

Divorce – Is It Ever Right?

Fellowship Meeting

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Preached on: Sunday, July 29, 2001

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Divorce, is it ever right? Divorce, is it ever right? This is not a nice subject and divorce exists on account of sin either because a divorce is sinful or because sin is the cause of a justified divorce. But if it's not a nice subject we might ask well why tackle it? Why not leave it to one side? There are good reasons why we must tackle it. First of all, because it directly affects the church of God. It would be naive to think that the church will never be called upon to decide on the validity of a divorce or remarriage. Any particular congregation and those responsible for the leadership of the congregation, can be faced with this problem and not only from within the membership but if we are Christians and we are serious about evangelism, then if we spread the gospel in the world, in our society, we will be bringing the gospel to people in all kinds of anomalous marital situations. If they are converted, they will need to know what their position is regarding their marital state. To give one example that we heard of, we don't know the people involved but I gather it's a real example, two couples, Mr. and Mrs. A who have children, Mr. and Mrs. B who also have children. Mr. A and Mrs. B committed adultery, had an adulterous affair, and so did Mr. B and Mrs. A. In due course, Mr. and Mrs. A divorced, Mr. and Mrs. B divorced, and Mr. A remarried Mrs. B, and Mr. B remarried Mrs. A, and the two newly formed couples also had children. So there were four sets of children. Then all four of the adults were converted to Christ and asked what they should do, what would you tell them? This, of course, is a particularly complicated case but the church of God has to have answers and it's naive of us to pretend that it has nothing to do with us. Divorce has become commonplace in Northern Ireland and we need to know, or to try to know, what to say to those who perhaps are converted to Christ in these kinds of situations.

Then another reason is that every Christian has a family circle. We all belong to some kind of family circle whether it is large or small, and more and more Christians are finding that somewhere within their family connection there is a divorce and a remarriage and they are faced with the fact, "What attitude do I take towards this divorce and remarriage? If the divorced member of the family circle somewhere and his new wife want to come to stay, do I treat them as husband and wife or do I say, no, I can't do that?"

These are questions that Christians are being faced with increasingly as our society has degenerated so we do need to tackle this question even if it isn't a nice subject. And I should say that it cannot be easily tackled, that it's hard at this time in the evening on a warm night to apply our minds, but there is no easy way of determining the biblical teaching. We must be prepared to think about the various passages of scripture. I say that at the outset that there is no way that any of us are going to understand the biblical teaching even partially unless we are prepared to think about the text of holy scripture.

First of all, then let us consider divorce as permitted in the Old Testament. Divorce as permitted in the Old Testament. The Old Testament civil law in Israel allowed divorce in certain circumstances. Now we need to approach this with certain cautions first of all. Those cautions are as follows. Firstly, civil law, even when divinely prescribed, does not cover all sin. In other words, not everything, rather the fact that something was not punishable in terms of civil penalty in the Old Testament does not necessarily mean that it was approved by God. Not all sin in Israel was punishable in terms of this world and civil rulers. Many sins are invisible. Many sins cannot be detected by men. Not every sin is a crime. Many are beyond human quantification and detection. And we are all sinners but we are not all criminals.

So not every sin was treated as a crime in Israel in the Old Testament, so the fact that something wasn't penalized in the Old Testament does not automatically mean that it was approved by God. Indeed Old Testament civil law did not cover all outward sin and visible sin. For example, polygamy was not punished in Old Testament civil law but it is sinful for a man to have more than one wife and should not now be permitted even by the civil authorities, much less by the church. So Old Testament civil allowance does not automatically define the boundaries of moral law of right and wrong. The fact that something was not punished by penalties, civil penalties does not automatically mean that it was right according to the Ten Commandments where God's moral law is summed up.

Then let us turn to Deuteronomy 24 and verses 1 to 4. Deuteronomy 24:1 to 4.

1 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. 2 And when she is departed out of his house, she may go and be another man's wife. 3 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; 4 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.

