

Does Divorce End Marriage?

by Dr. David A. DeWitt

- *Does a divorced person have a spouse?*
- *Are divorced people still married in God's eyes?*
- *Since marrying a divorced person is "adultery," does that mean the first marriage never ended?*

We know that death ends marriage (Romans 7:2-3; 1 Corinthians 7:39). Many Christians believe that death is the only thing which ends marriage. In other words, they believe divorced people are "still married in God's eyes." I will answer that claim, supporting the view that divorce does indeed end marriage. But understand—I am not saying that frees up a person to remarry. Both groups believe remarriage after divorce is sinful. But they get there by saying divorced people are still married in God's eyes, and my camp gets there by saying having been divorced prevents remarriage. There are many requirements for marriage in Scripture besides being unmarried. Being of the opposite sex, not being a near relative, being a fellow believer, and not having been divorced are requirements for marriage.

Does a Divorced Person Have a Spouse?

It doesn't seem so. In John 4, Jesus is talking to the woman at the well. *He said to her, "Go, call your husband and come here." The woman answered and said, "I have no husband." Jesus said to her, "You have correctly said, 'I have no husband'; for you have had five husbands, and the one whom you now have is not your husband; this you have said truly."*

The most likely way to understand this passage is that the woman was married and divorced five times (see the *Ryrie Study Bible* note for John 4:16-18, p. 1685), or at least one of the five times, and was now living with a man she was not married to. It is very unlikely that anyone would outlive five husbands and even more unlikely she would still be young enough to attract another live-in man. Also, in John 4:29, she asks the men to *come see a man who told me all the things I have done*, not all the things which happened to me. If she was indeed divorced, the fact that she does not now have a husband would indicate that a divorced woman does not have a husband. Since this woman had no husband but had five in the past, we can only reasonably assume that those former marriages no longer exist. And if even one of them ended in a divorce, we can only conclude that divorce ends marriage.

In 1 Corinthians 7:15 Paul says: *... if the unbelieving one leaves, let him leave; the brother or the sister is not under bondage in such cases ...* Since the believing brother or sister is not under bondage, it is reasonable to assume that this leaving is a divorce. The fact that they are not under bondage would mean they are not required to act married. For example, the woman would not be required to give sexual favors to the former husband. This lack of bondage is certainly not how Paul described **marriage** in the first verses of the chapter. The most likely way to take this passage is that when there is a divorce, the one being divorced is no longer under the bonds of marriage. So divorce ends marriage.

Are Divorced People "Still Married in God's Eyes"?

One thing is clear. Divorced people are divorced in God's eyes. Jesus speaks repeatedly about the divorced person. *Everyone who divorces his wife and marries another commits adultery, and he who marries one who is divorced from a husband commits adultery* (Luke 16:18). And He said to them, *"Whoever divorces his wife and marries another woman commits adultery against her; and if she herself divorces her husband and marries another man, she is committing adultery* (Mark 10: 11-12). *He said to them, "Because of your hardness of heart Moses permitted you to divorce your wives; but from the beginning it has not been this way* (Matthew 19:8). Whatever else we say about the teaching of Jesus on the subject, it is clear that He believed divorce was real. People were actually getting a divorce and Moses actually wrote a civil government issued certificate

of divorce (Deuteronomy 24:1-4). Divorcing someone was sinful, it was not what God designed from the beginning, and God hated it (Malachi 2:16). But it was real. It was as real as any sin. So if they are still married in God's eyes, they are also divorced in God's eyes, since Jesus is one of the Trinity of the Godhead.

If divorce does not end marriage what does it do? The most common Greek word for divorce is *απολυω*. It is a combination of the common words for *from* and *to be let loose*. So it is *to be loosed from*. In what sense am I still married when I have been *loosed from* the marriage and am not bound to the other person?

Those who believe divorced people are still married in God's eyes claim the divorce was a civil or legal thing but not real with God. Marriage is, a legal covenant (Malachi 2:14). It's not just establishing a one-flesh relationship by having sex or living with some one (1 Corinthians 6:16). It's a legal covenant accepted and controlled by the state (or whatever the governing authority is). At what point does God recognize a couple as being married? Answer: The same time everybody else does, when the state says they are married.

