

# ADULTERY: DOES IT BREAK THE MARRIAGE BOND? (1)

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*John Hooper*

## 1. Marriage and the Sexual Union

### Adultery: The Popular View

Among Reformed and evangelical Christians today there is one view of divorce and remarriage that dominates. It is the view that marriage can be dissolved not only by the death of a spouse, but also by a valid, biblical divorce. Such a divorce can be contracted on the ground of adultery or by the “wilful desertion” of one of the marriage partners. This is the teaching of the *Westminster Confession*, as is clear from the following extracts:

#### *Chapter 24. Of Marriage and Divorce*

V. In the case of adultery after marriage, it is lawful for the innocent party to sue out a divorce, and, after the divorce, to marry another, as if the offending party were dead.

VI. Although the corruption of man be such as is apt to study arguments, unduly to put asunder those whom God hath joined together in marriage; yet nothing but adultery, or such wilful desertion as can no way be remedied by the church or civil magistrate, is cause sufficient of dissolving the bond of marriage: wherein a public and orderly course of proceeding is to be observed, and the persons concerned in it not left to their own wills and discretion in their own case.

Among those who hold to this position are some who are prepared to go still further and maintain that the sin of adultery *itself* is sufficient to break the marriage bond. Four Bible teachers of modern times who have taught along these lines are A. W. Pink, Dr. Martyn Lloyd-Jones, Maurice Roberts and Richard Bennett. In Pink’s *Exposition of the Sermon on the Mount* we read the following:

## *British Reformed Journal*

... infidelity on the part of either husband or wife annuls the marriage covenant, the man and woman being no longer “one flesh,” one of them having been adulterously united to some other. Divorce goes yet farther, for it legally dissolves and removes the marriage relation.<sup>1</sup>

Elsewhere Pink has written,

But to put away one’s wife is expressly forbidden by the Divine Law, marriage being for life. One exception, and one only to the general rule is authorized by Christ, as is plain from His “saving for [except only] the case of fornication,” for since *that sin be itself the breaking of the marriage contract, it constitutes a valid ground for divorce.*<sup>2</sup>

Dr. Martyn Lloyd-Jones, in his *Studies on the Sermon on the Mount*, wrote,

... the person who is guilty of adultery has broken the bond and has become united to another. The link has gone, the one flesh no longer obtains, and therefore divorce is legitimate.<sup>3</sup>

Much more recently, and writing from the standpoint of the Presbyterian tradition, Maurice Roberts has given us the following interpretation of the exception clause in Matthew 5:32:

Our Lord can only mean that it is not improper for a person whose marriage-partner has committed fornication or adultery to seek to obtain a divorce from them if they so wish. Adultery breaks the very bond of marriage and gives right to the innocent person to seek to be freed entirely from all further obligation within the marriage contract.<sup>4</sup>

In the same year, converted Roman Catholic priest Richard Bennett wrote the following in his book *Catholicism East of Eden*,

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<sup>1</sup> A. W. Pink, *An Exposition on the Sermon of the Mount* (Grand Rapids, MI: Baker, repr. 1997), p. 94.

<sup>2</sup> A. W. Pink, *Studies in the Scriptures 1947* (Edinburgh: Banner, repr. 1982), p. 231.

<sup>3</sup> Martyn Lloyd-Jones, *Studies on the Sermon on the Mount* (Grand Rapids, MI: Eerdmans, repr. 1996), p. 260.

<sup>4</sup> Maurice Roberts, “Divorce and Remarriage,” *Free Church Witness* (December, 2005), p. 9.