Now in this passage, you see that the divorce was permitted, though not necessarily approved by God, if the man found some uncleanness, in verse 1, in his wife. The margin gives as an alternative rendering "matter of nakedness." Now among the Jews themselves

later on there were two schools of thought on this passage and they were probably both wrong. One was called the school of Shammai and they held that some uncleanness refers to adultery. This however is difficult to argue given that in Israel God appointed the death penalty for adultery and it was mandatory. So in Deuteronomy 22:22 we read,

22 If a man be found lying with a woman married to an husband, then they shall both of them die, both the man that lay with the woman, and the woman: so shalt thou put away evil from Israel. 23 If a damsel that is a virgin be betrothed unto an husband, and a man find her in the city, and lie with her; 24 Then ye shall bring them both out unto the gate of that city, and ye shall stone them with stones that they die; the damsel, because she cried not, being in the city; and the man, because he hath humbled his neighbour's wife: so thou shalt put away evil from among you.

So adultery and even unfaithfulness in a betrothed wife, not yet having entered into the marriage, was punishable by death so it is difficult to see how in chapter 24 the matter of uncleanness can be actual adultery given that provision is made for the remarriage of the divorced woman, whereas in the previous chapter the adulterous wife would be put to death so the question of remarriage obviously didn't enter into it.

The other school was the school of Hillel, which ultimately ended up teaching that more or less any excuse would do if a husband wanted to divorce his wife. Anything incurring the husband's disfavor, even the most frivolous excuse, meant that the man as long as he gave a bill of divorcement, that was quite sufficient and he could divorce his wife. The Lord Jesus in Matthew 19, which we read, may have been combating this view even in the disciples because the disciples in Matthew 19:10 they actually say, after the Lord has taught them, they say, "If it be so with a man, it is better not to marry." They are saying, "If divorce is so difficult, then better not risk being married at all." But the Lord corrects that idea also.

Now what are we to make of these two views? It can't mean adultery because the woman was to be put to death, but it can't just mean any old excuse. The correct view may well be that it refers to shameful and lewd behavior that stopped short of actual adultery for a just cause of the husband's displeasure. So when it says that he has found some uncleanness in her, that that may be what it refers to. The term is used of shameful exposure, the same Hebrew term is used for example in Genesis 29 when Noah was drunk and exposed himself, and it is used there of his nakedness. It's used in Exodus 20:26 where it is said that the altar should not have steps going up to it lest those going up should expose their nakedness. And it's that phrase that's used here in Deuteronomy 24. If this is the case, then the following things are true. Firstly, the bill of divorcement was a restraint. It also defined the woman's position as divorced but not being an adulteress. Secondly, she was free to remarry but she could not later remarry the first husband; you have that in verse 3 and 4.

Let's just reach some preliminary conclusions. Firstly, divorce did exist in the Old Testament without civil punishment attached to it, though we may not conclude from this

that this defines the valid grounds of divorce for all time. In Mark 10:4 and 5, the Lord Jesus refers to the restraining effect and the regulating effect on divorce or the necessity of a bill of divorcement but that fact, the fact that God said, well, if you are going to do it there must be a bill of divorcement, did not mean that God approved of that divorce.

Secondly, when divorce did take place, remarriage was permitted. This is important. It is important for our biblical definition of what is meant by putting away or divorce. It does not refer to a mere permanent separation and cessation of marital relations without the possibility of remarriage. The Bible does not envisage divorce when allowed that does not entail the possibility of remarriage. In other words, a divorce that doesn't allow remarriage is not a divorce. Rome teaches that there is such a thing as divorce without the possibility of remarriage. Now that is wrong. Biblically if there is ground for divorce then there is the possibility of remarriage. The assumption is that if there is a divorce then that marriage no longer exists therefore there may be remarriage.

