THE FALSE DOCTRINE OF 'INVALID' OR 'NON-BIBLICAL' DIVORCE

The Invalid Divorce Doctrine

<u>Description of the Doctrine.</u> Some Bible teachers claim some divorces are not biblically valid. And therefore the parties to the divorce remain married to each other. And therefore any remarriage for them is also invalid, so they are committing adultery with their new supposed spouse every time they have physical relations.

This doctrine is based on Matthew 19:9, which says, "I say to you, 'Whoever shall divorce his wife, unless it's for the cause of fornication, and shall marry another, commits adultery." The teachers reason that the only way a man could commit adultery by marrying another after divorce is if the divorce wasn't valid and therefore he's still married to his first wife. This is just based on their logic; the verse doesn't say that's why he's guilty of adultery.

<u>The Cases Jesus Covered.</u> There are 8 possible combinations of adultery and divorce for a husband and wife:

- 1) Innocent husband divorces guilty wife
- 2) Innocent husband divorces innocent wife
- 3) Guilty husband divorces guilty wife
- 4) Guilty husband divorces innocent wife
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- 5) Innocent wife divorces guilty husband
- 6) Innocent wife divorces innocent husband
- 7) Guilty wife divorces guilty husband
- 8) Guilty wife divorces innocent husband

Matthew 19:9 deals with none of them. Numbers 5-9 are ruled out because the <u>assumption</u> that when the Bible says something about a man or a husband, you can always just flip it around and apply it to a woman or wife is based on our modern cultural egalitarianism, not the Bible. I'll mention a couple examples out of very many. Romans 7:2-3, "The woman which has a husband is bound under the law to her husband so long as he lives, ... so then if, while her husband lives, she is married to another man, she will be called an adulteress, but if her husband is dead, ... she is no adulteress, though she be married to another man." The Bible never says, "The man which has a wife is bound under the law to his wife, etc."

Another example is Deuteronomy 24:1-4, "When a man has taken a wife, and married her, and it come to pass that she find no favor in his eyes, because he has found some uncleanness in her, then let him write her a bill of divorcement, and put it in her hand, and send her out of his house. And when she is departed out of his house, she may go and be another man's wife. And if the latter husband hate her, and write her a bill of divorcement, and put it in her hand, and send her out of his house, or if the latter husband die, which took her to be his wife, 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." The Bible never flips this around and says a woman may also write her husband a bill of divorce, and he is then free to marry another woman, but if the second woman also divorces him or dies, the first woman may not remarry him.

Notice also the man "takes" a wife; the Bible never says a woman "takes" a husband. In the Bible, a woman is always "given" to a man in marriage; a man is never "given" to a woman in marriage. The Bible always says regarding physical relations that a man "knew" his wife; never that a wife "knew" her husband. The Bible is not an egalitarian book, even though people in our modern egalitarian culture wish it was. In contrast to our Roman/Greek Western culture, the Jews didn't believe the Law ever gave a woman the ability to divorce her husband. She did have the right to petition the courts, and they could force the husband to divorce her. ""If he is not willing to divorce the woman, [we] ... flog him ... until he divorces her," Rashi on Lev. 21:8. So that eliminates numbers 5-8 above. You can't just flip Jesus' words around and say, "Whoever shall divorce her husband, unless it's for the cause of fornication, and shall marry another, commits adultery," like our modern Bible teachers assume.

Notice also Matthew 19:9 says nothing about whether the man had committed adultery or not, because we'll see shortly that's irrelevant. So that compresses numbers 1-4 into just these two possibilities which Jesus covered.

- 1) Husband (guilty or innocent is irrelevant) divorces guilty wife
- 2) Husband (guilty or innocent is irrelevant) divorces innocent wife

The Injustice of the Invalid Divorce Doctrine. If Matthew 19:9 meant an innocent wife divorced by her husband could never remarry because the divorce was invalid, but a guilty wife divorced by her husband could remarry because the divorce was valid, it would mean it would be better for the wife to have committed adultery than not - i.e., more sin is better, which is bizarre. Actually, Jesus never says the divorce is invalid, he calls it a 'divorce,' not an 'invalid divorce,' 'unbiblical divorce,' or 'supposed divorce.' And he never says the remarriage is invalid, he says the man 'marries' another, not merely 'supposes he marries another.' Do we believe the invalid divorce people or Jesus?

