

Marriage-Divorce-Remarriage: A Review # 4

Problems With Legal Interpretation

Perplexing questions about divorce and remarriage bring unending debate. Conclusions reached and judgments imposed are the cause of much pain, uncertainty, and crippling discouragement. Extreme convictions allow some to pass severe judgment on others. Some congregations demand conformity to their authoritarian pronouncements, and they publicly denounce congregations that allow individual freedom. However, many who have sought to bind their severe, unbending convictions begin to open their minds to further study and search for grace when they or their children become victims of divorce. Proud finger-pointing becomes humbling when they must point to themselves.

I am proposing to you that a big part of the problem of our interpretation of scriptures relating to divorce and remarriage is our old entrapment in legalism. We have allowed Jesus' explanations of the Law of Moses to lead us to think he was giving NEW LAWS IN A NEW LEGAL CODE regulating marriage and divorce. This has led some of us almost to ignore the major source of apostolic teaching on the subject in 1 Corinthians 7 where Paul's teachings reflect gracious principle rather than rigid law.

To you who adhere to the concept of law, let me ask some questions for, in order to keep law, specific answers are of vital importance.

What is *legal scriptural marriage* (an invented term)? Is it a contract where a man and woman agree to live together as husband and wife to the exclusion of all other parties? Most of us will agree that marriage involves a contract between a man and a woman. A contract is based upon a meeting of minds without deception. But is it based upon law or principle? We discussed this in the last lesson.

If the parents arrange the marriage as is the custom in so many societies, is there a contract between the man and woman? She might have detested the repulsive man to whom she was being given from her first sight of him. Could she be bound to "love, honor, and obey" him when she did not and could not contract to do that? Would the old-fashioned "shotgun wedding" lacking in love be valid? If, after the wedding, one partner revealed his/her homosexuality, would theirs be a marriage? Can an impotent man having no sexual desires fulfill a contract of marriage? If, after a time together, the man revealed that he had no intention of making the marriage permanent when they married, would there be a valid contract, a meeting of minds? If, without love or sincere commitment, a woman accepted a man for his money and/or prestige, would that be a valid contract in good faith? If an under-age boy and girl lied about their age in order to get a license, would that be a legal marriage? In order to judge marriage by legality,

answers to these questions would be of utmost importance, but where do we find the answers defined in law? They must be judged by principles of what is just.

Must a woman live with a husband who comes home drunk and beats her regularly while refusing to mend his ways? Must she continue to "love, honor, and obey?" Or maybe he is a deadbeat, or verbally abuses her constantly. Can she divorce him though fornication is not involved? May she separate from him, no longer feeling that she must submit to him as the scriptures teach a wife to do? If he is a Vietnam MIA, is she still married to him? If he abandons her and the children and can no longer be found, is there a valid marriage? If a boy and girl, each escaping an abusive home life, marry hastily, only to learn that they are from different planets, as it were, and can develop no loving relationship, are they obligated to spend the rest of their lives in that miserable situation? If they divorce, and law demands that they remain celibate, how can they ever be convinced that "*my yoke is easy and my burden is light*"? Where everything that makes a true marriage between two people has long since died, must they continue the demeaning farce of living together under the guise of marriage? Would lawful marriage be affected if one partner to it changed his/her sexual orientation?

Don't vote me a place on the panel of scribes who can answer all these questions! Even Jesus did not answer all of them – that is, unless you interpret that Jesus made unbending laws where "one size fits all."

Now, let us ask about "*except for fornication (porneia)*." If that word denotes sexual relations of the unmarried, as may be the case, then one's spouse cannot be guilty of it! If it includes sexual relations of married people outside of their marriage, then it was not a cause for divorce according to the Law of Moses which Jesus was explaining, but it was cause for stoning to death. Jesus was not countermanding the Law! So there is question about the meaning of *fornication*. That word is translated as *indecent* in Deut. 24:1 in the Septuagint.

Further, granting that *fornication* means a sexual violation of the marriage contract, how sure must one be about the offense? Must the spouse be caught in the act? May one depend upon hearsay or the word of others? Suppose a wife confesses to adultery in order that her husband will give her a divorce, but she is actually lying? Must the act be fully consummated? Is one violation sufficient grounds for divorce? If the violator is penitent and wants the marriage to continue, is the "ground for divorce" still valid? If a man has proved himself to be a loving husband, yet it is learned that twenty years earlier, he violated his marriage, may his wife still properly put him away? If your spouse divorces you because of incompatibility, is celibate for several years, and then marries, can you honestly claim that fornication was the "grounds" for the divorce?