**A person is married when a divorce is possible.
If you cannot get a divorce, then you are not married.**

MacArthur says that biblically, marriage is always restricted to a public, formal, official and recognized covenant. In our world, that is a covenant controlled by the state. And divorce is the ending of that covenant.

Since Marrying a Divorced Person Is "Adultery," Does that Mean the First Marriage Never Ended?

The most common case made for "they are still married in God's eyes" is Jesus' statement: *Everyone who divorces his wife and marries another commits adultery* (Luke 16:18, with similar statements in Matthew 5: 31-32; 19:9; and Mark 10:11-12). Their point is: since it is adultery, the first marriage must still exist "in God's eyes."

The ancient definition of the Greek word (*μοιχευω*) for "adultery" is not "sex outside of marriage" but *unlawful intercourse with another's wife* (Thayer). The Jewish, Greek, and Roman cultures of Jesus' day believed a married man, having sex with a single woman, was not committing adultery (Kittle p.730ff). But Jesus is clearly not using that definition, since a divorced man could marry a virgin and Jesus is calling it *adultery*. The error of this view is a common one in interpretation – that of defining words outside of the context. Words are given a basic definition by lexicons and dictionaries, which also give examples of their usage. But words don't get their final meaning from dictionaries and lexicons. They get their final meaning from the way the author is using them in the context. And in this passage, Jesus' **main point** is to redefine adultery.

It is likely that Jesus is using the word "adultery" to refer to the remarriage itself, not the sexual part of it. The word "adultery" is often used metaphorically, frequently by Jesus (Matthew 5:28; 15:9; Mark 7:21; 2 Peter 2:14; James 4:4; Revelation 2:2).

But if we assume that Jesus is using the word "adultery" physically in Luke 16 (and the other passages) where the phrase *marries another* refers to sex, then He is not defining "adultery" as the lexicon is – sex with another man's wife – but sex after divorce. Adultery here is not linked to being married but to having been divorced. It is the history of having committed the act of getting a divorce, not the man's marital status, which defines the adultery in these statements.

Why Not Call It Fornication?

The "they are still married in God's eyes" people claim that if the divorced man of Luke 16 were not considered by God to be still married, why wouldn't Jesus use the word (*πορνια*) for fornication instead of "adultery"? Well, it's pretty thin to make a case based on why someone didn't use a word he didn't use. The word for "fornication" is a general word for sexual misconduct. It can be equated with adultery (1 Corinthians 5:1 and 7:2). But when it is distinguished from adultery, it has to do with sex before marriage or prostitution, not sex after divorce. I know of no example where the word "fornication" is used for sex after divorce.

There are other problems with assuming Jesus thought of the divorced man of Luke 16 as still being married. If he were still married in God's eyes and married another woman, why would he not simply be a polygamist? He would not be an adulterer if the woman he was marrying was a virgin. But Jesus says: *Everyone who divorces his wife and marries another commits*

adultery. Abraham, Jacob and David were polygamists but not adulterers. God even told David He would get him more wives if he wanted, but He condemned David's adultery (2 Samuel 12:8-9).

Conclusion

Since a divorced woman is not bound to her husband, since the woman at the well had no husband after having five husbands, and since Jesus recognized divorce as real, it is reasonable to conclude that divorce ends marriage.

Questions and Answers

Q: *Does a divorced person have a spouse?*

A: It doesn't seem like it. Jesus told the woman at the well she had no husband, even though she previously had five husbands. Since a divorced woman no longer has a husband in God's eyes (Jesus being God the Son), it is reasonable to conclude that divorce ends marriage.

Q: *Are divorced people still married in God's eyes?*

A: In many statements, Jesus declared His belief in the reality of divorce. Since divorced people are divorced in God's eyes, it does not seem reasonable to conclude they are still married in God's eyes..

Q: *Since marrying a divorced person is "adultery," does that mean the first marriage never ended?*

A: As with any word, the definition of "adultery" must come from how the author is using it in the passage. In these passages, Jesus is either using the word "adultery" to describe the act of remarriage or sex after divorce. It seems that the first marriage ended with the divorce.