

CLB regarding Divorce and Remarriage and Leadership including the Pastoral Office

(Prepared and presented by Eugene L. Boe, PhD on behalf of the CLB Theological Council June, 2017)

Introduction

On behalf of the CLB Theological Council I welcome you to this session in which I will present on the topic: “The CLB regarding Divorce and Remarriage and Leadership including the Pastoral Office”. In this session I will give a brief history of this topic in the Church of the Lutheran Brethren from 1989-present; a review of the context and resulting CLB exegetical paper (1988) and the position paper on divorce and remarriage which was approved by the Synodical Council and the Church of the Lutheran Brethren in 1989; and a proposal toward applying this theology to those preparing for the pastoral calling with divorce in their history and /or those in the pastoral call experiencing a divorce by developing policies and procedures to be approved by the CLB Theological Council and CLB Council of Directors for inclusion in the Ministers of the Gospel Handbook. Since 1997 the previous Synodical Council and now the CLB Council of Directors has responsibility for the development and application of the Ministers of the Gospel Handbook. It is our intent to build from this session, by receiving insights and questions from pastors and lay leaders toward the formulation of the policies and procedures needed to guide the church in processing these situations as they come before the church.

CLB regarding Marriage, Divorce and Remarriage

Marriage, Divorce, Remarriage: An Exegetical Approach, May 1988.

This document gives a review of the past discussions and decisions relative to the CLB history on this question up to 1988. It gives a biblical exposition on marriage, divorce, and remarriage. It makes clear that marriage is instituted by God for the monogamous union of a man and woman. This union is designed and intended by God to be for life. Marriage is a gift from God and is to be entered into and lived in as his gift. The paper also recognizes the impact of sin on marriage. When sin takes its ultimate course in a marriage it can end in divorce. “Divorce is an agent of the law. It reveals sin. When divorce occurs, someone’s heart is hard.” (Page 20) “Divorce involves breaking faith. That is serious, but forgivable. When the law has done its work grace always abounds more. Divorce is not unpardonable.” (Page 20) “Where there is repentance, the sins of the past are washed in the blood of the one who was called faithful and true.” (page 21)

The paper states:

“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. 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.” (page 25)

Is there a provision by God for such persons? The paper continues:

This washing (1 Corinthians 6:9-11) 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.” (page 26)

What about remarriage? How can one take serious God's gift of marriage and the horrific sin of the putting away and rejection of His gift and allow another marriage to take place which would appear to diminish the reality and seriousness of both the gift of marriage and the sin of divorce? What are the conditions for the allowance of remarriage? The paper gives the following pastoral guidelines:

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 experienced 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. (page 27)

Turning next to the *Church of the Lutheran Brethren Position Paper On Divorce and Remarriage*, (Approved by the Synodical Council and the Church of the Lutheran Brethren 1989)

The church recognizes that:

Marriage is instituted by God but also exists outside of the church. Christians are subject to the regulations of the society and country in which they live. When the practice of the state is not in harmony with the teachings of the church, the church has a prophetic witness to bear. The Church must affirm the biblical teaching of life long marriage relationships. When the state erects relatively strong barriers to divorce, the church may seldom encounter divorce, as such, even though it may often deal with sins relative to marriage. If the state makes divorce easy, the church will bear a greater responsibility to teach about the evils of divorce, but will also be called to minister more to divorced people. ...The church must concern itself with both prevention of divorce and redemption from its results. (Position Paper, pages 3-4)

The position paper asserts the Biblical teaching on what marriage is and God's intended purpose for marriage. It also recognizes the reality of sin including adultery and desertion and it how can impact and even destroy a marriage.

Those considering divorce must do carefully in the full light of scripture. "We cannot assume that God will lead us to eventual repentance if we deliberately chose to violate His law. There is a great danger of hardness of heart. Those that inclined to think that incompatibility is a basis for

divorce must recognize that it is not and that “incompatibility can be resolved; relationships can be renewed.” (Position Paper, page 6)

The position paper sets forth the following guidelines for remarriage:

A remarriage ceremony conducted by a Lutheran Brethren pastor in a Lutheran Brethren Church of a previously divorced person must be approved in advance by the board of elders or appropriate authority.