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When sexual unfaithfulness has taken place, a divorce can be obtained because adultery has already severed the marriage relationship and divorce is a formal acknowledgement of what has already taken place.<sup>5</sup>

And finally, in case any should think that this teaching is new, we quote from the seventeenth-century Puritan John Owen:

That which dissolves the form of marriage and destroys all the forms of marriage doth dissolve the bond of marriage; for take away the form and end of any moral relation, and the relation itself ceaseth. But this is done by adultery, and a divorce ensuing thereon. For the form of marriage consisteth in this, that two become “one flesh,” Gen. ii. 24; Matt. xix. 6; – but this is dissolved by adultery; for the adulteress becometh one flesh with the adulterer, I Cor. vi. 16, and no longer one flesh in individual society with her husband, and so it absolutely breaks the bond or covenant of marriage. And how can men contend that is a bond which is absolutely broken, or fancy a “vinculum” that doth not bind? And that it absolutely destroys all the forms of marriage will be granted. It therefore dissolves the bond of marriage itself.<sup>6</sup>

These are not men whose judgment and exegetical skills we may dismiss lightly, but neither would it be wise for us to accept their views uncritically and without careful scrutiny. The question before us is this: Is it possible that adultery is able to break the union between husband and wife, destroying the one-flesh relationship? Is there some mysterious power in the sin of adultery that enables it to sever this hallowed and otherwise lifelong bond?

### Making and Breaking

From the quotation above it is clear that according to John Owen, adultery “absolutely breaks the very bond or covenant of marriage.” Pink agrees, af-

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<sup>5</sup> Richard Bennett, *Catholicism East of Eden: Insights into Catholicism for the 21st Century* (USA: Berean Beacon Press, 2005), p. 243.

<sup>6</sup> John Owen, *Works*, vol. 16 (Edinburgh: Banner, repr. 1995), p. 255.

firming that adultery “annuls the marriage covenant,” and Lloyd-Jones argues similarly that the bond is broken and “the link is gone.” Maurice Roberts uses the same terminology as Owen, teaching that adultery “breaks the very bond of marriage.” These are unequivocal statements about which there can be no misunderstanding. After adultery, these men are saying, the marriage no longer exists. It is broken. Absolutely. A husband and wife have ceased to be so. They are singles again.

What are the consequences of such a view?

In the first place, if a man and woman continue living together after their marriage has been broken and annulled by adultery, questions might reasonably be asked as to the morality of their position.

A near contemporary of John Owen, Lancelot Andrewes, recognised that if a man were to take back his adulterous wife he himself would be committing adultery: “inasmuch as he hath had the use of her that is now none of his ... because their marriage was utterly dissolved by the act precedent of his wife.”<sup>7</sup> And since the couple are no longer married, simple logic dictates that any future reconciliation requires a second wedding ceremony:

It would follow, that the party offending would not, upon reconciliation, be received again by the innocent to former society of life, without a new solemnizing of marriage, insomuch as the former marriage is quite dissolved ...<sup>8</sup>

But of course, such a ceremony “is never heard of, and contrary to the practice of all churches.”<sup>9</sup> The absurdity of it only exposes the foolishness of the underlying idea. In truth, the marriage bond is not broken.

It is not proper to remarry a couple if and when forgiveness for adultery is sought and obtained and the two decide to continue to live together. They are still married; forgiveness alone is necessary.<sup>10</sup>

<sup>7</sup> Lancelot Andrewes, *Against Second Marriage, After Sentence of Divorce With a Former Match, the Party Then Living* (USA: Kessinger Publishing, facsimile of 1870 reprint, appended to *A Treatise on the Christian Doctrine of Marriage* by Hugh Davey Evans), p. 372. Dr. Andrewes was Bishop of Ely in 1601 when he wrote this brief discourse.

<sup>8</sup> *Ibid.*, p. 367.

<sup>9</sup> *Ibid.*

<sup>10</sup> Jay Adams, *Marriage, Divorce, and Remarriage in the Bible* (Grand Rapids, MI: Zondervan,

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Andrewes points out too that the immediate purpose of the Lord's teaching for His Jewish audience was to "restrain the commonness of divorces," not increase it.<sup>11</sup> If adultery dissolves the marriage bond, the effect is the very opposite to that which the Lord intended since men and women are now able to dissolve "as many former marriages as they like."<sup>12</sup> A woman, "being weary of the first, it is but to be lewd of her body, and presently the bond is broken, and liberty given to make a new choice of another, and being weary of that, of a third, and fourth."<sup>13</sup>

