MARRIAGE, DIVORCE, REMARRIAGE:
AN EXEGETICAL APPROACH

A Study
Submitted to the Synodical Executive Board
of the
Church of the Lutheran Brethren
at the request of the 1986 Annual Convention Delegates

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PREFACE

Without doubt, the matter of divorce and remarriage is one of the thorniest issues facing the Church of the Lutheran Brethren today. Few congregations have been spared the pain of dealing with it in some fashion or another.

Therefore in 1986, a theological commission was appointed by the Rev. E.H. Strom, president of the Church of the Lutheran Brethren at the time. The members appointed were as follows: Rev. John Kilde, Chairman; Rev. Richard Bridston, Rev. Knut Heggestad, Rev. Omar Gjerness, and Rev. Eugene Boe. Rev. Knut Heggestad was forced to resign for health reasons and was replaced by Rev. Brent Juliet.

The commission met on several occasions during the two-year period, wrestling not only with the Scripture, but also with some of the best literature available on the subject. The commission wrestled as well with the ideas and convictions of the members.

What follows is not a document that will end discussion of divorce and remarriage in the Church of the Lutheran Brethren but one that, we hope and pray will continue it, making a positive contribution to that end.

Scripture references are from the New International Version, except as otherwise noted.

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CHAPTER I
C.L.B.: A REVIEW OF PAST DISCUSSION

In the early years of the Church of the Lutheran Brethren no reference to divorced was ever made in synodical constitutions. Some of the local churches did have statements in their own constitutions denying membership to people who had been divorce and remarried. Some of these statements were later deleted. Without embarking on a research project beyond the parameters of this report, we have no way of knowing to what extent these statements existed, how many have been changed, and whether any such statements remain in local constitutions today. It thus becomes very difficult to define the early position of the Church of the Lutheran Brethren on the questions surrounding marriage, divorce, and remarriage.

In fact, though the Lutheran Brethren Synod was formed in 1900, it was not until the early 1960's that divorce and remarriage surfaced at the Annual Meetings as a major source of controversy. In the CLB constitution of 1961, this statement appears:

As we interpret the teaching of God's Word, relative to divorce and remarriage, no pastor shall officiate or have a part in sanctioning a union between persons where one or both parties contemplating marriage have been divorced or whose marriage has been annulled; and further that congregations refrain from accepting as members persons who have been divorced and who have married again.

In the event that either party to the divorce or annulment is deceased remarriage is permissible.

There was, however, some question as to whether this statement had been properly approved by the 1961 Annual Meeting. The statement was rejected by the following motion at the 1962 Annual Meeting:

M.M.S.C. that in the by-laws of the constitution, Article II, Section 5, Paragraphs 7 and 8 (the last two paragraphs) concerning divorce and remarriage be stricken from the constitution in view of the fact that the Secretary's minutes indicate that this was not legally valid.

As a result of this action, the statement in question was not included in any subsequent CLB Constitution.

The direct outcome of this action was that a committee was appointed to study the question of divorce and remarriage, and report to the 1963 Annual Meeting. The committee members were not named in the minutes of 1962. The following statements relating to that committee's report appear in the minutes of the 1963 Annual Meeting:

June 5 M.M.S.C. That the report on the Divorce question be discussed immediately after the elections in the afternoon session.

M.M.S.C. to adopt the paragraph "We recognize only one Biblical justification for divorce, namely unfaithfulness to the marriage vows."
M.M.S.C. That we acknowledge that one party involved in divorce secured for unfaithfulness may be an innocent party.

An amendment was made to paragraph 3 which would substitute the words "We prohibit our pastors from officiating at any wedding when one or both parties are divorced from a former mate who is still living" instead of "We urge our pastors to continue to refuse to officiate" . . . etc.

Motion as amended was not acted upon.

In the discussion that ensued, it was pointed out that much of the working of the statement on divorce would hinge on the two questions regarding the remarriage of an innocent party and the acceptance of such a person into the congregation. In light of this a motion was M.S.C. to consider paragraph #9.

Paragraph #9 was amended, and finally passed in this form;
We recommend that the following questions at issue regarding divorce and remarriage be fully discussed at Pastors' and Elders' conferences in the several districts of our church and that recommendations from these conferences be presented to the 1964 annual meeting for discussion and adoption.

(1) Does the remarriage of the innocent party to a divorce action secured on Biblical grounds jeopardize that person's relationship to God as a Christian?
(2) If not, and provided it can be determined with reasonable certainty that said person is an innocent party, may such person be accepted as a member in good standing in congregations of the C.L.B.?

M.M.S.C. to instruct the committee to give Biblical references to indicate the reasons for their positions on the various points in their report, and to include these in material to be sent to Pastors' and Elders' Conferences.

M.M.S.C. that paragraphs 3 through 8 of the report on Divorce be included in the material to be sent to pastors' and elders' conferences for their consideration.

It is difficult to grasp the exact meaning of some of these actions since we no longer have any copy of the 1963 report of the Committee on Divorce. We do not even know for sure who was on this committee. We do know that the committee was expanded by two members, to a total of five, following the 1964 Annual Meeting.

The Annual Meeting's recommendation that the issue be discussed at the District Pastors' and Elders' Conferences was apparently carried out in at least two of the districts. The 1964 Annual Meeting's minutes provide us with this information:

The suggestions from 2 of the Districts of the Synod on the divorce question were read. A motion was made by the Executive Board to include in the ritual book the statement on divorce formerly incorporated in our (1961) constitution.

This motion was tabled indefinitely. Later it was taken off the table by the person who made the motion to table it, and the person who seconded it.

M.M.S.C. that an amendment be added to the Executive Board's motion on divorce which shall determine procedure. This amendment read as follows:
The final form of any motion on divorce passed by this annual meeting be sent to the congregations for ratification and be adopted only if a majority of our churches approve of it at a regularly constituted business meeting of the local congregation.

Another amendment was proposed that we require a 2/3 majority of these churches for ratification. The amendment fell.

A substitute motion was proposed and carried. This motion read: In order to obtain a consensus on the subject in the divorce question, the Committee on Divorce shall initiate papers to be given to our churches so that the subject can be discussed and voted upon to direct their delegates for the next meeting.

M.M.S.C. that the decision on the divorce question shall be voted upon by ballot submitted to the Executive Board, and each pastor, missionary, board member, and church shall be given vote in the matter. The churches shall be allowed one vote for each delegate they would be allowed at the annual convention. The result of this vote shall be made public at the 1965 annual convention and accepted by that meeting as policy for the Church of the Lutheran Brethren.

Three members of the Committee on Divorce did write papers expressing their doctrinal views on the divorce question, as requested by the 1964 Annual Meeting. These three were A.A. Pedersen, C. Christiansen, and O. Gjerness. Their papers were sent out to all the churches for consideration.

In 1965, the churches and other eligible voters (as defined by the 1964 Annual Meeting) took part in a referendum on three key questions regarding divorce and remarriage policies in the Church of the Lutheran Brethren. The Executive Board reported these results:

Shall people who have been divorced and remarried be admitted to membership in our churches if the remarried party has been the innocent party in the divorce action?
- 21 Yes
- 150 No

Shall our pastors be permitted to officiate at the remarriage of a divorced person if the divorcee has been the innocent party?
- 4 Yes
- 171 No

Shall the policy be carried in the constitution?
- Constitution, 57
- Ritual book, 95.

As a result, the following policy statement has been incorporated in the Lutheran Brethren book of Ministerial Acts since 1965:

Policy on Membership in Relation to Divorce and Remarriage

The Annual Meeting of 1965 announced the results of a vote taken by the congregations during the preceding months regarding the eligibility of divorced and remarried persons for membership in Lutheran Brethren congregations. The policy is as follows: "No congregation shall accept into membership persons who have been divorced and remarried providing both parties to the divorce are still
living." (Note: The above policy is predicated on the assumption that a valid marriage existed.)

It was recognized by the Annual Meeting that such a policy be considered a recommendation to the individual congregations because they are autonomous, but it shall be binding upon the pastors who are not to promote or initiate such procedures. Should a Board of Elders and the congregation wish to take action contrary to the above stated policy, the pastor shall take a neutral position.