Since divorce is not God’s will, remarriage questions can only be considered in the context of recovering from the fruits of disobedience; they must be seen through the lens of law and gospel. From the perspective of law, remarriage is not a right granted by Scripture except in the case of a person whose spouse has committed adultery (Matt 19:6) or has deserted (I Cor 7:12-15). Even then, the aftermath of sin must be faced before new commitments are made. There must be agreement with the law even if it is at our own expense (Rom. 7:16). From the perspective of the Gospel, remarriage can only be considered after God has granted a repentant heart a forgiving heart, and a faith in the satisfaction for sin which God has provided on the cross. *Where these conditions and attitudes truly exist*, remarriage may be entered into with the blessing of the church. (Position Paper, page 7)

The congregation is to teach positively about marriage and about redemption and new beginnings. In taking serious God’s gift of marriage and the horrific sin of the putting away and the rejection of His gift of marriage the “*Marriage of persons who have been divorced shall be limited to those persons whom the pastors and elders sense have been led to full repentance and forgiveness relative to the breaking of their first marriage covenant*” and “a special paragraph will be inserted in the marriage ceremony for those who have broken this contract which will place the divorced person in the position of: 1) publicly affirming God’s will and intention that the covenant shall not be broken; 2) celebrating God’s provision of redemption on the cross.” (Position Paper, page 7) (also see *Ministerial Acts E8-E10*)

Application of the CLB Exegetical Study and Position Paper on CLB Marriage, Divorce and Remarriage to Church Leadership

The CLB Synodical Council formed a theological study committee to seek answers as to how the CLB position on divorce and remarriage applies to persons considering ministry with divorce/remarriage in their history or in the history of their spouses.

(The following is taken from the Pastoral Letter “Divorce and Remarriage Position Paper: Application to Leadership” by Pastor Robert M. Overgaard, Sr. President, Church of the Lutheran Brethren, December 1990)

The study committee prepared a statement which was revised and passed by the Synodical Council at a meeting in November of 1990.

As the Synodical Council struggled with the issue, it identified two major principles:

1. Leaders in the church, including the clergy, like everyone else, must basically be addressed with a Law and Gospel approach as to the issue of divorce and remarriage.
2. Leaders, including clergy, must be examined as to their qualification for leadership. More is required of them. The Scriptures show that candidates for leadership must be judged, as to their leadership role, by two major principles:
 - a. Their standing in terms of their character qualifications.
 - b. Their ministry standing in grace.

We need to consider these in more detail.

Leadership: Law and Gospel and Divorce

The sins associated with divorce cannot be treated in a different way than other sins. Unless divorce is equally evil under every circumstance, and unless it is absolutely tied to salvation in such a way that no divorced person can be saved, it follows that divorce cannot be identified as a special single sin which can in and of itself bar people from Christian ministry. This does not mean that it is not a serious sin, like murder, stealing, lying, etc. It is. It simply is not a sin that is different in essence than other sins, even though it may be more damaging in negative consequences than most sins.

The remedy for sins associated with divorce is to be found in repentance and faith for candidates for leadership as well as for the other members of the body.

In view of this, the Council felt it must shift the ground for judgment away from isolating one sin as an absolute sin which negates a pastoral candidate's call. Further, it decided in effect that various degrees of association with divorce, and various kinds of divorce situations could not all be treated under the single heading of "divorce". (End of quote from the Pastoral Letter, December 1990)

Proposal by The CLB Theological Council (In Process 2017)

Building on "The November 1990 Synodical Council Position on Divorce and Ordination" as presented in the Pastoral Letter December 1990 and the 1992 Circular Letter To The Congregations of the Church of the Lutheran Brethren, April 2, 1992, the CLB Theological Council submits the following for consideration as a proposal toward applying the theology of the CLB Exegetical Study and Position Paper to those preparing for leadership (the pastoral calling) with divorce in their history and /or those in the pastoral call experiencing a divorce.

By Pastoral Candidate we mean an applicant who has graduated from Lutheran Brethren Seminary or a non-ordained person who is otherwise a candidate for ordination. By colloquy applicant we mean a person who is a graduate of a seminary other than Lutheran Brethren Seminary or previously ordained by another church body.

- A. A pastoral candidate who has been divorced and is single or has remarried. If such a pastoral candidate gives evidence of a right relationship with God, that is, demonstrates genuine repentance and living faith which includes contrition for the sins involved in the divorce, he shall not be disqualified by virtue of the divorce history alone.

However, the nature of the divorce shall be considered, as would other character concerns, in the general qualifications of the candidate.

The divorced pastoral candidate who is single at the time of his approval by the examining committee shall be free, as that freedom is understood in the position paper of the Church of the Lutheran Brethren on divorce and remarriage, to remarry in the Lord. We would apply the same criteria used to consider any divorced person(s) approaching a pastor/elder board with a request for marriage. (see *Church of the Lutheran Brethren Position Paper on Divorce and Remarriage, Ministerial Acts E8-E10*)

