

Marriage, Divorce and Remarriage

By Armin W. Schuetze

No one needs to tell a group of pastors that problems involving marriage, divorce, and remarriage make persistent demands on the pastor's time. Our pastoral concern is to serve the people whose spiritual welfare God has entrusted to us also in these matters in a manner that is in full accord with Scripture. We do not want to be influenced or that they be influenced instead by the customs and standards that are part of the society in which we live. God's Word must inform and guide God's people.

Our ministry in this area would be quite simple if Scripture outlined for us exactly what to do in every type of situation. Lacking that, we sometimes look to the church to provide the answers that may not be given in Scripture. If Scripture does not provide a directive for our every ministration, we would like the church to fill the need. And in Rome it does. But we neither have a system of canon law, nor do we want one.

We look to Scripture to be our guide. And Scripture does provide us with basic principles that must find application in our ministry. We want to be sure that we know what the basic principles are, recognizing what God in Scripture says, going neither beyond it nor falling short of it. Having these principles clear, we then want to see to it that they are not changed or ignored somehow as we apply them to the many and varied situations that confront us from day to day. Because this isn't easy, we consult with one another and also assign topics like the present one.

Our topic is a broad one. Our time is limited. Time for discussion is desirable. I have chosen a procedure that I hope will serve us well under these circumstances. We shall use a set of 12 theses that also serve as an outline of our presentation. In the presentation we shall consider the Scripture basis for each of the theses. Some application to our ministry is built into the theses and will naturally follow in their exposition. And we expect there will be more in the discussion.

Thesis 1

Marriage is a union, effected also by God, and is to be terminated only by God through the death of a spouse.

The divine word of institution for marriage is Genesis 2:24: "For this reason a man will leave his father and mother and be united to his wife, and they shall become one flesh." Both Jesus (Mt 19:5) and Paul (Eph 5:3) quote it as such. The bringing together of Adam and Eve in the previous verses was not to be a one time thing. In verse 24 God established such a union for the future of mankind. The parent-child bond is left and the husband-wife bond is established. While it is the man and woman who decide to leave and make the commitment to cleave, God is bringing this about, for Jesus speaks of "what God has joined together" (Mt 19:6). The marriage union is effected by God. And He intends it to be permanent cleaving. "Let man not separate." While man has a part in forming the union, he is not given a part in the termination of it. Separation is to be determined by God. This God does through death. The marriage bond does not extend beyond the grave. (Ro 7:2. Mt 22:30).

Thesis 2

The will of God that marriage be permanent must be emphasized among our Christians living in today's society.

Today's society is based on humanistic, evolutionistic presuppositions and does not recognize God's place in instituting and controlling marriage. The frequency of divorce, the ease of securing a divorce, the no-fault approach, the more than a million couples living together without legal marriage ties are evidence of this. Christians, living in the midst of a corrupt society, are always in danger of being affected by it. The church, it is true, is not called directly to impose on society laws and customs it finds compatible with Scripture. But it does

have a solemn responsibility to teach, and teach vigorously, what God's Word has to say also about marriage. Jesus' Word, "What God has joined together, let man not separate," needs careful, continued inculcation. This is no easy task for the pastor. He must not grow weary of it. The Christians who are living *in* the world are not to be *of* it. God's Word makes the difference, also in their views of marriage. Here Paul's word to Timothy applies: "Preach the Word; be prepared in season and out of season; correct, rebuke and encourage - with great patience and careful instruction" (2 Ti 4:2).

Thesis 3

Although God wants marriage to be permanent, man can break the bond, but when he does, he becomes guilty of sin.

God establishes the marriage bond. God reserves to himself the right to terminate it. Some have reasoned: Hence no matter what man does, the marriage remains in force before God. Similarly some may say: The court cannot terminate a marriage before God. In other words, even after a divorce is final, the marriage should be considered in force by the church, since it has not been terminated by God. However, Jesus did not say: What God has joined together man cannot separate. That is the way it would have to read to draw the conclusions noted above. The Lord says *μηχωριζέτω*. This is the third person singular *imperative* and is properly translated: let man not separate. This does not make it impossible for man to break a marriage bond, but it does prohibit it. And when anyone does what God forbids, such a person sins. The force of the imperative is to make any breaking of a marriage bond by man sin.

Thesis 4

According to Scripture the sins of sexual unfaithfulness (adultery) and of desertion break a marriage bond.

