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L. E. W. Eng. Ref. 48 e. Marriage 5.



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*Does the Law of GOD permit
Husband or Wife to Marry after
Divorce during the Life of
the other Partner?*

An Argument from Holy Scripture.

A PAPER

READ BEFORE THE SYNOD OF CLERGY OF THE DIOCESE
OF MARITZBURG,

HOLDEN IN

ST. SAVIOUR'S CATHEDRAL CHURCH,

September, 1880.

BY

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DEAN OF MARITZBURG.

L.E.W. - Eng. Ref. 48e. Marriage 5

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INTRODUCTION.

IN the Session of the Maritzburg Diocesan Synod, which opened on September 23rd, 1880, a Committee, appointed in the previous Session, presented their Report on the Sixteenth of the South African Provincial Canons—"Of Holy Matrimony." The first and second sections of this Canon, to which the attention of the Committee was chiefly directed, are as follows:—

I. "No Clergyman shall knowingly join in Matrimony persons who are within the forbidden Degrees, as set forth in the Table of Kindred and Affinity annexed to the Book of Common Prayer, or either of whom, not having been admitted as a Catechumen, is an unbaptised person; or celebrate Marriages, except in cases of great necessity, in any other building than a Church or Licensed Room or Chapel."

II. "Whilst the Synod reserves for the decision of higher authority in the Church the question of the lawfulness or unlawfulness of the Marriage of an innocent person who has obtained a Divorce on the ground of Adultery, it declares the Clergy of this Province free from all obligation to marry any Divorced person while the person from whom he or she has been divorced is still alive; and it forbids the solemnization of Holy Matrimony by the Clergy of this Church between persons either of whom having been divorced, and having his or her divorced partner still alive, is other than an innocent person who has obtained a Divorce on the ground of Adultery."

The Committee's Report, which was placed in the Bishop's hands for publication by a vote of the Sacred Synod, expressed its dissent from this Canon on other grounds, but especially as holding it to be *ultra vires* for a Province which bases its Constitution on the Church of England's standard of Faith and Doctrine to treat as an open question what the Church had decided. Reference was made to Canon XCIX. of the Canons of 1603, and to the works of Andrewes, Cosin, and other Divines. With this Report were presented three Appendices, two of which consisted chiefly of

authorities on the subject of re-marriage after Divorce, Ancient, Mediæval, and Modern. The third Appendix, which was compiled with great care by the Dean of Maritzburg, dealt with this topic from the standpoint of Holy Scripture. It was thought by many who listened to it in Synod, and by some who have since read it in Manuscript, to be worthy of general circulation, and with this object it is now printed as a separate Pamphlet. There are a few scattered references in it to the Committee's Report, but as no copy of this document is at hand, it has not been possible to give citations from it. The Dean's argument, however, is practically independent of it.

C. D.

WANTAGE,

Festival of the Annunciation, 1881.

CHAPTER I.

IN proceeding now, in discharge of the task which I have undertaken, to examine the testimony of the sacred Scriptures as to the dissolubility or indissolubility of Marriage, I begin by earnestly praying for grace to handle the Word of God with all reverence, and to be enabled so to mark, learn, and inwardly digest what is there written, that I may walk in the way of truth, avoiding every path of error or of false doctrine.

Holy Scripture reveals the will of God in regard to Marriage—

1. In the record of the Creation of man.
2. In the Mosaic law.
3. And, finally, in the law which our Lord and Saviour gave to the Church.

1. The record of the creation of man contains within it the institution of Marriage, but nothing is at that time added with regard to the effects resulting from any violation of its conditions.

2. The mind of God, in regard to Marriage, is more fully unfolded in the Mosaic law, as therein the Almighty—

- (a) Declares what are the limits of consanguinity and affinity within which Marriage cannot take place ;

- (b) Imposes the punishment of death upon adultery ;
- (c) Allows the man for certain causes to put away his wife.

3. The final revelation of the Divine will is made by our Lord in the Gospels, and recorded by St. Matthew v. 31, 32 ; xix. 3-10 ; by St. Mark x. 2-13 ; by St. Luke xvi. 18 ; and also by St. Paul, 1 Cor. vii. 10, 11.

In St. Matt. v. our Lord does not speak of remarriage after divorce, but declares only the exceeding sinfulness of putting away, except for the cause for which He Himself allows it, saying that the after sins of the woman who is divorced are imputed to him who puts her away, as in the sight of God he is the cause of her sin, "causeth her to commit adultery."

But in the passage in St. Luke (St. Luke xvi. 18), our Lord, in language most plain, as well as in manner most solemn, forbids remarriage to either of the parties who have been divorced, whatever may have been the ground of their separation. Our Saviour says : "Whosoever putteth away his wife and marrieth another, committeth adultery : and whosoever marrieth her that is put away from her husband committeth adultery."

