

Divorce and Annulments

By Greg Witherow

Protestants and Catholics differ on whether marriage is permanent. Protestants hold that Christian marriage **should be** permanent (until death) under the right circumstances. In contrast Catholics hold that Christian¹ marriage **is always** permanent (until death) under all circumstances. This disagreement is more than conflicting interpretations of scripture. Sadly, in many cases it is an example of Protestant abandonment of the Bible's teaching on divorce and remarriage. This essay will examine why the Church teaches Christian marriage is always permanent and why Protestants do not.

Marriage Defined As Permanent

There are a number of Biblical passages that speak of the permanence of marriage. Christ says, "What therefore God has joined together **let not man put asunder**"². In Paul's epistle to the Corinthians he states, "To the married I give charge, not I but the Lord, that the wife should not separate from her husband (**but if she does, let her remain single or else be reconciled to her husband**) – and that the husband should not divorce his wife"³. Later in the same chapter Paul writes, "A wife **is bound** to her husband **as long as he lives**. If the husband dies, she is free to be married to whom she wishes, **only in the Lord**"⁴. These passages (and others) clearly affirm the permanence of marriage between believers. It is only with physical death that the marriage bond is broken and remarriage is allowed. If a spouse leaves a marriage, the parties are still bound.

The lifetime marriage bond is explained further in Romans 7:1ff where Paul states, "a married woman⁵ is bound by law to her husband as long as he lives; but if her husband dies she is discharged from the law concerning the husband. Accordingly, she will be **called an adulteress if she lives with another man while her husband is alive**. But if her husband dies she is free from that law, and if she marries another man she is not an adulteress". Again, we see that Christian marriage is for life but once a husband or wife dies, the other party is free to remarry. This is the teaching of the Catholic Church. Are there any exceptions? No there are not. But that answer raises many questions. What about annulments? And why do Protestants allow for divorce and remarriage? Both of these questions can be answered by looking at two separate passages of scripture. In doing so we will establish three types of marriages and how they can end. We will then examine where scripture affirms these categories of marriage.

Type	Status	Who is married	How it can end
Sacramental	Valid	Two baptized people	Death (no divorce)
Natural	Valid	At least one non-baptized member	Dissolved (not annulled)
Invalid	Invalid	Individuals barred from marrying	Annulled (it never existed)

¹ For our purposes, Christian marriage and sacramental marriage is the same thing.

² Matthew 19:6

³ 1 Corinthians 7:10,11

⁴ 1 Corinthians 7:39

⁵ While the examples given by Paul are of married women, the Church recognizes that the same rules apply to husbands. What is good for the goose is good for the gander.

Sacramental Marriage

In Corinthians 7 beginning in verse 10 Paul gives instructions to Christians about divorce and remarriage. In doing so, Paul addresses two groups of people, each with different instructions. His first instructions are “to the married”. His second instructions are “to the rest”. In doing so Paul speaks of both sacramental and natural marriages.

In verse 10 Paul speaks to the “married”. The couple are baptized Christians united in marriage⁶. By definition this is a **Sacramental Marriage**. Paul instructs them not to separate. However, Paul leaves the door open for a valid separation, presumably if the conditions warrant it⁷. And what is Paul’s command to the person **who has left** a sacramental marriage? He instructs them to **remain single or reconcile**; they are still bound to the marriage. Paul states, “if she does separate, let her remain single or else be reconciled to her husband”. Assuming the conditions warrant it, both options are valid and the person is not reprimanded⁸.

But can the person left behind remarry?

Christ addresses this question in Matthew 5:32⁹ when he states, “But I say to you that every one who divorces his wife, except on the ground of unchastity, **makes her an adulteress**; and whoever marries a divorced woman commits adultery”. But how is a woman, left behind in an invalid separation, an adulteress? By definition she can only commit adultery if she is involved in a new sexual union. But if she never remarries or never has sexual relations again, she cannot be called an adulteress. In essence Christ is instructing us that **an abandoned spouse is not free to remarry**¹⁰. For further analysis, see the article by the evangelical theologian John Piper footnoted here¹¹.

Natural Marriage

In verse 12 Paul turns his attention “to the rest”. How is this married couple different from the first married couple? The answer, only one member is a baptized Christian. By definition this is a **Natural Marriage**¹². There are many cases when a non-believing couple hears the gospel and only one spouse responds. But the marriage cannot be a sign (Sacrament) of Christ’s union with his Church if one of the parties is an unbeliever.

⁶ In verse 12 Paul addresses “the rest”. These are couples where one is baptized and one is not, a natural marriage. Therefore “the married” must be two baptized individuals, a sacramental marriage.

⁷ For example, if a husband is abusing his wife, she needs to leave.

⁸ It is interesting to note that the few evangelical churches that do excommunicate usually deny the table to people that divorce, not people who remarry. In contrast **and in keeping with Paul’s teaching**, the Church does not deny the table because of divorce (even though it may be a sin) but because of remarriage.

⁹ A similar prohibition is found in Luke 16:18.

¹⁰ This applies to sacramental marriages, not natural marriages as will be seen in the next paragraph.