St. Paul makes mention of desertion in 1 Co 7:15. "But if the unbelieving leaves, let him do so. A believing man or woman is not bound in such circumstances." To desert a spouse is an act of unbelief. It is sin. It breaks the marriage bond; the deserted person is no longer bound to the marriage. The one who deserts may or may not be involved in an adulterous relationship with another person. That is not the concern when speaking of desertion. Desertion by itself breaks a marriage. It would take us too far afield here to attempt a full-scale study of all questions about desertion. Suffice it to say that not only geographical separation is desertion.

Fornication, adultery (*πορνεία, μοιχεύω, μοιχάω*) is marital (sexual), unfaithfulness and breaks the marriage bond. When *πορνεία* has occurred, a man may put away his wife. This is the force of the "except for marital unfaithfulness" in Matthew 5:32 and Matthew 19:9. We can conclude that the wife's unfaithfulness has already broken the bond so that the man through his "putting away" is no longer violating the "let man not separate" of Matthew 19:6.

Let us here pause to take note of several points that come to our attention as we compare the four passages in the gospels where Christ speaks of divorce, Matthew 5:32; 19:9; Mark 10:11; Luke 16:18. Having the four passages printed out in parallel will help us make this brief comparative exegetical study.

1. In the Matthew 5:32 passage Jesus speaks only of the evil the man who puts away his wife brings on her. Omitted is *καὶ γαμήσῃ ἄλλην* and *μοιχᾶται* (*μοιχεύει*). If he has not been sexually involved with another woman he is not called an adulterer. But he sins by breaking up his marriage (a form of desertion) and by what he does to his wife in the process.

2. What he does to her is *ποιεῖ αὐτὴν μοιχευθῆναι*. The infinitive is aorist passive of *μοιχεύω*. Translations consistently have difficulty with this passage and translate it like an active. *KJV*: "causeth her to commit adultery." *NIV* only modernizes the "causeth." Arndt-Gingrich suggest the same translation. This raises the question: How is the wife who is put away (deserted) by her husband made to commit adultery? Arndt-Gingrich adds the note: "by contracting a subsequent marriage." This, however, is in no way indicated in the

text. It also is hardly in agreement with 1 Corinthians 7:15. If her husband puts her away and in that way leaves her, she is not bound. Thayer attempts to bring out the passive idea and suggests the translation: “suffers adultery.” Something happens to her. She does not actively commit adultery. Lenski, recognizing the passive, translates, “she is stigmatized as an adulteress.” It is clear that she is being wronged, sinned against, by the man who is putting her away. Likewise the man who marries her shares in that. (Gr. *μοιχᾶται* passive in this context.) The thought of what happens to her that is put away is not repeated in any of the other three references.

3. In the other three references we have the addition that the man who puts away his wife, marries another (*καὶ γαμήσῃ ἄλλην*) and then is declared to be an adulterer (*μοιχᾶται, μοιχεύει*). His involvement with another woman sexually makes him an adulterer. He put away his wife with the very intent of marrying another.

4. Mark 10:11, a parallel account to Matthew 19, shows that what is true of the man is likewise true of the woman. If the woman puts away her husband and marries another, she commits adultery.

5. Luke 16:18 shows that there can be situations where not only the one who puts away his wife and marries another commits adultery (active), but also the man who marries the woman who has been put away by her husband commits adultery (active, unlike Matt. 5:32). Although nothing is said directly of the woman, if her new husband is guilty of adultery by marrying her, so is she. The details we do not know and there is no value in speculating. But all through their action must have shown a disregard for God’s injunction about the permanence of marriage in such a way that they were all guilty.

Thesis 5

Terminating a marriage bond by common agreement involves both parties in sin.

We already noted from Luke 16:18 that situations arise in which all are guilty of sin, not only in a general way, but specifically of breaking the marriage bond. If a couple should agree that extramarital sex is to be permissible in their marriage, possibly even considers this wholesome for their relationship, then both are guilty of adulterous thinking in regard to the institution of marriage. “No fault” divorce proceedings may in fact be a situation in which there is desertion each of the other by common consent. Both are guilty. The lax view of marriage and divorce by many in our society leads to a situation where frequently all involved are guilty. No one sees marriage for the inviolable bond it is according to God’s institution.

Thesis 6

When a marriage has been broken, the one who sins is called on to repent of his/her sin.

Jesus said to the woman of Samaria, “Go, call your husband” (Jn 4:16). This was the beginning of his call to repentance. His further words, “You are right when you say you have no husband; the fact is, you have had five husbands, and the man you now have is not your husband,” reveal the nature and extent of her sin. We might not choose this woman as a likely candidate for membership in our congregations. Better not to have to deal in this messy affair. But Jesus reaches out to her with loving concern, brings her to acknowledge her guilt and turn to him as her Messiah. Fruits of repentance followed. She invited her townsmen to “Come, see a man who told me everything I ever did. Could this be the Christ?” (Jn 4:29). We can assume also that her adulterous relationship with the man who was not her husband ceased.

