

ADULTERY: DOES IT BREAK THE MARRIAGE BOND? (2)

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2. Adultery and Death

“A Heinous Crime”

It is sometimes said that the cause for the breakdown of marriages, of the family and of society at large is man’s sinful human nature. Of course that is true, but our sinful nature does not excuse us before God or mitigate our guilt. God will not have sin to be thought of lightly or its seriousness in any way played down. Adultery is a gross violation of His one flesh principle of marriage and a breach of the marriage vow. In short, it is “a heinous crime” (Job 31:11). “Whoso committeth adultery ... destroyeth his own soul” (Prov. 6:32).

In his comments on Job 31:11, Matthew Henry aptly describes adultery as “one of the greatest, vilest sins a man can be guilty of, highly provoking to God, and destructive to the prosperity of the soul.”¹ The Puritan Thomas Watson called it “the reigning sin of the times.”² If Watson’s statement was true in his day, over three hundred years ago, then how much more is it not true today with the many more opportunities for man to indulge his lusts and with little or no social stigma attached? How greatly God is provoked!

Just how provoking to God the sin of adultery is becomes clear from the severity of the penalty He imposed on any man found guilty of it. Abimelech was told by God in a dream, “Thou art but a dead man, for the woman which thou hast taken; for she is a man’s wife.” As it was, no adultery had taken place so Abimelech was spared, but he was left in no doubt as to what his punishment should have been had he sinned (Gen. 20:1-7).

Under the law, the death sentence for adultery was unequivocal: “And the

¹ Matthew Henry, *Commentary on the Whole Bible*, vol. 3 (McLean, VA: MacDonald Publishing Company, reprint [no date]), p. 166.

² Thomas Watson, *The Ten Commandments* (Edinburgh: Banner, repr. 1995), p. 155.

man that committeth adultery with another man's wife, even he that committeth adultery with his neighbour's wife, the adulterer and the adulteress shall surely be put to death" (Lev. 20:10; cf. Deut. 22:22). Professor John Murray comments,

... the Old Testament did not provide for divorce in the case of adultery. The law was more stringent; it required death for such sexual infidelity. The marriage was indeed thereby dissolved but this was effected through the death of the guilty party.³

Luther, Calvin and Divorce by Death

Both Martin Luther and John Calvin maintained that even now, in the New Testament age, civil magistrates should put adulterers to death. There are historical records in existence of this taking place in Geneva during Calvin's time. Robert Kingdon notes,

The adoption of the death penalty for adultery had the effect of creating a new type of divorce in sixteenth-century Geneva. Now it was theoretically possible for a man who wanted to get rid of a wife to catch her in the act of adultery and bring her to court. Within a few days she would be dead, usually from public drowning, and he would be free to marry again ... The same option was theoretically open to a wife ...⁴

It is the law's sentence of death upon an adulterer that has encouraged some to think in terms of adultery itself as ending the marriage. The argument is a simple one: Since adultery was punishable by death, and death ends a marriage, the act of adultery in itself effectively terminated or *killed* the marriage. This made the death penalty little more than a legal formality putting into effect what the act of adultery had already accomplished: the death of the marriage. An adulterer was as good as dead.

³ John Murray, *Divorce* (Phillipsburg, NJ: P&R, 1961), p. 27.

⁴ Robert M. Kingdon, *Adultery and Divorce in Calvin's Geneva* (Cambridge, MA: Harvard University Press, 1995), p. 118.

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This explains Luther's view that even when the death sentence is not carried out, the church should proceed as though it has been executed and the marriage is henceforth to be considered at an end. He maintained that "whoever commits adultery has in fact himself already departed and is considered as one dead."⁵ This being the case, Luther argued, the innocent party "may remarry just as though his spouse had died."⁶

In another context, this time commenting on verses in Christ's Sermon on the Mount, Luther again declared that since adultery was punishable by death under the Mosaic law, an adulterer "has already been divorced, not by man but by God Himself, and separated not only from his wife but from his very life."⁷

Two premises are being assumed here.

