

## **Marriage, divorce, and adultery.**

*'...We know that the law is good, if a man use it lawfully.'* 1 Tim. 1.8

Handling Divine Law is sometimes difficult and needs both reverence and care. As the Lord reminds us repeatedly, it is easy but dangerous to add or subtract from His holy will, (Deut.4.2, Josh.1.7, Prov.30.6, Matt.15.2 etc).

Asa, Hezekiah, and especially Josiah show exemplary zeal and diligence in reforming Judah and even Israel. We aspire to their examples of removing old high places, groves and the idols of our contemporaries and forebears, in Josiah's case, even Solomon's (2 Ki.23.13)! Yet rigorous reform needs care. Primarily we are under the Lord's solemn charge to teach all that He commanded, and He starts the sermon on the Mount, with Divine Law, 'Whosoever therefore shall break one of these least commandments, and shall teach men so, he shall be called the least in the kingdom of heaven: but whosoever shall do and teach *them*, the same shall be called great in the kingdom of heaven.' Mt.5.18.

It is often claimed that Antinomianism<sup>1</sup> is the direct opposite of Legalism<sup>2</sup>, in their manifold and variegated forms, but often the worst Antinomians are also legalists and the worst Legalists antinomian in other areas of their lives and teaching (Col.2.18-23, Jn.18.28, Matt.27.6). The life of King Saul is a tragic display of both forms of disobedience (1 Sam.13.9-13, 14.24,29), both stricter than he ought to have been as well as laxer (2 Sam.21.1, 1 Sam.15.6). The same is true of other kings (Isa.7.12, 1 Ki.21.9, 2 Chr.27.2 – all being instances of disobedience, which took the guise of self-denial). Perhaps the most dreadful example of this is the Vatican, absolutely forbidding clerics to marry has indeed become, as the Apostle foretold, a doctrine of demons, 1 Tim.4.1. The consciences of so many priests have been seared by these strictures that appalling abuse abounds globally within their ranks, as very amply documented by the Pennsylvania DA, Josh Shapiro, with packs of priests acting together, like wolves, to coordinate their abuse<sup>3</sup>. In 2024, an Australian survey of 8000 respondents found 30% of all named perpetrators of religious childhood sexual abuse were Roman priests, 71.9% of this abuse was Catholic<sup>4</sup>, despite the church forming only 20% of the professing Christian population, according to the latest census<sup>5</sup>. May God give us wisdom, by the grace and power of His Son, to pursue His entire will carefully and heartily.

It is well recognised that in seeking to seem to emulate the zeal of Nehemiah and Ezra to uphold the Law of God strictly and diligently, the Pharisees were leavened with a desire to fence the Law with human prohibitions and precepts that, as the Saviour exposes in detail, eviscerated its

---

<sup>1</sup> Variably defined and not a scriptural term, but certainly a scriptural phenomenon, Jude 4. It robs the crown rights of the Lord, undermines His right to rule by subverting the moral law, turning salvation from sin into salvation from righteousness.

<sup>2</sup> It has more heads than Medusa, and more shades than a chameleon, the usurping of the King's rule, by imposing laws & duties He has not required. The Pharisees and Scribes are of course, the main exemplars, Matt.23.

<sup>3</sup> <https://www.attorneygeneral.gov/taking-action/attorney-general-shapiro-details-findings-of-2-year-grand-jury-investigation-into-child-sex-abuse-by-catholic-priests-in-six-pennsylvania-dioceses/>  
Accessed 17/3/25.

<sup>4</sup> <https://linkinghub.elsevier.com/retrieve/pii/S0145213424003363>  
Accessed 17/3/25

<sup>5</sup> <https://www.abs.gov.au/articles/religious-affiliation-australia#religious-affiliation-in-2021>  
Accessed 17/3/25

purpose (Matt.12.1-5, 15.1-9, 16.12, 23.1-37, etc). Their gross mishandling of the Law lead to disastrous and murderous consequences. If they had been convicted of their own sin, brought to see their utter unfaithfulness and wretchedness, they would have sought redemption to holiness of life by the cross, not by the leprosy of their own works.

