

Divorce and Remarriage: The key ethical questions

- Question of fundamental principle: Do you accept the principle that there are circumstances in which a divorced person may be married in church during the lifetime of a former spouse?
- Question of practice: If do accept, how decide what the circumstances are and whether they are met in any particular case?

Divorce and Remarriage: The biblical and theological issues

- **Biblical Exegesis & Hermeneutics:**
 - How were sayings intended ? What form are they?
 - How do we relate sayings to each other ?
 - What do key terms mean ?
 - How do we apply passages to marriage and marriage breakdown today ?
- **Theological/Ethical question:**
 - What meant by 'indissoluble' or 'permanent'? Can marriage be ended by other than death ?

Argument For Remarriage 1

- **Reading sayings in biblical and cultural context**
- Mt 5 – Sermon on Mount not an absolute legal statement of lust as adultery, cutting off organs. Shocking challenge to lax views
- Focus on 'marrying another' refers to common Hillelite lax view and dumping current wife for better one.

Argument for Remarriage 2

- **Matthean Exception**
- At least one exception given by Jesus
- Wide variety of views on *porneia*
- Exception must include remarriage in Jewish context
- Mt either clarifying what Lk & Mk assume or loosening them in light of reality

Argument for Remarriage 3

- **Pauline Privilege**
- Paul also grants freedom to marry again in at least one case
- 1 Cor 7.15 – 'not bound'
- In 1 Cor 7.27,28 may include divorcees among those who are 'unmarried'

Argument for Remarriage 4

- **Should not end marriage but can do so**
- Still 'permanent' in sense that not trial marriage, contract with conditions etc.
- Those entering must intend it to be permanent, life-long commitment
- *Should* be permanent but can destroy marriage and divorce recognises this fact
- Divorce is separation *a vinculo* (from the bond)
- Marriage therefore different from blood relations

Argument for Remarriage 5

- **Gospel of forgiveness**
- If reject all remarriage during lifetime of former spouse as sinful are we not losing the gospel of forgiveness and a fresh start?

Argument for Remarriage 6

- **Selective not universal**
- NOT saying all remarriages are right
- BUT Scripture allows some
- Some limit to biblical exceptions
- Others see these as illustrative and church can extend eg abusive spouse

Arguments against Remarriage 1

- **Plain sense of Jesus' teachings**
- Jesus clearly calls remarriage adultery – most starkly in Lk 16.18 and in Mk 10
- Why adultery? Because still married to first spouse
- Divorce therefore does not free person from their marital obligations – still bound to their spouse

Arguments against Remarriage 2

- **Matthean exception refers only to divorce**
- Most Church Fathers read it this way
- Explains shock of disciples at strictness – why so surprised if just Shammaite view?
- Exception may be there to explain Joseph's behaviour (1.19) or calm those required by laws of time to divorce an adulterous partner

Arguments against Remarriage 3

- **Paul clear that only death ends marriage**
- Romans 7 – not about remarriage but shows what he thought
- 1 Cor 7.39 similarly shows death is only end
- Only options are reconciliation or remaining unmarried (7.11)
- The 'not bound' does not mean free to marry again

Arguments against Remarriage 4

- **Marriage bond only ended by death**
- No biblical precedent or example of approved remarriage during lifetime of former spouse
- Basis either in sacrament (RC) or 'one flesh union'
- God does something in uniting so 'once married, always married'
- 'Divorce' is only *a mensa et thoro* (from bed and board) ie separation and does not end marriage bond
- Strong ontological sense of permanence and indissolubility

Arguments against Remarriage 5

- **Nature of promises and vows**
- “Forsaking all others...till death” so how make same vow to another while spouse still alive?
- Example of Hosea and of God himself – perseverance even in face of breakdown of covenantal relationship
- Should never close door on possibility of reconciliation

Arguments against Remarriage 6

- **Not unforgiving but truthful witness to reality**
- Sin is forgiven but actions have consequences we must live with
- Refusal is not due to sin of divorce which unforgiven
- Refusal is due to fact that person is still married so cannot marry them as would be polygamy/adultery (cf brother and sister or two people of same sex)

Church of England – Previous Statement

- “...in order to maintain the principle of lifelong obligation which is inherent in every legally contracted marriage and is expressed in the plainest terms in the Marriage Service, the Church should not allow the use of that Service in the case of anyone who has a former partner still living” (1957 Act of Convocation)

Church of England - 1981

- “That this Synod
- (a) believes that marriage should always be undertaken as a lifelong commitment
- (b) considers that there are circumstances in which a divorced person may be married in church during the lifetime of a former spouse” (General Synod 1981)

Bishops on Permanence

- “All Christians believe that marriage is “indissoluble” in the sense that the promises are made unconditionally for life....
- Some strands of the Western Church have concluded from this that a divorce decree is ineffective and a subsequent marriage invalid in the eyes of God.
- The reformers of the Church of England did not believe that this was taught in Scripture, and they did not teach it in The Book of Common Prayer...”

Bishops on Permanence

- “Yet...some Anglican Christians have believed, and still do, that such a marriage is strictly speaking, impossible.
- These convictions demand respect, though they are not those of the Church of England as a whole.
- And they emphasise one aspect of the truth which we all acknowledge: a broken marriage can never be put us back where we were before; it leaves relational ties and obligations behind which do not disappear” (*Marriage* p14f).

Bishops on Remarriage

- “The Church has learned to stress the importance of putting a clear distance between the new marriage and the old:
- a distance of time, of local setting and of relationship.
- Time is needed to recover emotional stability and good judgment;
- a new setting is needed, where the former partner is not forced to endure the reopening of old wounds;
- and a new relationship is needed, avoiding suspicion that the new marriage consecrates an old infidelity”

Church of England – Current Position

- Incumbent to decide whether or not willing to remarry both in general and in specific cases
- If willing in general then guidance offered by House of Bishops on how to decide on any case

Roman Catholic Annulment

- A valid, sacramental and consummated union is indissoluble
- Two baptized persons, who are married in accordance with the law, and whose union has been consummated, are bound in an indissoluble union sanctified by God until the death of one of the partners.
- May determine particular marriage to be invalid and so able to be given declaration of nullity

Bishops on Remarriage in Church

- “Should the church as a whole decide on an alternative (ie to the Convocation Rules, as modified by experimental diocesan guidelines), it will be on precisely the same principles that have guided us up to this point:
 - that marriage is an unconditional commitment for life;
 - that a further marriage after a divorce is an exceptional act;
 - and that it must be approached with great honesty and circumspection;
 - and that the Church itself, through its ministry, has a part in deciding whether or not...it should take place in the context of church worship”