

**The Bible Says:  
Divorce and Remarriage  
is NOT Adultery  
by Stephen E. Jones**

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# The Bible Says: Divorce and Remarriage is NOT Adultery

To most sincere believers today, the title of this booklet is downright outrageous. Assembly opinion has long favored the teaching that remarriage after divorce is adultery, based upon a single mistranslated word in Matthew 5:32 and some assumptions which we will show to be incorrect.

The result? A great many people today who are divorced and remarried are being expelled from their assemblies. Others are being refused leadership positions or are being plied with a load of guilt for “living in constant adultery.” It is tragic, and so very unnecessary. Many times it turns people away from Yahweh altogether, either in rebellion against what they feel is an injustice in Scripture, or else through discouragement over their own inability to remain single for the rest of their lives.

In order for us to gain a better understanding of the entire question, we must go back to the beginning, to the days before Yahweh gave His kodesh Law to Israel. We shall look first at the ancient Babylonian Law Code and then compare it with Yahweh’s Law in this matter of divorce and remarriage.

## **The Law of Hammurabi**

The oldest known law code from Mesopotamia is the Code of Hammurabi. Historians date this king of Babylon between 2400 and 2100 B.C. The book Jasher dates him (alias, Nimrod) from 1908-2123 A. M., which is B.C. 2092-1877, if the fall of Adam occurred in 4000 B.C.

According to Hammurabi’s Code, a marriage was a simple contract, valid only if it was written, sealed (signed), and witnessed (Par. 128). Divorce was allowed, but treated in various ways, depending on which party broke the contract. If the wife were guilty, he could divorce her with the words, “I put her away,” and he could send her away empty-handed (Par. 141).

The wife too had the right to divorce her husband, if her husband had violated the marriage contract. However, this was a risky thing to attempt to do, because if the court should find HER to be the guilty party, she was executed (Par. 142, 143). Thus, another serious consideration for her was whether or not she could obtain justice in the court.

When the husband was at fault, the law was quite generous with her and took pains to provide for her support. If she had no children, her husband was to give her her dowry and the equivalent of her bride-price (Par. 138). The dowry was the portion of her father’s wealth given to her when she was married. Although she brought the dowry with her into her husband’s house, it was tied to her for life and was never considered to be the property of her husband. It was her security in case of disaster or divorce. After her death, it was to be divided among her children, but never to go to her husband, even if he outlived her.

The bride-price was usually a lesser amount, which the suitor gave to the bride’s father to secure the marriage. It was usually one mina of silver (60 shekels, or the

equivalent of 120 days' work at common labor).

The dowry and the bride-price was her means of support after her divorce. If her husband had given her father no bride-price when he married her, he still had to give her one mina if he were rich and 1/3 mina if he were poor (Par. 139, 140).

On the other hand, if the divorced wife had children, and if the husband were the guilty party, it was handled differently. She received her dowry, of course, but in place of the bride-price, she was instead to have use of his property and food from his field or garden. This provision served as alimony and child support. Further, if he should decide to give any inheritance to the children, she was to receive a share equal to one son (Par. 137).

If a man should be captivated and deported, his wife could only remarry if she had lost her means of support. However, if he returned from captivity, she had to return to him, leaving any children of her second marriage with their father (Par. 133, 135.)

If a man simply deserted his wife, she had the right to remarry, and if her former husband returned, he had no claim on her (Par. 136.)

The only prohibition on divorce, other than when no one had violated the marriage contract, was when the wife was incurably sick and in need of care. In such a case, the husband may not divorce her, although he could take a second wife (Par. 148).

### **Yahweh Corrects the Law of Hammurabi**

Yahweh's Law had been in existence since the creation and was thus much older than the Code of Hammurabi. Adam had been given dominion over the earth at the time of creation (Genesis 1:26-28), and this right to rule the earth under Yahweh was one of the foremost features of the Birthright. Just as Adam was the lawful King of the earth while he lived, so also was Methuselah and Noah after him.

However, during the days of Noah, Nimrod (Hammurabi) usurped the throne with the support of his army. Eventually, Shem and his son Eber went to Canaan and built the city of Jerusalem. Thus, the true Kingship over the earth, the legitimate Birthright, belonged to the Biblical Patriarchs, who continued to observe the Laws of Yahweh and rule the people by its system of justice.

Yahweh's Law had been in existence since the creation and was much older than the Code of Hammurabi. Hammurabi (Nimrod) altered Yahweh's Law to suit his own understanding of right and wrong. Both laws existed side by side during the days of Abraham, Isaac and Jacob, but Hammurabi's Code was the common law of most of the world, including Canaan.