In the years that followed this policy decision of 1965, many Lutheran Brethren congregations continued to wrestled with the issues of divorce and remarriage. Some of these autonomous congregations decided to allow divorced and remarried people into membership. It was this growing tension between the 1965 policy and current practices that brought the divorce and remarriage questions into discussion at the Annual Conventions some twenty years later. The present study came about because of a motion at the 1986 Annual Convention:

M.M.S.C. that the convention concur with the recommendation from the Synodical Executive Board that a theological commission of five be created to make a two year study of the issue of divorce and remarriage. The commission will make a report to the Annual Convention in 1988.
CHAPTER II

MARRIAGE

In his small, but helpful, book, entitled, *Marriage*, Harold Haas writes the following:

Marriage can be studied from many points of view. The sociologist is interested in it as a social institution. The lawyer may consider it as a contract involving the rights and responsibilities of individuals and society. The psychologist may be concerned about its effect on the personal development of individuals. While all of these are important, our concern here is with the reality that underlies these interpretations. We are thinking of marriage as a relationship between a man and woman that exists in the purposes of God. ¹

So are we. It is our intention in this chapter to discuss "marriage as a relationship between a man and a woman that exists in the purposes of God." As a working definition of marriage we will use the following:

*Marriage is a covenant bond between a man and a woman, created by God himself, characterized ideally by physical, spiritual, and emotional oneness and by permanence, and reflective of the relationship of Christ and the church.*

Where do we discover God's purposes relative to marriage? In the Bible, Holy Scripture. In this connection, it might be well to remind ourselves of the very first item under Article II, "Doctrinal Statement of Faith, Church of the Lutheran Brethren:"

The Bible, including both the Old and New Testaments as originally given, is verbally and plenarily inspired and free from error in the whole and in the part, and is therefore the final and authoritative guide for faith and conduct. ²

Conduct, we might add, relative to marriage, divorce, and remarriage. Our primary focus in this chapter will be on what Scripture has to say about marriage—not everything Scripture has to say about marriage since the limits of this chapter would not permit that, but what the chief and most significant texts of Scripture have to say about the subject of marriage. We see God's Word of revelation. We stand under the authority of that Word.

We turn first to the book of Genesis, the book of beginnings--including the beginning of the institution of marriage. Note the following, Genesis 1:27,28:

So God created man in his own image, in the image of God he created him; male and female he created them.
God blessed them and said to them, "Befruitful and increase in number; fill the earth and subdue it. Rule over the fish of the sea and the birds of the air and over every living creature that moves on the ground."

Note also these words from Genesis 2:20-25:

So the man gave names to all the livestock, the birds of the air and the beasts of the field.
But for Adam no suitable helper was found. So the Lord God caused the man to fall into a deep sleep; and while he was sleeping, he took one of the man's ribs and closed up the place with flesh.
Then the Lord God made a woman from the rib he had taken out of the man, and he brought her to the man.
For this reason a man will leave his father and mother and be united to his wife, and they will become one flesh. The man and his wife were both naked, and they felt no shame.

The Context of This Revelation

No Scripture passages should be wrested out of context. Therefore it is vital that we consider three aspects of the context of the Word from God, revealing to us the nature of marriage.

The first such aspect is creation. The revelation we have received from Holy Scripture relative to the nature of marriage in the book of beginnings, Genesis, is set to the larger story of God's gorgeous and gracious creation. He who created the heavens and the earth created man--male and female--and marriage for man. Marriage, then, was part of God's plan for the human family from the very beginning, even before the Fall (Genesis 3). Thus it was one of those things about which he could say, "Behold, it was very good!" So Erwin Wilkens writes, "... marriage must not be defined on the basis of its practical purposes but on the basis of the will of the creator who instituted it." 3 Marriage, then, is part of the order of creation.

Another aspect of the context of this revelation is vocation. Marriage must be considered in the light of man's calling or vocation. Part of that vocation, as we see it in these Scripture passages from Genesis, is to be fruitful and multiply. Marriage was essential to fulfill that calling. Yet another part of that vocation was tending the Garden and caring for the animals entrusted to their care. Carrying out one's calling, then, is intimately connected with marriage. One needs and craves the companionship and support of a marriage partner in connection with one's vocation whether it be that of Adam in the Garden of Eden or that of John Doe in the concrete canyons of New York City.

Further, we must mention the loneliness of man. That too is part of the context of this word of revelation concerning marriage. Adam's situation was ideal in many ways. He enjoyed a perfect and wondrous relationship with God, for there was no sin in the world. He lived in a place of great beauty. He enjoyed meaningful work. Yet there was emptiness--emptiness even without sin in the world! We read, "But for Adam no suitable helper was found." The animals could not provide the deep companionship he needed. Another person like himself, made in the image of God, was what was needed. The poet John Milton said, "Man's loneliness was the first thing of which God said, 'Not Good.'" Perhaps, we could also say that God created Adam so that it would not be good for him to be
alone. He needed a complement. God would provide that in Eve, also created by God, but this time out of man--out of Adam.

Before moving on, it should be pointed out that, though it is not in the preview of this chapter to discuss the single state, it is a fact that the single life can be a calling from God, either temporary or permanent, and that single persons can live rich and meaningful lives with the purposes of God for them. Compare, scripturally, I Corinthians 7, and Paul's statements there on the single life as well as Matthew 19:10-12, and Jesus' comments on eunuches.

The Content of The Revelation

So far we have examined the three aspects of context as they relate to the revelation concerning marriage that God has given us in His Word as recorded in Genesis 1 and 2. Now let us examine this word of God more closely to discover what it suggests as to the nature of a biblical marriage.

First, marriage presupposes maleness and femaleness. God designed these distinctions before He instituted marriage. They are therefore sacred; alteration of them therefore, is a violation against God's creative design. For this reason when Paul speaks of the sin of homosexuality in the first chapter of Romans he speaks of it as something which is against nature--i.e., against the God-created realities of maleness and femaleness. Quite obviously, then, a marriage between two persons of the same sex, as is sometimes done nowadays, is utterly repugnant to God and against His creative design.

Built into this distinction are many implications, such as male and female differences, both physical and psychological. It is common in our time to speak against many male and female differences as learned behavior, and some probably are, but when God created man as male and female He was also celebrating the unique qualities that come with each sex. Recognizing, appreciating, and affirming in a mutual way these male and female differences will strengthen one's marriage.

Second, marriage is God's idea. This is a very simple notion, perhaps, but one that needs to be stressed, especially when the very institution itself is under attack from so many directions. The God of the universe, a God Who is love, mercy, power, etc., is that One Who created maleness, femaleness, and inevitably, marriage. When one seeks and chooses a life-mate, therefore, God is pleased. Every marriage, in at least some degree, reflects His original, divine design.

It is a common custom in our churches to have the father of the bride walk (sometimes a bit nervously!) down the aisle of the church and "give away" his daughter to her chosen bridegroom. Each time this beautiful scene is reenacted, it reflects that very first marriage in the Garden of Eden when God the Father gave away the very first bride. The Scripture says, "He brought her to the man."

Further, because marriage is God's idea, marriage itself is honorable. The writer to the Hebrews says, "Let marriage be held in honor among all, and let the marriage bed be undefiled; for God will judge the immoral and adulterous." (Hebrews 13:4) As one sits in a sanctuary watching two persons pledge their lives to each other, is it too much to presume that God is the invisible guest, smiling upon the lovely proceedings?
Third, marriage is meant to be monogamous. God did not bring to Adam two wives, though he surely could have. Had He done so, the mandate for multiplying and replenishing the earth could have been done more quickly. But, God brought to Adam one woman. It is true that it was not long before monogamy was flouted. Tracing marriage and family patterns through the Old Testament after the Fall shows how far the nations—yes, even Israel—strayed from this idea. Polygamy was common, even in Israel—witness Abraham and David—two key figures in Israel’s history. One could add at this point that these violations of God’s original design and intent were violations that led to jealousy, rivalry, bitterness, and sorrow. Interviews with women who must share their husband with one or more other women would undoubtedly establish this. Imagine what testimony could be garnered if one were able to interview Rachel and Leah—or perhaps Zilpah and Bilhah, the concubines!

Fourth, marriage is a commitment of love and faithfulness. In our western culture, if two people announce their engagement and wedding plans, it is assumed that they are "in love." That is not true in all cultures and in the story of the first couple in Genesis 1 and 2, love obviously developed after the marriage. Some Hebrew scholars suggest that when Adam said, "This is now bone of my bones and flesh of my flesh; she shall be called 'woman,' for she was taken out of man," he was speaking enthusiastically, as if it were love at first sight for him!

Perhaps it was so. However, the love of which we speak here is something a good bit deeper than mere feelings. Harold Haas puts it very well:

> The Christian faith, however, is testifying to something more enduring when it refers to love in marriage. Christian love is essentially an act of the will that has its point of origin in God’s own love for us. As two people promise to love one another, each is saying in effect, that the welfare of the other will always be sought even at personal sacrifice. The possibility and endurance of this kind of love depends upon the activity of God in a person’s life. It is the mutuality of this kind of love that can put a marriage vibrantly in accord with the purposes of God. 4

All of this is not to minimize the importance of romantic love in marriage. The language of our key passages, "leave," and "cleave," suggests strong attraction—romantic love. God has created us with the capacity for such love and we who are married would do well to cultivate it constantly. Even a cursory reading of The Song of Solomon in the Old Testament makes clear what God thinks of romantic love!

