

Is the Guilty Party Free to Remarry?

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Introduction

Among the several views relating to marriage, divorce and remarriage which have gained some following in recent years is the view that a fornicating spouse (who has been divorced by an innocent spouse) has the same Scriptural (God-given) right to remarry as does the innocent spouse.

I will allow some of the advocates of this position to state it in their own words so that the reader may have no doubt that some of our brethren are publicly espousing this doctrine:

“... if a marriage bond is so severed during the lifetime of both parties that one of the parties is freed from the marriage bond to the extent of being free to remarry, the other party is free to the same extent”; “... the guilty party is free to remarry”; “... if the put-away-wife remarries, she does not commit adultery since she has no lawful mate”; “I see no way for the innocent to have a right to remarry, but the guilty have no such right.”

It would be difficult for me to conceive of a more anti-scriptural, unjust, unreasonable and immoral doctrine than this. Among the many reasons why this evil doctrine must be denied, consider the following:

The Teaching of Christ Refutes This Doctrine

The principal passage which relates to this doctrine reads as follows (ASV):

And I say unto you, “Whosoever shall put away his wife, except for fornication, and shall marry another, committeth adultery: and he that marrieth her when she is put away committeth adultery” (Mat. 19:9; cf. 5:32).

In this statement Jesus clearly specified who has the God-given right to divorce and remarry without committing adultery: It is the one who has put away his wife because of her unfaithfulness. (Mark 10:11-12 indicates that this teaching applies to both husbands and wives.)

The phrase, except for fornication, has the force of “if, and only if,” or “by this circumstance or condition alone.” To put it another way, no one (other than a person who has been sinned against by his/her spouse with the sin of fornication) has a right to divorce him/her and be married again. Since the fornicating spouse is not the one who has been sinned against (but is the sinner), he/she has no right to remarry. This is further demonstrated from the statement of Jesus that any man who marries a woman who has been put away (including the fornicator of the “except for fornication” phrase) commits (keeps on committing) adultery.

If such a marriage is adulterous it is obviously forbidden by the Law of Christ. No one can get more out of this statement concerning who has the right to remarry without “seeing” something that is not in it, thereby wresting the Scriptures to his own destruction (as well as that of others whom he may influence) (2 Pet. 3:16). The case against the wicked doctrine under discussion is proved from a simple analysis of what Christ taught in Matthew 19:9, if there were no other proofs.

This Doctrine Implies That Jesus Contradicts Himself

The whole point of the statement of Jesus in Matthew 19:9 is to give the general rule that if one divorces his wife and marries another, he commits adultery, with one exception. If one divorces his wife because she has committed fornication, he is then (and only then) excepted from the general rule; he can divorce his wife and remarry without committing adultery, while no others can. It could not be clearer that the exception applies only to the one who is offended, rather than to the offender, as this new doctrine demands.

The advocates of the guilty-party-has-the-right-to-remarry doctrine argue that the “except for fornication” phrase (which appears in the first clause of the verse) must be assumed as belonging also in the second clause of the verse. One of these advocates has Jesus saying in the second clause that “The one marrying a person put away for any cause **other than fornication** (emph., DM) commits adultery.” In other words, if the one who has been put away was put away because of fornication, then it is permissible to marry him/her who was put away because he/she had committed fornication.

This eisegesis on the second clause makes the Lord completely negate and contradict what He said in the first clause. Any assumption (and/or doctrine based upon same) that causes the Scriptures to contradict themselves (in this case within the space of a single verse, no less) is assuredly a false doctrine.

This Doctrine Reduces Matthew 19:9 to Nonsense

Christ taught in this passage that someone is an adulterer when he/she remarries. Are all who divorce and remarry adulterers? Are some who divorce and remarry adulterers? That the passage sets forth the proposition that only some who divorce and remarry are adulterers is irrefutable (indeed, this is the purpose of the Lord’s statement). Now, who does the Lord say may divorce and remarry without being an adulterer? It is that person who is innocent and

whose spouse has committed fornication. All others become adulterers when they remarry (including the spouse guilty of fornication).

If the guilty spouse is equally free (with the innocent spouse) to be remarried without becoming an adulterer, then the words of Jesus are so much nonsense and double-talk. By this doctrine, neither the guilty nor the innocent parties become adulterers when they remarry, so no one is guilty of adultery. If not, why did the Lord even waste our time with these words?

This Doctrine Falsely Implies That One May Profit from His Sin

This is not to say that those who advocate this view would consciously or deliberately encourage anyone to commit fornication, but the doctrine does just that. Suppose a man grows tired of his wife's cooking and housekeeping and he divorces her; there is no fornication involved – yet. He finds another woman he wishes to marry, but he understands that upon the basis of Matthew 19:9 neither he nor his ex-wife is free to remarry. He visits a congregation one Sunday where the preacher teaches that a divorced person may remarry if he has committed fornication. He has now learned how to “qualify” for remarriage – simply commit fornication. If this is not the implication of the doctrine, I need considerable help to see why it is not. Some were slandering Paul by accusing him of teaching that men should do evil that good may come (Rom. 3:8). We do not slander those who teach this doctrine when we say that they imply that one may profit from becoming a fornicator.

This Doctrine Implies a Cruel Injustice

In the aforementioned hypothetical case, the man who put away his wife for being a poor cook and housekeeper, rather than for being a fornicator, correctly understood (until later being taught differently) that neither he nor his former spouse could remarry without committing adultery. This is true because Jesus said, “He that marrieth her when she is put away committeth adultery” (Mat. 19:9b). To what “her” does Christ refer in this statement? The advocates of “the guilty-party-may-remarry” heresy say it refers to the divorced fornicating spouse of the first clause of the verse. It is here that they insist on adding the “except for fornication” phrase of the first clause.

However, this addition is prohibited, not only because it makes Christ contradict Himself (as previously shown), but because there is no definite article in reference to the divorced woman in the second clause. Thus the woman in this clause is not a specific woman (i.e., a fornicator), but any woman who has been put away. This simply means that anyone who

has been put away by his/her spouse commits adultery if he/she remarries. Therefore, those who teach that the guilty party may remarry create a severe injustice which defames the doctrine of Christ: there is no penalty for a great sin (fornication) and there is a great penalty (remarriage forbidden) for no sin (poor cook/housekeeper). This egregious error has Jesus teaching that non-fornicating spouses may not remarry, but fornicating spouses may.

Conclusion

Space forbids discussing further proofs that this doctrine is both false and damning, but consider the following listing of some additional proofs:

1. It implies an exceedingly low moral standard by which one could divorce and remarry innumerable times as long as he/she broke up each marriage by committing fornication
2. It implies that all persons are eligible for marriage and/or remarriage with God's approval, which is false (see Mat. 19:9,12; Rom. 7:1-4; I Cor. 7:2,8-11,28, 38-39)
3. It implies that because one is freed from a spouse by divorce, he/she is also freed from the law of God which forbids his/her remarriage
4. Since it implies numerous other false doctrines it is therefore proved to be a false doctrine itself.

It is my sincere desire that those who have become entangled in this dreadfully consequential error will soon repent. By teaching it, they are encouraging men and women to commit fornication and adultery, whether intentionally or not.

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