Premise 1

The first premise is that adultery ends a marriage. This cannot be sustained since under the law it was not the act of adultery that ended the marriage but the death that followed it. Even Professor Murray admits that the dissolution of the marriage "was effected through the death of the guilty party."⁸ Only then was the remaining spouse free to remarry.

It is true that according to Deuteronomy 24:1-4 remarriage was permitted after the issuing of a "bill of divorcement," but the offense committed in this instance was not adultery. Rather, it was "some uncleanness," a sin difficult to identify with accuracy, but whatever it was it did not incur the death penalty and therefore, following the Reformers' line of reasoning, did not dissolve the marriage. And in any case, our Lord Jesus Christ brought the provision for divorce to an end in Matthew 19:8 and reinforced the original creation model for marriage with the command, "What therefore God hath joined together, let not man put asunder" (cf. Matt. 19:3-12). Any putting asunder by man is therefore disobedience to the Lord.

⁵ Martin Luther, *The Estate of Marriage, Part 2*, quoted by David Instone-Brewer in *Divorce and Remarriage in the Bible* (Grand Rapids, MI: Eerdmans, 2002), p. 284.

⁶ *Ibid.*

⁷ Quoted by David L. Snuth, "Divorce and Remarriage from the Early Church to John Wesley," *Trinity Journal* 11:2, p. 136.

⁸ Murray, *Divorce*, p. 27.

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The only other biblical passages that have a direct bearing on the question of how a marriage ends are Romans 7:2-3 and I Corinthians 7:39. Both specify just one way to the dissolution of a marriage, leaving the remaining spouse free to remarry, and that is by death. Just what that means we will consider later.

If, for the sake of argument, it were allowed to stand that a marriage is “killed” by adultery, then already at the moment of the first adulterous union the marriage has died absolutely and no longer exists. The finality of death is such that there can be no way back, no opportunity for repentance or forgiveness, and no possibility of reconciliation. Just as if the adulterous party were lying in the grave, the marriage is over and there is no other option but divorce. It becomes a legal inevitability.

But we know from Old Testament history that even then divorce was not inevitable. This is illustrated by the lives of Tamar and David. In fact, throughout all of the Old Testament there is not a single instance of the death sentence being enforced for adultery. This is not to say that it was never carried out—the response of the scribes and Pharisees to the woman caught in adultery (John 8:1-11) suggests that even in New Testament times it was being performed, and that the approved method was stoning—but it does mean that in the Old Testament too grace reigned triumphant. “And Nathan said unto David, The LORD also hath put away thy sin; thou shalt not die” (II Sam. 12:13).

David learned from his own experience that,

The LORD is merciful and gracious, slow to anger, and plenteous in mercy ... He hath not dealt with us after our sins; nor rewarded us according to our iniquities. For as the heaven is high above the earth, so great is his mercy toward them that fear him (Ps. 103:8, 10-11).

Premise 2

The second premise assumed by the Reformers and many who follow them is that there is a correlation between the death sentence and divorce. Both Calvin and Luther adopted a position that may be described as *divorce by death*. In their minds, divorce was a punishment, raising a number of difficulties for their argument.

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In the first place, divorce can hardly be considered a punishment while the adulterer is still very much alive and able to marry again, even to wed the object of his lust with whom he committed the original adultery. Of course, it may be objected that the right of remarriage should be reserved for the innocent party alone, but that hardly does justice to the simplicity of the language. A marriage that is truly broken or dissolved must mean that it is broken *for both parties*, freeing both from their marital obligations and giving both the right to remarry. Far from being punished for his sin, the adulterer is rewarded for it.