¹¹ John Piper’s article “On Divorce and Remarriage in the Event of Adultery” can be found here:

http://www.desiringgod.org/ResourceLibrary/Articles/ByDate/1986/1544_On_Divorce_and_Remarriage_in_the_Event_of_Adultery/

¹² It is presumed in this passage that **the Christian did not marry a non-believer**. In that case the marriage would be invalid. Rather, Paul is speaking of a case **where 2 non-believers were married and later one of the individuals was baptized**. In such a case the instructions are to not separate if the non-believer is willing.

While valid, by definition the marriage cannot be a sacrament. Yet God wants the marriage to remain intact as Paul states, “If any brother has a wife who is an unbeliever, and she consents to live with him, he should not divorce her. If any woman has a husband who is a nonbeliever, she should not divorce him.” But as the nature of the marriage is different, so are the instructions in the case of separation.

“But if the unbelieving partner desires to separate, let it be so; in such a case the brother or sister **is not bound**”. Paul uses the language of a broken bond, as if the spouse had died, indicating the believer is free to remarry. The believer cannot leave the marriage or cause the separation by sinful behavior. But the believer can remarry if the exiting spouse was never baptized.

The Pauline Privilege

In summary, the Pauline teaching indicates that natural marriage can be dissolved under certain circumstances. In Catholic canon law this is referred to as the Pauline privilege¹³. This act is not an annulment¹⁴ nor is it a divorce¹⁵; it is the dissolvement¹⁶ of a natural marriage. The Pauline privilege dissolves natural marriages, unbinds couples and allows for remarriage. Protestants mistakenly apply the Pauline privilege to Christian marriage when a person has been abandoned. But if the sacramental marriage bond is broken by abandonment, then Paul’s statement in verse 39 (**written within the context of Christian marriage**) is meaningless when he states, “A wife is bound to her husband as long as he lives. If the husband dies, she is free to marry”. It does not say, “If the husband leaves, she is free to remarry”. Only in the context of a ruptured natural marriage or death does the Bible speak of a broken bond.

Invalid Marriage

In Matthew 19:1-12¹⁷ Christ deals with the topic of divorce. The Pharisees ask Christ if he thinks divorce is permitted for any cause. It was apparently an answer the rabbis grappled with, as the Mosaic Law gave no answer to the question. Christ surprises them with his answer. Rather than explaining how a divorce might be justified, he states that divorce is off the table saying, “What therefore God has joined together, let not man put asunder”. But the Pharisees protest as Moses clearly allowed for divorce.

Christ rebuts their arguments as he responds, “For the hardness of your heart Moses allowed you to divorce your wives, but from the beginning it was not so. And I say to you: whoever divorces his wife, **except for unchastity**¹⁸ (Greek: porneia), and marries another, **commits adultery** (Greek: moichao).”

¹³ See Canon law 1143ff.

¹⁴ An annulment declares that a sacramental marriage never existed. The parties are free to remarry.

¹⁵ A civil divorce cannot break a sacramental marriage. The parties are not free to remarry.

¹⁶ Dissolving a natural marriage is to break the marriage bond, allowing the victimized party to remarry.

¹⁷ The issues raised in this passage are also found in Matthew 5:31,32.

¹⁸ The King James Version and the Douay Rheims Bibles (the Bibles used by all English speaking Christians for 350 years) translated porneia as fornication. It is also translated as immorality or unchastity.

In describing a type of sexual immorality that warrants separation, Christ does not use the word for adultery (as we would expect as he's speaking in the context of marriage). Instead Christ uses a general word for illicit sex (porneia) that describes sex between the non-married (or invalidly married). The Greek word porneia is never translated in the New Testament as adultery. Rather, it is always used to describe sexual immorality in general or specific sex acts between unmarried or invalidly married couples. It can be demonstrated that Christ thought of porneia as distinct from adultery in Matthew 15:19, "For out of the heart come evil thoughts, murder, adultery (moichao), fornication (porneia)..." This leads us to our second point. By definition, when a married person commits sexual infidelity, **it is always adultery**. Christ could have said, "whoever divorces his wife, except when she commits adultery, and marries another commits adultery himself". But instead, when Christ speaks of a just cause for separation, he speaks of fornication and not adultery. And it is because he has something else in mind¹⁹.

Marriages That Are Null And Void

In the Bible there are illicit sexual unions that keep a marriage from being valid. The Jews would have been well aware of the Levitical laws outlined in the Torah that do not allow for incestuous marriages, or marriages between close relations. There are a number of examples of illicit marriages in the Bible. In the Old Testament, after returning to Palestine from a seventy-year exile a number of Jews married non-Jewish women. Ezra demanded separation, in effect declaring the marriages null and void²⁰. In the New Testament, a man in the Corinthian church married his stepmother. The word porneia is used to describe their union. Paul demanded a separation, in effect declaring the marriage null and void²¹. Finally, the gospels record how King Herod married his brother's ex-wife. John the Baptist demanded a separation, in effect declaring the marriage null and void²². And today a marital union between two homosexuals would be invalid. The Church would require separation and declare the marriage null and void. In each case, the sexual activity was fornication (porneia) and not adultery²³ as only validly married people can commit adultery. Porneia, rather than being a justification for a valid divorce is a justification for an annulment.