During Israel's sojourn in Egypt, Yahweh's Law was largely forgotten. Thus, it became necessary for Yahweh to teach the people His Law once again.

If Yahweh had given lawful judgments on every different situation that was to arise in the course of history, the Law books could not have been borne by the entire nation of Israel. So we must realize that to some extent, rather than being an exhaustive Law Code, Yahweh's Law gives the basic moral principles in the Ten Commandments and then continues with only a few hundred specific statutes to define those principles. Often, Yahweh merely corrects the errors of the Hammurabi Code, and where there was nothing to correct, Yahweh did not elaborate, since custom already dictated that which was right. It is our job now to study the principles given to us and apply them

to every situation that we face today.

### **Yahweh's Law on Divorce and Remarriage**

A conditional contract (covenant) is one that specifies conditions which both parties must fulfill; and if one party breaks the contract, the wronged party may sue at law for damages or annulment of the contract. By definition marriage contracts are conditional contracts. It was always so in ancient times, and in this respect the Code of Hammurabi is in total agreement with the Law of Yahweh.

Divorce--that is, a complete break in the marriage contract--is lawful, because virtually all marriage contracts involve vows made by two parties. In Yahweh's marriage to Israel at Mt. Sinai, Israel (the bride) agreed to submit to His authority and obey His Laws (Ex. 19:3-8). Yahweh, on the other hand, agreed to give them the Kingdom and the blessings of the Birthright. These included honor, protection, sustenance, and children (Gen. 12:1-3).

Israel violated this contract, being incapable of full obedience, and refused to repent; and thus, her Husband divorced her and sent her out of His house (Jer. 3:8; Hosea 2:2).

Because Yahweh Himself is a divorcee, we can safely say that divorce itself is not a sin. It is the result of sin, or violation of the contract. It is the final solution to the problem when all else fails, and when reconciliation is impossible.

Yahweh's Law on divorce and remarriage is given in Deuteronomy 24:1-4.

**1 When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her, then let him write her a bill of divorcement, and give it in her hand, and send her out of his house.**

**2 And when she is departed out of his house, she may go and be another man's wife.**

**3 And if the latter husband hate her, and write her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house; or if the latter husband die, which took her to be his wife;**

**4 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 Yahweh; and thou shalt not cause the land to sin, which the Yahweh thy Elohim giveth thee for an inheritance.**

From verse 1 we see immediately that Yahweh recognizes there must be a cause of divorcement. It is not specified in any detail, other than finding something unclean in her. Some insist that means divorce is only lawful in case of adultery. But the penalty for adultery is death--not divorce.

Others say it means divorce is only lawful if the husband discovers that his wife had had illicit sexual relations with someone else before they were married. However, such a situation also calls for the death penalty, and this is elaborated upon in detail in Deut. 22:13-21.

Thus, the grounds for divorce in the 24th chapter must be something else. Since the grounds are not specified, it would appear that the common law needed no modifying here. Thus, it is helpful to look at the Code of Hammurabi for a list of the grounds for

divorce.

The Code specifies cruelty, slander, waste of family assets, and running up needless debts as being grounds for a man to divorce his wife. This is in addition to any other violation which may have been written into the contract.

The wife, too, could divorce her husband for those same offenses, but in addition to them, she could divorce him for lack of support (i.e., food, clothing, and conjugal relations; compare with Exodus 21:10, 11.)

We may conclude, then, that the grounds for divorce were probably the same in both law codes, as Yahweh's Law passes over the question without modification.

However, the divorce PROCEDURE differs in one very important area. Whereas the Code of Hammurabi allows either the man or the woman to divorce the spouse with a verbal statement, Yahweh's Law demands a written document, the "bill of divorcement." Hammurabi was careful to mandate that the marriage contract be written (Par. 128), but divorces were purely verbal. This was bound to cause problems in some cases, so Yahweh solved the problem by making divorces written as well.

One could easily imagine a situation where a man divorced his wife verbally, whereupon she remarries--only to have her former spouse fly into a fit of jealous rage. He might then deny his verbal divorce and accuse her and her new husband of adultery. Since adultery called for the death penalty, this was a very serious charge.

Justice is safeguarded by the written bill of divorcement, which a divorced wife may produce to prove that her former husband no longer has any claim upon her. It is her security and her license to remarry. For this reason, Deut. 24:2 follows on the heels of verse 1, stating that once she has those divorce papers, she is free to remarry. Conversely, if she were to remarry without those divorce papers, she would be committing adultery.

Hammurabi's Code had allowed women to remarry if their husbands had been taken captive, so long as the wives had no means of support. Then, if and when he should return from captivity, his wife had to leave the latter husband and any children by him, returning to the former husband. This law attempted to solve a social problem of the day, but just as often, it created further difficulty and heartache.