Now, the brethren who differ, are not Pharisees or Sadducees, but children of light and lovers of grace. Let us then seek the perfect unity of heart and mind to which we are commanded, (Jn.17.11, 1 Cor.1.10, Jer.32.39).

## **Marriage**

Marriage is a solemn covenant (Mal.2.14, Ezek.16.8), a legally binding, lifelong agreement, with the explicit sanction of death (Ezek.16.38-40, Job.31.1-12, Gen.20.2). It must indeed be a voluntary agreement, as is indeed outlined in Rebecca's case (Gen.24.58), to be entered into only by one man and one woman (Gen.2.24, 1 Cor.7.4), with the explicit intention of physical consummation (the sense is implicit in 'marry' in Deut.24.1, in the sense of owning title to the woman's intimacy). In the case of a virgin bride, evidence of consummation of the marriage was expected, as well as being proof of purity, and a failure of retaining proof of consummation lead to serious consequences (Deut.22.13-21). Judges might well have considered the spirit of the Law, not its letter, in a case of non-consummation, but the danger of a miscarriage of justice is obvious.

## **Divorce**

The law on divorce in Deuteronomy leaves ambiguity, which provoked the split between the schools of Shammai (strict) and Hillel (laxer, except in communicating the divorce)<sup>6</sup>. Uncleanliness was the ground of divorce, permitted under Sinai (Deut.24.1-4). The Saviour declares that only hardness of heart wrung this tempering of the creation Law (Matt.19.8). Uncleanliness, עֲרֻחַ 'ervah, lit. nakedness, is the term used repeatedly in Lev.18 for the prohibited degrees and in Deut.23.14 for improper sewage arrangements. Moses may have had sympathy, since at times he seems to have been forced to separate from contentious Zipporah, and even apparently needed his father-in-law to mediate (Ex.4.24-26, 18.5-6). So, a husband might divorce his wife for adultery without it ending in such public disgrace, or strictly execution, as in Joseph ben Jacob's case, in cases of doubt about the circumstances of the act, though not its occurrence (Mt.1.19). Yet for the laxer school of interpretation, this resulted in divorces for weak and inadequate reasons<sup>4</sup>.

The key point though is that a lawful divorce *is* a licence to remarry lawfully, that is made explicit in the text of command in Deut.24.2, 'when she is departed out of his house, she may go and be another man's *wife*.' It is claimed that the passage focuses on the unlawfulness of remarriage to the first partner, after divorce and remarriage to a second. Firstly, the word translated 'if' is in all but one case the weaker conditional 'ִי Ci' and may equally be translated 'as' or 'when'. The ESV translation is also overly interpretative, it inserts an extra conditional in v.2 that is not in the original. There is no subjunctive mood in Hebrew, it must be deduced, and imperatives are used more sparingly (only the 5<sup>th</sup> commandment of the ten is expressed in Hebrew as an imperative). Narrative passages often carry the weight of commands in legal books, and multiple laws may be derived from a single passage, see Deut.23.23 and 24 for examples of an implied imperative and by contrast an instance of a permitted liberty, which need not be exercised. Similarly in Deut.23.25 and 26, conditionals introduce a permitted liberty, narrative verbs describe a strict prohibition. Exod.21.1-6 provides a number of laws, no one could claim appropriately that

---

<sup>6</sup> <https://www.kesherjournal.com/article/a-messianic-jewish-view-of-divorce/>  
Accessed 17/3/25

others are to be set aside, because it concludes with a command providing for the slave's permanent tenure. So why is the concluding command about prevention of remarriage to an original spouse, used to invalidate the other provisions of a lawful divorce?

The NASB and the Jewish Publication Society translation have a similar narrative sense to the AV. The NIV, like the ESV, interpolates a conditional at v.2.

A lawful divorce then, under Sinai, entitles remarriage for both parties.<sup>7</sup> The question Christ addresses is are there any lawful grounds for divorce? If the answer is none, then *any* remarriage is adulterous, it is invalid.