What Jesus did not say, which the invalid divorce teachers claim he meant is, "'Whoever thinks he's divorcing his wife, unless it's because of fornication, isn't really divorcing his wife, and therefore if he thinks he's marrying another, he's not really marrying another, and therefore he's committing adultery whenever he has physical relations with the second woman." No, Jesus told the woman at the well, "You have had five husbands, and he whom you now have is not your husband." He didn't say, "You're actually still married to your first husband."

The Guilty Party, Innocent Party Doctrine. The invalid divorce doctrine would mean an innocent woman could be divorced by a husband and never be able to remarry for the rest of her life even though she was innocent; whereas the husband who divorced her probably doesn't care what the Bible says and remarries, so this misinterpretation would reward sin and punish innocence. So some Bible teachers add another doctrine that isn't in the verse, to try to rectify this injustice, which we can call the 'guilty party, innocent party' doctrine. They say the innocent party can always divorce and remarry, whereas the guilty party can never divorce or remarry. But notice the verse says nothing explicitly about whether the woman, guilty or not, can remarry. And it doesn't say the man can or can't remarry based on his OWN guilt or innocence, but only based on the guilt or innocence of the OTHER party.

Matthew 5:31-32 Commenting on Deuteronomy 24:1-4 About a Husband's Right to Divorce His Wife

Matthew 5-7 is Jesus' Commentary on the Law. So what is Matthew 19:9 actually saying? To understand that we have go back to Matthew 5 and lay some groundwork about the Law. The book of Matthew is arranged topically, and Matthew 5-7 is a summary of Jesus teaching about the Law. Matthew 5:18-28, "[Not] one jot or one tittle will ... pass from the law until all be fulfilled. Whoever therefore will break one of these least commandments, [etc.]. ... You have heard that it was said, ... 'You shall not kill.' ... You have heard that it was said, ... 'You shall not commit adultery.'" So Jesus is commenting on the Law in these three chapters.

The Doctrine of Chastity. In Matthew 5:31-32, Jesus was commenting on Deuteronomy 24:1-4, which we quoted above, about a husband's right to divorce his wife. "It has been said, "Whoever will put away his wife, let him give her a writing of divorcement," but I say to you, that whoever will put away his wife, except because of fornication, causes her to commit adultery; and whoever will marry her that is divorced commits adultery," (Mt. 5:31-32). How could it be that the man who marries a the divorced woman commits adultery? If you're exceptionally cruel, you might say that no woman divorced by her husband may ever remarry, because if she was innocent her divorce is invalid, and if she's guilty, guilty parties can't remarry. Or you might say if she's guilty the divorce is valid, which would mean it's better for a man to marry a divorced adulteress than a divorced innocent woman - more sin is better, which is bizarre.

Notice there's no exception clause for the man who marries a divorce woman. The verse doesn't say, "Whoever will put away his wife, except for the cause of fornication, causes her to commit adultery; and whoever will marry her that is divorced, except for the cause of fornication, commits adultery." Adultery always occurs when a woman remarries while her previous husband is alive, because it violates a woman's chastity. The doctrine of chastity applies only to women. "Rebekah came out ... with her pitcher on her shoulder, ... a virgin, neither had any man known her," Gen. 24:15-16. Why didn't the Bible also say Isaac was 'a virgin, neither had he known any woman?' The men of Benjamin found wives by kidnapping "four hundred young virgins" (Jdg. 21:12), but if didn't say the men that took them were virgins. A "young virgin" was found to keep King David warm when he was old (1 Kgs 1:2), but David wasn't a virgin. "Fair young virgins" were gathered for King Ahasuerus, who wasn't a virgin, to choose a wife from (Est. 2:3).

In Deuteronomy 22:13-21, a man could charge his new bride with having not been a virgin. "I took this woman, and when I came to her I found she was not a virgin.' Then the father and mother of the young woman shall take and bring out the evidence of the young woman's virginity to the elders of the city at the gate." Why couldn't a new bride make a similar claim against her husband? "My husband later told me he wasn't a virgin when we got married." There's a chapter in the Bible about a bitter water test for women suspected of adultery, but none for men. "The priest will put her under oath, and say to the woman, 'If no man has lain with you, and if you have not gone astray to uncleanness while under your husband's authority, be free from this bitter water that brings a curse," Num. 5:17-23.

