

The Bible Banner

May 28, 2003

The Repudiation Rights of the Innocent Party

Tim Haile

In the present controversy over the marital rights of the innocent put-away party, the question has been raised about a "second putting-away." Some are disturbed by the notion that a wrongly put-away innocent person may rightly put away his fornicating mate. They judge this as wrong on the basis that it allows a "second" putting-away. Actually, two married people may repudiate each other. Nothing in Scripture nullifies one's ability to repudiate a mate merely upon the basis that he was already repudiated. There is no "race-to-repudiation" that one must fear "losing!" One's ability to repudiate a mate is not conditioned upon whether or not he was "beaten to" repudiation. Of course, in cases where two people do repudiate each other, they cannot both be right in their actions. At least one of them is wrong. In cases where no fornication has been committed, and both parties consent to the sundering of the marriage, **neither party has the right to marry another.**

Using biblical language, one can say there are as many "puttings-away" as there are people doing that putting away! Hence, if a thousand people repudiated their mates for a thousand different reasons, whether those reasons were approved by God or not, there would be a thousand puttings-away.

Jesus is not concerned about *how many* repudiations there might be, or *who was the first to repudiate his mate*. He is concerned about *the reason* why a person repudiates his mate! Sadly, this concern is, for the most part, ignored by those who

constantly emphasize the putting-away procedure.

Defining Terms & Expressions: Two Puttings-Away or One Per Party?

When it is possible, we should make every effort to use biblical terms to discuss and describe biblical concepts. However, there are times when no Bible word or phrase can be found to describe a particular biblical concept or action. At such times it is acceptable to use words and phrases that accurately represent and distinguish that particular truth from others in the Bible. When this is done, great care must be taken in two areas. 1) We must be careful that our language is indeed harmonious with the scriptures. 2) We must also be careful not to bind the use of this terminology on others. People express themselves differently. One's cultural background, personal experiences, degree of education and personal vocabulary all have a bearing on how he expresses himself. We may demand of others that they "speak as the oracles of God," but we may not demand that they express themselves using the exact terminology that we prefer. Some latitude is required in this area.

Some brethren have no problem describing two distinct and separate acts of repudiation as constituting "two puttings-away." Others prefer to say there is one per person. One thing is absolutely certain. No matter how we phrase it, it is possible for two married people to repudiate each other. For example, two married people may mutually consent to sunder their marriage for the reason of incompatibility. In such a case, both people are guilty of the sin of Matthew 5:32a. That is, by putting away his mate without scriptural reason, one *causes* his mate to commit adultery when he marries another. Both people in the above

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scenario are guilty of violating this passage. Neither of them has the right to marry another unless his mate dies. It is also possible for one to repudiate his mate against that mate's will. 1 Corinthians 7:11 uses the Greek "chorizo" to describe what a woman does against her husband. Though she had "departed" from her husband, that husband was told to "not leave her." He was to be willing to take her back if she chose to be reconciled to him. He had not left her – she left him! She renounced him, but he had not renounced her. It can happen both ways.

Counter "Suit" = Counter "Repudiation"

Many brethren believe that if an innocent spouse loses the civil divorce case to his fornicating mate, he must counter-sue if he wants the right to remarry following his divorce. I do not require such, for the Bible doesn't. However, it is critical to note that if biblical repudiation is synonymous with civil divorce procedure, then a counter suit would necessarily constitute a "*counter repudiation*". If counter repudiation is acceptable when practiced *in* the courthouse, then what makes it wrong when practiced *out of* the courthouse? Some brethren are simply inconsistent on this point. They will allow the innocent to marry another if he counter-sues his fornicating mate in a court of law, but they won't allow the innocent to marry another after a "counter" repudiation of the sexually immoral mate. Truth is always consistent with truth. This position is not consistent with itself.

What About An Innocent Person Who Was Repudiated By His Fornicating Mate?