In the second place, the weakness of the "adultery breaks the marriage bond" position is further exposed by a distinction commonly made between two aspects of marriage. There is the essence of the marriage and the legal contract. When adultery takes place, we are told, the essence of the marriage is broken and destroyed. What effect does this have on the legal contract? Well, one would suppose that the two parties need to consult a solicitor so that their legal position can be made to reflect the "facts" of the case. But no. Adultery only *entitles* the innocent party to dissolve and remove the marriage contract. This explains how Pink is able to say that adultery "annuls the marriage covenant" while divorce "legally" dissolves it. Likewise Maurice Roberts can say that adultery "gives right to the innocent person to seek to be freed entirely from all further obligation within the marriage contract."

It is possible, or so it would appear, for the marriage bond to be broken while at the same time leaving the innocent party not "freed entirely" from their marital obligations. They have only the *right* to be so freed. This being the case, it is not at all clear what the marital status of a person whose spouse has committed adultery really is. On the one hand, we are told that the marriage is broken absolutely, but on the other hand, we are told that the innocent party has only an *entitlement* to divorce. On the one hand, the marriage partners are no longer one flesh, but on the other hand, the innocent party still finds himself or herself under marital obligations. This is confusion and doublespeak. It exposes the absurdity of the whole idea.

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1980), p. 6.

<sup>11</sup> Andrewes, *Against Second Marriage*, p. 371; italics mine.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

We are left wondering what options might be left open for an innocent party who chooses not to take up the entitlement to divorce. Such a person is neither married nor divorced, but in a kind of marital limbo about which the Word of God tells us nothing. We agree that Scripture grants a right and entitlement to divorce on the ground of adultery, but nowhere does it teach that the marriage bond is already broken by that adultery, nor yet that either party is able to go on and break it by means of a divorce.

It is quite possible, more likely probable, that a married person is completely unaware of their spouse's infidelity. Indeed, it is not inconceivable that they will never know about it. What is the status of their marriage now? And what is the status of any sexual union between them? If their marriage bond has been broken or annulled by the secret adultery of the one, as is supposed, then the marriage is broken for the other too. We cannot but draw the conclusion that they are both now unmarried and any sexual activity between them renders them both guilty of fornication for as long as they remain together. Here again we can see how untenable a view this is.

Following adultery the marriage bond is either broken or it is not. If it is broken, then divorce can add nothing to the brokenness but simply give it legal recognition. Divorce becomes "a formal acknowledgement of what has already taken place"<sup>14</sup> and the divorce certificate functions in much the same way as a death certificate, simply as "a *statement* of death, not the cause of death."<sup>15</sup> In these circumstances, divorce becomes an obligation, not a mere entitlement. On the other hand, if the marriage is not broken there is nothing to certify.

### The Sexual Union

In the third place, a major objection against the idea that the marriage bond is broken by adultery is the significance it attaches to the sexual union. This is a serious objection.

The sexual union is a normal, beautiful and very important part of married life. Outside of marriage, it is condemned unreservedly as fornication and adultery, but within marriage the bed is "undefiled" (Heb. 13:4). It may

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<sup>14</sup> Bennett, *East of Eden*, p. 243.

<sup>15</sup> Ray Sutton, *Second Chance* (Fort Worth, TX: Dominion Press, 1988), p. 28; italics Sutton's.

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come as a surprise to some that the Bible has rather a lot to say about sexual behaviour in marriage, particularly in I Corinthians 6 and 7. But what it does not do is to make the sexual union the one essential factor in the making of a marriage. It is not the *essence* of a marriage.

John Owen makes the one flesh idea to consist entirely of the sexual union. Notice again what he says,

For the form of marriage consisteth in this, that two become “one flesh,” Gen. ii. 24; Matt. xix. 6; – but this is dissolved by adultery; for the adulteress becometh one flesh with the adulterer, 1 Cor. vi. 16, and no longer one flesh in individual society with her husband, and so it absolutely breaks the bond or covenant of marriage.