The system of welfare built into the Laws of Yahweh provided for the support of a wife whose husband was captivated, so she was not to remarry while her husband was still alive. Thus, his possible homecoming would be a joyous affair, rather than a cause for further grief.

Since the Code did allow remarriage to a former husband in this case, Yahweh's Law pursues the subject a bit further in Deut. 24:3,4. There, He forbids marriage to a former spouse, at least after she has remarried. This law also shows that Yahweh recognizes the validity of the second marriage, as well as the binding nature of the bill of divorcement.

### **“Put Away” Does Not Mean “Divorce”**

The term “put away” generally comes from the Hebrew words *shalach* (“to send away”) or *garash* (“to drive away”). The words differ only in intensity. In reference to a husband and wife, it refers to the act of separation, where a man sends his wife out of the house.

The term “divorce” is from the Hebrew word *kerithuth*. This word refers to the procedure by which the marriage relationship is lawfully terminated. It is used only 4 times in the Old Testament, and each time it is used in the full phrase, “bill of divorcement” (Deut. 24:1,3; Isaiah 50:1; Jer 3:8).

In the New Testament the Greek word for “divorce” is *apostasion*. *Apo* means “away from;” *stasis* means “standing, established (by law)” referring in this case to the written marriage contract. We can see then that the Greek word *apostasion* signifies more than a mere separation, or “putting away.” It is the lawful disestablishment of the marriage contract, accomplished by the written bill of divorcement.

There are those who teach that a true divorce is unlawful in the eyes of Yahweh, and therefore what we term “divorce” is really only a SEPARATION in His eyes. Thus, remarriage would be adultery against the separated spouse. However as we have seen, the phrase “put away” refers to lawful separation, while the word “divorce” refers to the actual lawful termination of the marriage contract. The fact that Yahweh allows not only a “putting away,” but divorce as well shows that it is not a sin to get a divorce, so long as there is just cause to cancel the marriage contract.

Yahweh’s Law states that a bill of divorcement (*kerithuth*) must always accompany the act of separation, or “putting away” (*shalach* or *garash*). Without such a written document, the act of putting away does NOT constitute a lawful divorce in the eyes of Yahweh, and she is not free to remarry.

Thus we see that the two terms are not synonymous although by law they always were to go together. If the two words meant the same thing, it would not have made sense to talk about putting away and divorcing in the same sentence in Deut. 24:1. This may seem like nit-picking, but this point will take on great importance when we attempt to understand Yahshua’s words in Matthew 5:32.

### **Did Yahshua Ban Divorce?**

In Mark 10:2-9 the Pharisees asked Yahshua if it were lawful to put away one’s wife. Yahshua asked them in turn what Moses had said. They answered that Moses had commanded them to write a bill of divorcement and to put her away.

Yahshua then replied, “For the hardness of your heart he wrote you this precept.” He went on to explain that divorce did not follow the perfect order of creation that was set up at the beginning.

In other words, divorce is not a good thing, but because men’s hearts are hard, it is necessary that provision be made for handling broken marriage contracts. For the same reason, Yahweh instituted the death penalty for first-degree murder. From the beginning it was not so, for Yahweh created us to live together in harmony. But for the hardness of men’s hearts, it became a very necessary judgment to curb such violent crime.

The fact is, ALL LAWS exist only because of the hardness of men’s hearts. If all men were perfect, there would be no need for laws, for the laws would be written in our hearts. We would be totally incorruptible.

Paul wrote in 1 Timothy 1:9, “the law is not made for a righteous man, but for the lawless and disobedient.” Thus, so long as there are unrighteous men on the earth, the Law must remain in effect, in order that we may have some restraint on men’s lusts and

wickedness.

We conclude, then, that Yahweh's Laws on divorce are absolutely necessary, in order to govern men justly. When a marriage contract has been broken, and especially if one or both parties refuse to repent and restore the lawful order, divorce may well be the only solution. Yahweh does not expect the innocent party to honor the contract when the guilty party refuses to do so. The contract is always conditional.

Thus, Yahshua' statement, "For the hardness of your heart," should not be construed to mean that divorce itself is a sin. Remember that Yahweh Himself is a divorcee, according to Jeremiah 3:8, and yet He did not sin in divorcing Israel.

Nor must we believe that the people twisted Yahweh's arm and forced Him to allow divorce. If divorce were a sin, and Yahweh allowed it, then Yahweh was legalizing sin. This would be a serious accusation for mortals to make, especially in view of the testimony of David in Psalm 19:7 that "The Law of Yahweh is PERFECT, converting the soul."