The fact that in Leviticus 21:7 and also verse 13 and 14 of that chapter, the priests were prohibited from marrying a divorced woman suggests that other men could marry a divorced woman. "Well, you might say what about Malachi 2 and verse 16. Malachi 2 and verse 16, "For the LORD, the God of Israel, saith that he hateth putting away," and sometimes this is quoted as saying that means that all divorce is always wrong in all circumstances. The text does not bear that meaning. Even if it were applied to all divorce, it would not automatically mean that all divorce was wrong, it could simply express the fact that either a divorce is sinful or it is caused by sin though the divorce itself is legitimate and necessary and that the Lord abhors either sinful divorce or the sin that brings about legitimate divorce. But in its context, of course, it isn't talking about any divorces. If you look at verse 15, you will see that it ends "therefore take heed to your spirit and let none deal treacherously against the wife of his youth." In the context, it's dealing with groundless divorce that there were men in Israel putting away their wives even though those wives had been faithful and hadn't committed adultery, they were putting them away, divorcing them and marrying younger pagan wives and the treachery belonged to the husbands divorcing their wives, not to the wives who were being divorced. That kind of divorce the Lord does indeed hate but that does not rule out the possibility that there are situations caused by sin which allow divorce to legitimately take place.

Now secondly, let us look at Christ's correction of rabbinical error. Christ's correction of rabbinical error. First of all, in Matthew 5:31 and 32. Matthew 5:31 and 32.

31 It hath been said, Whosoever shall put away his wife, let him give her a writing of divorcement: 32 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.

Throughout the Sermon on the Mount, the Lord Jesus Christ contrasts not so much Old Testament teaching with New but rather the interpretation of the Old Testament by the

rabbis which was wrong, and he then goes to assert what is true. So in several places you have a contrast. In verse 20 of this chapter, he has said, "That except your righteousness shall exceed the righteousness of the scribes and Pharisees, ye shall in no case enter into the kingdom of heaven." He then contrasts the righteousness of the scribes and Pharisees with true righteousness. So in verse 21, "Ye have heard that it was said by them of old time, Thou shalt not kill; and whosoever shall kill shall be in danger of the judgment." There he is not simply quoting the sixth commandment, he is saying that the Pharisees taught "thou shalt not kill" means the actual outward physical act of killing and no more. But he says in verse 22, "But I say unto you that whosoever is angry with his brother," and so on. Likewise in verse 27, "Ye have heard that it was said by them of old time, Thou shalt not commit adultery: But I say unto you," and he goes on to show that the seventh commandment extends to the thoughts of the heart also. Likewise in verse 33, "ye have heard that it hath been said by them of old time," verse 34, "But I say unto you."

Now in verse 31 and 32 we have again, "It hath been said," granted this time he doesn't say "of old time," but it is evidently the same pattern, and so in verse 32, "But I say unto you." So he is saying, "This is what the rabbis teach but this is the truth of the matter." And he is comparing what the Pharisees did with Deuteronomy 24:1 with the truth that he now announces. The Pharisees took Deuteronomy 24:1 as indicating that any divorce was acceptable provided a bill or a written statement of the divorce was given to the wife declaring the divorce and the reason for it, however trivial that reason was. That's what the Pharisees taught. It was an abuse of Deuteronomy 24:1 but that's what they taught. By contrast, the Lord Jesus says in verse 32, "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 commit adultery." The law narrows down the legitimate ground of divorce in stricter limits, not only than the false view of the rabbis, the Pharisees, but narrower even than Old Testament civil law allowed but did not approve.

The only legitimate ground of divorce here given is described as fornication. Now this term fornication refers to all sexual intercourse contrary to the marriage bond. It is used of immorality by unmarried people and married people, and it therefore cannot be restricted, as some have tried to do in this passage, to unfaithfulness by a betrothed during the betrothal period. Some say it is fornication, that refers not to adultery but to immorality outside of marriage during the betrothal and the putting away is justified in that case. That is not the correct view of the passage because the one who is put away on illegitimate grounds at the end of verse 32, that if she remarries having been wrongly divorced then she is said to commit adultery. So if it was referring to someone only betrothed and that's why the word fornication is used, then why would the subsequent marriage be declared adulterous? So it doesn't just refer to the betrothal period, it's saying that if someone, if there is a marriage then for fornication, that is adultery a man may legitimately put away his wife but not otherwise. And if the ground is less than that, then it is not a valid divorce and therefore any remarriage is adulterous. So what we have in this verse is that adultery is a valid ground for the innocent party to divorce the guilty party, but where the only ground is the presentation of a bill of divorcement because of incompatibility or whatever, then the divorce is not recognized by God and the husband