In response to this, I want to begin by quoting a lengthy extract from a work published in 1895 entitled *Holy Matrimony*. The author, Oscar D. Watkins, was a military chaplain with the British Army in India and a high Anglican who believed that there is a sacramental aspect to Christian marriage. While I cannot agree with all that he says in his book, in dealing with this question of whether adultery dissolves a marriage, he exposes the inevitable conclusion to which the argument pursued by Owen and others leads.

If for the sake of argument the contention [that adultery breaks the marriage bond] is admitted, to what does it lead? Let a case be supposed. A wife, having committed an act of adultery, is now no longer bound to her husband by the marriage tie. She continues her relations with the adulterer under the style of marriage, and as she is free from her former bond she may be admitted to be again a wife. She tires of her new union, and returns to her first husband. Before she is received by him she is the wife of the sometime adulterer. Her return to her first husband *ipso facto* severs her marriage with the sometime adulterer, and she now continues to live with the first husband as his wife. All three marriages appear to be on the same footing. Each has its bond. This by the hypothesis is not merely the legal contract, but a mysterious tie, which

is of the essence of the union. Putting aside then the legal contracts, what goes to make any one of these marriages, appears to be the copula [i.e., sexual union], accompanying the consent of the two parties to a union dissoluble at will. In any words, any sexual union, at least where there is mutual consent, is a marriage. And this appears to be the meaning of those who support this contention. There is, they affirm, in the sexual union a mysterious bond. Under certain circumstances it is styled marriage; under certain other circumstances it is spoken of as taking of the members of Christ and the making them the members of a harlot. But the bond is practically the same. It is created in and by the copula, and may be held to be in force till it is severed by a copula with another person, which, in the act of severing the first bond, creates a new bond in its place. If this be the meaning of the argument with which we are dealing, we are now outside the limits of Christian enquiry, and the subject need no further be noticed. Secular systems of social philosophy may recognise such principles; Christianity cannot.<sup>16</sup>

If we are to follow the reasoning of Owen, the sexual union constitutes the very essence of marriage, that mystical bond that joins a man and woman together. In these circumstances marriage hangs upon nothing more trustworthy than the slender thread of human will power since it has become a “union dissoluble at will.” That is a tenuous union indeed. One lapse of the will, one moment of madness, a “one-night stand,” is sufficient not only to violate a marriage, as all would agree, but also to destroy it and at the same time create another. Such is the absurdity of this definition that by it even the taking of a prostitute amounts to a marriage. The notion is repugnant.

It must be remembered too that adultery is essentially a sin of the heart before ever it comes to physical expression. Christ taught that even a lustful look constitutes adultery (Matt. 5:28). Are we to believe that it constitutes a marriage? The very thought is ludicrous.

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<sup>16</sup> Oscar D. Watkins, *Holy Matrimony* (London: Rivington, Percival and Co., 1895), pp. 433-434.

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But where does all this leave our understanding of 1 Corinthians 6:15-17, the passage of Scripture Owen uses to support his view?

[12] All things are lawful unto me, but all things are not expedient: all things are lawful for me, but I will not be brought under the power of any. [13] Meats for the belly, and the belly for meats: but God shall destroy both it and them. Now the body is not for fornication, but for the Lord; and the Lord for the body. [14] And God hath both raised up the Lord, and will also raise up us by his own power. [15] Know ye not that your bodies are the members of Christ? shall I then take the members of Christ, and make them the members of an harlot? God forbid. [16] What? know ye not that he which is joined to an harlot is one body? for two, saith he, shall be one flesh. [17] But he that is joined unto the Lord is one spirit.