Is every man who has had illicit sexual contacts a fornicator? Admittedly, once he was, but is he still a fornicator? Yes, you say? It is not that simple. Look at this one familiar passage: "*Do not be deceived; neither the immoral, nor idolaters, nor adulterers, nor homosexuals, nor thieves, nor the greedy, nor drunkards, nor revilers, nor robbers will inherit the kingdom of God. And such were some of you. But you were washed, you were*

sanctified, you were justified in the name of the Lord Jesus Christ and in the Spirit of our God” (1 Cor. 6:9-11). They had changed (yes, even homosexuals). They were no longer sinners! The penitent were forgiven! Will God forgive all those sins except adultery?

If an adulterer is penitent, asking God and his wife to forgive him, may she rightly claim his former guilt as a basis for divorce? In the spirit of Christ, she will not, but if she is looking for legal loopholes in order to rid herself of him, she can still find one there enabled by her unforgiving emotion.

If Jesus had demanded that, without the grounds of fornication, no one could divorce and then remarry, he would have been annulling God’s law through Moses (Deut. 24:1-4). But instead of Jesus destroying tenets of the Law, which he denied doing, he was insisting on a greater respect for it. Jesus did not address every situation and involvement of problem marriages. He did not give lawful answers to all the questions we have raised.

Some laws stated specifically are meant to be applied in principle. For instance, “*You shall not kill*” is meant to teach the principle of respect for human life rather than forbidding all killing. Although “*You shall not kill*” sounds very specific and inclusive, by reading further in the Law, we find at least four instances where manslaughter is justified, or even recommended or required by the same Law.

Yes, God hates divorce as well as other sins (Malachi 2:16). In spite of his detestation, but with sorrow he divorced his people, Israel (Jer. 3:8). The cause of divorce always brings sorrow. God hates divorce but he does not hate marriage which is his own idea. Divorce results from sin but marriage is not a sin. Some principles supporting marriage are the filling of a void in our lives through love and companionship, the fulfillment of sexual desires, procreation, the provision of a secure, loving, and nurturing environment for children, and helping to maintain a stable society. If an unfaithful divorced disciple remarries, nurtures a happy family with children with the new spouse, and then returns like the prodigal to the Lord, must that marriage be dissolved? Which principle or purpose of marriage would be enhanced or promoted by such a drastic action? Are the regulations of marriage meant to be protective or punitive? A demanded dissolution of the happy marriage would protect nothing! It would only be a cruelly destructive punishment.

The principles set high ideals for marriage. However, God knows that errant mankind cannot always live by the ideal principles, and he knows that one partner cannot force the other to respect their marriage. A contract cannot be kept unilaterally. Even so, God has provided for the happiness of less than perfect people. He offers grace and forgiveness for the struggling penitent. Even though from the beginning it was not his ideal, God has allowed divorce and remarriage in some instances (Deut. 24:1-4; Matt. 5:31-32; 1 Cor. 7). However, if we are self-righteous enough and are blessed with a tolerant spouse, we can feel that the divorced person should bear a life-long penalty of humiliation and celibacy, banned from God’s kingdom, or made a second-rate citizen in it at best.

Although Jesus said, "*Whoever divorces his wife and marries another, commits adultery against her,*" that is not an all-inclusive statement. That statement in Mark 10:11 would conflict with Matthew 5:31-32 where Jesus included "*except for fornication/unchastity*". The conjunction AND is often used to state purpose. For example, when I say, "I went to the airport and picked up my friend," I am also meaning, "I went to the airport **IN ORDER TO** pick up my friend." In view of this common usage of the conjunction, and in harmony with Jesus' explaining the Law, is he not reinforcing, "*You shall not covet your neighbor's wife?*" Is there not evidence to indicate that he was saying, "*Every one who divorces his wife **IN ORDER TO** marry another commits adultery?*" This would greatly restrict its application, for Jesus was not addressing all the complications of failed marriages that are no longer fulfilling the principles of marriage that God was protecting by his regulations. When a marriage is dead except for the legal paperwork, why should it be preserved and depicted as God's idea of a marriage? It does nothing to indicate the honorable nature of a marriage.

Away from the Jewish setting of Jesus' teachings, Paul offered apostolic instruction to the disciples of Greek culture in Corinth. Since the Greeks had not been under the Law of Moses, Paul does not allude to it in his approach to questions about marriage. They were not taught to judge their marriage situations by a code of law. []

(Cecil Hook: April 2006)

ASSOCIATE MINISTER WANTED. The congregation in Ardmore, Oklahoma served by Don Preston is seeking the services of an associate to share in preaching and in community outreach. You may inquire of Jack Carroll by email: jmcarroll@cablone.net. If you believe all prophecies have been fulfilled as I have been teaching, you may find special compatibility with this group.