

POSITION PAPER

DIVORCE AND REMARRIAGE

Church^{of the}
Lutheran
Brethren

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Preface

This policy statement is based primarily on the exegetical study *Marriage, Divorce, Remarriage: An Exegetical Approach* which was prepared for the Church of the Lutheran Brethren in 1988.

Approach

A proper understanding of the teaching of the Bible concerning marriage, divorce and remarriage requires a comprehensive approach. We must view all of the related issues from the perspective of the character and person of God.

When considering a question which deals with God's will both prior to the fall and subsequent to the fall, we are led to study the conflict which sin presented to God, Himself. In view of His holy and just nature, how could He do anything else than to punish sins which break covenant, the very heart of divine relationships? The answer is, He cannot. How can God do anything but love the man He has created? Again, the answer is, He cannot. Therefore, God has chosen to bear the punishment of sin in Himself on the cross in order that He may give expression to His love for the sinner in a just manner.

It follows that in view of God's cross-centered solution to sin in His universe, only an approach which includes both "Law and Gospel" can adequately explain God's will concerning marriage, divorce and remarriage on this side of the Garden. With this approach, the Scriptures will yield practical solutions to real life situations so that the members of a church body can work together in harmony.

Using this law and gospel approach, the following teaching positions and policies are recommended to the congregations of the Church of the Lutheran Brethren.

The Ministry of the Church in Society

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.

Developing both a preventative and a redemptive approach to divorce problems has been a slow but steady process in our tradition. On the denominational level the emphasis has been on prevention and prohibition. On the congregational level over a period of 35 years, leadership has been taken to develop a redemptive approach. This has resulted in changes in many constitutions and in a basic law and gospel approach being used by many of the pastors and elders. The church must concern itself with both prevention of divorce and redemption from its results.

The Influence of Alternative World Views

A study of the history of western thought shows that the Theology of the Western Church was heavily influenced by a set of ideas which led her to conclude that a marriage exists because it is decreed by God even when it has in fact been destroyed. Thus an original marriage is thought to “exist” even if both parties are remarried to others. This harmonizes with the thought of marriage as a sacrament and has led to multiple causes for annulment so that it could be shown that an undesirable marriage never “existed” rather than allowing it to be dissolved. This is in conflict with all the lexical (word study) evidence on the term “divorce.”¹ Biblical thought sees a particular marriage as a covenant, not as a bond that “exists” because it is decreed by God, whether or not the covenant is actually kept by people. If this later view of marriage were true, Moses would have been in error in characterizing a return to the first marriage, in some cases, as an “abomination before the Lord” (Deut. 24).

The influence of world views can distort understanding of Biblical teachings even for the most ardent believer in Biblical authority. Luther felt that Copernicus was wrong because he thought the earth moved about the sun. Luther “proved” him wrong with Biblical proofs. We now know that Luther was mistaken, not in his Biblical loyalty but in his world view, which was not the Biblical world view.

Basic Scriptural Understandings

Marriage

Marriage is: 1) a covenant between a man and a woman; 2) witnessed publicly; 3) sexually consummated. Any relationship in which one of these elements is missing would be less than a marriage in a Biblical sense.²

¹Marriage, Divorce, Remarriage: An Exegetical Approach, p.14. A study submitted to the Synodical Executive Board of the CLB, 1988.

²*Ibid.* p.6-13

The central element in the marriage relationship is companionship. God designed and instituted marriage because He created people in His own image as social beings who had the capacity and need for secure relationships.

From creation, marriage is intended to be the most binding of relational bonds, based on mutual submission to God and each other. For the Christian, marriage love is expressed through a submissive and sacrificial attitude. This illustrates the greater Divine-human relationship of God's sacrifice for us and our submission to Him.³

Sin and Grace In Marriage

There are sins against marriage which threaten the marriage covenant; by themselves they do not break the covenant. They may be sins flowing from hard words, harsh attitudes, selfishness and careless relationships. These sins can bring great pain to the family. They need to be faced, repented of, and brought before the Lord and each other for forgiveness. The ministry of Word and Sacrament can lead to new beginnings and growth.

Where there is unconfessed sin and ongoing bondage to sin, the marriage itself may be threatened. This may become a contributing factor leading to adultery or desertion. However, these sins, unlike adultery and desertion, are not a basis for breaking the marriage covenant, though they may be a basis for separation in severe cases. God has also provided the civil authority as a protection against sins of violence and abuse.