The congregation at Corinth had a case of incest, a form of sexual immorality of a kind that did not occur even among pagans. Paul admonishes the congregation to deal firmly in the matter of this sin. “Hand this man over to Satan” (1 Co 5:5). “Expel the wicked man from among you.” (1 Co 5:13). The reason was not punitive. Rome’s punitive action in the form of acts of penance is characteristic of its legalism. Scripture does not direct the church to impose punishment on those who have sinned.

Nor was the purpose simply to clean up the congregation, although Paul warns against the danger of a little destructive leaven. The goal, as he puts it, is “that the sinful nature may be destroyed and his spirit saved

on the day of the Lord.” Repentance, forgiveness, faith, salvation was the goal. The action of the congregation had its effect. Grieving, the man repented. The congregation forgave and comforted him, reaffirmed its love for him (2 Co 2:7-8). We can be certain that the man ended his incestuous relationship as a fruit of repentance.

When sin is present, the church, like Jesus and Paul, is concerned to effect repentance, namely, confession and absolution or faith. To accomplish this there must be first a clear testimony against sin. We do not serve people well if we fail to call sin sin. We dare not reason away what Scripture, for example, says about divorce. Each person must be brought to see where he has failed. But the grieving sinner needs the comfort of the gospel. That finally is the end toward which all efforts are directed.

DIVORCE PASSAGES IN THE GOSPELS

	1	2	3	4	5	6	7	8
K. ΜΑΘΘΑΙΩΝ 5:32	ὅτι πᾶς ὁ ἀπολύων τὴν γυναῖκα αὐτοῦ	Παρεκτός λόγου πορνείας		ποιεῖ αὐτὴν μοιχευθῆναι			καὶ ὅς ἐάν ἀπολελυμένην	
K. ΜΑΘΘΑΙΩΝ 19:9	ὅτι ὅς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ	μὴ ἐπι πορνεία	καὶ γαμήσῃ ἄλλην		μοιχᾶται			
K. ΜΑΡΚΟΝ 10:11	ὅς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ		καὶ γαμήσῃ ἄλλην,			μοιχᾶται ἐπ’ αὐτὴν		καὶ ἐάν αὐτὴ ἀπολύσῃ τὸν ἄνδρα αὐτῆς γαμήσῃ ἄλλον, μοιχᾶται.
K. ΛΟΥΚΑΝ 16:18	Πᾶς ὁ ἀπολύων τὴν γυναῖκα αὐτοῦ		καὶ γαμῶν ἑτέραν		μοιχεύει,		καὶ ὁ ἄπολελυμένος ἀπὸ ἀνδρός γαμῶν μοιχεύει.	

Thesis 7

The church (pastor) will assure the penitent person of the Lord’s forgiveness as well as the forgiveness of fellow Christians.

Jesus presented himself to the Samaritan woman as the Messiah. “I who speak to you am he” (Jn 4:26). The penitent sinner was presented with her Savior. Paul told the congregation at Corinth to comfort and forgive the incestuous man who had been brought to sorrow over his sin. Not to do this could lead to despair. They were to comfort, forgive, and he also forgave.

Forgiveness is complete and unconditional. When David confessed, “I have sinned against the Lord” (2 Sa 12:13), Nathan’s reply simply was, “The Lord has taken away your sin.” The death of his son was neither a condition of the forgiveness, nor punitive action to complete the forgiveness, but to remove offense.

Sometimes we have difficulty proclaiming an unconditional forgiveness. We fear that people will abuse it. Our natural *opinio legis* somehow wants to have the people show they are worthy of forgiveness. We would

like to add a condition. We must avoid “if.” In announcing forgiveness we will also be concerned to avoid the impression that we are minimizing sin. Rather we show that where sin abounded, grace did much more abound.

Thesis 8

Repentance calls for proper fruits. Scripture does not outline these in detail for every situation.

When the crowds came out to be baptized by John, he said to them, “Produce fruit in keeping with repentance” (Lk 3:8). This was not to earn forgiveness. Fruit is a result and not a cause. It is evidence of repentance, not directly a part of it.