### **Did Yahshua Ban Remarriage After Divorce?**

Matthew 5:31, 32 is by far the most important passage used by most people to prove that remarriage after divorce is adultery. It reads:

**31 It hath been said, Whosoever shall put away his wife, let him give her a writing of divorcement;**

**32 But I say unto you, that whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery; and whosoever shall marry her that is divorced committeth adultery.**

As interpreted by the King James translation, it would appear that Yahshua positively condemned divorce and remarriage, thus showing Yahweh's Law to be inferior to divine moral standards. If divorce indeed causes one to commit adultery, then divorce itself would be a sin, according to Yahweh's Law of liability. Remarriage, too, would constitute adultery. However, as we will show, neither is a sin.

First of all, this passage is a part of His "Sermon on the Mount," which is for the most part a commentary on Bible Law. In verses 17-19 He disclaimed the idea that He was trying to destroy or undermine the Law. Further, He positively condemned those who would break the shortest commandment and teach others to do so. From this alone it should be clear that Yahshua did not abolish Yahweh's Laws on divorce and remarriage.

Then in verse 12 Yahshua said that our righteousness must EXCEED that of the Scribes and Pharisees. With that in mind, He began to give us examples of Bible Law to show how they fell short of the Law's righteous standard. They did not keep the true spirit of the Law and misinterpreted it in many ways.

1. Thou shalt not kill (vs. 21-26)
2. Thou shalt not commit adultery (vs. 27-32)
3. Thou shalt not bear false witness (vs. 33-37)
4. An eye for an eye (vs. 38-42)
5. Thou shalt love thy neighbor as thyself (vs. 43-48)

In each case the Law in question is introduced with the following format: "It has been

said (interpreted in the synagogue)...but I say unto you..." This is not to be construed to mean that Yahshua is putting away all of these divine Laws, or that He is replacing each of them with something different or better. It is not the Law of Yahweh He is discrediting; it is the Pharisaical interpretation of the Law and a legalistic spirit that He is disagreeing with.

In other words, Yahshua did NOT put away the Law on murder when He said, "Thou shalt not kill...but I say unto you..." Nor did He make it lawful to commit adultery, so long as you don't look upon another woman with lust while you do it.

In a nutshell, then, the purpose of the "Sermon on the Mount" was to improve upon the Law's interpretation and application. The true spirit of the Law had been lost through the traditions of the elders. With that context in mind, and knowing that Yahshua did not destroy the Law, let us look at Matthew 5:31, 32 in greater detail.

These two verses are a part of His comment on "Thou shalt not commit adultery," so the final thrust of His comment is to define adultery in relation to the laws of divorce and remarriage. Verse 31 simply refers to Deut. 24:1, where Yahweh demanded that men give their wives a WRITTEN bill of divorcement before they could lawfully put away their wives. Verse 2, of course, allowed divorced wives to remarry after a lawful divorce.

So let us take another look at Matthew 5:31, 32, inserting a few key words in the original Greek, so that we get a proper translation of the passage.

**31 It hath been said, Whosoever shall put away (*apoluo*) his wife, let him give her a writing of divorcement (*apostasion*). 32 But I say unto you, that whosoever shall put away (*apoluo*) his wife, saving for the cause of fornication, causeth her to commit adultery; and whosoever shall marry her that is divorced (*apoluo*, lit. "put away") committeth adultery.**

To paraphrase this: The Law says that she commits adultery if she remarries without a written bill of divorcement. BUT I SAY UNTO YOU that whoever puts her away (without divorce papers; that is, unlawfully) causes her to commit adultery (if she remarries under such conditions). Thus, he who simply put her out of his house without divorcing her properly is JUST AS LIABLE AS SHE IS. And whosoever marries her that has been put away (without divorce papers) also commits adultery, because he is marrying another man's wife.

Yahshua is here condemning men who put away their wives Babylonian style (verbally), instead of putting them away in the manner prescribed by Yahweh's Law. Under the laws of liability, this would make him guilty of adultery if she were to remarry.

So we see that the whole point of this commentary is to bring out a point of Law that had not been covered by the Pharisees in their interpretations.

But what of the phrase, "saving for the cause of fornication?" What does this mean? Most people assume it means that if a wife commits adultery, then it is lawful to divorce her. However, it does NOT say, "except for the cause of ADULTERY." Further, the penalty for adultery was death--not divorce.

So what is meant by "fornication?" Why is it alright to put away one's spouse without divorce papers in a case of fornication?

## The Meaning of Fornication

The most common type of fornication is prostitution (Ex. 22:16). This is where a man



has sexual relations with an unmarried woman. The solution is marriage or separation.