Much of the ministry of the church is addressed to renewal of relationships, which, of course, includes the marriage relationship. The grace of forgiveness is God's gift for stronger marriages.

Adultery

Adultery is a sin against the marriage covenant. In the narrow, specific sense, adultery is the sexual intercourse of a married person with someone other than his/her mate (Matt 5:28).

While the sin of adultery can be forgiven,⁴ it can also become the basis for divorce. Divorce is seen to be the result of sin, specifically the sin of adultery.⁵ Desertion also constitutes basic unfaithfulness to the marriage covenant.

³Ibid. p. 7-13 (See this section for necessary Biblical foundation)

⁴Ibid. p. 26. It is significant to note that among the forgivable sins listed in 1 Cor. 6:9-11, we find the listing of adultery which is the one sin that breaks the union.

⁵Ibid. p. 20. Marriage, Divorce, Remarriage: An Exegetical Approach. 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.

Adultery is an act; it is not a covenant as is marriage.

Desertion

Paul speaks to the issue of desertion in relationship to a marriage where one party is a believer and the other is not (I Cor. 7:12-15). He specifically forbids the believer to divorce the unbeliever on the basis of his or her unbelief. If the unbeliever decides to leave, the believer "...is not bound." Paul's word for the unbeliever's leaving is the same word he uses in verse eleven for divorce. The implication is that the marriage is dissolved and the person is free to remarry.⁶ While desertion is established with somewhat different criteria by different societies, all have a significant time frame by which to determine the fact of desertion.

Divorce

Divorce is the public dissolution, the end of the marriage covenant.⁷ It is the legal statement (or "proof," "evidence") of sin-hardened attitudes and behavior. Every broken marriage is devastating, angers God, and reveals the presence of hardness of heart in one or both parties.

Those Considering Divorce

There are several reasons why people consider divorce: 1) unfaithfulness of a spouse; 2) desertion by a spouse; 3) a conflict of duties caused by violence or abuse; 4) a sense of incompatibility.

There is a direct Biblical basis for considering divorce in cases of adultery⁸ and desertion.⁹ In the case of a conflict of duties, for example when the wife or children are the victims of violence, a cautious, prayerful approach made with wise counsel may lead to a responsible decision to enter into separation or divorce. God is a God of justice. It is not in the character of God to insist that his children live in ongoing violent relationships.

A sense of incompatibility, on the other hand, is not a basis for divorce. Considering divorce for such a reason is morally dangerous and can lead to the sin of divorce not based on biblical grounds. Further, remarriage after a divorce based on incompatibility alone, is a sin against the first marriage because the original covenant is not beyond renewal.¹⁰ We can not 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. Incompatibility can be resolved; relationships can be renewed.

⁶Ibid. p. 24. Discussion fo the I Corinthians 7.

⁷Ibid. p. 14-20.

⁸Ibid. p. 14-21

⁹Ibid. p. 24-25

¹⁰Ibid. p. 22-24

Remarriage

Questions of remarriage arise subsequent to divorce. Such questions require case by case consideration because they cannot be reduced to a set of rules. 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.

Marriage Ceremonies: Remarriage

The congregation has a responsibility to teach positively about marriage. The congregation also has a responsibility to teach positively about redemption and new beginnings. These duties must be harmonized in the public life of the congregation. The following principles and practices should guide the pastor and elders in achieving this harmony:

1. While the church serves the general community by making available the office of pastor to conduct Christian marriages, the availability of the pastor to conduct a marriage ceremony for a person who has been divorced can not be assumed. *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.*

2. Divorce touches families in such destructive ways that the need to affirm the seriousness of the marriage covenant can not be overlooked. Therefore, 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.

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.

Summary

The covenant of marriage between a man and a woman is intended by God to be lifelong and is not to be lightly broken. It can in fact *be* broken, but not without consequences and the full application of the weight of the law. However, if God through grace awakens and turns the sinful heart to righteousness, sin may then be dealt with so that the Gospel is not nullified (Gal. 2:21).

Each marriage is the center of a network of relationships. The nature of these relationships, plus the importance of the heart responses of the central parties to the work of the Holy Spirit, require that resolution to problem cases be sought in the context of prayer, Scripture and the counsel of mature leaders of the church.

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