When the tax collectors and soldiers asked John, he told them what to do as evidence of repentance. In their case it was to function properly and lawfully in their occupations. Zachaeus volunteered to restore fourfold besides giving half of his possessions to the poor. The Samaritan woman brought others to Christ. Nothing specific is mentioned regarding the man from Corinth. David repented but remained married to Bathsheba, who became the mother of Solomon, the forerunner of the Prince of Peace. Paul tells the Ephesians that they who have come to know Christ should put off their old self, and put on the new self. They should put off falsehood and speak truthfully, whoever “has been stealing must steal no longer, but must work, doing something useful with his own hands, that he may have something to share with those in need” (Eph 4:17-32).

The term “fruit” implies willingness and a degree of spontaneity. Fruit is produced without legal compulsion. Hence we find that Scripture has not set up a codebook that specifies the exact form which fruit of repentance must take in the case of every sin. But broad principles can be recognized:

Fruit of repentance is to desist from the sin for which one repents.

Fruit of repentance is to restore, if possible, what sin has ruined.

Fruit of repentance is to amend one’s sinful life, to replace evil with good.

Fruit of repentance is to do all to the glory of God, whether we eat or drink, or work or play.

Thesis 9

Fruits of repentance may consist in efforts to preserve a marriage relationship or to reestablish one that has been broken.

When a marriage is threatened, we can expect that the penitent Christian will do all he can to preserve it. Fruits of repentance will include desisting from what contributes to disruption, e.g., drinking, annoying habits, and doing what will contribute actively to its preservation.

When the marriage has been broken, the penitent Christian will make every effort to restore what his sin has ruined.

We can say all this and it sounds quite simple. It is easy to write these principles and applications on paper. In real life it isn’t that simple.

One factor is that in marriage two people are involved. If one is an unbeliever, or impenitent, the other may not be able to bring forth the fruits of repentance that might be expected. One alone cannot preserve a marriage nor reestablish a relationship that has been broken.

Another factor is that fruits of repentance are in the area of sanctification. How complete, how perfect must they be to be acceptable? We know we cannot expect perfection. But where should the line be drawn? When can we say: You are impenitent? Here is where we will distinguish between the person who is weak in understanding and application and the one who refuses to follow what he/she knows to be God’s Will. Knowingly and brazenly to challenge God’s truth, Holy Scripture, destroys faith. Again, to make these distinctions on paper is easy; it’s not so easy when we are faced with their application to living human beings in our congregations.

Another factor may be blindness to inconsistency, that is, blindness to what a consistent application of God's will to one's life would require. What to us is a consistent application of God's Word is not recognized by our member. We may suspect deliberate refusal to see or dishonesty in his protestations, but there can also be honest failure to recognize his/her own inconsistency.

If it is any comfort to us, Luther too found dealing in marriage problems most difficult. While we do not see his dealings with Philip of Hesse as a pattern to follow in similar cases, this case does reveal Luther's struggles and that he sought with a pastoral heart to find a solution even if in retrospect it may not have been the best.

Thesis 10

Fruits of repentance for the divorced person may be the firm intention and promise to live a godly life in a new marriage.

It is not always possible to restore whatever one's sin has ruined. A broken marriage frequently cannot be reestablished. We cannot insist that the man or woman whose spouse broke the marriage through his adultery must restore the marriage. To forgive someone does not necessarily require accepting that person again as a spouse.

There is no question about the remarriage of the so-called innocent party in a divorce. That the wife who has been divorced by her husband commits adultery if she marries another man is based on a mistranslation and misinterpretation of Matthew 5:32, as we already noted. According to 1 Corinthians 7:15 the Christian whose spouse has left is "not bound in such circumstances" that is, is free to marry.

But what about the one whose adultery or desertion broke the bond? He/she repents of the sin. What are the fruits of repentance?

It may appear that 1 Corinthians 7:10-11 gives the answer in the case of desertion. Paul writes: "To the married I give this command (not I, but the Lord): A wife must not separate from her husband. But if she does, she must remain unmarried or else be reconciled to her husband. And a husband must not divorce his wife." When the husband or wife deserts (ἐὰν δὲ καὶ χωρισθῆ) the spouse, this leaves the alternative between remaining single or returning to the former spouse.

We note that this is written to the married where both parties are Christians. Neither should leave the other. But what if a Christian man or woman does? Mindful of the Lord's Word, "not to separate what God has joined together," the deserting spouse should not marry another. That would make the separation permanent with no possibility for reconciliation.

The question Paul does not answer, and that is the one we are concerned with here, is this: What if the deserted husband or wife refuses reconciliation? We would not expect this to happen when both are Christians. But those who profess Christianity may also act in an unchristian manner. Perhaps the Christian who has been deserted thinks in terms of 1 Corinthians 7:15 and, having been deserted, marries another. The point is that 1 Corinthians 7: 10-11 doesn't give us all the answers. It does not answer what is to be done if through the sin of one the marriage is in fact broken beyond reconciliation. The one who is responsible, who has sinned, repents. What are the fruits of repentance? Must they be permanent celibacy, since the former marriage cannot be reestablished?