It is verse 16 in particular that might possibly be construed as identifying the sexual union with marriage. In that verse, Paul refers to Genesis 2:24, which records the words of Adam concerning his wife Eve: "Therefore shall a man leave his father and mother, and shall cleave unto his wife: and they shall be one flesh." According to Owen's interpretation of this passage, a man who commits adultery with a prostitute breaks the marriage bond with his wife and creates a new one-flesh marital relationship with the harlot:

For the form of marriage consisteth in this, that two become "one flesh", ... but this is dissolved by adultery; for the adulteress becometh one flesh with the adulterer, I Cor. vi. 16, and no longer one flesh in individual society with her husband, and so it absolutely breaks the bond or covenant of marriage.<sup>17</sup>

Granted, he does not state in so many words that the one-flesh bond with the prostitute is a marriage, but by placing the "one flesh" relationship between adulterers on a par with the "one flesh" relationship of a husband with his wife he comes perilously close to it.

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<sup>17</sup> Owen, *Works*, vol. 16, p. 255.

## The Believer and the Body

So what is Paul saying? Well, sexual sin was a serious problem in the church at Corinth and this is one of the occasions in which he addresses it. By doing so, the Holy Spirit has given us one of the fullest explanations we have in the Bible of a rather neglected area of truth: the doctrine of the body. The Corinthian believers were putting the body's appetite for sexual gratification on a par with the stomach's hunger for food. Just as hunger can be satisfied with all kinds of food, so sexual desire can be satisfied in many kinds of ways, including a visit to a prostitute. The body, after all, is only the body and will one day be destroyed.

Paul responds with a high view of the body. Under inspiration, he directs his readers away from the idea that the human body is *only* the body and asserts its God-given dignity. First, he points out that the two appetites are very different. Yes, the stomach is for food, but the Corinthians must not infer from this that the body is for fornication (v. 13). He explains further by directing them to the relationship that exists between the believer and his Lord, especially as it relates to the physical body. In verse 15 he points out in no uncertain terms that the body is in a vital and intimate relationship with Christ, just as much as is the soul. As he says elsewhere, “he is the saviour of the body ... We are members of his body, of his flesh, and of his bones” (Eph. 5:23, 30).

Did the Corinthians not know this? Apparently not. Perhaps influenced by their pagan background they thought that God was concerned only with the soul, the spiritual, not with material things like the body. They believed that the physical elements of the body, the flesh, were inherently worthless and destined for destruction. So, beginning at verse 13, Paul shows them that the body is in fact of great worth before God and is included in His saving work, making His redemption one of the whole man. The body is “for the Lord” (v. 13). It will not be destroyed but will be raised up, just as was the body of Christ (v. 14). The body is “the temple of the Holy Ghost” (v. 19) and, along with the spirit, belongs to God who is to be glorified through it (v. 20). This is nothing less than the noble purpose for which the body was originally created.

All this means that the body is not something with which we may do as we like. It means that if a believer were to engage in sexual intercourse with a

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prostitute, his union with Christ would be grossly compromised. It presents the grotesque paradox of a member of Christ's body being in union with a harlot, the very idea of which elicits the apostle's profound abhorrence: "God forbid" (v. 15). The sin of fornication is bad enough when committed by an unbeliever, but when committed by a believer it is a thousand times worse, for by it the very body of Christ is defiled.

The purpose of verse 16, then, with its reference back to the seminal text of Genesis 2:24, is to accentuate the horror and underline the contradiction of any member of Christ's body being made one with a prostitute. The subject of marriage is quite simply not in view. Indeed, it is far removed.

While the sexual union is a unique privilege of married life, we must understand that by itself it does not *make* a marriage. The passage recording the institution of marriage in Genesis 2 specifically states that "a man [shall] leave his father and his mother, and shall cleave unto his *wife*: and *they* shall be one flesh" (v. 24). The emphasis placed on "wife" is present in all three of the other New Testament passages where these words are quoted, namely Matthew 19:5, Mark 10:7 and Ephesians 5:31. In I Corinthians 6:16, however, even though sexual union takes place and there is the formation of "one body" (not "one flesh") with the prostitute, there is no mention of "wife."

It might be objected that neither is there mention of "wife" in the original languages. The word is "woman." A man "shall cleave unto his woman: and they shall be one flesh." Does this mean that sexual union with a woman, any woman, constitutes a marriage? By no means. In Genesis 2:24 it is clear that in marriage a man cleaves unto his woman, and it is only his woman with whom he may have a sexual relationship. It is the man and his woman that make a married couple. A prostitute, while "a" woman is not "his" woman. A man's wife is "his woman" to the exclusion of all other women for as long as they both shall live, and no other man may take her for she is his alone.