The covenant of marriage requires a pledge of lifelong sexual fidelity, if this is transgressed, the covenant is broken. The strict sanction for this is execution (Lev.20.10, Deut.22.21,22, Ezek.16.38-40) and although there is no single instance we read of this being effected, we can see Judah in his haste, pre-empting the Sinaitic covenant, without proper investigation, seeking to implement it, even in a widow (Gen.38.24). Job too indicates that thus breaking the marriage covenant is a matter for judges to punish as a serious crime, (Job 31.9-11), prior to Sinai. Abimelech, his progeny and Pharaoh were all threatened with death or plagues for violating a covenant they weren't even aware of (Gen.20.3; 26.11; 13.7).

There would also be times when this sanction of execution could not be applied, in exile and under occupation (Jn.18.31,19.10). Since the King of Israel acted as the Supreme Judge (1 Ki.3.16, 2 Sam.10.10-11), during David's reign, to whom else would an adulterer appeal for lenience, but the very one who himself had been spared due punishment (2 Sam.12.13)? Is this not why Amnon escaped the punishment of his outrage against Tamar (2 Sam.13.32)?

It is suggested that Moses introduced the clause, almost as though it was a personal initiative. However, Moses almost never acted without careful Divine consultation, for example in the tortuous affair of Zelophehad's daughters, knowing just how significant the precedent was that he set (Num.27.5, 36.5, Heb.3.2, Num.12.7). The word the Saviour uses of Moses' lenience is ἐπιτρέπω *epitrepo*, a commanding authorisation to something inconvenient or apparently inappropriate, not a mere toleration (eg. Lk.8.32; 9.59,61, Acts 21.39, 1 Cor.14.34).

It is also proposed that Moses' authorisation of divorce must have extended beyond adultery, since adultery had separate provision. However, as we have seen, the sanction of the Law was often not effected, so a provision for divorce in adultery was both necessary and important.

It is very clear God intensely *hates* divorce (Mal.2.16), all divorce, whatever the cause. Even in the case of repeated adultery, He commands Hosea to seek his estranged wife (Hos.2.2, 3.1,3). The husband of the adulteress concubine is commended for his pursuing her and wooing her back (Judg.19.2,3). The adulteress in Ezekiel 16 is eventually restored v.60.

Divorce should always be a last resort.

Yet, two other lessons must be drawn from Deuteronomy 24. First, the second marriage invalidates the first. It is not only unlawful but an abomination for the wife to return to her former husband (v.4). This indicates both the enduring implications of the first covenant, even when broken, and the validity of the second marriage in law, with its consequences too continuing, even after death of the second spouse (v.3). Second, by corollary, the first covenant is irreparably broken after a valid remarriage. Its implications may persist, but it may not be reconstituted.

---

<sup>7</sup> The argument that Moses is enacting civil legislation, with no enduring significance, needs clear scriptural substantiation, or falls foul of the Lord's direct warning, Mt.5.19.

Divorced wives had legal standing in Israel. A divorcee's vow could not be invalidated by her former husband (Num.30.9), he has no more authority over her than a corpse. This forms a striking contrast with the married woman, whose husband may completely invalidate her solemn vows, the power of his is so important the legislation is explicitly repeated (Num.30.10-15).

A priest's daughter could only claim title to the holy things, if she was properly divorced, not merely separated from her husband (Lev.22.12-13).

The offence taken by the disciples (Mt. 19.10 etc) applies to the use of the threat of divorce as a means of ruling the wife, still common practice in the Middle East, where wives are not free to initiate a divorce, it is a threat the Lord removes.