who does this, who simply puts away his wife when she has not been adulterous, causes her to commit adultery by leaving her married to him but with none of the privileges of marriage and therefore likely to unlawfully remarry wrongly. So that by leaving her in that position of being married to him in the sight of God but having put her away, that is with none of the privileges of marriage, he puts pressure on her to commit adultery by unlawfully remarrying and if he remarries then he does so adulterously.

Matthew 19:3 to 9. Matthew 19 verse 3 to 9.

3 The Pharisees also came unto him, tempting him, and saying unto him, Is it lawful for a man to put away his wife for every cause? 4 And he answered and said unto them, Have ye not read, that he which made them at the beginning made them male and female, 5 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? 6 Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder. 7 They say unto him, Why did Moses then command to give a writing of divorcement, and to put her away? 8 He saith unto them, Moses because of the hardness of your hearts suffered you to put away your wives: but from the beginning it was not so. 9 And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery.

Now in this passage the Lord shows the marriage ordinance is intended to be permanent and indissoluble in verses 4 to 6. The Pharisees then refer to Deuteronomy 24:1, with which we began, possibly insinuating that Moses in some circumstances actually commanded divorce, which was untrue, but certainly permitted divorce and that is true in certain circumstances. Now they wrongly assume that the civil code given through Moses indicates the boundaries of right and wrong, but the Lord shows that God sovereignly determined not to commit a measure of the expression of his displeasure at their wrong divorces by requiring civil penalty at that time. In other words, God punishes all sin in the end but the sin of unjustified divorce he did not attach a civil penalty to it in certain circumstances in the Old Testament. But that didn't make it right. He did so because of the hardness of their heart which indicates that this course of action was morally sinful though not treated as a crime at that time. It was because of the hardness of their heart, it was because of the sinfulness of Israel at that time that the Lord did not close the net of civil penalty against this particular form of divorce. So just as he didn't make polygamy a crime but it was still wrong, so also he did not make this particular form of divorce a crime but it was still a sin. Not all sin is a crime and God in the Old Testament did not make every expression of sin, even outward expression of sin, a crime but it remained a sin. Then in verse 9 the Lord teaches what we have already seen in Matthew 5:31-32, that remarriage after groundless divorce is no marriage before God and is initially, at least, adulterous.

Romans 7:2 and 3. Romans 7:2 and 3,

2 For the woman which hath an husband is bound by the law to her husband so long as he liveth; but if the husband be dead, she is loosed from the law of her husband. 3 So then if, while her husband liveth, she be married to another man, she shall be called an adulteress: but if her husband be dead, she is free from that law; so that she is no adulteress, though she be married to another man.

So again in Matthew 19:9 we see that the Lord gives only this ground for divorce, that where adultery has taken place the innocent party may legitimately initiate divorce of the guilty party.

Now when we turn to Mark 10, Mark 10 and verse 11 and 12, we find something similar but without the acceptive clause. Mark 10:11,

11 And he saith unto them, Whosoever shall put away his wife, and marry another, committeth adultery against her. 12 And if a woman shall put away her husband, and be married to another, she committeth adultery.

Now we might ask why doesn't he say except it be for fornication in this case, as in Matthew? Well, the answer is that the main point being made in all of these passages is not the legitimate ground for divorce, but the wrongness of the pharisaical view of divorce. And so in the one place the legitimate ground is given, in the other it is not. But what is being condemned is the pharisaic view that a bill of divorcement was all that was needed to make a divorce legitimate in the sight of God. It is the trivial view of divorce that he condemns. The legitimate ground of divorce was secondary, so it is included in Matthew but not in Mark.