In I Corinthians 6:16 there is no mention of marriage, and neither should we expect to find one there since no marriage is constituted. It would be totally irrelevant to the apostle's argument.

Nor is mention made of the marital status of the man consorting with a prostitute. He may be married, single, widowed or even divorced: it makes

no difference to the line of reasoning since the apostle's point centres on the man's union with Christ, not with a wife. His union with Christ, even though so grossly violated by his visits to the prostitute, remains intact for "your bodies *are* the members of Christ" (v. 15) and they will remain so for ever. Much less, then, is a man's marriage to his wife broken by the same sinful act. It has been rightly pointed out, "Much too much has been read into verse 16 by evangelicals eager to support the idea that a serious sexual sin outside of one's marriage dissolves the marriage bond."<sup>18</sup> Such an idea could hardly have been further from the apostle's mind.

## Consummation

Before we leave the Bible's teaching on the body there is one more matter that calls for comment, and that is the so-called consummation of a marriage. The word "consummation" is one of those terms which are widely used and understood in a theological sense but are not found in the Bible. While in many cases a non-biblical word like Trinity might usefully describe a biblical truth, in the case of consummation we have good reason to question whether the concept itself is biblical.

The common misconception here is that sexual intercourse gives a marriage its legitimacy, and where there is no consummation the marriage is incomplete or even invalid. This view may have derived at least some of its support from Roman Catholicism, according to which only a consummated marriage "between baptized persons" is irrevocable and cannot be dissolved.<sup>19</sup> In this system, a valid but unconsummated marriage may be declared null and void; in other words, it never existed.

But surely this is the wrong way around? It is not sexual intercourse that gives legitimacy to a marriage but marriage that gives legitimacy to sexual intercourse, since outside of marriage any sexual activity is fornication. The only reason that sexual intercourse between a couple on their wedding night

<sup>18</sup> Gordon J. Wenham and William E. Heth, *Jesus and Divorce* (Carlisle: Paternoster, 1997), p. 148.

<sup>19</sup> *Catechism of the Catholic Church* (London: Geoffrey Chapman, 2000), paragraph 1640; p. 367.

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is not fornication is that they are married already, completely, irreversibly, one hundred per cent *married*.

This is expressed beautifully in the old Anglican service for the “Solemnization of Matrimony,” the one that was used at my own wedding. It is after the exchange of vows that the minister makes the solemn declaration before the assembled witnesses that the couple are now “Man and Wife together.” From that moment they are well and truly married. From that moment they have become one flesh. Already the minister has exclaimed, “Those whom God hath joined together let no man put asunder.”<sup>20</sup> And from that moment they are free to engage in the holy intimacy of sexual union, and not before. The physical act itself, however, does nothing to “consummate” the marriage.

In some circumstances following a wedding sexual intercourse might be delayed or is not even physically possible, perhaps through age or disability; but in these cases too the marriage is still a real and proper marriage, as irrevocable and indissoluble as one in which a sexual union has occurred. On this point we concur wholeheartedly with Jay Adams:

Marriage *authorizes* sexual relations. The honeymoon union is proper and holy (Heb. 13:4) only *because* the young couple is already married. And adultery, later on, while exerting tremendous strains on the marriage, does *not* dissolve it. Sexual relations *per se* do not *make* a marriage and do not *break* a marriage ... Marriage is bigger than and distinct from (though inclusive of the obligation of) sexual union. It is neither constituted nor dissolved by sexual relations.<sup>21</sup>

*to be continued (DV)*

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<sup>20</sup> “The Form of Solemnization of Matrimony,” *The Book of Common Prayer* (Cambridge: Cambridge University Press, no date), p. 305.

<sup>21</sup> Adams, *Marriage, Divorce, and Remarriage*, p. 6.