The high priest could only marry a virgin. "He that is the high priest ... will take a wife in her virginity; a widow, or a divorced woman, or profane, or a harlot, these he shall not take," Lev. 21:10-14. But the scripture never says of any woman, "she shall take a husband in his virginity." In the Old Testament, the Hebrew word 'bethulah' denotes a virgin woman, whereas there's no Hebrew word to denote a 'virgin' man. For example: "Both young men, and maidens, [virgins, 'bethulah'] ... let them praise the name of the Lord," Ps. 148:12-13. The Greek word 'parthenos' denotes a virgin woman. "I am jealous over you with godly jealousy; for I have espoused you to one husband, that I may present you as a chaste virgin

[parthenos] to Messiah," 2 Cor. 11:2. 'Parthenos' can, by extension, refer to a 'virgin' man, as it does in only one place in the Bible, in Revelation 14:4, but that's an abnormal usage.

Even traditional English, before the recent invention of 'Ms.', differentiated between married and unmarried women by the titles 'Mrs.' and 'Miss,' but all men were just called 'Mr.' And it's only recently our ungodly culture began using the word 'virgin' in reference to men, like in the movie, "The 40-Year-Old Virgin." Webster's 1828 dictionary defines a virgin as, "A WOMAN who has had no carnal knowledge of man." But unfortunately, Webster's egalitarian modern Learner's dictionary defines a virgin as "a PERSON who has not had sexual intercourse."

Chastity for a woman doesn't mean remaining a virgin all her life, but it does mean she can only have physical relations with one man for life until he dies, as we saw in Romans 7 above. Romans 7:2-3, "If, while her husband lives, she is married to another man, she will be called an adulteress, but if her husband is dead, ... she is no adulteress, though she be married to another man." So any time a woman remarries while her previous husband was alive, whether she's innocent or guilty, and whether her divorced husband is innocent or guilty, adultery occurs because a woman's chastity was violated.

Nevertheless, an innocent woman who remarries is guiltless, even though she without exception commits adultery with the man she remarries by remarrying. How is that possible? Matthew 5:32, "Whoever will put away his wife, except for the cause of fornication, CAUSES HER to commit adultery; and whoever will marry her that is divorced [no exception clause] commits adultery." Jesus is saying that the adultery that will occur when an innocent woman remarries will be put to the account of her first husband, because by divorcing her he "causes" her to commit adultery. And he becomes guilty of her adultery at the time he divorces her, whether or not she ever remarries, because he puts her chastity at risk, and makes it so the only way she can be married is to violate her chastity. A innocent woman in this situation should feel free to remarry because she will bear no guilt for her remarriage, and neither will the new husband who marries her.

So what if the first husband divorced the woman because she had committed adultery? Then the woman bears the guilt of the adultery she already committed. When she remarries, her chastity will be violated again, but the guilt will be on her and the man she committed adultery with before the divorce, and not on the husband who divorces her or the man she remarries.

This doesn't mean a husband should always divorce his wife if she commits adultery, because by divorcing her he will still be guilty of unforgiveness, hardness of heart, hatred, and cruelty; but the adultery will be on her, because she already committed it. Matthew 19:8, "[Jesus] said to them, "Moses because of the hardness of your hearts allowed you to divorce your wives." Malachi 2:14-16, "The Lord has been witness between you and the wife of your youth, against whom you hast dealt treacherously; yet is she your companion, and the wife of your covenant. And did he not make [you] one? ... The Lord, the God of Israel, says that he hates divorce; for one covers violence with his garment."

Matthew 19:9 Commenting on Exodus 21:10-11 About a Wife's Right to Divorce Her Husband

<u>The Doctrine of Adultery.</u> So we looked at Jesus' commentary in Matthew 5 about a husband's right to divorce his wife in Deuteronomy 24 for which we had to understand the doctrine of the chastity of women. Now we'll look at Jesus' commentary in Matthew 19 about a wife's right to force her husband to divorce