However, the word also covers other forms of unlawful sexual relations. In Hebrews 12:16 Esau is called a fornicator; yet there is no record in Scripture of his buying the services of a prostitute. But Genesis 26:34 does say that he married Hittite wives. From the account in Scripture, this obviously went against Yahweh's command not to take a wife from among the Canaanites. Thus, it may be classified as an unlawful marriage.

We find the term "fornication" used again in 1 Cor. 5:1.

**1 It is reported commonly that there is fornication among you, and such fornication as is not so much as named among the gentiles, that one should have his father's wife.**

Thus we see that Paul uses the term "fornication" to describe another unlawful marriage or sexual relationship that had been forbidden in Leviticus 18:7, 8, namely, incest.

In Jude 7 we read of the people of Sodom and Gomorrha who had given themselves over to "fornication," going after "strange flesh." This, too, is obviously a sexual sin, and yet the only thing we have on record of their sexual tendencies is homosexuality, or "sodomy" (Gen. 19:4-8).

Each of these examples have one thing in common: they are unlawful sexual relationships, and therefore, there is no LAWFUL marriage contract to bind the two parties together. In other words Yahweh does not recognize the "marriage" in the first place. It is void from the start.

Thus, when Yahshua says it is alright to "put away" (separate without divorce papers) one's spouse in the case of fornication, the reason is quite obvious. There was no lawfully-binding marriage contract in the first place, so how can one appeal to the Law of Yahweh to have it voided? Yahweh requires no such divorce papers.

However, if the couple had obtained a marriage license from a humanist government such as those of this world order, then they would have to petition it for a divorce as well, because humanist governments recognize many marriage relationships that Yahweh's Law does not.

Yahweh does not recognize relationships which are homosexual, incestual, or otherwise forbidden as in the case of Esau, even if the parties sign a marriage contract. Another case where divorce papers are unnecessary is in the case of prostitution. Since prostitutes do not enter marriage contracts with a client, the solution is separation, not divorce.

### **Did Paul Ban Remarriage After Divorce?**

Since some have been taught that Paul banned remarriage in 1 Cor. 7:10, 11, we shall study this passage to show that Paul actually wrote that remarriage is NOT a sin.

**10 And unto the married...let not the wife depart (*chorizo*) from her husband;  
11 But and if she depart (*chorizo*), let her remain unmarried (*agamos*), or let her be reconciled to her husband; and let not the husband put away (*aphiemi*, "to dismiss") his wife.**

At first glance it might appear that Paul is speaking of divorce and remarriage. However, the word *apostasion* does not appear here, since he is not discussing divorce, but rather the problem of separation, as we see from verse 1.

**1 Now concerning the things whereof ye wrote unto me: It is good for a man not to touch a woman.**

Thus, the subject of this discussion is whether or not to abstain from sexual relations and marriage itself. Apparently, Paul had previously taught them that “*it is good for a man not to touch a woman,*” but the Corinthian church had misinterpreted it to mean that sexual relations prevented Believers from attaining to a truly spiritual life. Thus, the young people were being discouraged from marrying, and some of the married couples were even separating.

So here, Paul corrects their error. He had told them that it was good not to marry, it is true, but NOT because marriage itself was a sin or a hindrance to one’s personal relationship to Yahweh. Rather, it was because of two things: (1) the “present distress” discussed in verse 26; and (2) to be able to devote more time and energy to spreading the Evangel (vs. 32-35).

In those days a man never knew if he were going to be imprisoned or executed and his family with him. So because of the dangerous political climate, it may have been a good idea not to marry, if a person could bear the incontinence. And, of course, it is quite certain that Paul himself could not have traveled as he did, if he had been married and had had to support a family. Thus, it was an advantage to him and to others like him to remain unmarried--so long as they had the gift of continence.

In verse 5 Paul makes it clear that it was not right for married couples to separate, or even to abstain from normal sexual relations, except during times of prayer and fasting. (People lose most sexual desire during fasts anyway.)

In verses 7-9 he tells unmarried people that if they can take a life of celibacy, they may do so; but if they do NOT have that gift, “it is better to marry than to burn (with lust).”

Regarding the same subject, Paul then turns his attention to married couples and especially to those couples who had already separated, thinking this was the spiritual thing to do. Paul’s verdict is, “Let not the wife separate (*chorizo*) from her husband” in verse 10. But if she does not heed his advice here, Paul says she must remain *agamos*, or be reconciled to her husband.

Most people are taught this means the wife should not divorce her husband, but if she does, she must remain single for the rest of her life, or else come back and remarry her former husband. However, as the context shows, this passage is referring to the problem of separation, rather than to divorce. The Greek word *apostasion* is not used here.