So there is no such thing as a no-fault divorce. there is no such thing as a no-fault divorce. Either the divorce is sinful because it is not justified, or it is justifiable because of the adultery of one party. So there is no such thing as a legitimate no-fault divorce. If adultery has taken place, it is the sin of the adulterous party that gives ground to the innocent party to legitimately divorce and then remarry.

Thirdly, the teaching of 1 Corinthians 7:10 to 15. I hope you are managing to keep up, I realize it is not easy but there is no easy way to look at this subject. It is one of the most difficult subjects in the scriptures. 1 Corinthians 7:10 to 15. 1 Corinthians 7 from verse 10,

10 And unto the married I command, yet not I, but the Lord, Let not the wife depart from her husband: 11 But and if she depart, let her remain unmarried, or be reconciled to her husband: and let not the husband put away his wife. 12 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. 13 And the woman which hath an husband that believeth not, and if he be pleased to dwell with her, let her not leave him. 14 For

the unbelieving husband is sanctified by the wife, and the unbelieving wife is sanctified by the husband: else were your children unclean; but now are they holy. 15 But if the unbelieving depart, let him depart. A brother or a sister is not under bondage in such cases: but God hath called us to peace.

Here we have the teaching concerning the question of marital desertion, marital desertion. The passage is dealing with people converted after they are married, especially when their marriage partner remains unconverted. Verse 10 teaches that conversion of one or both does not affect the marriage bond. There's a lot of woolly thinking in Northern Ireland on this point amongst evangelical people, that somehow the change in the spiritual state sort of draws a line under what has gone before. It doesn't. The creation ordinance of marriage stands irrespective of conversion to Christ. Where both parties profess the faith, verse 11, if one of them departs, that is leaves the other, he or she must be reconciled not remarried. Verse 11, "But and if she depart," this is two professing Christians, "if she depart, let her remain unmarried, or be reconciled to her husband: and let not the husband put away his wife." If two people profess to be Christians and they separate, they must be reconciled or ultimately the one who will not be reconciled must be treated as a non-Christian, in which case verse 15 comes into play.

Then verse 12 to 14 teaches that marriage to an unbeliever must be maintained if possible. Verse 12, "But to the rest speak I, not the Lord." Now what that means is not that Paul is speaking without the inspiration of the Spirit of God as if this isn't really the word of God. That's not what he's saying. What he's saying is, "What I have said before the Lord taught when he was on earth, now I as an infallible inspired apostle, am teaching this as well." So he's distinguishing not between infallible scripture and something else, he's distinguishing between Christ's earthly ministry and his teaching as an inspired apostle. There's no conflict that he is adding to under the inspiration of the Spirit to what Christ the Lord taught during his earthly ministry.

And he goes on to teach in that passage that if someone is converted and their marriage partner is not, and the unbelieving marriage partner is prepared to stay, then the Christian must maintain the marriage bond. They must. The fact that their partner is an unbeliever does not mean they are anything other than still married to that person. You see no doubt in Corinth the newness of the gospel. They said, "This is a new life, a new start, my marriage partner doesn't share my faith, does that mean I forget about them and start again?" No, it doesn't. They are still married to them.

But then verse 15 deals with the unbelieving partner departing, "But if the unbelieving depart, let him depart. A brother or a sister is not under bondage in such cases: but God hath called us to peace." Now this verse has been discussed endlessly among biblical writers, biblical commentators. Everything hinges on what is meant by under bondage or being bound. If the unbelieving departs, let him depart, there is a permanence. The unbelieving marriage partner goes, will not come back, there is no prospect of him coming back at all. The apostle says that the leaving brother or sister is not in bondage or bound in such a situation. What does that mean? Does it mean that the Christian is not bound to endlessly pursue the unbelieving partner to try to live under the same roof as

them? Or does it mean that they are not bound in marriage to them? Well, it means the second and I'll tell you why. First of all, the contrast is with verse 11. Where they both profess to be Christians, they must be reconciled or remain separate until they are reconciled and that's if they are both going to be counted as Christians, they must be reconciled, they must not permanently separate, they must not divorce, they must not remarry. If ultimately, of course, one of them will not be reconciled, then they will be treated as a non-Christian and therefore come under the category of let him depart.