Alternatively, if it is true that the adulterer is in some way still bound to the marriage, rendering any subsequent remarriage adulterous, then the innocent party is being punished because he or she too must still be bound to the marriage:

Now if the guilty party is so bound that remarriage on his part is adultery, why is he so bound? Adultery, as Tertullian pointed out to the Christians of the second century, is “a crime incident to the marriage state.” It implies a bond between two, which binds both. If it be so severed that either is not bound, then both must be free. If it be so in force that either is bound, then both must be bound.⁹

Often it is the adulterer’s longsuffering spouse, the one who is left behind to raise the children alone, who feels punished.

In the second place, the believer’s calling is to forgive a once adulterous but now repentant marriage partner and to receive them back, not punish them by taking them through the divorce courts.

In the third place, the bill of divorcement conceded by Moses was penal in nature since it really did destroy the marriage, allowing the divorced woman to “go and be another man’s wife” (Deut. 24:2).

In the fourth place, God’s own divorce of Israel was not retributive but a chastening experience designed to bring her to repentance. It was, says God, “for a small moment” and “in a little wrath,” with the promise of “great mercies” to follow (Isa. 54:7-8).

⁹ Watkins, *Holy Matrimony*, p. 434.

Furthermore, these two premises, that adultery breaks the marriage bond and that divorce is a punishment achieving the same end as the death penalty, take us away from the idea of adultery as a *ground* for divorce. Adultery has already *de facto* dissolved the marriage. Divorce proceedings now become a mere formality giving legal recognition to what the act of adultery has already accomplished. Thus, “a ‘certificate of divorce’ ... is a *death certificate*.”¹⁰

It would be interesting to speculate on the extent to which members of the Westminster Assembly were influenced by the *divorce by death* argument when they adopted for their *Confession* the well known words, “as if the offending party were dead” (24:5). Dead by natural causes? Or dead by capital punishment? The proof texts attached to the article, Matthew 19:9 and Romans 7:2-3, give little away but the similarity to Luther’s form of expression is too marked for the possibility to be discounted as mere coincidence.

Modern Apologists

The idea of a correlation between death and divorce is still with us, its strongest advocates being among Christian Reconstructionists. In his *Institutes of Biblical Law*, R. J. Rushdoony claims, “The most common form of divorce is *by death*. This may be not only a natural death, which is not strictly a divorce, but a legal execution, which divorced the culprit from life, society and spouse.”¹¹ Christian Reconstruction has made only limited inroads into Reformed circles in the United Kingdom, being more widespread in the USA, but it is in Reconstructionist literature that one discovers the end to which the divorce by death idea leads.

When describing the New Testament position, as he sees it, Ray Sutton, an important Reconstructionist authority on this subject, writes in his book *Second Chance*, “*divorce* itself is a means of applying the death penalty.”¹² Notice that there has been a change in the argument. It has moved from *divorce by death* to *death by divorce*. Another who argues along these lines, and is

¹⁰ Sutton, *Second Chance*, p. 90; italics Sutton’s.

¹¹ Rousas John Rushdoony, *The Institutes of Biblical Law* (Phillipsburg, NJ: P&R, 1973), p. 401; italics Rushdoony’s.

¹² Sutton, *Second Chance*, p. 78.

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representative of more mainstream Reformed thinking, is Sinclair Ferguson. In his exposition of the Sermon on the Mount, he writes,

In Jesus' time (when Palestine was under Roman occupation), this death penalty was not carried out. The person who committed adultery lived. But Jesus' teaching seems to suggest *the rightness of acting as if the penalty had been carried out*. In this case, the wronged partner would be free to marry again. There was no contradiction of the Old Testament law in this ...

In the Old Testament, sexual sin was regulated by the death penalty setting the other partner free from the marriage. Although that penalty is no longer used, its *effect* is still relevant.