- B. A pastoral candidate whose wife has been divorced previous to their marriage. If such a pastoral candidate gives evidence of living in a right relationship with God, that is, demonstrates genuine repentance and living faith, and his wife demonstrates genuine repentance, which includes contrition for the sins involved in the divorce, and living faith, he shall not be disqualified by virtue of the divorce history alone.
- C. Lutheran Brethren pastors who become involved in divorce proceedings. Any Lutheran Brethren pastor who becomes involved in divorce proceedings shall immediately notify the synodical president, who will arrange for a leave of absence for him or take other appropriate action. Should the divorce occur, the president of the synod shall initiate an inquiry into the circumstances of the divorce to see if disciplinary measures are required.
- D. Lutheran Brethren pastors who, having been divorced, seek to remarry. In order to retain his status as a pastor in the CLB any Lutheran Brethren pastor who becomes divorced and seeks to remarry must secure the consent of The Theological Council. He shall remarry only within the guidelines stipulated in the position paper of the Church of the Lutheran Brethren on divorce and remarriage. We would apply the same criteria used to consider any divorced person(s) approaching a pastor/elder board with a request for marriage. (see *Church of the Lutheran Brethren Position Paper on Divorce and Remarriage, Ministerial Acts E8-E10*) Failure to comply with these guidelines shall result in the revocation of his ordination.

- E. Lutheran Brethren pastors who seek to marry a woman who has previously been divorced.

Any Lutheran Brethren pastor who seeks to marry a divorced woman must secure the consent of The Theological Council in order to marry. They shall marry only within the guidelines stipulated in the position paper of the Church of the Lutheran Brethren on divorce and remarriage. We would apply the same criteria used to consider any divorced person(s) approaching a pastor/elder board with a request for marriage. (see *Church of the Lutheran Brethren Position Paper on Divorce and Remarriage, Ministerial Acts E8-E10*) Failure to comply with these guidelines shall result in the revocation of his ordination.

Leadership Qualifications Relative to Divorce

Character Qualifications Considered: Because of the high nature of the offices involved, qualifications must be set. Because of the far reaching consequences of divorce for the immediate persons involved, for the children, for concerned families, for society, and for the church, the pastoral candidate, the elder candidate, and to a lesser degree other leaders, must be scrutinized to determine whether they can be trusted with these offices if they have in the past been associated in some way with a broken marriage.

Among the considerations which must be made is an examination of the character faults which might have been revealed in a divorce situation. When calling a pastor, such character concerns are entirely appropriate. Therefore, while it may be true that a person is not necessarily automatically barred from ministry by the class of sins associated with divorce, it may also be true that the candidate will not be chosen for pastoral service because of general character faults revealed in the divorce history. Some specifics to consider are:

- a. Character
 1. Does the divorce history reveal a character issue that would disqualify the person from Pastoral ministry?
 2. Has this issue been satisfactorily resolved?
- b. Reputation
 1. Does the person's divorce and remarriage history indicate that this person is not a 'one spouse person' (*1 Timothy 3:2*)?
 2. Does any case of previous infidelity loom large, with the result that people will be unable to view him/them as faithful?
- c. Restoration (cases where discipline has been exercised (*note Minister's of the Gospel Handbook Section Two. D*)
 1. Does his/their local congregation view him/them as faithful?
 2. Does the community?
 3. Does the CLB church family view this man as faithful?

Consider these basic qualifications for an elder as a standard for leadership.

Specific Qualifications of an Elder

Respectable: 1 Timothy 3:2

Temperate: 1 Timothy 3:2; Titus 1:7

Prudent: 1 Timothy 3:2

A Husband of One Wife, that is, Not a Polygamist: 1 Timothy 3:2; Titus 1:6

Above Reproach: 1 Timothy 3:2; Titus 1:6

Not Contentious: 1 Timothy 3:3

Free from the Love of Money: 1 Timothy 3:3

Manages His Own Household Well: 1 Timothy 3:4-5; Titus 1:6

Not a New Convert: 1 Timothy 3:6

Of Good Reputation in the Community: 1 Timothy 3:7

Hospitable: 1 Timothy 3:2; Titus 1:8

Able to Teach: 1 Timothy 3:2; 5:17; Titus 1:9

Not Addicted to Wine: 1 Timothy 3:3; Titus 1:7

Not Pugnacious: 1 Timothy 3:3; Titus 1:7

Gentle: 1 Timothy 3:3; Titus 1:7

Ministry Standing: In Grace Considered: The Apostle Paul introduces a standard which must be considered in some settings in order to bear witness to God's redemptive purpose through grace.

1 Corinthians 15:8 "Last of all he appeared to me also, as to one abnormally born. For I am the least of the apostles and do not even deserve to be called an apostle because I persecuted the church of God. But by the grace of God I am what I am, and his grace to me was not without effect."

1 Timothy 1:12-17 "I thank Christ Jesus our Lord, who has given me strength, that He considered me faithful, appointing me to his service. Even though I was once a blasphemer and a persecutor and a violent man, I was shown mercy because I acted in ignorance and unbelief. The grace of our Lord was poured out on me abundantly, along with the faith and love that are in Christ Jesus.