Perhaps even more important than love in marriage, however, is faithfulness, or troth. Quoting Haas once again:

> Regardless of the feeling that may prevail at any given moment of marriage, the partners carry, at every moment, a responsibility of faithfulness to God’s purposes and of fidelity to one another. Only faithfulness can sustain the kind of commitment that is necessary to create and continue marriage. 5

James Olthuis speaks of love and faithfulness (troth) as if they were the same thing:
Although physical intercourse is important, troth is the key concept in marriage. Obedience in marriage to the central love-command means fidelity to one's partner. Troth involves loyalty, trust, devotion, reliability: a husband can count on his wife, and she on him. Without masks or pretenses, husband and wife grow together and strengthen the bond of love (troth) between them. ⁶

These key concepts of love and faithfulness are reflected clearly in the marriage service ritual which we use in the congregations of the Church of the Lutheran Brethren:

__________, will you have this woman to be your wedded wife, to live together according to God's Word in the holy estate of matrimony? Will you love her, comfort her, honor her, and keep her in sickness and health; and, forsaking all others, be faithful to her, so long as you both shall live? ⁷

This part of our marriage service, read to both the prospective husband and to the prospective wife, and in expectation of an affirmative response from both, is implied in the sacred words from Genesis 1 and 2 which form the locus of authority for a biblical doctrine of marriage.

Fifth, marriage is both union and communion. The Hebrew word translated "cleave" (KJV) or "be united" is the word "davaq," and is defined in the Standard Hebrew lexicon by Brown, Driver, and Briggs as follows: "Cling, cleave . . . keep close . . . figuratively of loyalty, affection etc., sanctions with the idea of physical proximity retained . . ." ⁸ Sexual intercourse is the consummation of the marriage commitment of love and faithfulness. It is the "marriage act." It is both substance and symbol. It is becoming "one flesh." This physical union is more than physical, however. It is emotional, psychological, and spiritual as well. As Norman Wright says, "One flesh' suggests a unique oneness--a total commitment to intimacy in all of life together, symbolized by sexual union." ⁹ We add to this testimony that of H.C. Leupold, venerable Lutheran commentator on the Old Testament: "'Becoming one flesh' involves the complete identification of one personality with the other in a community of interests and pursuits, a union consummated in intercourse." ¹⁰ This sexual union, therefore, is the supreme way of saying, "I love you," or "I identify with you completely," or "You belong to me and I belong to you." Implied in the Genesis account of the first marriage with its leaving and cleaving is God's affirmation of sex in marriage, not only for procreation but for enjoyment, for play and delight. It is true that over the centuries more than a few theologians have had difficulty with this idea. But is not such a positive picture of sex in marriage suggested by Genesis 2:24? We believe it is. Later, in the same book, we read of the patriarch Isaac (Genesis 26:8) that "Abimelech . . . saw . . . Isaac . . . caressing (KJV "sporting with") Rebekah, his wife."

Many theologians have suggested that marriage is a hedge against sin of a sexual nature. Erwin Wilkens, for example, writes:

Seen under God's judgment, sexuality forms an entrance way for the destructive work of sin. Therefore God ties sexuality in with marriage. Marriage is to serve as cure for promiscuity, as aid against licentiousness; for this reason it is protected
by the special commandment of God which demands inviolability (Sixth Commandment). 11

We must not interpret these words to suggest that sex within marriage is the least of various evil ways to employ one's sexual drives and desires. Not at all. Sex is right, and good and proper—yes, and beautiful—within the bond of marriage. Surely, it is true that a satisfying sexual relationship between husband and wife greatly reduces the likelihood of promiscuity. So in that sense marriage serves "as a protective wall against sin." 12

Adam's upbeat words "This is now bone of my bones and flesh of my flesh; she shall be called 'woman,' for she was taken out of man" also suggests the communion that is a part of marriage. Theodore Mackin writes eloquently of this companionship and communion as follows:

Thus when the man says of the woman that she is "bone of my bones and flesh of my flesh," he means that she shares his strength and his weakness and all that lies between them. She is his partner in every contingency of his life. Theirs is a companionship that is not sundered by changing circumstances. It is one of constancy, of abiding loyalty. 13

If it was not good for man to be alone, it is good for man to be married as the Bible describes what marriage is meant to be, to enjoy the love and loyalty of one's spouse without rivals, to participate in one of God's greatest ideas, to enjoy the depth of friendship and fellowship which the sexual union provides.

The Continuity of This Revelation

During the public ministry of our Lord Jesus Christ He was often challenged as members of the religious establishment tried to draw Him into their debates and discussions. One such lively topic of current public debate at that time was the matter of divorce. Here is the way Mark the Evangelist describes an encounter Christ had with the Pharisees on this subject:

And Pharisees came up and in order to test him asked, "Is it lawful for a man to divorce his wife?" He answered them, "What did Moses command you?" They said, "Moses allowed a man to write a certificate of divorce, and to put her away." But Jesus said to them, "For your hardness of heart he wrote you this commandment. But from the beginning of creation, 'God made them male and female.' 'For this reason a man shall leave his father and mother and be joined to his wife.' So they are no longer two but one. What therefore God has joined together, let no man put asunder." (Mark 10:2-9 RSV).

When challenged in this manner, Jesus did not quote popular rabbinical opinion. Rather, the Lord Jesus went directly back to the very beginning of the institution of marriage and based His answer on the Genesis passages we have been considering.
This is of great significance. It shows us, for one thing, that the Fall did not do away with God’s original plan for marriage and the family. Rather, Jesus affirmed the creation account of marriage as having validity for all time and for all men and women. And He makes two fascinating alterations in the Genesis record. Instead of simply saying, “and they will become one flesh,” He says, “the two shall become one.” Using the phrase, “the two,” emphasizes monogamy. Jesus underlines the new unity with repetition: “So they are no longer two but one.” Then He adds this very significant statement: “What therefore God has joined together, let not man put asunder.” This is our Lord’s own conclusion and application of the Genesis 1 and 2 material as He takes His Pharisee antagonists right back to the beginnings of the institution of marriage.

In this statement Jesus boldly asserts that it is God Who joins husband and wife together in holy matrimony. In our popular culture we speak of the officiant as the one who “ties the knot.” Sentimentally speaking this is all good and well, but in fact it is not true. It is God Who “ties the knot.” All human officiants are no more than surrogates for the Lord Himself, Who joins the couple in holy wedlock.

This is a great mystery. Who would pretend to understand exactly what is meant by God joining a couple together? The underlying Greek word used here in Mark 10:9 means to “yoke together.” It is only used here and in the Matthew parallel. That’s interesting and it conjures up images of husband and wife “pulling together” as a team, but still we aren’t any closer to unraveling the ultimate mystery as to how God does this. It must remain, as so many other aspects of the action of the Eternal God, a mystery. However, such mystery does raise our appreciation of the depth and profundity of the marriage relationship.

At this point we must address a vital issue. When Jesus says, “What therefore God has joined together, let not man put asunder,” is He saying that marriage is permanent, indissoluble? The words “permanent” and “indissoluble” are words that surface frequently in the literature on the biblical definition of marriage. For example, in the Chicago Statement on Biblical Application of the International Council on Biblical Inerrancy we read, “We affirm that the marriage of Adam and Eve as a lifelong monogamous relationship is the pattern for all marriages within the human race.”

Erwin Wilkens writes, “For this reason the essential elements in marriage (indissolubility, monogamy, the complete physical-spiritual union of husband and wife) may not be arbitrarily altered.” And Harold Haas adds,

If, in complete faith, man were to accept marriage and live within its order as created for him, a question about its lifelong character would never arise. Only in a permanent relationship can the nature of man and woman, the inner meaning of sexual union, and the welfare of the family be experienced and served.

Undoubtedly permanence and indissolubility (except, of course through death) were meant to be the pattern of the marriage relationship from the beginning of the Creation. Jesus clearly affirms the Creator’s intention that permanence—one man and one woman for life in a covenant relationship—is the pattern for all marriages. However, let us not make a mistake in understanding His words, “let not man put asunder.” Jesus clearly does not say that marriages cannot be put asunder by man, but that they ought not be put asunder—i.e. broken, by man.
We have one more link in the Moses--Jesus--Paul connection. The continuity of the Genesis passages reaches from Moses through Jesus to Paul the Apostle. Both our Lord and the great apostle go back in their argumentation to the final authority--God's revelation concerning marriage as expressed in Genesis 1 and 2. We see Paul doing this in his great passage on marriage in Ephesians 5:22-23. First Paul discusses the relationship of a husband and wife in the Lord, making several references to Christ. Paul then quotes Genesis 2:24, "For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one. This is a great mystery, and I take it to mean Christ and the church; however, let each of you love his wife as himself, and let the wife see that she respects her husband."

In the Old Testament God is fond of using marriage to illustrate His relationship to His people, Israel (see, for example, the writings of Hosea, Jeremiah, and Ezekiel). It is thus natural that in the New Testament we would find the same sort of analogy. Erwin Wilkens writes about this as follows:

It is taken up again in the New Testament parables which make use of a wedding or a marriage to describe Christ's relationship to his church. Ephesians 5:22-23, in fact, makes it clear that the nature of marriage cannot be fully understood and realized except in relationship to Jesus Christ. 17

Once again, we are in the realm of mystery: The most glorious reality in divine-human history, the church of Jesus Christ, the body of Christ, becomes our key to understanding the nature of marriage. Just as one in a life-time fellowship with God cannot fully plumb the depths of His relationship to His church, so in a life-time of marriage, one cannot exhaust the beauty and depth of the husband-wife relationship in marriage, especially marriage that is covenanted and consummated in the Lord.
CHAPTER III
DIVORCE

This chapter considers two questions: "What does the Bible teach about divorce?" and "What does the Bible mean by divorce?" Or stated another way: "Under what conditions, if any, does the Bible permit divorce?" and "Does divorce completely end a marriage, or is it merely a legal separation which leaves the marriage union spiritually and morally intact?"