But the word bondage or being bound in verse 15 is a very strong word, and the idea of being bound is used of the marriage bond in this very chapter, verse 27, "Art thou bound unto a wife? seek not to be loosed." And verse 39, "The wife is bound by the law as long as her husband liveth." And here it is said if the unbelieving depart, a brother and a sister is not bound and it must refer to the marriage bond. The spiritual state of the deserting partner does not alter the marriage but it suggests the irreversibility of the desertion. So what we have here is permanent and irreversible separation. In that case, divorce by the innocent party and remarriage is permitted.

Now this is reasonable for the following reasons. First of all, marital responsibility is not being fulfilled by the offender in the slightest. He has deserted, say, his Christian wife and is utterly unreconcilable. Secondly, the deserter, the permanent deserter of a marriage partner loses the right to be assumed to be sexually faithful. The presumed innocent until proved guilty no longer applies. If a man leaves his marriage partner permanently irreversibly makes it quite clear that he will not come back under any circumstances, then he loses the right to be assumed innocent of immorality. You see, if you don't say that what it would mean is this, I know this is not pleasant stuff, but it's reality, it would mean that if a man leaves his wife and goes and lives with another woman up the street and is obviously adulterous, his wife could divorce him. But if he flies to the other side of the world to Australia or somewhere where nobody knows what he's doing, it would mean that his wife couldn't divorce him, that the fact that he permanently deserts his wife means that he has abandoned the marriage and that he cannot be presumed guiltless of adultery. This means that though the wife of the man envisaged in Matthew 19:9 who gives a bill of divorcement which could be done at any time, it wasn't a process of divorce, on that account that should not be treated as irrecoverable desertion and so the woman who is given a bill of divorcement nearly on that account at that stage regard herself as irrecoverably deserted and therefore divorce and remarry. But when a point is reached where it is clear that despite all efforts the man will not return, then she may divorce and remarry but she ought not to go by her own judgment only but she ought, if a Christian, to consult the church on this. If the state is ungodly and of no use, as our present state is, then she ought, if she is a professing Christian, to consult the church to determine whether the point had been reached where the marriage partner could be regarded as irrecoverably having abandoned the marriage.

Now that's why the Westminster Confession of Faith, chapter 24, paragraph 6, says this, "yet, nothing but adultery, or such willful desertion as can no way be remedied by the church, or civil magistrate, is cause sufficient of dissolving the bond of marriage." That's the position of the Westminster Confession to which Presbyterians generally subscribe,

that adultery or such willful desertion as can no way be remedied by the church or civil magistrate is cause, these are the only causes adultery or willful irrecoverable desertion. The innocent party may divorce the guilty and may remarry and the Confession of Faith teaches the right of remarriage of the innocent party.

Well now I'm sure you're struggling to keep going but bear with me a little bit longer. Fourthly, the position of the guilty party. The position of the guilty party. This is a much vexed question. The Westminster Confession of Faith is clear on the innocent party's right of remarriage but it says nothing about the guilty party. Perhaps the members of the Westminster Assembly couldn't agree on it. Some of the Puritans followed the earlier Reformers in believing in the death penalty for adultery. Some of them did believe that and the earlier Reformers did believe that adulterers should be put to death, and if they believed that or some of them believed it, then obviously the question of the guilty party would not be one that they would deal with. But we do need to work this one out, don't we, because we come across many second marriages today and we need to know what attitude to take towards them.

