

## Divorce (2)

### Divorce and Re-marriage:

#### What about the "Guilty Party".

#### Introduction

On the matter of divorce and the biblical teaching please see my earlier paper. The problem here is how to deal with the Christian person who admits to being the "*guilty party*" in a former marriage because he/she is the person who destroyed the marriage by committing adultery. The problem increases when that person wishes to remarry.

If we accept that the so called "*innocent party*" ( the one who did not commit adultery) is free to marry again, what does the Bible say about the "*guilty party*"? What should be the position of the local Church?

#### 1. What effect does adultery have upon a marriage?

It would appear from (see my paper on Divorce) Matt 5:32 that there is only one ground upon which divorce should take place and (one assumes) that remarriage can occur, and that is when one of the parties has committed adultery. In this case the act of adultery actually dissolves the original marriage in the eyes of God. This is the only ground for divorce and subsequent remarriage. A further reason (see paper on "*Divorce (1)*") would be desertion by the unbelieving partner as in 1 Cor 7:15.

In the teaching of Jesus (which merely expounds the Mosaic principle) divorce is permitted when there is uncleanness in the form of adultery, "*Whoever divorces his wife, except for marital unfaithfulness.....*". There is the "exception clause".

What does this mean in practice? I believe that it spells out the utter kindness and graciousness of God. It tells us that God is aware of our weaknesses that in marriage one partner can, due to sin, whether they be Christian or non-Christian, become unfaithful. This is seriously damaging to marriage, even in the eyes of the law, and therefore, the Christian is safeguarded. I suggest that this means that if the partner commits adultery then the "*faithful*" partner is permitted to divorce and re-marry. (Extract from "*Divorce 1*" document)

If any other ground is accepted, an act of adultery takes place when the second marriage is entered into because the first marriage is still binding in the eyes of God. Only adultery severs the marriage bond, i.e., the sex act. Consequently, remarriage can now take place because the original marriage is broken, destroyed and removed. There is nothing of that marriage now in existence. Freedom exists for a second marriage to take place.

## 2. Can the guilty party be free to remarry?

Clearly, one can take the impression that the exception clause leaves the "*innocent party*" (Matt 5:32) free to marry. Even 1 Cor 7:15 (where the context is different in that it deals with the departure of the unbeliever) the innocent party is "*not bound*", which must be taken to be "*free*", and is therefore able to remarry.

But, what about the "*guilty party*"? What about the person who admits to being the guilty party? Is such a person "*free*" to become remarried? How should we approach the "*guilty*" person who admits that he/she was wrong, that he/she has sinned by committing adultery and was responsible for the breakdown of the original first marriage?

a) In the first place we must acknowledge that in principle the marriage (and subsequently by virtue of the divorce for adultery), whoever was responsible, has actually been dissolved in the eyes of God through this act of adultery. There no longer exists a marriage for either party - the innocent and the guilty. In the event of a divorce for adultery the marriage has been dissolved.

b) It is for this reason that the innocent party may remarry. However, it is also very difficult to argue that there does not also exist grounds for the "*guilty party*" to remarry. Once the marriage has been dissolved there is now a very different form of relationship. If the innocent party can remarry, not on the basis of their innocence, but rather on the basis of the dissolution of the very marriage through adultery and divorce, so also can the "*guilty party*" become remarried. The basis and principle is the same.

The innocent is not free to marry just because she/he is innocent, but because the marriage is dissolved through adultery and divorce. Therefore, the guilty is also free to marry, and cannot be prevented from remarriage on the grounds that he/she is guilty of adultery, but because the marriage is dissolved through their act of adultery and subsequent divorce. The marriage no longer exists for the "*innocent*" party and the "*guilty*" party.

We must remember that in the case of divorce for adultery it is by Divine warrant that the marriage is dissolved. The parties are no longer, even in the eyes of God, man and wife.

If this is so, it is very difficult, on the basis of scripture, to find any grounds for not allowing the guilty divorcee from becoming remarried, or that the fact of the second marriage should be considered in itself an act of adultery.

## 3. What should be the position of the Church?

It could be concluded that if the above premise is found to be accurate this will open the doors to all manner of abuses. Any so called Christian may decide that the way to achieve acceptance as a divorced person would be to ensure that the marriage is dissolved through adultery so that they can then have the grounds for remarriage. On the other hand it may be argued that if a second marriage of a guilty divorcee was to be refused it may act as a deterrent to others and be a means of maintaining the fidelity of the marriage bond.

Whereas it is true that grave abuses could emerge from the remarriage of guilty divorcees, it would be a false principle to allow the Church to be guided on the basis of what might happen, rather than on the plain teaching of scripture. If the principle of

expediency were to be used in every situation then Christian freedom would be curbed and even the teaching of "*grace*" would have to be restrained for fear that it would lead to license ( something of which Paul was accused in Romans 3:8, 6:1 ).

Clearly, the mere fact that grave abuses could arise does not disprove the position in itself. Indeed, the abuses themselves do not annul the fact that it is by divine warrant that such divorce and remarriage is legitimate as has been argued above. We must agree that even scripture recognises that abuses will arise through the legitimising of divorce (i.e., for the innocent party) and remarriage, but nevertheless it does not forbid such divorce and remarriage for that reason alone.

It must be remembered, however, that whilst we have scripture to indicate clearly that the "*innocent*" party may remarry, and that that marriage is legitimate, we have no such clear statement of scripture to show that the remarriage of the guilty is legitimate. It is one thing to state that such remarriage is not illegitimate, it is quite another to state that it is legitimate.

This does not mean that the second marriage is either right or wrong. It simply means that we are not in a position to declare dogmatically one way or the other.

The issue before the Church then is how to manage the matter.

**Here are some suggestions.**

a) It is important that the Church demonstrates the strongest disapproval of adultery as it should **all** other forms of sexual uncleanness.

b) A "*guilty*" person would need to demonstrate his/her repentance and seek forgiveness, if possible from the person that is wronged (the "*innocent*" spouse). It is necessary, therefore, on the basis of true repentance that the Church responds with love and forgiveness (if pardon is needed). The demonstration of acceptance and love must be uppermost; otherwise the Church itself would be guilty of demonstrating an unforgiving and unloving spirit.

c) Whilst it is not possible to condemn such remarriage, it will not also be appropriate for the Church to grant such a second union its unmitigated blessing. This means that the Church can accept such a second union, but its disapproval of what has taken place in the past would need to be made clear. This means acceptance of the person(s) but disapproval of the events.

d) The matter of whether such a remarried "*guilty party*" should be admitted to the Lord's Table or permitted to accept any active role within the Church must be considered.

i) In the first place we must assess the reality of the repentance. If this repentance is genuine and acceptable, then we must assume that God also has forgiven. If God has forgiven then the Church also must forgive. There is no alternative.

ii) Secondly, if repentance has taken place then such a person must be admitted to the Lord's Table. No past sin, however heinous it might be, if it is confessed and repented, can be a bar to the inner most communion and fellowship of the Church, viz., the Lord's Table.

iii) Thirdly, if the individual is now accepted at the Lord's Table, (the one place where discipline of the most serious nature takes place) then he/she ought to be admitted to any other role within the Church itself.

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