Words and Definitions

In the Old Testament there are three words for "divorce." Kerithuth always involves a formal "bill of divorcement" (Deut. 24:1-3; Isaiah 50:1). Garash has the connotation of "divorced," one who has been cast out (Num. 30:39). In this connection, note that a priest is specifically forbidden to marry a gerushah, a divorced woman, indicating that non-priests were free to do so (Lev. 21:14). Shalach, a more general term often translated simply "send away," is sometimes used in connection with divorce (Deut. 22:29; 24:1-3).

In New Testament Greek there is a technical term equivalent to "bill of divorcement," apostasion (Matt. 5:31; 19:7; Mark 10:4). Chorize is a more general term, but carries the connotation of formal divorce when used in connection with marriage (Mark 10:9; 1 Cor. 7:10-11, 15). The most common word for "divorce" is apolyo (Matt. 1:19; 5:31; 19:7; Mark 10:2, 4, 11; Luke 16:18). Its basic meaning is "to set free," as in release from prison (Mark 15:6-15), from debt (Matt. 18:27), from disease (Luke 13:12), from legal judgment (Luke 6:37), and even from life itself (Luke 2:29). This conforms to the basic Old Testament connotation in which divorce totally ends a marriage.

The Mosaic Law

Our two central questions are partially answered, as far as the Old Testament is concerned, in the Law of Moses. Yes, certain divorces are permissible; and yes, these divorces do end a marriage (since remarriage is allowed). The latter answer is undisputable. The former is open to various interpretations.

Deuteronomy 24:1-4 is the key passage. This is a law which allows divorce under certain conditions, presumes a formal certificate of divorce, and forbids the woman to remarry her first husband if a second marriage has taken place. Some confusion has attended its exact meaning. Witness the King James Version:

(1) When a man hath taken a wife, and married her and it come to pass that she find no favor in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house. (2) And when she is departed out of his house, she may go and be another
man's wife. (3) And if the latter husband hate her, and write her a bill of divorcement, and giveth it in her hand and sendeth her out of his house; or if the latter husband die, which took her to be his wife; (4) Her former husband, which sent her away, may not take her again to be his wife, after that she is defiled, for that is abomination before the Lord: and thou shalt not cause the land to sin, which the Lord thy God giveth thee for an inheritance.

The grammar of verse 1, "let him write her a bill of divorcement," appears to obligate the man to seek a divorce. However, modern versions properly translate the beginning of verses 1-3 as conditional: If he divorces her, and if she marries another man, and if he in turn divorces her, then she cannot remarry the first husband. Thus Moses does not require divorce. Jesus in Matthew 19:8 states that Moses "allowed" divorce because of the hardness of people's hearts. This means that the divorce law was not initiated by Moses, but was his response to an already existing practice. He neither commanded nor prohibited divorce; he allowed it under certain conditions.

Upon what grounds is divorce permitted? It is permitted if the husband finds "something indecent" in his wife which displeases him. What does this mean? The phrase 'erwat dabar is literally "nakedness of a thing," or "a case of nakedness." It is important to note that this could not refer to adultery, for the penalty for adultery is death, not divorce (Deut. 22:22-24; Lev. 20:10). Another possibility is that the husband discovers that his bride is not a virgin. But this, too, is punishable by death (Deut. 22:20-21). Some have asserted that the "indecency" is ritual incest, a marriage between close relatives as listed in Leviticus 18. This interpretation is highly unlikely. The King James Version says "and it come to pass that she find no favor in his eyes" (Deut 24:1). This is a situation that "happens" or "comes to be" (Hebrew, hayah). It could hardly refer to the couple's blood relationship, which would have been known all along.

The only other occurrence of the phrase is in Deuteronomy 23:14, where the topic is latrines outside the camp. Whatever this "indecency" is, it is disgraceful and repulsive. Perhaps it refers to some form of immodesty or exhibitionism. Jewish tradition interpreted "indecency" as anything which embarrassed or even displeased the husband.

Apparently the exact meaning of "something indecent" was lost even by the Jews. At the time of Christ, opinion was divided into two schools. The Shammai school interpreted the phrase to mean adultery, which it could not have meant at the time of Moses. The school of Hillel extended the meaning to anything the husband didn't like, such as poor cooking. This could possibly have been what the law meant, but it is difficult to reconcile with the strong language, unless perhaps the food was really bad!

There are only two cases in which divorce is absolutely forbidden in the Mosaic law: 1) when a man has falsely accused his wife of fornication (Deut. 22:13-19); and 2) when a couple has committed fornication and the girl's father has forced him to marry her (Deut. 22:28-29; Ex. 22:16-17). Marriage in these cases is literally a life sentence.

We are left with an enigma. Mosaic law allowed divorce for "indecency," but we aren't sure exactly what this was. We do know that divorce was a common practice. We are certain that divorce definitely terminated the marriage relationship. The parties were free to remarry, except in the two situations noted above. In Deuteronomy 24, the "abomination before the Lord" is not the first remarriage, but the second, the woman's remarriage to her first husband (Deut. 24:4).
The Prophetic Literature

The prophets paint no simple picture, either. Malachi rails against divorce, accusing the divorcing husband of abandoning his "companion and wife by covenant." The Lord says, "I hate divorce" (Mal. 2:16). However, there is still a legitimate place for divorce. Divorce was demanded twice on a large scale when the returning exiles had married pagan wives (Ezra 9, 10; Neh. 13:23ff) and in Isaiah 50:1 the Lord declares that He has divorced Israel for spiritual adultery.

In chapter three of Jeremiah, the prophet refers to the law of Deuteronomy 24. "If a man divorces his wife and she leaves him and marries another man, should he return to her again? Would not the land be completely defiled? But you have lived as a prostitute with many lovers--would you now return to me?" (3:1). In verse 6 the Lord says, "Have you seen what faithless Israel has done? She has gone up on every hill and under every spreading tree and has committed adultery there." So, "I gave faithless Israel her certificate of divorce and sent her away because of all her adulteries" (v.8). Here the penalty for adultery is divorce, not instant death. This is perhaps the source of the strict interpretation of rabbis like Shammai.

To attempt to summarize the prophetic material: Divorce is hateful to God, a breaking of a solemn covenant. This sentiment is not found in Mosaic Law. It is apparently a deepening of God's revelation. Yet divorce is sometimes a tragic necessity.

There is no material in the prophets suggesting that a person was still bound to his or her spouse after divorce. Further, remarriage to the first spouse is again prohibited by the prophets.

Divorce In The Teaching of Jesus

It is in the context of the Mosaic Law that Jesus speaks about divorce. Most commentators believe that His comments on the subject refer to the controversy between Shammai and Hillel. What, if anything, constitutes grounds for divorce?

Two passages, taken alone, seem to indicate that there are no grounds for divorce. (This is the position of the Catholic Church.)

Some Pharisees came and tested him by asking, "Is it lawful for a man to divorce his wife?" "What did Moses command you?" he replied. They said, "Moses permitted a man to write a certificate of divorce and send her away." "It was because your hearts were hard that Moses wrote you this law," Jesus replied. "But at the beginning of creation God 'made them male and female.' 'For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh.' So they are no longer two, but one. Therefore what God had joined together, let man not separate." When they were in the house again, the disciples asked Jesus about this. He answered, "Anyone who divorces his wife and marries another woman commits adultery against her. And if she divorces her husband and marries another man, she commits adultery." (Mark 10:2-12)
Luke 16:18 reiterates the first part of the above passage, adding "and the man who marries a divorced woman commits adultery."

Taken alone, these passages seem to revoke the Mosaic permission to divorce. They also seem to imply that even after divorce a person is still bound to the original spouse, or why would remarriage be adultery? Is Jesus introducing a reversal of Old Testament teaching?

The issue is clarified by the addition of other passages. Matthew's Gospel deals with the subject a little differently. Matthew 19:1-9 describes a situation similar to the one in Mark 10. But the question put to Jesus is more specific. "Is it lawful for a man to divorce his wife for any and every reason?" (v. 3). They are asking whether Jesus agrees with the position of Hillel, that anything displeasing to a husband equals the "indecency" of Deuteronomy 24. In his answer Jesus appears to be taking the side of Shamai, that adultery is the only legitimate reason for divorce. He again emphasizes God's original intention for life-long marriage, but then He states His famous "exception clause": "I tell you that anyone who divorces his wife, except for porneia, and marries another woman commits adultery" (v.9). We use the Greek word for a reason. Bible scholars hotly debate what it means in this text. Is He referring to Shamai's position that adultery is the only legitimate ground for divorce? Or is He going back to the "indecency" of Deuteronomy 24?