The civil procedure brethren have strongly argued that one cannot scripturally put away a fornicating mate except by civil divorce procedure. Some refer to this as the

"ratification" process. These brethren are wrong to bind a divorce procedure not bound in scripture. However, this is not their only mistake. The fact is that a civil divorce certificate falls far short of accommodating the innocent party in biblically repudiating a fornicating mate. Civil procedure brethren argue that in marriages involving fornication, the innocent person's right to repudiate his sexually immoral mate ends with the drop of the judge's gavel. In these divorce cases where the fornicator takes the legal action against the innocent, what is that really *ends* with the drop of the judges gavel? Does the drop of the gavel *automatically* end the marriage *bond* or *covenant*? No, it doesn't. The fornicator's civil divorce actions have no impact on the marriage bond. That bond remains intact. Moreover, the civil divorcer's actions have done nothing to change the innocent mate's marital commitments and obligations to his spouse. These do not end *automatically* as a result of either his mate's *fornication*, or his fornicating mate's *civil divorce action*! Something more is required. This is where an additional repudiation becomes necessary.

The innocent mate is the one divinely entrusted with this decision. He must make the decision as to whether or not he will repudiate the vows and commitments that he made to the marriage covenant based upon the adultery committed against him (Mk. 10:11). This determination may be made regardless of what legal action the fornicator may have taken. The innocent party has several options as to what he will do with regard to the unfaithful mate. He may decide to put the guilty mate away for fornication and marry another. Matthew 19:9 certainly authorizes such action. The innocent party may decide to do nothing at all, deciding not to remarry. The innocent may decide to make an effort to lead the

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guilty mate to repentance and reconciliation. For conscience sake, he may condition the repudiation of his sexually immoral mate upon the immoral mate's response to his admonitions towards repentance. He may even decide to establish a time limit for the sexually immoral mate to repent. After such a cut off, he may choose to put the guilty away, or he may choose to do nothing.

Jesus did not place any limitations on the amount of time the innocent mate has to lead the guilty to repentance. In the absence of such legislation, we have no right to bind our scruples upon others. This matter lies solely in the hands of the innocent party. The fornicator's civil divorce decree does nothing to loose the innocent party from his obligations to the marriage bond. This is a separate decision and action by the innocent party. For example, **suppose an unrepentant fornicator civilly divorced his innocent mate, yet insisted that his innocent mate continue to satisfy his sexual desires, clean his house, and wash his clothes?** Would that innocent person be responsible to do these things? If you say "no," upon what basis would you say this? You cannot say "no" solely on the basis of the fornicator's divorce decree. If the innocent mate's marital duties are automatically broken with the fornicator's civil divorce decree, then the innocent is automatically free to remarry with the issuance of that decree, and this controversy would be over! Of course, the Bible doesn't teach that the marriage covenant is automatically broken with either the act of fornication, or the unscriptural repudiation. More is involved. There is only one acceptable answer. **There must be a separate decision and repudiative action by the innocent party!** There is no other viable explanation. Some argue that the innocent party loses his right to repudiation if

he loses the civil court case. Others say that the innocent relinquishes his right to repudiate if he fails to act within the timeframe dictated by the court. Both positions are wrong for the same reason. Both positions rob the innocent of a God-given right. Both positions allow human courts to nullify that God-given right. This violates the Lord's express statement of permission in Matthew 19:9.

Conclusion

Regardless of what one calls it, Jesus extended a putting away privilege to an innocent person whose mate has committed fornication against him. This God-given privilege is extended to the innocent on the basis of his innocence, and his mate's sexual immorality. It is not extended on the basis of whether or not the innocent party acts quickly enough to beat the guilty to repudiation. The guilty party can repudiate his innocent mate until he is blue in the face. The guilty party may have beaten the innocent to the courthouse. He may have been the first to initiate the civil procedure, and he may even have won the civil divorce case. However, none of this makes any difference at all. The innocent party is the one who possesses the right to act. Though the fornicating mate may have already broken his marital vows and commitments to his innocent mate, and though he may have already walked out on that innocent mate, God has given the right of approved repudiation to that innocent party.

Tim Haile
7693 Russellville Rd
Bowling Green, KY 42101
270-842-5354
timhaile@insightbb.com
www.biblebanner.com