The word translated “unmarried” is *agamos*, the negative form of *gamos*. *Gamos* sometimes refers to the STATE of being married, but it usually refers to the occasion when the marriage contract is put into effect--that is, the ACT OF GETTING MARRIED.

*Agamos*, then, being the negative form of the word *gamos*, can mean either: (1) the unmarried STATE, or (2) the ACT of not drawing up a marriage contract with someone.

The way it is translated in the King James version, verse 11 is assumed to mean, “let her remain in the unmarried STATE.” However, it is more likely to mean, “Let her not get married to anyone else,” since she is only separated from her husband.

So if we were to paraphrase this passage, we would see that Paul is saying, “let not the wife separate from her husband, thinking that this is pleasing to Yahweh. But if she does, she should not get married to anyone else, because she is still under contract

with her original husband.

Later in this same chapter, Paul does deal with the question of divorce and remarriage. He does not use the technical words for divorce and remarriage, but rather the descriptive terms, “bound” and “loosed.” To be bound by Law means to be married by contract; to be loosed means to be loosed from that contract (i.e., divorced or widowed). 1 Cor. 7:27, 28 reads:

**27 Art thou bound (by law) unto a wife? Seek not to be loosed (from the bonds of marriage).**

**Art thou loosed from a wife? Seek not a wife.**

**28 But and if thou marry, thou hast not sinned; and if a virgin marry, she hath not sinned.**

Few verses are plainer than these. If you are married, do not seek a divorce. If you are divorced or widowed, do not seek a wife (because of the “present distress” mentioned in verse 26). But if you do marry, YOU HAVE NOT SINNED; and if a virgin marry, she has not sinned either.

In other words, Paul says, remarriage after a divorce is NOT a sin. Thus, divorce and remarriage is NOT adultery.

### **The Three Premises of This Study**

For those who honestly dispute this conclusion, I offer some suggestions here. All logical conclusions are only as true as their premises. This particular study rests upon the following three premises:

**1. *Marriage is a conditional contract.*** We showed that Yahweh married Israel at Mt. Sinai and treated Israel as a married wife, until He divorced her (Jer. 3:8) for insubordination and disobedience. If marriage were unconditional, then Yahweh could not have divorced her without tainting Himself with sin. Therefore, it must have been conditional.

**2. *“Put away” is distinct from “divorce.”*** We showed how the Law mandates that a man must give his wife divorce papers before putting her away. One is the legal act of terminating the marriage; the other is the act of sending her away. This Law was set up to correct the historical injustice left by the loophole in the Hammurabi Code.

**3. *Yahweh's Law was not abolished.*** Yahshua said this in Matthew 5:17-19, Paul said this in Romans 3:31, and John defines sin in terms of violation of Yahweh's Law in 1 John 3:4.

You may disagree with some minor parts of this study, and that is your privilege. But if you find these three premises to be true, then you must agree that remarriage after divorce is not adultery.

### **Conclusion**

We have seen, then, that not only did the Code of Hammurabi permit divorce and remarriage, but so did Yahweh's Law. The main difference was the legal procedure of obtaining a proper divorce, in order to protect the women involved. We have also seen how Yahshua added teeth to Yahweh's Law by proclaiming that he who puts away his wife without a written bill of divorce causes her to commit adultery, and thus he is fully liable for her sin before Yahweh. Finally, we have seen how the Apostle Paul also understood that a remarriage after divorce is not sin.

Common belief on this subject has put many people into bondage, either by forcing divorced people to remain single when they are unsuited to such a life, or else by placing on their shoulders a load of guilt for re-marrying. I hope that this brief study will release many from the hard bondage of assembly tradition into the glorious liberty of Yahweh's Law.

## **DIVORCE AND RE-MARRIAGE**

a scriptural study by  
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One of the most controversial subjects in the body of Messiah is divorce and re-marriage. Is it a sin to get a divorce? If not, is it a sin to re-marry? Are you living in adultery if you re-marry after your are divorced?

There has been, and is, much misleading teaching concerning this issue. Many people needlessly feel guilty about their marital status. Marriages have broken up because of false teaching. People have been led to go contrary to Yahweh's law, only to end up committing suicide, because of wrong (according to the word) council.

Obviously there is a definite need for an in depth study of this topic. The following is the author's attempt to harmonize all scriptures concerning this very controversial issue.

Any study of divorce/re-marriage must be based on the law of Yahweh. If it is based on anything else, it's not even worth considering.

With that in mind, we must define all of the key words in this study. These words will be defined as we come to them.