her in Exodus 21:10-11, for which we'll need to understand the doctrine of adultery. Biblically, whether or not a man is considered to have committed adultery or not is based entirely on the marital status of the woman, not on his own marital status. If the woman wasn't married or engaged, the man had to offer to marry her, whether or not he himself was already married. "If a man [married or unmarried] entice a maid that is not betrothed [unmarried and unengaged], and lie with her, he shall surely endow her to become his wife," Ex. 22:16. (Likewise, God commanded Jewish men to offer to marry their brother's wife if their brother died without children, even if they themselves were already married. "If brethren dwell together, and one of them die, and have no child, the wife of the dead [now unmarried woman] shall not marry outside to a stranger; her husband's brother [married or unmarried] shall go in to her, and take her to him to wife, and perform the duty of a husband's brother to her. And it shall be, that the firstborn which she bears shall succeed in the name of his brother which is dead, that his name be not put out of Israel," Deut. 25:5.) On the other hand, if the woman was married or engaged, it was adultery. "If a man [married or unmarried] is found lying with a woman married to a husband [a married woman], then they both of them shall die," Deut. 22:22.

In the biblical definition of adultery, the man's marital status is irrelevant. "The man [married or unmarried] that commits adultery with another man's wife [a married woman], even he that commits adultery with his neighbor's wife [a married woman], the adulterer and the adulteress shall surely be put to death," Lev. 20:10. Hopefully, the death penalty was probably almost never carried out, but it legally could have been, and it does indicate the seriousness of the guilt. "They [married or unmarried men] ... have committed adultery with their neighbors' wives [married women]," Jer. 29:23. "He [married or unmarried] that goes in to his neighbor's wife [a married woman]; whoever touches her shall not be innocent; ... whoever commits adultery with a woman lacks understanding," Prov. 6:29-32. The woman was someone's wife, so the sin is adultery.

"As a wife [a married woman] that commits adultery, which takes strangers [married or unmarried] instead of her husband," Ez. 16:31-33. She's "a wife," so the sin is adultery. "You [married or unmarried] shall not lie carnally with your neighbor's wife [a married woman], to defile yourself with her," Lev. 18:20. "If a man [married or unmarried] is found lying with a woman married to a husband [a married woman], then they, both of them, shall die," Deut. 22:22. Only the woman's marital status is relevant; the man's marital status isn't mentioned. The Bible never says the reciprocal of any of these verses, like, "if a man married to a wife [a married man] is found lying with a woman [married or unmarried], then they shall both of them die," because the marital status of the man is always irrelevant, and the marital status of the woman is always determinate.

According to Webster's 1828 dictionary, Connecticut's laws of that time gave an almost biblical definition of adultery. "The sexual intercourse of ANY man, with a MARRIED woman, is the crime of ADULTERY in both: such intercourse of a MARRIED man, with an UNMARRIED woman, is FORNICATION in both." In contrast, today's egalitarian Webster's Learner's dictionary defines adultery in total contradiction to the Bible, as "sex between a married PERSON and someone who is not that person's wife or husband." So the definition of adultery in American society has changed from an almost biblical one back in 1828, in which only the marital status of the woman was relevant, to a totally unbiblical one today. The problem is that most Bible teachers today use our current society's definition of adultery to interpret the Bible without realizing they are using an unbiblical definition.

The Rev. William F. Luck, Sr., a former Professor of Moody Bible Institute, who's published numerous articles in Moody Monthly, Christianity Today, the Southern Presbyterian Journal, and the Journal of the Evangelical Theological Society, said in the 2nd edition of his book, <u>Divorce and Remarriage; Recovering the Biblical View</u>, "when I attempted to define 'adultery' from a biblical perspective, I had no doubt in my mind that 'adultery' would be defined as 'any sexual relationship between a married person and someone other than their spouse.' I could not even imagine another definition. So imagine my surprise when I sought, like a good little Evangelical fundamentalist, to find verses which 'proved up' that (working) definition, and found instead that adultery was always defined by the woman's marital status, never the man's."

<u>Divorcing to Remarry.</u> So when Jesus dealt with the issue of a woman's right to force her husband to divorce her in Matthew 19, he and everyone he was talking to understood the definition of adultery that relied entirely on the marital status of the woman. So when Jesus said, "Whoever shall divorce his wife, except for the cause of fornication, and shall marry another, commits adultery" (Mt 19:9), everyone knew there's no way his still being married after an 'invalid divorce' could make him an adulterer by marrying another woman. Only the marital status of the woman he remarried could make him an adulterer, and nothing is said about her marital status.