The same question applies to the person who breaks a marriage by adultery. He/she is guilty. But if he repents and the fruit of repentance cannot be to reestablish the former bond, what then? Is the only alternative now permanent celibacy?

I know of no passage that enjoins this. The various passages about divorce are to prevent separation and to reveal that it is sin when a marriage is broken. They, however, do not address themselves to the question of what is to be done by the guilty person who repents. The fruits of repentance in such cases are not defined by law, simply because circumstances alter cases.

The adulterer or deserter whose wife refuses to receive him back is in somewhat the same position as the murderer who cannot bring the fruit of repentance by restoring the murdered person to life. The penitent murderer, with the help of God, is to live in obedience to the fifth commandment in the future and not again destroy or injure human life. Whoever has transgressed against the sixth commandment, broken a marriage bond, and upon repentance cannot undo the evil results of his sin by reestablishing his former bond, is to strive, with the help of God, to live in obedience to this commandment in the future, nevertheless. How will he do this? The sixth commandment does not command celibacy. And 1 Corinthians 7:2 and 9 advise those who cannot abstain to marry. Fruits of repentance are to strive to live a chaste and decent life in a new marriage that the penitent Christian recognizes as one that is never to be broken as he did his former one.

Thesis 11

The church and its Pastors will carefully seek to avoid offense when ministering in the case of a broken marriage.

Fifty years ago we had few divorces among the members of our congregations and even fewer divorced people as members. The tragic increase in divorces in our country is reflected also in our congregations. The danger we face is that what Scripture says is forgotten and what the world says becomes the thinking of our Christians. This calls for a clear testimony from the church and its pastors, particularly also when they minister to people involved in broken marriages. When that testimony is not clearly given, there is occasion for offense among our members. By offense we do not mean merely that someone says, I don't like what the church is doing. Offense involves the faith of people. Offense is that which causes someone to stumble in his faith. When the church does not call a sinner to repentance and by its failure even hardens him in his sin, when others also are led to commit sin against their conscience because the church seems to allow it, that is offense.

Paul warned the Corinthian congregation against their proud attitude in the face of the immorality that was not dealt with in their midst. By not dealing with it the congregation gave the impression that this sin was not a serious matter. This would work like a leaven and increasingly exert a destructive influence in the congregation.

David retained Bathsheba as his wife. But the child born of her was taken by the Lord in death "because by doing this you have made the enemies of the Lord show utter contempt" (2 Sa 12:14). When we have or retain people who have committed adultery, deserted, divorced people, including those who may have been the prime cause of the break in the marriage, when we have them as members in our churches, as we must when they truly repent, we must guard against this becoming cause for people saying: "The church has changed its policy on divorce, divorce is no longer sin."

To forgive the penitent sinner does not cause offense, but to give the impression that there has been no sin, or that sin is not serious, does.

Unfortunately there are many churches that no longer consider the breaking of a marriage bond as sin. The result is that people who are being dealt with may avoid disciplinary admonition by joining another church (not of our fellowship). Any church or pastor that undercuts proper church discipline is causing offense by hardening the people in their sin.

Thesis 12

Our concern in dealing with these difficult cases is not the purity of the church or simply the purity of life of the individual, but the proper application of law and Gospel in the interest of the individual's repentance and eternal salvation.

This concluding thesis brings together some thoughts that have already been expressed and attempts in conclusion to keep our ministry in these difficult cases properly motivated.

Scripture does not call on the church to keep itself pure by excluding from its midst those who have lapsed, as the Novatians did. The church's holiness does not consist in the holy life of its members. The church is not to wash its hands of adulterers, deserters, divorcees, but is to wash also these sinners in the cleansing blood of the Lamb. For the church is holy through the perfect holiness that its members have through faith in the atoning work of Christ.

Hence the church's concern in cases of this type also is not simply the purity of life of the individual, that is, that we simply look for a change in conduct as such. Fruits of repentance that result from a changed heart, yes, but not merely that people do the right thing as we have instructed them. Jesus came to seek and to save that which was lost. The self-righteous he reproved; troubled sinners he comforted. We must do likewise. This means letting sin be sin; it means proclaiming grace as grace. It means applying law and gospel according to need, aiming at repentance: confession, absolution, faith, fruits of faith. That is to have a pastor's heart. That is to follow Christ in our ministry.