### **Proper grounds**

The question then addressed to the Messiah was 'Is it lawful for a man to put away his wife for every cause?' (Mt.19.3). The Lord's answer reverts the Law back to Eden, and the Divine plan for a covenant between man and woman, that reflects the Divine covenant between God and His people (Gen.1.27, 2.24, Isa.62.4, Jer.3.14; 31.32). Yet His reply is simple and specific, 'Whosoever shall put away his wife, except *it be* for fornication, and shall marry another, commits adultery'. The only lawful ground for divorce is sexual intercourse outside of that marriage or lewdness of a perverse kind within it, Rom.1.26-27, which I believe includes [anal intercourse](#), within a marriage, being wholly against nature. Adultery violates the covenant (Jer.3.8, by analogy). So, to claim that all divorce is tantamount to adultery subverts the Lord's command, renders the edicts of the unchanging God mutable and inconsistent and strangely undermines the validity of the original covenant. If a covenant necessitates fidelity, yet once deeply violated, remains intact and in its original force, where is its sanction? (Jer.7.9) Where is its obligation? (Ps.50.18)

The proper and sole grounds for lawful divorce are reiterated in the Sermon on the Mount, 5.32. This is the Lord's command. Even the LORD Himself exercises the right, after serial adultery (Jer.3.8).

The other Gospels, Luke 16.18, Mk.10.11-12, underscore the solemnity of the covenant and provide no grounds at all for its breach. This emphasises that divorce is to be a last resort, not an automatic remedy, even when adultery is confirmed. Yet these passages may not invalidate the Lord's own provision. As to the innocent party, if a husband has committed adultery, the divorce is lawful, if undesirable. Lawful divorce *is* then title to remarriage (Deut.24.2).

If a divorce is unlawful in the Lord's eyes, remarriage is adulterous, whether state sanctioned or not (Mt.5.32; 19.9, Mk.10.11,12, Lk.16.18). Yet if lawful grounds for divorce are then met, namely by the adultery of the other party, the Lord's stipulation is met, the divorce is then grounded lawfully, and the innocent party is free to remarry. Divorced Christians must wait till their partner breaks the covenant. Only when they are certain the other party has remarried or committed adultery would they then be free to remarry, after lawful grounds for divorce have been established. If they are uncertain, because of lack of contact or estrangement, they have **no** title to remarry.

### **Separation**

1 Cor.7.10,11 describes a departure (χωρίζω chorizo) of a partner, that is reversible, so reconciliation is both desirable and lawful, unlike Deut.24.4. This cannot refer to a divorce, which the Apostle describes as putting away (ἀφίημι aphiemí). The Lord's own words are invoked as authority in reimposing the Divine standards of Genesis. For unbelieving partners

too, this is the Lord's will, not to separate and not to divorce on the grounds of the tensions this unbelief may introduce, 1 Cor.7.13-14. Yet, v.15, if an unbelieving partner does depart, or force a desertion, for example by domestic abuse, then the believing partner is not bound to continually seek reconciliation. If a divorce follows, initiated by the unbelieving partner, and he or she remarried, only then would lawful grounds for a divorce be laid for the believer (Mt.19.9), and only then would that believer be free to remarry. If there is doubt or ignorance, there is no such liberty. In all situations which do not involve a direct breach of the covenant, i.e. fornication, whether the partners are believing or unbelieving, marriage is to be lifelong (1 Cor.7.39, Rom.7.2-3).

### **Enforced celibacy**

In this vein, I am sceptical that the Lord intended divorcees, to maintain celibacy, even when their partners have been adulterous. The provision of marriage is to prevent a burning of passion, 1 Cor.7.9. What parties are more likely to burn with passion than those who have once married, then obliged to divorce by the other's action? The Apostle commands that younger widows be refused from the list of church widows, since they are likely to remarry, given they are likely to feel the impulse of sexual desire (καταστρηνιάω *katastreniaio*), (1 Tim.5.11). Are widows to be expected to exercise this indulgence, but innocent divorcees, who may not return to their former husbands (Deut.24.4), not? If enforced clerical celibacy breeds such depravity & hypocrisy, amongst dedicated, professional, if unregenerate, Roman priests, what might enforced celibacy entail for innocent divorcees, who are ordinary believers? The phrase 'men made eunuchs' (Mt.19.12) seems more naturally to refer to those like Daniel, Shadrach, Meshech and Abednego, the Ethiopian chancellor and perhaps Mordecai, than innocent divorcees. Anna was an exceptional devotee, her consecration exemplary, but that is not the same as requiring it to be mandatory for all divorcees, especially innocent parties.

