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# IS THERE REALLY AN "INNOCENT" PARTY IN A DIVORCE?

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By George Battey

In Matthew 19:9 the Lord gave us these instructions: "And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery ..." The rule for marriage, according to this, is that it is sinful for a man to divorce his wife and marry another person. The "exception" clause, however, makes provisions for a man to do what ordinarily would be wrong. When a wife becomes a fornicator, the husband may then do what he could not have done before – he may now divorce his wife and marry another person and he will not be guilty of sin when he does so.

While many brethren agree with this interpretation, there exists a sizable portion of doubters. These "doubting" brethren will not go so far as to say there is absolutely "no-exception" for divorce and remarriage, yet on the other hand, they argue and reason in such a way so as to disallow anyone the use of the exception. When pressed to make a decision, or to take a stand one way, or the other, these brethren respond by saying: "There may be an 'exception,' but is there really any spouse that is totally 'innocent'? How do we know that this husband didn't drive his wife to go out and commit fornication? Since we can never know for sure that the husband is totally 'innocent' we cannot agree that he may divorce his fornicating wife and seek another spouse." By this argumentation these brethren are attempting to "straddle the fence" and avoid taking a stand.

Let's examine this argumentation and weigh its validity. Does the Bible teach that there is truly such a "critter" as an "innocent" party? Is it possible for a husband to be completely innocent and his wife completely guilty when fornication occurs?

## **THE OLD TESTAMENT**

First, the Old Testament clearly recognized and identified men that were truly "innocent." Deuteronomy 22:23-24 describes an engaged maiden who broke her commitment with her fiancé and committed fornication with a man that "found her in the city." She and her sinful counterpart were stoned to death, but the elders of the city did not execute her innocent fiancé. The innocence of the fiancé was not questioned. The Law of Moses assumed men to be innocent until proven guilty. "At the mouth of two witnesses, or three witnesses, shall he that is worthy of death be put to death; but at the mouth of one witness he shall not be put to death (Deuteronomy 17:6). Because there were not two, or three witnesses testifying against the fiancé, God commanded that he be left alone. No one would argue in this case that the fiancé was not "providing enough companionship," or was "forsaking the maiden's physical desires,"

for after all, they were only engaged. Here is a clear-cut case of a woman who was completely guilty of sin and her legal companion was completely "innocent."

Again, "If a man be found lying with a woman married to an husband, then they shall both of them die, both the man that lay with the woman, and the woman: so shalt thou put away evil from Israel" (Deuteronomy 22:22). Nothing was commanded in regards to the husband of this adulteress. No inquiries were made as to whether her husband neglected her, or failed to satisfy her physical desires. In other words, the Lord is trying to show us that there is no justification for committing fornication. No matter how much this man may have beaten his wife, no matter how much he neglected her, she was absolutely and completely unjustified in going out and committing fornication. There is no justification for it. The husband may need to be reprimanded for neglect, or abuse, but he is not taken out and stoned along with the guilty wife. She died; he lived. She suffered the consequences of the sin she voluntarily chose to commit; he lived to contract a new marriage if he so desired.

King David and Bathsheba are two examples of guilty fornicators. Nothing could justify Bathsheba forsaking her wedding vows and committing fornication with David. Her husband Uriah, because of military duties, was often gone from home (2 Samuel 11:9-10). Uriah was not a perfect man. He sometimes got drunk (2 Samuel 11:13). Yet in spite of all his short comings and imperfections, Uriah did not "drive" his wife to commit fornication. She voluntarily chose to make herself an adulteress. He was innocent; she was guilty. Likewise, David was married and not to just one, but several wives – Abigail being one of them. When David was found guilty, the prophet Nathan did not rebuke Abigail for neglecting David and his needs. Nathan rebuked only David and Abigail was innocent.

## **THE NEW TESTAMENT**

In the New Testament we are likewise to assume the innocence of a man until he is proven guilty. In 2 Corinthians 13:1 the apostle cites the requirement for two, or three witnesses. In Matthew 18:16 Jesus commanded that a plurality of witnesses would be required in His church to prove guilt. This being the case, when a wife commits fornication, she is guilty of sin – there being no justification for this crime no matter what the husband may have done to her. As in the Old Testament, so in the New, the husband is innocent – not perfect, not flawless, but innocent in regards to breaking the marriage covenant.

We have, then, clear Biblical evidence and guidelines for declaring one party "guilty" and the other "innocent." As for "hidden things" for which there is no proof, we are instructed: "Therefore judge nothing before the time, until the Lord come, who both will bring to light the hidden things of darkness, and will make manifest the counsels of the hearts: and then shall every man have praise of God" (1 Corinthians 4:5).

## **CONCLUSION**

There have been cases when innocent brethren have been condemned and "black-balled" because a guilty, fornicating wife accuses him of abuse, neglect and horrendous crimes innumerable. Shame on anyone who will believe the accusations of one guilty fornicator and at the same time gloss over the testimony and evidence presented by an innocent spouse who has two or three witnesses to verify her guilt.

It is high time for brethren to take a stand on the marriage and divorce issue. Either there is an exception, or there isn't. If we are going to go so far as to say the Lord indeed gave an exception to the rule of marriage, then let us allow brethren to use that exception when it applies. Let us not try to straddle the fence by saying there is an exception, but then make it impossible for anyone to ever use it. "Thus have ye made the commandment of God of none effect by your tradition" (Matthew 15:6).