Most versions translate porneia as sexual infidelity ("marital unfaithfulness," NIV; "fornication," KJV; "unchastity," NEB, RSV; "immorality," NASB). This would seem to support the idea that adultery is grounds for divorce.

Alas, it is not that simple. Porneia is not the usual word for adultery (moixeia). Porneia is normally used for pre-marital sex and often translated "fornication" (cf. Matt. 15:19). Thus some have insisted that Jesus was referring only to pre-marital sex.

Against the view that Jesus refers only to premarital sex, it is pointed out that porneia is often used to cover both fornication and adultery (Acts 15:20; 21:25; I Cor. 7:2; Eph. 5:3). This line of reasoning is augmented by the fact that the apostasy of Israel, the Lord's "wife," is sometimes called adultery (Jer. 3:8; Ezek. 23:45), and sometimes fornication (Jer. 3:2-3; Ezek. 23:43). Thus, it is argued, Jesus' use of the term porneia is deliberately inclusive of all kinds of sexual sin, not just heterosexual, one-to-one adultery. We find this convincing.

Those who assert that Jesus is referring to the ritual defilement of marrying a close relative also face some major problems. They are assuming that the Greek word porneia was understood as being the equivalent of the "indecency" in Deuteronomy 24. There is no evidence for this. They are further assuming that the "indecency" in Deuteronomy is forbidden marriage between family members. We have seen above that it is very difficult to interpret Deuteronomy that way. Further, Jesus is claiming to supersede the Mosaic Law. He is not merely restating it. "Moses permitted you to divorce your wives because your hearts were hard. But it was not this way from the beginning. I tell you . . . " (Matt. 19:8-9).

What, then, did Jesus mean? Was he breaking with all tradition? No. He was asserting that the strict view of Shamai, which finds precedent in Jeremiah 3, is correct. He would allow divorce only for sexual unfaithfulness.

Does this understanding harmonize with "the beginning" recorded in Genesis? Yes. An essential part of marriage in the Genesis revelation is becoming "one flesh." It was understood in that day that adultery pollutes the "one flesh" relationship at its very
core. Paul states in I Corinthians 6:16 that coitus with a prostitute is becoming "one flesh" with her. It was also universally understood in the ancient world that adultery was always grounds for divorce. In Jewish culture divorces were sometimes required if the "affair" was public knowledge. Jesus' words fit exactly into that context.

Another dimension of His teaching is found in Matthew 5:32. Jesus repeats the "exception clause." "But I tell you that anyone who divorces his wife, except for marital unfaithfulness, causes her to commit adultery, and anyone who marries a woman so divorced commits adultery."

Jesus declares that a woman divorced without proper grounds is forced to commit adultery. Some argue that remarriage is presupposed, and that by "adultery" He is referring to sexual relations within the new marriage. This seems to presume too much. Remarriage is not mentioned in the first part of the verse. The divorce alone makes (poiei) the woman commit adultery. Jesus is saying that a woman unjustly divorced will bear the same stigma as an adulteress. He also implies that a man who puts away his wife without proper cause is shamed by the stigma he places on his wife.

Jesus seems to be saying that divorce always involves adultery. Permissible divorce springs from adultery. Unlawful divorce leads to adultery. Either way a solemn covenant is broken, and God's intention for marriage is defiled. The sin leaves its mark on both parties, the guilty and the innocent.

It is important to note what he is not doing. He is not making a new definition of divorce. He accepts the traditional view that divorce ends a marriage. He is rather exposing the hypocritical legalism which allowed Jewish men to put away their wives on the smallest pretense. He is reaffirming the sanctity of marriage as taught in Genesis and in the prophets. He asserts that there is only one valid reason for divorce. He is not denying the reality of divorce.

The Teaching of Paul

Most of the Pauline material is found in I Corinthians 7. In verses 10-11 Paul states he is repeating the teaching of Jesus: "A wife must not separate from (me choristhenai) her husband," and "a husband must not divorce his wife." His restatement of Jesus is clear and obvious. However, the middle proposition is a little startling: "But if she does, she must remain unmarried or else be reconciled to her husband."

"But if she does . . . ." Is he casually disregarding his previous statement forbidding divorce? Perhaps he, like Moses, is making allowance for people's "hardness of heart." Divorce was common in the Greco-Roman world, and probably no stranger within the church. He, like Jesus, removes the Pharisaical cloak of righteousness from divorce. It is wrong. But it happens.

But we must ask, is he speaking of permissible divorce or forbidden divorce? He doesn't mention porneia as a legitimate reason for divorce, but his familiarity with the teaching of Jesus would indicate that he accepted this condition, and probably assumed his readers would too. Therefore he must be speaking of divorce without proper grounds. Notice that he does not call for any church discipline, but merely instructs the divorcees to remain single or be reconciled.
The next verse reveals that new revelation is being given. "To the rest I say this (I, not the Lord) . . ." (v. 12). We then come to the famous "Pauline Privilege."

The Corinthian church (like most churches today) contained many people who had been saved out of paganism. Many of them were probably married to unbelieving spouses. Paul specifically states that the unsaved condition of a spouse is not grounds for divorce (thus precluding any unjustified references to the required divorce in Ezra and Nehemiah). Then he speaks to a specific situation. "If the unbeliever leaves . . ." What does "leaves" mean?

Look at verse 15. Chorizetai has frequently been translated so as to give the impression that Paul is speaking of desertion. But the word is the same one he uses in verses 10-11 in reference to "divorce." It seems to be stretching things to make it mean only desertion.

If the unbeliever obtains a divorce, Paul says, the believing spouse is "not bound" (ou dedhoulotai). This can mean two things: (1) the believer is free to remarry; or (2) the believer, while not allowed to remarry is free from any marital obligations toward the one who obtained the divorce. It has been argued that verse 15 refers back to verse 11. The believing spouse is free from the obligation to remain unmarried. However, the last part of verse 15, "God has called us to peace," may be an instruction that the believer is not to fight the divorce.

Another debated passage is Romans 7:1-7. This passage is an illustration of the relationship of the Law to those outside of Christ, which is like marriage, Paul says. Only the death of one of the spouses can break the bond and allow marriage to another person. Thus we are bound by the Law until our "death" in connection with the cross of Christ. Now the text does not even mention divorce. Does this in effect deny that divorce can end a marriage? No. Paul is speaking about the death of the believer to the Law. He is not talking about marriage and divorce in general. He is talking about freedom from the Law. To bring in divorce would serve only to cloud the issue he is addressing. Further, if he were making a major change in a universally accepted principle (i.e. that divorce ends a marriage), he would make a major point of it.

In summary, Paul's general position is to forbid divorce. He does not refer to the "exception clause" of Matthew's Gospel. It can be assumed that he knew it and accepted it, but chose not to mention it--unless one wishes to affirm that he contradicts the Lord, which is impossible given the inerrancy of Scripture. Those who do divorce without divine sanction must remain unmarried or be reconciled.

Theological Conclusions

In the Old Testament God permitted divorce for "indecency." In the New Testament He permits a spouse to initiate divorce only for adultery. This is the traditional position of most Protestant churches, which have found the Roman Catholic prohibition of any divorce to be intolerable.

In stating that the Bible allows some divorce, we must be aware of a great danger. Divorce is the breaking of a sacred covenant (Mal. 2:16). Looking for loopholes in the law can be a way to deceive ourselves. Recall that the exact interpretation of these loopholes is
disputed. Recall that the burden of New Testament teaching is to go back to the beginning, where marriage is for life.

We must be careful! God is not mocked. Divorce is a terrible thing. It declares that a solemn covenant undertaken before God and man is null and void. The Bible does allow that declaration when adultery has violated the "one flesh" relationship. But that permission does nothing to mitigate the tragedy of putting asunder what God has joined together (Matt. 19:6). Divorce which is undertaken without previous adultery is said to be itself a form of adultery. Sin clings to the whole business.

This is the point: Divorce is an agent of the Law. It reveals sin. When divorce occurs, someone's heart is hard.

Practical Implications

Some assert that divorce really doesn't end a marriage, that the obligation continues. In a sense this can be true. When a divorce is obtained without adultery, there is the obligation to remain single or be reconciled. However, should a second marriage occur, the obligation to the first is ended. The covenant is broken. To speak of a duty to divorce again and return to the first spouse goes far, far beyond Scripture. It is to pile sin upon sin, broken vow upon broken vow. Such action is specifically prohibited in Deuteronomy 24 and Jeremiah 3. Nothing in Jesus' teaching indicates that He rescinds this principle.

The essence of all divorce is adultery, violating the marriage union. Divorce is the formal expression of that inner violation. Nowhere does Scripture redefine this basic Old Testament understanding. Indeed, those divorces undertaken without adultery are in themselves acts of adultery. Remarriage after such a divorce completes the process. Either way the marriage bond is broken. That is the essential wrongness of it.