So what about the guilty party? The man or woman who committed adultery, the innocent party divorces them, where does that leave them? But first of all, this is a situation not covered in the Old Testament because the death penalty was required. Now the death penalty for adultery is not mandatory in the New Testament. The death penalty for murder in Genesis 9 came before the law given under Moses and is therefore permanent, but the death penalty given through Moses and announced through Moses as required for adultery, does not automatically follow into the New Testament as something that the state must do. The reason for this is in the Old Testament in Israel, Israel was both church and state, and the death penalty was not always purely a civil punishment but also a mode of excommunication from the church, irreversible excommunication from the church as far as this world is concerned. That's why you find the language of the death penalty in the Old Testament applied to excommunication from the church in the New. Deuteronomy 13 and verse 5 and at the end of that verse it says, "So shalt thou put the evil away from the midst of thee." And in Deuteronomy 22:22 which we read earlier in connection with adultery, "If a man be found lying with a woman, married to an husband, then they shall both of them die, both the man that lay with the woman and the woman. So shalt thou put away evil from Israel." Now in 1 Corinthians 5 and verse 13, talking about excommunicating the immoral man from the membership of the church, it says, "Therefore put away from among yourselves that wicked person."

So the language of marriage if they are married, they may not marry someone else. If they are not married, then they may marry. So that's one problem, even the guilty party divorced by the innocent is not married so we can't say they can't marry because they are still married because they are not.

A second problem is that to forbid such a person to marry is not in line with 1 Corinthians 7:2 and verse 8 and 9. 1 Corinthians 7 verse 2,

2 Nevertheless, to avoid fornication, let every man have his own wife, and let every woman have her own husband.

8 I say therefore to the unmarried and widows, It is good for them if they abide even as I. 9 But if they cannot contain, let them marry: for it is better to marry than to burn.

So one of the purposes of marriage is amongst sinners is to avoid fornication.

Now someone who has been married and has gone off the rails even though they are married, is highly unlikely to have what verse 7 refers to as the gift of being single. This isn't a conclusive argument but the idea of forbidding a previously married man who was adulterous even then from remarrying and trying to insist that he be celibate, does not seem compatible with the general idea of these verses. But then a third argument, if the gravity of the sin of adultery were thought to require a prohibition of remarriage, then this would apply equally to the single man who commits adultery with a married person, with a married woman. In Deuteronomy 22:22 that we have read, a man whether he is single or married himself who violates the marriage bond by committing adultery with a married woman, was still put to death even though he was a single man. If he committed adultery with a married woman, he was put to death just the same as the married man who committed adultery with a married woman. Granted in the latter case two bonds of marriage were violated whereas in the first case only one bond of marriage was violated, but in both cases the guilty parties were put to death.

So if the gravity of the offense of adultery were made the basis of prohibiting the guilty from remarriage, it would have to extend to unmarried adulterers as well, and then we would be left with the problem, well, does this only apply if the innocent party does pursue a divorce rather than accepting, shall we say, the professed repentance of the guilty party and resuming the marriage? In other words, if a married woman commits adultery with a single man and the innocent husband decides to divorce his wife, does that mean the single man cannot marry, but if he doesn't divorce his wife the single man can marry? You see, it won't work. It's not possible. It's not feasible. No, everyone is either single or married, they are either single and eligible to marry, or they are married and therefore cannot marry someone else. So that must mean that where a divorce is biblically justified there is no longer a marriage and either party may remarry.

Now the obvious objection which I'm sure is in your mind is this, but surely that encourages adultery. Even if the law of the land reflected this view, you say that it would encourage the adulterer in his ways, after all, if he commits adultery, his wife divorces him, he can then marry the woman that he committed adultery with, he gets away with it. Well, no one gets away with anything in the end, of course, but is there an answer to this? Well, there is and the answer is adultery should be treated as a crime by the state as well as a sin requiring discipline by the church. The state recognizes marriage, or it should, it's becoming increasingly vague, but the state should recognize marriage. That's why marriages are registered. Therefore the state should punish breach of the marriage contract. Rulers are to punish evil doers and the only definition of evil that Christians

should be interested in is God's, and adultery is sin and it is such sin as involves public sin and therefore to be treated as crime. So that adultery should be an evil punishable by the civil authorities, not necessarily by death but not by an attempt to enforce celibacy either. There is a range of punishment which can be meted out to the adulterer that neither involves the death penalty nor mandatory celibacy. Corporal punishment is an obvious possibility. The loss of all rights in the marital home, the loss of parental rights over the children of the marriage which he has violated. There is plenty of scope to punish adultery without either the death penalty or forbidding to marry. It is the act of adultery that should be treated as a crime and this punishment of the crime is the proper deterrent. If a church member commits adultery, there must be church discipline, but professed repentance cannot always be shown, not always be shown by reversing what was done. Not all sin when repented of, that repentance doesn't always find expression in the exact reversal of what was done, but the sin must be disciplined by the church and should be punished by the state.