... someone who is divorced following such marital infidelity can act as though the other partner has ceased to be, and can remarry.¹³

This reversal in the argument appears harmless enough but it has important and far reaching consequences, not least because it seems to do away with the need for dying. One can now have the divorce without the death or so it would appear. But that is not what these men are saying. Death does occur, they say, but it is a different *kind* of death. Sutton explains,

Death is covenantal in the Bible, not mere cessation of existence. It is the loss of a relationship with God through an ethical violation of the original bond. It is the severance of the fundamental God/man union, due to disobedience to the covenant-terms, and unlike the pagan view of death, it does not mean a "loss of being" ... No, death occurs when a person's relationship to God is broken through covenant-breaking.¹⁴

Thus, when a wife or husband breaks their marriage covenant by committing adultery, "an ethical violation of the original bond" takes place, the union between them is severed and the relationship they had with one another is

¹³ Sinclair Ferguson, *The Sermon on the Mount: Kingdom Life in a Fallen World* (Edinburgh: Banner, repr. 2006), pp. 91-92; italics Ferguson's.

¹⁴ Sutton, *Second Chance*, p. 37.

lost. This, says Sutton, is death. It is death to the adulterer and death to the marriage. But it is not “cessation of existence.” It is not “loss of being.”

To underpin his idea Sutton gives two biblical examples. First, he points us to Adam and Eve. They did not die physically until hundreds of years after they had eaten the forbidden fruit, but they died “covenantally,” i.e., in the sense that their relationship with God was broken immediately. Quoting from an earlier book of his, Sutton employs the language of imputation,

Adam’s death was covenantal, in that God imputed death to him. God *counted him as dead* because of the broken covenant. Then, as Adam experienced the burdens of history, he would draw closer and closer to physical and perhaps even eternal death ... Imputation went from life to death: from Adam’s physical life to Adam’s eventual physical death.¹⁵

Sutton’s second example is the last Adam, our Lord Jesus Christ. He claims that Jesus was “covenantally dead” when He prayed the words, “My God, My God, why hast thou forsaken me?” which was some time before He died physically.

Jesus was sentenced to death and placed on the cross to die, not because He broke the covenant but because *we* did. He suffered covenantal death for us, meaning *in place of us* ... His death was primarily covenantal because His ethical death came before physical death. One led to the other ...¹⁶

In the same manner in marriage, according to Sutton, an adulterer is *counted* as dead on the basis of the broken marriage covenant. Death is *imputed* to him. The relationship is broken by the act of adultery.

Covenantal death in marriage definitely encompasses physical death. But, it also means that if the spouse breaks the moral terms of the covenant [as in adultery], he will die in the relationship, and the marriage would be dissolved.¹⁷

¹⁵ *Ibid.*, p. 38, quoting from Sutton, *That You May Prosper: Dominion by Covenant*, p. 28; italics Sutton’s.

¹⁶ Sutton, *Second Chance*, p. 39; italics Sutton’s.

¹⁷*Ibid.* p. 41.

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... the guilty party *dies covenantally* to his covenant with God, and he simultaneously kills the marriage covenant at that moment.¹⁸

What are we to make of this? Well, certainly the relationship in which both Adam and Christ stood before God was covenantal but by that we understand that it was *federal*. As Adam was the federal head and representative of all mankind, so Christ, “the last Adam” (I Cor. 15:45), was the federal head and representative of all the elect (cf. Rom. 5:12-19), making them unique in the human race. No one else ever has occupied or ever will occupy a covenantal position as they did.

Sutton does not deny this article of doctrine, in fact he emphasises that Christ died “*in place of us*,” but he does miss the point of it. The point, as far as the covenant is concerned, is that since Christ has died in the place of His unfaithful wife, the covenant bond that God has established with her will never die; it will never be broken.

The key to all of this lies in Sutton’s doctrine of the covenant, for it is there that we find the explanation for his doctrine of marriage.

Contract or Covenant?

It is common among more conventional Reformed writers, such as John Owen, A. W. Pink and Dr. Martyn Lloyd-Jones, all of whom we have quoted, to liken marriage to a contract or a covenant. The terms *contract* and *covenant* are important because they determine both the character of marriage, as understood by those who adopt them, and the manner by which a marriage may be dissolved.