But Christ does speak of adultery in this passage when he states, "whoever divorces his wife (validly married), except for unchastity (when the marriage is invalid) and marries another commits adultery (moichao)". Normally we think of adultery as only occurring outside of marriage. But Christ speaks of in-marriage adultery when a "marriage" is not

¹⁹ The Puritan commentator Matthew Henry notes this when he writes, "Dr. Whitby understands this, not of adultery, but (because our Saviour uses the word porneia – fornication) of uncleanness committed before marriage, but discovered afterwards." Commentary notes on Matthew 19.

²⁰ Ezra 10:1ff

²¹ 1 Corinthians 5:1ff

²² Mark 6:14-29

²³ In the Old Testament, a person committing adultery would have been put to death, breaking the marriage bond and allowing for remarriage. Some argue that if adultery (being a mortal sin) could result in remarriage in the Old Testament, then why not the New. But it was death, not adultery that broke the marriage bond. And is anybody going to argue that all Old Testament mortal sins (any sin with a death penalty) should warrant for divorce, including Sabbath violations (a mortal sin in the Old Testament)?

valid²⁴. The only way to fix in-marriage adultery is by separation (through an annulment) or by the parties living together chastely. But the adultery must cease to continue.

Do Protestants have other reasons for allowing divorce and remarriage? Unfortunately yes. Some assert that “God wants you to be happy and in a good marriage²⁵”. But only obedience to God’s Word will bring true happiness. Others take the stance that if you repent and ask God’s forgiveness, you are free to remarry²⁶. But forgiveness is for past sins. If we are forgiven for past adultery, we are not given permission to commit future adultery. Under no conditions could Herod continue sexual relations with Herodias. Neither could the man who married his stepmother or the Jews that married outside of the faith. The sexual relations had to end. Protestant reasons (traditions) for remarriage nullify the word of God²⁷. Sadly, 1 Corinthians 7:10,11 (“but if she does separate, **let her remain single** or else be reconciled to her husband”)²⁸ is virtually ignored by Protestants.

In summary, Christ tells us that Christian marriage is for life. Upon death, the marriage bond is broken and the remaining spouse can remarry. Nowhere in the Bible does it state that adultery (moichao) breaks a marriage bond. If one of the two baptized individuals needs to end the marriage in civil court, he or she can do so. But in doing so, they must be resolved to live single the rest of their lives or be reconciled with their original spouse. In a natural marriage, the bond may be dissolved under certain circumstances if the unbeliever chooses to leave. And finally, if a marriage union was invalid from the beginning the union is null and void. It never sacramentally existed. **The Catholic Church alone has remained faithful** to the words of our Lord for 2,000 years.

²⁴ When Protestants speak of an adulterous marriage they will invariably mean a marriage where one of the parties has committed adultery with a non-spouse. You will have to explain to them the type of marriage Christ speaks of in this passage. It will probably be a new concept for them

²⁵ I heard a Christian radio program in Dallas where a divorced and remarried Baptist woman called into the program. She had divorced out of an unhappy marriage and was concerned because somebody questioned her remarriage. The two hosts lambasted the idea that God would want anybody in a bad marriage as He wants our happiness. There was no inquiry into her specific circumstances.

²⁶ For the Protestant, in repenting not only are they forgiven for past sins, but also they are allowed to persist in sex, as their adulterous marriages (or future adulterous marriages) are made valid.

²⁷ Christ condemned traditions that nullified the Word of God.

²⁸ An illustration of how verses 10 and 11 are ignored is given here in a Calvinist scenario. First, we start with a married Christian couple that soon falls out of love. Second, the husband announces he’s no longer committed to the faith nor his wife and that he is going to leave her. He’s not happy. A divorce ensues and the marriage is ended in civil court. Third, as the man is unrepentant, he is presumed to never have truly been a believer by his Calvinistic church and he is excommunicated. Fourth, as he is an unbeliever, the rules that apply to the marriage start in verse 12, not verse 10. The victimized Christian wife is allowed to remarry as the marriage bond is considered broken. Fifth, a few years later the husband repents of his divorce and returns to the faith. As a result, the Calvinist now views him as always having been a believer as a true believer can never lose his salvation (according to Calvinists). Now the question, can he remarry or must he remain single? I have witnessed two possible Calvinist answers. Possibility #1: Some Calvinist would say yes he can remarry! The reason? He has repented for his past sins, God forgives him, he’s got a clean slate and he can start anew as if he’s never been married. As a result, these Calvinists are totally disregarding the instructions given to believers in verses 10, 11. Possibility #2: The Calvinist church does not allow the man to remarry. But the man need not despair. The problem is resolved by having the man get remarried in **another church** down the road. I have witnessed both these scenarios in Protestant churches. There may be evangelical churches that are still faithful to the scriptures in this matter, but they are few in number.