Then another answer. The apparently strict view is not always the most difficult to implement. You see, some would say, well, this view is so lax, whereas the strict view, normal marriage, that's the real rigorous view to enforce. Not necessarily. The view that says no divorce that allows remarriage is sometimes the easy option. Let me tell you of a case that I came across, there is no breach of confidence in telling you. A real case. A woman was married with two children, separated from her husband but wanted to marry another man but her husband had been divorced before she had married him. Now on the apparent strict view she could just walk away and say, "Well, I was never married to him anyway because he was divorced before I married him," so that what seems like the strict view in that case would not be difficult to implement. The point I'm making is that what seems to be the strict view isn't always as it seems. In that case, the woman who'd been married to this man for many years, had two children, but wanted to marry someone else, she would say, "Well, I was never married to him anyway because he was divorced before I married," and she would just walk away. The vigorous view is arbitrary. It does not act as a disincentive in any consistent way. It does nothing to discourage all kinds of immorality provided the individual does not contract what is judged to be a valid marriage. The strict view doesn't do anything about immorality outside of marriage. It doesn't do anything about immorality on the part of a single man with married women, at the end of it all he is as free to marry as he ever was. It doesn't do anything about immorality by someone married to a divorced person because they can say, "Well, I was never really married to them anyway." The same approach is wrong but when it wants to approve a divorce instead of calling it a divorce, it annuls the marriage even though it was performed years ago. The real answer is that all immorality should be treated as a crime. That is the correct deterrent. Not attempts to impose celibacy on those who have been divorced on biblical grounds.

Then finally, what should the church do when the state fails? This is a problem, isn't it? In a state like ours, a society like ours where divorce is easy, where there is not the slightest sign of the state upholding biblical principles of marriage and not the slightest sign of the state treating adultery or any immorality as a crime, what does the church do? What does the church do when, say, a church member, say a Christian, legitimately

divorces her marriage partner or his marriage partner who is an unbeliever, say there has been adultery, but the paperwork doesn't say adultery was the cause, it says incompatibility or mental health or something of that sort? What does the church do? Some inadequate grounds on the divorce documents. What should a church Session do with that? Should they say, well, yes there was adultery, yes, she would be justified in divorcing him but we can't recognize it because the state won't put the right reason on the paperwork. No, that's not the way forward either. The Session should declare that whatever ground the state has given, the real reason for the divorce and the real reason why they will recognize the divorce is the biblical ground of adultery. In other words, the church needs to be more declarative in declaring what is the real ground, and then the Christian man or woman in that position has declared about them by the church that they are legitimately divorced and eligible to remarry.

One final question. Is divorce required or only allowed where adultery has taken place? Does someone who finds that their marriage partner has been unfaithful, we trust that none of us will be in that position but it does happen, are they required to divorce them or only may they divorce them? They may divorce them but they may not. They are free not to do so where there is acknowledgment of wrong and sorrow and apparent desire to be faithful. Then the innocent party may receive the guilty party back. But where there is repeated adultery and there are repeated instances of it, it is wrong for a Christian to condone contempt for the marriage ordinance by not divorcing the habitual adulterer. There comes a point where the other party is so contemptuous of the marriage ordinance by repeated unfaithfulness that it becomes necessary to uphold the honor of God in his own ordinance of marriage that they must divorce.

Well now we'll close, but I am sure there are other questions, there are many questions and perhaps over a cup of tea individuals would like to ask questions. I will do my best to answer them. We live in an evil world, don't we, a very sinful world, and we are not free from sin ourselves, and therefore we need to pray continually that whether we are married or single we will be kept pure and unspotted from the world. Amen.