A contract is characterised by the requirement of mutual consent by both the parties involved in its setting up, but only one party is needed to bring about its dissolution. While it takes two to make a contract, it takes only one to break it. Apply this to marriage, treating it as a contract based on mutual consent, which under Roman law was all that was necessary, and only one of the parties is needed to break it. That breaking of the marriage contract is achieved when adultery is committed, or so it is claimed.

¹⁸*Ibid.* p. 60; italics Sutton’s.

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John Owen does not use the word *contract* but speaks instead of the “*covenant* of marriage.”¹⁹ Does this make a difference? The answer is, probably not in practice, since the Puritan understanding of a covenant was as a conditional contract, compact or agreement between two parties. It would have needed only one party to break the conditions for the covenant itself to be broken.²⁰

When Reconstructionist writers, such as Ray Sutton, speak of the marriage covenant, it is always as a *conditional* covenant. Sutton writes,

If the moral performance of one of the marriage partners fails, the injured partner can lawfully seek God’s formal announcement of the new moral and legal status of what has become a *morally broken marriage*. The sinful act in essence morally *destroyed the marriage covenant*, and this becomes the legal basis for God’s issuing of a divorce certificate ... If the covenant is broken by a specified act or moral rebellion, the covenant dies, just as we saw with Adam when he broke God’s specified provisions governing the covenant.²¹

The continuance of the marriage, then, is conditioned on the faithfulness of one of the two parties. If one party fails in this “moral performance,” the marriage is broken. It is destroyed. Sutton reiterates this later in his book:

Marriage is a covenant (Mal. 2:14). Its members are “alive” to one another as long as they live according to the laws of the marriage covenant. If they break those laws, then they covenantally die to one another; and according to the Apostle Paul, the “law [i.e., covenant] of the spouse” is no longer binding. They do not have to die physically to die covenantally. But if they die covenantally they are just as dead to one another as if they had died physically.²²

Hence Sutton is able to state further, “if the spouse breaks the moral terms

¹⁹ Owen, *Works*, vol. 16, p. 255.

²⁰ See Sutton, *Second Chance*, p. 61.

²¹ *Ibid.* p. 28; italics Sutton’s.

²² *Ibid.*, p. 41.

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of the covenant, he will die to the relationship, and the marriage would be dissolved.”²³

Apply this view of the covenant relationship to the marriage between God and His people and one arrives at an essentially dispensationalist position, denying the faithfulness of God in the process:

God divorced Israel when Israel revolted by crucifying Christ. This was the last straw. Israel had committed spiritual adultery repeatedly, from the golden calf forward. God soon remarried; He gained a new bride, the Church. Jesus Christ is the bridegroom of the Church, not of Israel. The legal basis of this marriage was a prior divorce. If God had not legally cast off Israel, the Church could not legitimately be called God’s bride.²⁴

Israel committed repeated and wilful spiritual adultery against her Husband, provoking Him to chasten the object of His love by divorcing her, but He did not cease to love her, nor did she cease to be His wife (Jer. 3:8, 14). God separated Himself from her for a short time, only then to restore her to full fellowship (Isa. 54:6-8; Eze. 16:60-63). His marriage to Israel did not end. Most conclusive are the remarkable words of Jeremiah 51:5, where the historical context is the destruction of Babylon. Babylon’s fall was a lesson that “Israel hath not been forsaken, nor Judah of his God, of the LORD of hosts; though their land was filled with sin against the Holy One of Israel.”

As for the church, she is not a second wife but God’s first and only wife, the Israel of God having reached her New Testament maturity (Gal. 3:24; 4:1-7; 6:16). In her all the promises of God to old truculent and unfaithful Israel are fulfilled. They are promises of unconditional love, faithfulness and covenant keeping, of everlasting kindness and mercy. They are promises couched in earthly terms, as of “vineyards ... and the valley of Achor for a door of hope” (Hos. 2:15); but they find their fulfilment in a people who at that time had not yet obtained mercy: “and I will have mercy upon her that had not obtained mercy; and I will say to them which were not my people, Thou art my people;

²³ *Ibid.*

²⁴ Gary North in Sutton, *Second Chance*, p. xii.

and they shall say, Thou art my God” (Hos. 2:23; cf. Rom. 9:24-25; I Peter 2:9-10).