The law concerning divorce and re-marriage can be found in Deuteronomy, the book of the law. Please note that Deuteronomy is Yahweh's law, not the law of Moses. Moses was merely the instrument of Yahweh (His servant). Yahweh gave the law to all of Israel. He delivered it to Moses, who was responsible to give it to all of Israel.

Now, let's turn to Deuteronomy 24:1-4. All scripture will be quoted from the King James translation, unless otherwise stated.

Deuteronomy 24:1-4

1) "When a man hath taken a wife and married her, and it come to pass that she find no favor in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house.

2) And when she is departed out of his house, she may go and be another man's wife.

3) And if the latter husband hate her, and write her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house; or if the latter husband die, which took her to be his wife;

4) 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 Yahweh: and thou shalt not cause the land to sin, which Yahweh thy Elohim giveth thee for an inheritance."

In verse 1, the words "bill of divorcement" are from one Hebrew word; #3748 in Strong's concordance, meaning a cutting of the matrimonial bond. the words "send (her) out" are #7971 in Strong's, meaning to send away.

Please note that, in verse 2, after the woman has a bill of divorcement and is departed, she may go and re-marry. Both qualifications must be met before she may be another man's wife. This will be important to remember later on in the study.

In verses 3 and 4, note that if a woman's second husband divorces her and sends her away, she may not re-marry her former husband! I find it interesting that many of those who say that it is adultery to re-marry after being divorced, also say that one should divorce her second spouse and get back with their first.

Both statements are contrary to the law of Yahweh, and the second statement is an abomination.

Deuteronomy 24:1-4 is the law concerning divorce/re-marriage. there are exceptions to that law. I'll address those later, but for now, let's look at the various New Testament scriptures pertaining to this subject.

Matthew 5:31-32

31) "It hath been said, Whosoever shall put away his wife, let him give her a writing of divorcement:

32) But I say to you, that whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery: and whosoever shall marry her that is divorced committeth adultery."

If we take the King James version as it is written here, it definitely says that anyone who marries a woman that is divorced is committing adultery. However, this is inconsistent with Deuteronomy 24:1-4, the law of Yahweh concerning divorce and re-marriage. I refuse to believe that Yahshua taught contrary to the law. Therefore, let's take a closer look at this.

Verse 31 is consistent with the law, therefore we can let it stand as is. In verse 32 however, where it says "and whosoever shall marry her that is divorced commits adultery", the word "divorced" is #630 in Strong's. It means to free fully, i.e. literally relieve, release, dismiss. The primary meaning here is not divorce, but to put away, as in a separation. There are two specific words for divorce in the New Testament. In Strong's concordance, #647 means something separative, specifically divorce; #3084 means a loosening, i.e. specifically divorce.

Yahshua did not speak contrary to the law here. Most of our translations, though, are not accurate. I believe that George Lamsa's translation is accurate in this case, that is the last part of Matthew 5:32.

Matthew 5:32b (Lamsa) "and whoever marries a woman who is separated, but not divorced, commits adultery." Lamsa is correct here, because he is in agreement with the torah. However, in the first part of this verse, he uses the word "divorces" where he should have used "put away". Check your concordance. The word is #630 in Strong's, meaning to put away!

And so, correctly translated Matthew 5:32 should read: "But I say to you that whoever puts away his wife, except for fornication, causes her to commit adultery; and whoever marries a woman who is separated but not divorced, commits adultery."

I hope this clears up a very controversial New Testament verse.

Now, let's look at, Matthew 19:3-9.

3) "The Pharisees also came unto Him, tempting Him, and saying unto Him, Is it lawful for a man to put away his wife for every cause?"

4) And He answered and said unto them, have you not read, that he which made them at the beginning made them male and female,

5) and said, For this cause shall a man leave father and mother, and shall cleave to his wife: and the twain shall be one flesh?

6) Wherefore they are no more twain, but one flesh. What therefore Yahweh hath joined together, let no man put asunder."

If Yahweh brings a couple together, they won't have to worry about separation or divorce. Yahweh is not going to bring two people together that are not compatible.

Matthew 19:7

7) "They say unto Him, Why did Moses then command to give a writing of divorcement, and to put her away?"

8) He saith unto them, Moses because of the hardness of your hearts suffered you to put away your wives: but from the beginning it was not so."

If a man does not diligently seek Yahweh's will in who he will marry, he is likely to make the wrong choice. Not consulting Yahweh is hard-hearted. Because men were, and are, making the wrong choice for their mates, Yahweh allowed for divorce and re-marriage. (Deuteronomy 24:1-4)

9) And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery.