The Law shows us our sin. Some divorces may be justified, but all divorces involve sin, even for the "innocent party." To treat divorce in a cavalier or self-justifying manner is an act of contempt against God's Law.

However, we must go further in our investigation of divorce as an agent of the Law. Some divorces undertaken for non-biblical grounds have compelling grounds nonetheless. Violence and abuse, criminality, addiction--sometimes divorce seems the only way out. What do we say to this? Can we see such divorces, with humility and horror, as the lesser of two evils? Can we do this without scorning the Law?

We in the church face another question. Should divorced people bear the stigma of failure forever? No! No more than any other sinners. Divorce involves breaking faith. That is serious, but forgivable. When the Law has done its work, grace always abounds more. Divorce is not unpardonable.

But a discussion of the Law should not jump too quickly to the Gospel. There is no grace for the self-righteous. There is no forgiveness where there is no repentance. Deciding in advance to sin because forgiveness will be available in the future is a dangerous undertaking. It is possible to sin against grace to such an extent that one insults the Spirit of Grace (Hebrews 10:29). Such a one may plan to repent later, and find true repentance to be impossible (Hebrews 6:4-6).
Where there is repentance, the sins of the past are washed in the blood of the One who is called Faithful and True. He has never broken His promise.
CHAPTER IV

REMARriage

This chapter will discuss the general topic of remarriage with particular focus on two questions: "Can the church involve itself, as Helmut Thielicke puts it, 'in a second marriage as being permitted by God, entered into his sight, and one that is to be blessed in his name'?" ¹ and "What is the Biblical approach for the church to those who are already divorced and remarried?"

Old Testament

Deuteronomy 24:1-4 records the practice of divorce and remarriage in Israel. The point of the passage is that the husband is not permitted to take back the woman he has divorced after she has been married to another man if her second husband should divorce her or die (see also Jeremiah 3:1). There is no indication that those who remarried could not be part of God's covenant people, that the second marriage was illegitimate or that it was considered a continuous adulterous/polygamous relationship. John Stott has observed:

"The text presupposes that once the woman had received her certificate of divorce and been sent from the house, she was free to remarry, even though she was the guilty party." ²

The only other prohibition given in the Old Testament in regard to remarriage forbids priests (Lev. 21:7; Ezek. 44:22) and high priests (Lev. 21:14) to marry someone who is divorced because they are holy to their God.

New Testament

The Teaching of Jesus

Jesus, in responding to the question: "Is it lawful for a man to divorce his wife?" (Mark 10:2), includes in the answer His teaching on remarriage. Returning to God's institution of marriage, He said, "What God has joined together, let man not separate" (Mark 10:9). It is therefore clear that any putting asunder of a marriage is sin. However, Jesus also includes remarriage as sin. He says, "Anyone who divorces his wife and marries another woman commits adultery against her. And if she divorces her husband and marries another man, she commits adultery," (Mark 10:11, 12). These words clearly express God's "No" of the Law to divorce and remarriage.

The one exception is when divorce occurs because of marital unfaithfulness (porneia) ³ (Matt. 5:32; 19:9). In this case God's will for marriage has been broken by the unfaithfulness (porneia). This does not mean divorce must follow or that it is recommended, but it introduces "the possibility that a divorce may be secured and a second marriage entered without the commission of adultery." ⁴ Martin Luther wrote that it is
unjust to forbid an innocent person to marry after divorce. Lutheran theologian Martin Chemnitz wrote:

Therefore because Christ says: "Whoever divorces his wife, except for the cause of fornication, and marries another commits adultery." Therefore, from the contrary sense whoever divorces his wife for the cause of fornication and marries another does not commit adultery.

The "exception clause" in Matthew 5:32 and 19:19 seems to apply to both divorce and remarriage, and therefore may be paraphrased as D.A. Carson has done: "Anyone who divorces his wife and marries another woman commits adultery though this principle does not hold in the case of porneia."

A question that follows from Jesus' teaching on remarriage is: "In what sense is remarriage, except in the case of marital unfaithfulness, a sin?" There appears to be two options: First, remarriage is inconsistent with the order of creation in the sense that marriage is indissoluble (this of course would also forbid remarriage in cases of marital unfaithfulness). Or second, the remarriage sanctions another sin, namely, the breaking of the order of creation through the arbitrary dismissal of the spouse.

The question of remarriage being inconsistent with the order of creation does not arise at all. As has been noted from the Old Testament, there is no indication that the marriage continued after the divorce. The previous chapters in this study argued that marriages can and do end. Jesus' command "do not separate what God has joined together" clearly implies marriage can be dissolved.

Some argue from Matthew 5:32; 19:9; and Mark 10:11-12 that remarriage constitutes a continuing adulterous relationship because the present tense "commits adultery" is used. Here it is important to note that the present tense in Greek does not distinguish between an action taking place in present time such as "I loose" and one that is continuing such as "I am loosing." Therefore, whether or not the remarriage is a continuous committing of adultery cannot be determined by the grammar used in these texts.

The second option seems to be the better choice. Jesus is making the point that it is morally wrong to divorce except in the case of marital unfaithfulness. Remarriage is therefore wrong because of what it says about divorce. Lutheran theologian Helmut Thielicke states:

If a man marries a woman who has been divorced because of her porneia, he is by his marriage sanctioning what she has done. If he marries a woman who has been arbitrarily divorced, he is thereby approving an illegitimate situation. And to recognize an adultery (with approval) is in itself adultery... The sin of a remarriage consists rather in the fact that it sanctions another sin, namely, the breaking of the order of creation through porneia which destroys marriage or through the arbitrary dismissal of the wife.

Thus Jesus' words against the act of remarriage serve to amplify the sinfulness of divorce and the sinfulness of any action that approves it. It is important to recognize that
Jesus is not setting forth legal directives covering the possible cases of remarriage, but rather the prohibition of remarriage as Thielicke notes, "serves to interpret the divorce." It is God's intention "that these statements have the character of a call to repentance." 11

In summary, Jesus teaches that remarriage is morally wrong, except in cases of marital unfaithfulness, because it approves of a divorce that God forbids and hates.

The Teaching of Paul

I Corinthians 7 contains Paul's major teaching on remarriage. First, Paul speaks to married believers. It would appear that the divorce spoken of by Paul in I Corinthians 7:10 is for reasons other than porneia and it is a divorce initiated by a believer. In this case the believer is to "remain unmarried or else be reconciled to her husband."

In the second place, Paul relates to the common problem of mixed marriages. Once again the believer is not to divorce simply because the spouse is an unbeliever. However, if the unbeliever leaves, "A believing man or woman is not bound in such circumstances" (I Cor 7:15). Does the "not bound" grant the freedom to remarry? At a minimum it releases the believer from the obligation to preserve the marriage, thus the phrase "God has called us to live in peace." It would also seem possible to conclude that if one is not bound to preserve the marriage, then one is not bound to the marriage and would, therefore, be free to remarry if so deserted. Luther said, "But if someone is not bound, he is free and released. If he is free and released, he may change his status, just as though his spouse were dead." 12 The Commission on Theology and Church Relations of The Lutheran Church-Missouri Synod study notes:

Admittedly, Paul does not expressly state that the Christian may remarry. However, neither does he expressly forbid remarriage as he did in verse 11 of the Christian spouse who departs. 13

This kind of desertion seems to correspond in substance to the marital unfaithfulness described by Jesus.

Does not Paul's teaching "So then, if she marries another man while her husband is still alive, she is called an adulteress" (Rom. 7:3), forbid remarriage? Witness Martin Chemnitz speaking in response to the Papists who taught that this passage forbids all remarriage:

But Paul is not in this passage, professedly treating of divorce, but is taking an analogy from the institution of matrimony inasmuch as it is an indissoluble union, insofar as it fits his purpose. There is no doubt that matrimony per se, according to its institution, is such a union, as Christ says: "They are no longer two but one flesh." Likewise: "What God has joined together, let not man put asunder." In this way, according to its institution, matrimony is not dissolved except by death. Up to this point the picture served Paul's purpose. The other question, however, is about divorce, the picture of which Paul does not add because there was no need of it for what he was treating of at that point. However, Christ (Matt. 19:9) at the same time both teaches the law of the indissolubility of marriage on the basis of its institution and adds the exception about divorce on account of

24
fornication. Therefore it must not be supposed that Paul either removed or abrogated that exception of Christ when he quotes the law of the institution about the indissolubility of the marital association. And, in order that there may be no need for conjectures, we will let Paul himself be his surest interpreter. For he says that he is speaking to people who know the law. But it is very certain that the law allows second marriages after a legitimate divorce (Deut. 24:1-4; Lev. 21:7; Jer. 3:1; Ezek. 44:22). Therefore Paul is speaking in this particular passage of the marriage bond as it is per se, apart from the case of divorce. 14

In summary, Paul expressly forbids a believer who has initiated the divorce, apparently for reasons other than marital unfaithfulness, to marry again. In the case of desertion, the text can be understood to include the freedom to remarry.