The church is the *reality* of Israel. The marriage covenant of God with Israel is not *replaced* by a marriage covenant with the church; it is *realized* in Christ with the church of the elect, believing Jew and Gentile.²⁵

The Marriage Covenant

Marriage is certainly a covenant. Sutton is right that it is called as much in Malachi 2:14. A man’s wife is called there “the wife of thy covenant.” But what kind of covenant is it?

We must remember that the marriage covenant is intended to symbolize the covenant bond between God and His elect people in Christ (cf. Eph. 5:22-33), and election itself is unconditional (cf. Deut. 7:7; Rom. 9:11, 16; Eph. 1:4-5; 2:8). Marriage is the symbol that God Himself has instituted to portray His gracious and everlasting covenant with His people. It is a covenant in which He is ever faithful to them and never divorces Himself from them despite their intense provocation, as they persist in committing spiritual adultery against Him. His covenant is unbreakable, and as is the reality so also must be the symbol if it is to be a true and faithful picture.

The history of Israel’s covenant relationship with God is littered with acts of gross unfaithfulness on her part. They are described as sins of spiritual fornication, whoredom and adultery, any one of which was deserving of death according to the law, but regardless of it all the covenant was never broken. This can only be because the covenant was *God’s* covenant, established and sustained by Him alone. He was its life-source and for that reason it did not and could not die.

Likewise in the New Testament, we discover that this covenant comes to its maturity in Christ’s marriage union with the church (cf. Eph. 5:31-32). She is His bride. She and Christ belong to one another forever; they can never be

²⁵ David J. Engelsma, *Marriage: The Mystery of Christ and the Church* (Grandville, MI: RFP, 1998), p. 226; italics Engelsma’s.

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separated. She too is unfaithful, but never will her adultery break the bond that God has established between them.

When God addresses the faithless, treacherous men of Judah in Malachi 2, He uses language that conveys the unbreakable nature of the marriage bond, even of their own personal marriages that they have profaned: “yet is she thy companion, and the wife of thy covenant” (v. 14). When God speaks to them of the wife of their youth He does so in the present tense, for despite their gross treachery she remains their companion and wife in the marriage covenant. Why is this the case? Because it is God Himself who had made two one (v. 15).

Contrary to Sutton, then, the marriage covenant is unconditional, just as is God’s covenant with His elect.

Perhaps at this point a brief digression might be helpful. There is a point of principle here with regard to the interpretation of anthropomorphic language in Scripture. We need to be clear that the reality is not in the earthly and the human but in the heavenly and the divine. The earthly, that which we can see, touch and handle, is the picture, while the heavenly is the reality. God has shown the spiritual to our creaturely minds in terms of creaturely pictures. All creation is a picture-book and in its pictures spiritual lessons are brought to our attention. The Sun of righteousness is the reality of which the sun in the heavens is the picture. The all-seeing eye of God is the reality of which the eyes in our head are the picture. In the Old Testament especially God uses this picture book to great effect. The Lamb of God who takes away the sin of the world is the reality, of which the lamb on the altar of sacrifice is the picture. Likewise, the marriage relationship of a husband to his wife is the earthly picture of which the bond between God and His people, between Christ and His church, is the spiritual reality (Eph. 5:31-32).

But if the picture is to teach us truth concerning the reality, it must be accurate. Now of course there is a sense in which an earthly picture can never be perfect in its portrayal of spiritual truth. It cannot possibly portray every facet of the truth or the full glory of the reality. It is like a photograph, a two-dimensional picture which cannot be compared with the three-dimensional reality. Furthermore, the picture is marred by the flaws of sin and the curse. Since the pictures are taken from a fallen and cursed *kosmos* they will always fail at some point.