Matthew 19:9 is Jesus' commentary on Exodus 21:7-11. "If a man sell his daughter to be a maidservant, she shall not go out [after her term of service] as the menservants do. If she doesn't please her master, who has betrothed her to himself, then he shall let her be redeemed. ... If he take himself another wife, her [the maidservant's] 1) food, her 2) clothing, and her 3) duty of marriage, he shall not diminish. And if he doesn't do these three to her, then she shall go out free without charge." Although this is talking about a servant girl, the rabbis rightly reasoned, as recorded in the Talmud, that a free daughter of Israel should have at least as many rights as this servant girl.

So whenever a Jewish man took a second wife (and the rabbis didn't outlaw polygyny until Rabbi Gershom did in 1000 AD), he had to continue to provide for the first wife even if he no longer liked her. If not, she could go to the courts and force a divorce. So what some Jewish men did was to divorce their first wife before getting a second wife (like our Roman/Greek serial polygamy), based on a loose interpretation of Deuteronomy 24 that allowed husbands to divorce their wives for any reason, thinking they bear no guilt for not continuing to provide for the first wife. But Jesus said to divorce an innocent wife and then marry a second was equivalent, and even worse, than marrying a second wife and ceasing to provide for the first wife. A husband would be just as guilty in that case of causing his divorced wife to have to violate her chastity to find another source of food, clothing, and marital affection as the wife who has to petition the public court to get her husband to divorce her for his sinful neglect.

So just as for Matthew 5, the divorcing husband in Matthew 19 will bear the guilt of the adultery that will occur when the woman remarries. But whereas in Matthew 5 he becomes guilty at the time of divorce, for putting her in that position whether or not she ever remarries; in Matthew 19 he becomes guilty at the time he remarries whether or not she ever remarries, because it's equivalent to ceasing to provide for the first wife after adding a second wife, which <u>causes</u> his first wife to have to try to find another husband. In neither case does the man become guilty because the divorce is 'invalid,' because a man can only commit adultery through physical relations with another man's wife, and it's doubtful he would try to remarry a woman who was still married to someone else. The purpose of the "writing of divorce" in Deuteronomy 24, was so that the divorced woman would be free to remarry, without anyone having to

do an analysis or face any uncertainty as to whether or not she was really divorced, based on whether she or her x-husband had committed adultery or anything else.

The Damage of the Invalid Divorce False Doctrine. Those who teach the false doctrine of 'invalid' or 'unbiblical' divorce teach exactly the opposite of what God commands. God says in 1 Corinthians 7:1-9, "It's good for a man not to touch a woman. Nevertheless, to avoid fornication, LET EVERY MAN have his own wife, and LET EVERY WOMAN have her own husband. ... For I would that all men were even as I myself [single]. But every man has his proper gift of God, one after this manner, and another after that. I say therefore to the unmarried and widows, it is good for them if they abide even as I. But if they cannot contain, LET THEM MARRY, for it is better to marry than to burn." Paul says, "Let them marry;" but these teachers say, "Don't let them marry." There is no such thing as 'remarriage' in the Bible, only married or unmarried. There is no class of divorced people, only married and unmarried, including the never-married, widows, and divorced.

This is what Paul would have said in 1 Corinthians 7:1-9 if he believed in the 'invalid divorce' doctrine. "I say therefore to the unmarried and those who had a biblical divorce, whose spouse committed adultery and they didn't, let them marry; but to the divorced who were the guilty party, or if neither spouse committed adultery, then don't let them marry because they aren't really divorced. For it is better for them to burn the rest of their lives than to commit adultery through remarriage." But it's not that complicated with Paul; there are married and unmarried. The married should stay married, and the unmarried may marry.

God is a strong proponent of marriage, which he created for man. For those who can serve God and man without needing a spouse, singleness is even better; but for most of us, we need to marry; according to each person's "proper gift OF GOD, one after this manner, and another after that." We must not be among those "speaking lies in hypocrisy, having their conscience seared with a hot iron, forbidding to marry" (1 Tim. 4:2-3), when God doesn't forbid to marry. Teachers of the 'invalid divorce' doctrine will bear the guilt of all the fornication they've "caused" (Mt. 5:32) in the world and among the brethren from their "forbidding to marry" (1 Tim. 4:3); marriage which God commands as a help "to avoid fornication" (1 Cor. 7:2). "To avoid fornication let every man have his own wife, and let every woman have her own husband!" Oh, the harm and unnecessary suffering that's been caused to dear, conscientious brethren over the last two thousand years because of this false doctrine.