**Theological Considerations**

The church must come to grips with the sin involved in divorce before it can proceed with the possibility of remarriage. This is the real issue for it has already been noted that it is possible for marriage to end, i.e. be dissolved. Such dissolution however is always due to sin which must be taken seriously and not sanctioned. The sins of divorce and *porneia* as moral problems must be dealt with in God's way so that the remarriage does not approve the previous putting asunder of what God has joined together.

When a marriage has been broken, those who have sinned are called to repentance and contrition. God's way of dealing with sin is through the Law and the Gospel. Through the Law, God brings sinners to see and acknowledge their sin. As the Psalmist states: "You have set our iniquities before you, our secret sins in the light of your presence" (Psalm 90:8). Through this "Law presence" of God sinners "become conscious of sin" (Romans 3:20).

This process is very painful and often takes an extended period of time before true repentance and confession is accomplished. Walter J. Koehler gives a helpful summary of confession as including these factors: (1) the focalization of sin; (2) bringing sin and guilt to the surface; (3) actual articulation of the level of personal feelings; (4) admitting the seriousness of sin; (5) recognizing the reality of God; (6) exposure in the presence of another; (7) humility and repentance; (8) accept responsibility; (9) desiring forgiveness; and (10) willingness for a reorientation of one's life. 15 The Holy Spirit brings the sinner to lay everything before the Savior, acknowledging the truth of what the Spirit says through the Law concerning the outward life as well as the heart.

God also meets the sinner with the gracious and free gift of forgiveness. On the basis of the finished redemptive work of Jesus Christ the Apostle John writes: "If we confess our sins, he is faithful and just and will forgive us our sins and purify us from all unrighteousness." (I John 1:9). This forgiveness and cleansing is for all sin. Yes, even the sins involved in divorce and remarriage. The forgiveness of sins gives a new future. Listen to Paul.

Do you not know that the wicked will not inherit the kingdom of God? Do not be deceived: Neither the sexually immoral nor idolaters nor adulterers (moichoi) nor male prostitutes nor homosexual offenders nor thieves nor the greedy nor
drunkards nor slanderers nor swindlers will inherit the kingdom of God. And that is what some of you were. But you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the Spirit of our God. (I Corinthians 6:9-11)

This washing includes those who were adulterers (moichoi). Included among such adulterers are those who married a divorced woman (Matt. 5:32), and those who have divorced, except for the cause of unchastity, and married another. (Matt. 19:9; Mark 10:11-12; Luke 16:18).

Because of the imputed righteousness of Christ the forgiven sinner has a new status before God and man. Paul writes: "So from now on we regard no one from a worldly point of view. Though we once regarded Christ in this way, we do so no longer. Therefore, if anyone is in Christ he is a new creation; the old has gone, the new has come!" (II Cor. 5:16-17). In the eyes of God, the sinner is no longer identified with his past. Those who believe in Jesus have His righteousness credited to them (Romans 4:11).

The implication of the Gospel for the divorced and the unscripturally divorced who have remarried is significant. The repentant and believing divorced person is given through the Gospel a new beginning which includes the possibility of entering a new marriage. Because the divorce/adultery that lead to the divorce has been dealt with as sin, i.e. confessed and forgiven, the remarriage is possible not because the divorce is now legitimate, but because it is forgiven.

Perhaps the question needs to be asked: "Since the remarriage is a public act, will it not convey the message that the divorce was okay?" This is a legitimate concern. David Atkinson has put his finger on the problem: "It's here that the tension between the Church's prophetic and pastoral calling can be most acute. It needs to give institutional expression both to the Father's will for the permanence of marriage, and to the Gospel of forgiveness for the penitent." 16

Both Thielicke and Atkinson have extensive discussions on this question. Atkinson believes that the most satisfactory option is a marriage liturgy that incorporates both facts. He suggests that the pastor give an introduction on the teaching of Christian Marriage "noting that one or both partners had been divorced, and that they had in pastoral consultation expressed penitence for any sin in the breakdown of the previous marriage, and a genuine desire to seek the help and grace of God to keep the vows which were about to be made." 17

Thielicke suggests the following possibility, providing it is remembered that participation in the Lord's Supper cannot be obligatory but only a matter of counsel.

A symbolical (sic) expression of this settling with the past and the possibility of a new beginning under forgiveness would be participation in the Lord's Supper before the remarriage, in which the couple could then relate the general form of confession to their own special form of sin which has been made explicit in the pastoral interview, having been expressly called upon to make this connection. 18

There may be other ways to handle this matter. These are offered as the work of those who have given serious thought to the problem.
The Gospel gives the repentant and believing divorced person a new beginning. The sins involved in the divorce and the remarriage that sanctioned it are taken away by the precious blood of Jesus that cleanses from all sin. The new marriage should be considered legitimate and lived out in the joy and power of the Gospel.

The sins involved in divorce and remarriage must be confronted with the full blast of the Law and cleansed with the fullness of the Gospel. Therein is God's way for sinners to be given a fresh start in time and for eternity.

Suggested Pastoral Guidelines

Under what conditions should remarriage be allowed now that it has been established as biblically possible? The divorced person needs to work through the sins involved in the marital failure and the forgiveness dynamics discussed under theological considerations.

In addition to this, in what other ways will the Gospel effect the divorced person? One effect may be a change in heart attitude toward the former spouse and marriage. As a result of the Gospel, the person will give evidence of its fruit by seeking reconciliation and the re-establishment of the former marriage. If the re-establishment of the marriage is not possible because the former spouse is remarried or the former spouse has willfully cut off any possibility of restoration, then the forgiven divorced person may proceed to consider remarriage.

Another fruit of the Gospel will be an honest dealing with the life-problems that lead to the breakdown of the marriage. The problems that result in divorce and the trauma of divorce preclude a rapid trip into a second marriage. Three to five years is not uncommon as the period of time required before one is ready to consider another marriage. The divorced person should give thought to the possibility of remaining unmarried asking, "Am I convinced that remarriage is within God's will for me?" Paul said, "Each one should be fully convinced in his own mind" (Romans 14:5) and "everything that does not come from faith is sin" (Romans 14:23).

Another very necessary part is the conviction and understanding of what constitutes a Christian marriage. This needs to be shared by both prospective spouses.

The pastor together with the elders (as spiritual overseers) should help the divorced person work through these guidelines. They will ultimately have to determine if the remarriage can be given the blessing of God's name and entered into in the church. Therefore, they may find it helpful to stipulate that the divorced person go through the procedures for becoming a member of the church. The permission to remarry must, as far as humanly possible, be limited to those who have experience genuine repentance and forgiveness. Remarriage is not for all, but only for the forgiven. What about the hypocrite whose repentance is not genuine? We must scripturally warn people of the danger in thinking they can fool God. In the final analysis we will have to take them at their word and leave this question to God.

The topic of remarriage is emotional and difficult to resolve. The words of Martin Luther express our struggle and the reality that our quest for help is not without precedence:
I wish that this subject were fully discussed and made clear and decided, so that counsel might be given in the infinite perils of those who, without any fault of their own, are nowadays compelled to remain unmarried; that is, those whose wives or husbands have run away and deserted them, to come back perhaps after ten years, perhaps never! This matter troubles and distresses me for there are daily cases, whether by the special malice of Satan or because of our neglect of the Word of God. 19
CHAPTER V
A MINORITY REPORT

We begin the rejoinder with two observations: 1) It is our conviction that the answer to the divorce question must be sought on theological rather than on pragmatic grounds, acknowledging that the committee studying the subject of divorce has approached the question from a purely theological position. The work has been commendable in this regard. The committee has also explored in depth as much material as is available. Each member of the committee was given ten books to study, and the contents of the books were discussed in the committee meetings. The committee is to be commended for doing its homework in a thorough fashion. 2) In spite of the fact that Biblical exegesis has been the basis for the conclusion of this study, it is still obvious there are, and will continue to be differences of opinion. The very fact that such differences exist underscores that there are exegetical problems. Following this study, there will still be divided opinions within our fellowship, just as there are in the entire church of Jesus Christ. Our rejoinder indicates that there are various conclusions that are possible even after an in depth study. In light of the fact that we disagree with the findings of the committee, we feel it is necessary to indicate the areas in which we differ. The differences were discussed by the committee in an irenic fashion, and with full recognition that there were several areas in which there was not 100 percent accord.

Because of this our remarks will be limited to the chapter on remarriage. Our rejoinder impacts other parts of the paper, but this is the area which focuses our feelings.

There are also many areas of agreement. We agree regarding the grounds for divorce. We agree on the Biblical principle of the permanence of marriage. Perhaps the biggest area of disagreement lies in the area of the right to remarry, and how far the Church of the Lutheran Brethren should change its present status on the divorce question.