But even those flaws will be used by God to positive effect as part of the picture. The long and undulating history of God's relationship with His people, in both Old and New Testaments, bears testimony not only to the flaws of sin within every one of us but also, unmistakably, to the gracious, unconditional and unbreakable nature of the covenant. Likewise the bond of marriage as God instituted it at the beginning portrays the covenant beautifully, without a flaw. But sin has intervened. Does this mean that the picture must change? Not at all. A marriage bond may be placed under well-nigh unbearable strain, especially by adultery, but God has not changed the picture. God has not adapted the picture to make allowances for man's inability to be faithful. To do *that* would be to paint a picture that was faulty, inaccurate, untrue. An earthly marriage bond that can be broken during the life of the spouses would teach us that the spiritual bond, the covenant between God and His people, is breakable too, and that is contrary to the Scriptures. Only a marriage covenant that is unbreakable during the lives of the two partners will adequately portray the bond of God's everlasting covenant of grace, and that is the marriage bond that God has given us.

Do we ask why marriage is broken by death? Surely the answer is because after death there are no more pictures, only everlasting reality when we shall see Jesus face to face and be like Him as He is.

There are two New Testament passages that speak of marriage as being broken by death. These are Romans 7:2 and 1 Corinthians 7:39. In view of how Sutton and other teachers use these passages, it is important to be clear in our minds as to what the inspired writer is saying. What kind of death is he talking about?

Romans 7:1-4

In the opening verses of Romans 7, Paul is concerned with the relationship that exists between a believer and the law. It is a relationship, he is saying, that is now broken, and has been broken by a death, no less. Indeed it is the very death of Christ, as it is reckoned to the believer, that has broken the believer's relationship to the law, and in order to illustrate this truth he points us to the earthly marriage bond.

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Know ye not, brethren, (for I speak to them that know the law,) how that the law hath dominion over a man as long as he liveth? For the woman which hath an 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 (vv. 1-3).

William Hendriksen explains,

... as it is a death that dissolves the marriage bond, so it is also a death that dissolves the legal tie; i.e., the bondage to law. The marriage bond is dissolved by the death of one of the marriage partners ... the legal bond is broken by the believer's involvement in Christ's death ...²⁶

That being the case, Paul is able to go on to write,

Wherefore, my brethren, ye also are become dead to the law by the body of Christ; that ye should be married to another, even to him who is raised from the dead ... (v. 3).

It is by the death of Christ, and by His death alone, that we have become dead to the law, for in His death we have died with Him (cf. Rom. 6:8-9).

At the heart of this passage, then, lies an actual, physical death. Certainly there is a necessary covenantal element in that Christ died as our covenant or federal head and representative, but it was His physical death that accomplished the work of severing our bondage to the law. That is the apostle's purpose in using marriage as an illustration. It is only death, the physical death of the husband, that has the power to dissolve the marriage bond, is able to release the wife from her vows and allow her to marry another man. If it were possible for some other mechanism to break the bond, Paul's entire argument would collapse.

²⁶ William Hendriksen, *Romans* (Edinburgh: Banner, 1980), p. 216.

I Corinthians 7:39

In another passage, which Sutton ignores, the point is reinforced:

The wife is bound by the law as long as her husband liveth;
but if her husband be dead, she is at liberty to be married to
whom she will; only in the Lord (I Cor. 7:39).

The word translated here as *dead* means literally *fallen asleep* and it is translated as such in several other passages (see I Cor. 11:30; 15:6, 18, 20, 51; I Thess. 4:13-15). It is perhaps best well known as an expression used by the apostle to denote the state of believers who have died and who are now “asleep in Christ” (I Cor. 15:18). There can be no doubt, therefore, that when he uses it in chapter 7, here too he means physical death. It requires some imaginative exegesis to find “death by divorce” in this text.

to be concluded (DV)