says she must remain *agamos*, or be reconciled to her husband. Most people are taught this means the wife should not divorce her husband, but if she does, she must remain single for the rest of her life, or else come back and remarry her former husband. However, as the context shows, this passage is referring to the problem of separation, rather than to divorce. The Greek word *apostasion* is not used here. The word translated "unmarried" is *agamos*, the negative form of *gamos*. *Gamos* sometimes refers to the STATE of being married, but it usually refers to the occasion when the marriage contract is put into effect that is, the ACT OF GETTING MARRIED.

*Agamos*, then, being the negative form of the word *gamos*, can mean either: (1) the unmarried STATE, or (2) the ACT of not drawing up a marriage contract with someone. The way it is translated in the King James version, verse 11 is assumed to mean, "let her remain in the unmarried STATE." However, it is more likely to mean, "Let her not get married to anyone else," since she is only separated from her husband. So if we were to paraphrase this passage, we would see that Paul is saying, "let not the wife separate from her husband, thinking that this is pleasing to God. But if she does, she should not get married to anyone else, because she is still under contract with her original husband. Later in this same chapter, Paul does deal with the question of divorce and remarriage.

He does not use the technical words for divorce and remarriage, but rather the descriptive terms, "bound" and "loosed." To be bound by law means to be married by contract; to be loosed means to be loosed from that contract (i.e., divorced or widowed). 1 Cor. 7:27, 28 reads:

<sup>27</sup> **Art thou bound** (by law) **unto a wife? Seek not to be loosed** (from the bonds of marriage). **Art thou loosed from a wife? Seek not a wife.** <sup>28</sup> **But and if thou marry, thou hast not sinned; and if a virgin marry, she hath not sinned.**

Few verses are plainer than these. If you are married, do not seek a divorce. If you are divorced or widowed, do not seek a wife (because of the "present distress" mentioned in verse 26). But if you do marry, YOU HAVE NOT SINNED; and if a virgin marry, she has not sinned either. In other words, Paul says, remarriage after a divorce is NOT a sin. Thus, divorce and remarriage is NOT adultery.

### **The Three Premises of This Study**

For those who honestly dispute this conclusion, I offer some suggestions here. All logical conclusions are only as true as their premises. This particular study rests upon the following three premises:

1. **Marriage is a conditional contract.** We showed that God married Israel at Mt. Sinai and treated Israel as a married wife, until He divorced her (Jeremiah 3:8) for insubordination and disobedience. If marriage were unconditional, then God could not have divorced her without tainting Himself with sin. Therefore, it must have been conditional.

2. **"Put away" is distinct from "divorce."** We showed how the law mandates that a man must give his wife divorce papers before putting her away. One is the legal act of terminating the marriage; the other is the act of sending her away. This law was set up to correct the historical injustice left by the loophole in the Hammurabi Code.

3. **God's law was not abolished.** Jesus said this in Matthew 5:17-19, Paul said this in Romans 3:31, and John defines sin in terms of violation of God's law in 1 John 3:4.

You may disagree with some minor parts of this study, and that is your privilege. But if you find these three premises to be true, then you must agree that remarriage after divorce is not adultery.

### **Conclusion**

We have seen, then, that not only did the Code of Hammurabi permit divorce and remarriage, but so did God's law. The main difference was the legal procedure of obtaining a proper divorce, in order to protect the women involved. We have also seen how Jesus added teeth to God's law by proclaiming that he who puts away his wife without a written bill of divorce causes her to commit adultery, and thus he is fully liable for her sin before God. Finally, we have seen how the Apostle Paul also understood that a remarriage after divorce is not sin. Common belief on this subject has put many people into bondage, either by forcing divorced people to remain single when they are unsuited to such a life, or else by placing on their shoulders a load of guilt for remarrying. I hope that this brief study will release many from the hard bondage of church tradition into the glorious liberty of God's law.