### **What is the status of divorcees?**

Are all divorcees, who have divorced on illegitimate grounds, and remarried, to be treated as equivalent to adulterers? If so, they must as surely be excommunicated, not received into membership till separated from their adulterous partner and shunned. But for a party who entered divorce unlawfully, it will often become clear that the other party is also now remarried, and there is no possibility of reconciliation or of reestablishing the broken covenant. Where this is not the case, where the other party is waiting for and seeking reconciliation, there must be pause, even in situations where a divorce and remarriage is formalised in state law. The Lord calls it adulterous (Mt.5.32; 19.9, Mk.10.11,12, Lk.16.18). In these circumstances, undermining the other partner's attempts to reconcile would be partaking in adultery (Ps.50.18). It could only be proper to wait and to urge reconciliation. If this is declined, only upon the innocent partner's marriage might it be possible to proceed, and even then it may justly be argued this action has been induced by the guilty party's prior adultery, that is the applicant(s) for membership.

Yet when a married couple present, whose prior divorce is historical, and the other parties are all remarried, and not seeking reconciliation, what then? The Lord does appear to give some recognition to the status of a remarriage, that He does not confer to living in sin, Jn.4.16-18. He doesn't say, 'you have only had one husband', He says, 'you have had five husbands, and your present partner is **not** your husband, in that you said truly'. There is a covenant in remarriage, even an unlawful one. Like the Gibeonites, though unlawfully entered, the covenant still has

force and effect, entails obligations and may not be rebroken without serious sanction, (Jos.9.20;10.6, 2 Sam.21.1).

### **What about polygyny?**

It is crystal clear polygyny, though tolerated under Sinai, was improper and unlawful (Gen.2.24; 4.19, Deut.17.17), it often led to severe domestic strife (Gen.30.8, 1 Sam.1.6), it is forbidden to Christians (1 Cor.7.4, Mt.19.9, otherwise a second marriage would be polygynous, not adultery). A Christian who marries a second wife is committing adultery against the first, must renounce the second (Mk.10.11) and be treated as an adulterer, till he fully repents. Yet in the Old Testament, polygyny was practised, and it was according to many observers still practised in NT times. It was not treated as equivalent to adultery by the Law, Ex.21.10, Deut.21.10,11, 2 Sam.12.8,11. Those who have entered into covenant with more than one wife, before conversion, may have undertaken lifelong covenant obligations in good conscience to those wives, in the darkness of ignorance of Islam or now rarely in rabbinic Judaism, in some Mizrahi communities, outside Israel. Indeed, the unchanging God deals with Rachel as a lawful wife of Jacob, Gen.30.22. Arguments depending on a reciprocal situation to the one husband requirement for widows (1 Tim.5.9) ignore the reality that polyandry was never practised in Israel, polygyny was both practiced and tolerated, though immoral and illicit. It also neglects the asymmetrical nature of marriage, by Divine design (Eph.5.22-5,33; Num.30.8, Gen.3.16, 1 Cor.10.1-10 etc). [I have argued before](#) that this covenant too requires honouring, my conviction is, like Jacob, that for those who have entered such obligations before conversion, in sharp contrast to those who transgress upgraded New Testament understanding, a divorce should not be imposed on the wives, and their offspring, but such believers must be barred from leadership and must not take other wives, or also be treated as full blown adulterers.

### **May elders or deacons be divorced?**

The one wife requirements upon both offices (1 Tim.3.2,12; Tit.1.6), and the one husband requirement on the widow list (1 Tim.5.9, though not symmetrical) seem to preclude this. It is the *first* requirement on both lists for elders. Polygyny was practiced in Paul's day, there is no doubt this too is included as a strict prohibition and would have been frowned on in those who had entered their vows before conversion, and banned for all afterwards.

### **Marriage reflects and reveals the glory of God, in His relationship with His people.**

Let His Jealous and Holy Name be sanctified in us.