There seem to be three positions regarding the right to remarry. Of late, two out of these three positions seem to be identified with titles. They are as follows: 1) The Catholic Position. This position holds to the permanence of marriage. It holds that divorce is legal dissolution of marriage, but that in the eyes of God marriage is permanent after a legal dissolution. The Catholic position does not allow the right to remarry where there has been a legitimate marriage and where both parties to the marriage are still living. 2) The Erasmian position. This holds that where adultery is the grounds for divorce, the person who is not guilty of adultery is free to remarry. This is the so-called "right of the innocent party to remarry." The title Erasmian is a title given by William A. Heth and Gordon Wenham in their book Jesus and Divorce. They maintain that the Erasmian position was relatively unknown in the church until Erasmus introduced it in the 1500's. Erasmus was a contemporary of Luther. 3) The right of any divorced person to remarry. This position holds that if the marriage has been dissolved, and if the innocent party has the right to remarry, what binds the guilty party? For example, Guy Duty in his Divorce and Remarriage, (p.139) states, "The divorce could not dissolve the union for one without dissolving it for the other."

To be brief, we believe there are some non-sequiturs and logical fallacies in some of the arguments presented in the paper, but we will not burden you with a lengthy line by line refutation. First, let us examine the "Catholic Position." There are those who call it "Papistic" and "Roman." However, it is also "Papistic" and "Roman" to believe in the
deity of Christ and in the virgin birth and the Trinity. It is another way of saying this position has the weight of the long line of history. In the early 1940's, people could travel from the North Dakota border until they hit Harlem, Montana before finding a single pastor who would marry someone who had been divorced. It seems to some of us that the position of the evangelical church has become one of accommodation.

In order to indicate where our basic disagreement arises, we will deal with a few exegetical problems. We believe the strongest argument presented by this paper is the statement, "what God has joined together, let not man put asunder." The logic of the present paper is that it is possible to sunder a marriage. The logic also extends itself to stating that anyone who is remarried has again been joined together by God, and therefore no marriage ought to be sundered even though they were not morally correct in the first place. This argument does carry some weight. However, it still raises the question of whether or not a person who has sundered an ordinance of God has automatically received sanction for the second marriage. The same logic would say if a person had entered into a bigamous relationship, they were joined in the eyes of God and such a bigamous relationship should not be sundered. Whereas, we feel the weight of the argument, we believe that the conclusions have been carried farther than the argument warrants.

The second question basically addresses itself to whether the act of remarriage is wrong, or whether the sin consists in an on-going illegitimate relationship. It is our position that in I Corinthians 7, the scriptures speak of a legitimate divorce, but added the statement in verse 11 "but if she does leave, let her remain unmarried, or else be reconciled to her husband." This is a case of a legitimate divorce, which is followed with the instruction to remain single. The exegetical problem which divides us is the addition of the words, "if the unbelieving one leaves, let him leave; the brother or the sister is not under bondage in such cases." We believe this paper negates the instruction to remain single. We believe verse 11 refers to the sworn obligation a spouse has to fulfill a marriage covenant. Where it is impossible to fulfill the obligations of marriage, we are not to be reckoned guilty by such non-performance. Our position is that to read into these verses a cancellation of the instruction to remain single is to assume too much.

We will have to admit to some confusion in seeing a clear-cut statement of position in this paper. On page 22 John Stott is quoted as saying: "The text presupposes that once the woman had received her certificate of divorce and been sent from the house, she was free to remarry, even though she was the guilty party." In light of the fact that this statement is not addressed, it would seem to justify remarriage in any instance.

Another statement is made on page 23. "There appear to be two options: First, remarriage is inconsistent with the order of creation in the sense that marriage is indissoluble (this of course would also forbid remarriage in cases of marital unfaithfulness). Or second, the remarriage sanctions another sin, namely the breaking of the order of creation through the arbitrary dismissal of the spouse." Whereas it is clear that the paper rejects these conclusions, it seems that these arguments have been dismissed in all too abrupt a manner.

The bulk of the argument in the paper addresses the Erasmian view. However, it seems to leave the door open for the more liberal view, in light of the fact that it centers the sin in the act of remarriage; in the fact that it recognizes that marriages are permanently dissolved in the eyes of God; and in the fact that no subsequent marriages are ever to be dissolved.

The first theological question which divides us is the question: Does the sin in remarriage consist of the one act, or do the remarried partners enter into an illicit
relationship? On page 23 the exegetical question is addressed. The person in this relationship "commits adultery"--present tense. J.G. Machen is quoted as saying that there are exceptions to the grammatical rule, that the present tense indicates the person is presently doing the action. However, as a general principle, the weight of the argument is that the sin is a present sin, and not an act of the past.

In this relationship, our committee admitted it had a difficult time with Romans 7:2-3, "For the married woman is bound by law to her husband while he is living; but if her husband dies, she is released from the law concerning the husband. So then if, while her husband is living, she is joined to another man, she shall be called an adulteress; but if her husband dies, she is free from the law, so that she is not an adulteress, though she is joined to another man." (NAS) There were various attempts made in our discussion to reconcile this verse with the views presented..."It must be understood in light of the Matthew exception clause." Our rejoinder would be that the Matthew exception clause must be understood in light of the other three gospel references to divorce, and in light of Romans 7. Another explanation was as follows: "This verse is used as an illustration of faithfulness to Christ, and is only incidentally referring to divorce and remarriage." Our rejoinder--How can a spiritual principle be applied, if the principle itself is faulty?

It is our contention that without the exception clause in Matthew 5:31-32, and in Matthew 19:3-12, the historic position of no remarriage would be quite generally accepted. However, there have been at least seven interpretations of the exception clause in these passages from Matthew. These are explored in depth by W. Heth and G.J. Wenham in Jesus and Divorce. The seven possible explanations are outlined as follows:

1. The Erasmian view. The exception validates remarriage for the "innocent party."

2. The betrothal view. This is defended by a theologian named Isaksson. This holds that Jewish marriage was essentially in three stages, and that Jesus was referring to the breaking up of the first stage of marriage, which was essentially only an engagement. One of the arguments for the support of this position is that the Matthew passages speak of "fornication" (sexual sin outside of marriage) rather than "adultery" (sexual sin in marriage). This interpretation also points out that in Deuteronomy 22:21 a bride was required to prove her virginity at the time of marriage, or the marriage could be annulled.

3 & 4. The unlawful marriage views. The first of these views believes that "porneia" (fornication) in the Matthew texts referred to cases of incest, where these people had no right to be married in the first place. In these instances, divorce was mandatory, because no legitimate marriage existed. The second of the "unlawful marriage" viewpoints held that it referred to marriages between Jews and Gentiles, which was not sanctioned. Note the mass divorce in the Old Testament, where Jewish believers put away their heathen wives.

5. The historical view. Called the "Papistic" or "Catholic." This held that the exception was to indicate when divorce was sanctioned, and not to sanction remarriage. Again it will be observed that the basic theological question is whether or not a divorce truly erased all vestiges of marriage in the eyes of God.

6. The stoning of the guilty party. Jesus was speaking to Jews living under the Old Covenant. The Mosaic law demanded the death penalty for an adulterer. If these legal steps were taken, a person was freed by death, and hence could remarry.

31
7. The corrupted text view. We believe this has the least to commend it, but there are those who say if other texts say nothing about the "exception clause," the inclusion of it in Matthew is textually suspect.

We believe a careful analysis of the exception clause text rules out the Erasmian view. We believe the King James Version conveys the meaning of the Matthew 5:32 passage quite faithfully to the Greek text. "Whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery." So far, it is apparent that this text is speaking of a husband who divorces an innocent wife. The rest of the verse reads: "and whosoever shall marry her that is divorced committeth adultery." If this woman who "is divorced" is innocent in the context of this verse, it seems to us that the verse says it is adultery to remarry this innocent divorcée. The NAS translation in this verse states "whoever marries a divorced woman commits adultery." This is a translation that seems to be more inclusive, but does not specifically point to the innocent woman mentioned in the previous part of the verse. It does not change our conclusion, but it seems to be a little less pointed.

We have indicated our concern for theological reasons, rather than practical reasons, but feel obligated to mention one practical concern. If the Erasmian view is to be adopted, what assurance do we have that pastors who officiate at a remarriage will be able to make proper determination of guilt or innocence?

Our present position in the Church of the Lutheran Brethren is to forbid our pastors to officiate at a remarriage, and to allow the local congregations to make determination regarding the membership of remarried persons. We see no compelling reason to change this policy.
END NOTES

Chapter II


2 1987 Yearbook, Church of the Lutheran Brethren, p. 38.


4 Haas, p. 30.

5 Haas, p. 31.


11 Wilkins, p. 1486.

12 Wilkins, p. 1486.


15 Wilkins, p. 1486.

16 Haas, p.32.

17 Wilkins, p. 1487.

Chapter IV


3 The definition of porneia assumed is that used in the previous chapter as including "all kinds of sexual sin, not just heterosexual, one-to-one adultery."


8 Thielicke, p.183.


10 Thielicke, p. 183.

11 Thielicke, p. 183.


13 *Divorce and Remarriage: An Exegetical Study*, p.34.

14 Chemnitz, p.749.


17 David Atkinson, p. 195.

18 Thielicke, p.189.

19 Martin Luther Vol. 36:106.