Here is a trustworthy saying that deserves full acceptance: Christ Jesus came into the world to save sinners--of whom I am the worst. But for that very reason I was shown mercy so that in me, the worst of sinners, Christ Jesus might display his unlimited patience as an example for those who would believe on him and receive eternal life. Now to the King eternal, immortal, invisible, the only God, be honor and glory for ever and ever. Amen."

Paul recognizes that he would not qualify as a leader of the church by the general criteria

he established for others to use in choosing leaders. He remembers his past as a blasphemer, a persecutor of the church and as a violent man. How then can he be an apostle?

His answer is that he is what he is by the grace of God. Here we must understand all he teaches about his standing in grace because of the cross, plus the gracious design of God to use Him despite his past. He was given strength to be in grace what he was not in personal history. Of course, he had been through some disciplines since becoming a believer. He had been hammered and shaped by God for this calling, and Paul had not wilted and run. In his trust of the Lord during hard times he had allowed God to shape him for service (Romans 5:1-4 and 2 Corinthians 4). By grace he was someone new both in his relationship to God and in his character.

We need to remind ourselves that his past is not covered over as if it had never happened. He does not act as if he has always lived the exemplary Christian life. Undoubtedly his willingness to confess his sins, his open agreement with God about his unworthiness puts Paul on the side of the Law, agreeing with the Law against himself.

Knowing his own bleak history, Paul acknowledges that his lack of fitness for his present calling is moderated by ignorance. Certainly, he does not assert that if he were to return to his former blasphemous life that he would still be acceptable as an apostle. God's mercy sees his ignorance, God's grace removes his guilt.

What is more, his former life is turned into an opportunity to reveal the unlimited patience and grace of God as an encouragement to other undeserving people who would follow Paul in the Kingdom of God. The wonder of it all causes Paul to break out into benediction.

The position paper, *Church of the Lutheran Brethren Position Paper on Divorce and Remarriage*, recognizes the need for this judgment to be made by the church: See the following quotation from page 5.

Restoration

In cases where persons have been divorced, remarried and spiritually restored, the question arises as to whether such persons may serve in positions of leadership in the congregation. The qualifications established for service and the degree of restoration to service should be determined by the nature of the church or place of ministry to which a restored person may be called. Where there is a strong redemptive ministry, restored people bearing witness to grace may be among the best witnesses to the cross of Christ. Where the ministry is primarily either prophetic witness or nurture, exemplary character history may be of central importance.

In as much as Scripture establishes two bases for acceptance and restoration, the church must take the responsibility, under the Spirit's guidance, to make a judgment to accept or to reject leaders. The general, more normal way, is to search out candidates who meet the character qualifications, and to reject those who do not sufficiently meet them. The special way of grace is to consider the testimony of the candidate in light of his own history, the call of God, and his understanding of his own sin and God's grace.

The Law, True Gospel

It is important to recognize that the Law and Gospel approach is not one which excuses or tolerates divorce. Paul rightly rejects this approach to questions of sin and grace. "God forbid!" he says (Romans 6:1ff.). The teaching of the Law is not diminished in a true Law and Gospel approach. Sin remains sin. When this strong law teaching is matched with a clear Gospel presentation, a new power is made known. It is made known through the sound of the Gospel call, the awakening to sin brought by the Spirit, through the grace bringing repentance, conversion, justification new birth and sanctification. A comprehensive Law and Gospel approach accepts the sinner only when his or her sin has been punished. This means that the solution to sin must be found in the cross or else the punishment will fall upon the sinner. Far from excusing the debt of sin, the Gospel proclaims that God has paid it. He grants the blessing of this provision to those He can lead to repentance and faith.

The Expected Outcome

Does this mean that many of our future pastors will be men who have left their wives and married again?

No!

Many sins are relatively private including some sexual sins, but the breaking of a public vow is never a private matter. Divorce will be known. Character issues related to divorce can and must be probed in connection with entrance to seminary, colloquy conversations and in the call process. A comprehensive understanding of the issues, of Law and Gospel and an openness to the Spirit's leading will bring to leadership those chosen of God to serve.

Some with backgrounds of overt sin will be chosen in the mercy and grace of God. Some, but not many, will be like Moses and Paul, men with violent histories. Some, but not many, will be like Matthew, a publican with questionable financial associations. Some, but not many, will be like those in the Corinthian church (1 Corinthians 6:9-11), trophies of grace, ministers of grace. (End of quote from the Pastoral Letter, December 1990)

Interaction/feedback

1. What questions did the presentation raise for you?
2. What was unclear?
3. What concerns do you have?

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