Now, let's turn to Romans 7:2-3. "For a woman which hath a husband is bound by the law to her husband so long as he liveth; but if the husband be dead, she is loosed from the law of her husband. So then if, while her husband liveth, she be married to another man, she shall be called an adulteress: but if her husband be dead, she is free from that law; so that she is no adulteress, though she be married to another man." This is a favorite passage of those that say that it is adultery to be re-married if you are legally divorced. If you ignore the law of Yahweh, these verses seem to say that a woman could not re-marry after a divorce, otherwise she would be an adulteress. However, the simple fact is that if she be legally divorced, she no longer has a husband! These verses only apply to someone who is married. If you are divorced, you are not married!

Paul was well versed in the torah (Galatians 1:14), and in his epistle to the Corinthians, he wrote a passage that should leave no doubt in your mind, if you simply look up the meaning of the key word. I Corinthians 7:25-28.

25) "Now concerning virgins I have no commandment of Yahweh: yet I give my judgment, as one that hath obtained mercy of Yahweh to be faithful."

The intended meaning of the word "virgins" is celibacy, and Paul writes that there is no commandment of Yahweh concerning this.

26) "I suppose therefore that it is good for the present distress, I say, that it is good for a man so to be.

27) "Art thou bound to a wife? Seek not to be loosed. Art thou loosed from a wife? Seek not a wife."

If you believe that it is adultery to re-marry after a legal divorce, then it is convenient

to assume that the word "loosed" refers to separation by death! However the Greek word here is #3080 in Strong's concordance, and it has only one very specific meaning. The word means divorced! With that in mind, now let's put the last part of verse 27 with the first part of verse 28. "Art thou divorced from a wife? Seek not a wife. But and if thou marry, thou hast not sinned:" Paul can only be addressing those who have been divorced here, and he says that if you marry you have not sinned! Isn't that amazing? Paul, an expert in the law, says exactly the opposite of what many are teaching today.

Yahweh is merciful. His mercy endures forever. He doesn't expect us to live the rest of our lives with someone who may be totally incompatible, because we didn't seek Yahweh's will in the first place. He does expect us to be firm if we do decide on divorce. We cannot divorce our 2nd spouse in order to go back to our 1st. Yahweh says this is an abomination (Deuteronomy 24:4). Yet, that's exactly what many people were taught. I've heard of cases where people actually ended up committing suicide when they returned to their first spouse, and again it did not work out. What a tragedy! And yet, it could have been avoided, had they only sought Yahweh's will.

I mentioned that there are exceptions to the law of divorce and re-marriage. Let's examine those now. Deuteronomy 22:13-19 describes a case where a man takes a woman to be his wife. He then finds out that he hates this woman. He calls her a whore and says that she is not the virgin that she claimed to be. If the woman's parents prove that she was a virgin when she got married, and that the husband is lying, then the husband is bound to his wife for life. He may not put her away all his days.

The other exception is described in Deuteronomy 22:28-29. It's short and simple, so I'll just quote it. "If a man find a damsel that is a virgin, which it not betrothed, and lay hold on her, and lie with her, and they be found; then the man that lay with her shall give unto the damsel's father fifty shekels of silver, and she shall be his wife; because he hath humbled her, he may not put her away all his days."

There is one other passage that I want to look at before I conclude. Jeremiah 3:1-5. You can read the entire passage at your leisure. I'll just pick out the key verses for now. Verse 8, "And I saw, when for all the causes whereby backsliding Israel committed adultery, I had put her away, and given her a bill of divorce; yet her treacherous sister Judah feared not, but went and played the harlot also." Now verse 14, "Turn, O backsliding children, saith Yahweh; for I am married unto you: and I will take you one of a city, and two of a family, and I will bring you to Zion." In verse 8, Yahweh says that He gave Israel a bill of divorcement, but in verse 14 He says that He is married to her! Either Yahweh is inconsistent here, or my whole thesis does not hold water. I believe that the King James translation is inconsistent again here. The word "married" in verse 14 is #1166 in Strong's. It means to be master; hence to marry. I think that's a little ambiguous. Therefore, I looked the word up in the Brown, Driver, and Briggs Hebrew lexicon. Here the meaning of the scriptures more accurately translates this verse as: "Return, O faithless children, says Yahweh; for I am your master;". Obviously, Israel did not spiritually re-marry. Otherwise Yahweh would be breaking His own law. Yah can re-marry Israel, because she never married another. She is adulterous, not doubt, but she never spiritually re-married.

I hope that I have been of some help in a very controversial subject. Please understand that I do not advocate divorce for any trivial reason. Divorce should only be considered if the marriage seems hopeless because of an unbearable situation, and

then only after much prayer and fasting. Divorce should never be taken lightly.