These words are so plain that he who runs may read. They are also full, leaving nothing to be inferred. Our Lord first forbids the man who puts away his wife to remarry, and then condemns, as an adulterer, him who marries her that has been divorced. Most manifest, then, is it, from these words of Christ, that putting away does not void or annul a Marriage ; but that both parties are still married persons, though separated, so that neither can remarry without committing adultery.

We must not, however, consider these words simply by themselves, plain and full as they are ; but must take them in conjunction with that declaration of our Lord with which He Himself connects them. He commences by asserting the absolute immutability of the law of the Almighty, saying, "It is easier for Heaven and earth to pass than one tittle of the law to fail" (St. Luke xvi. 17). The Prophets had described the

hills as everlasting, and had appealed to the ordinances of day and night as the visible emblems of the eternity of God ; but our Saviour solemnly observes that it is easier for Heaven and earth to pass away, easier for creation, which to man's finite mind appears almost as infinite—easier for it to be annihilated, than for one tittle of the law to fail. Having thus spoken, and knowing that God had hitherto allowed the full operation of one commandment of the law to be suspended, He now declares that it has in the Kingdom of Heaven, in the Church, full force, not one tittle of it can fail ; so He lays down again for the children of the Kingdom the true boundaries of that law in the words which have already been quoted.

This passage, therefore, as it seems to me, should not be read as one of many, out of which the whole law of Marriage is to be built up, but as being altogether complete in itself. Our Lord deals with the breaches of that law, repairs them, and then declares that they shall not again crumble or seem to fail, but shall stand fast for ever.

When, therefore, we come to the consideration of such a passage as that of St. Matt. xix. 9, it behoves us to be slow in assuming that our Lord now modifies that which He had previously so solemnly delivered. No words of His can ever in this manner pass away. I propose, therefore, to enter at some length into the examination of this passage to ascertain whether it is needful to make such an assumption, and trust to be able to show not only that there is no necessity, but, further, that our Lord's words will not allow of it ; as whilst, in His reply to the question of the Pharisees, He enunciates with much fulness the law of Marriage, He neither adds to nor subtracts from, but simply confirms all that He had before spoken.

Before, however, entering upon this important examination, I must offer some remarks upon the testimony both of St. Mark and St. Paul.

St. Mark, in x. 2-13, relates the same conversation with the Pharisees as does St. Matthew in chapter xix., but with this difference. St. Matthew records that our Lord, after

commenting on the law of Moses, added : “ And I say unto you (λέγω δὲ ὑμῖν), Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery ; and whoso marrieth her which is put away doth commit adultery ;” whilst St. Mark tells us that “ in the house His Disciples asked Him again of the same matter. And He saith unto them, Whosoever shall put away his wife, and marry another, committeth adultery against her ; and if a woman shall put away her husband, and be married to another, she committeth adultery.” Two ways suggest themselves by which these two passages may be harmonized. One is to suppose that the words in St. Matthew were spoken by our Lord to the Pharisees ; so that λέγω δὲ ὑμῖν simply implies, “ I, in contrast to Moses, say unto you, who are under the law of Moses ;” and not, “ Whilst Moses so spake to those who are subject to his law, I, in contrast, say unto you, My disciples, My Church ;” and then that St. Mark omitted altogether these words, and recorded only our Lord’s, after conversation with the Disciples, which again St. Matthew omits.

If this be so, every avenue by which doubt might enter in as to our Lord’s teaching in respect to remarriage after divorce seems to be absolutely closed. For if our Lord, in speaking to the Pharisees, laid down a certain rule (see St. Matt. xix. 9), and immediately afterwards in the house, figuratively the Church, gave a different law to the Disciples—that is, the whole body of the faithful (see St. Mark x. 11, 12)—the Church is bound by these latter words, not by the former, and these latter words are as full and complete as those which we have before considered in St. Luke ; they absolutely forbid remarriage on divorce.

Neither can it be argued that in this way we go too far, and do not even permit of divorce for fornication, seeing that our Lord does not in the words, as given by St. Mark, make mention of any such liberty being allowed. This argument, I say, cannot be sustained ; for as our Lord had previously, in the Sermon on the Mount, given to us, His Church, His law on that point, He did not deem it necessary to repeat it on the present occasion in the house

with His Disciples, though He had done so when addressing the Pharisees, as the Sermon on the Mount had not been delivered to them, but to the Church (see St. Matt. v. 1).

If, therefore, our Lord's words, as given by St. Matthew and St. Mark, are to be thus harmonized, there is no necessity to examine at length His words in St. Matthew xix. 9, as their operation is confined to the Jews, seeing that they are immediately afterwards superseded by the law which our Saviour gives to the Church.

But (2) these two passages can be otherwise harmonized. The λέγω δὲ ὑμῖν in St. Matthew may be taken as equivalent to what St. Mark more fully relates. Our Lord may be understood as having ceased to address Himself to the Pharisees, and to have walked towards the house with the Disciples, who, on entering it, remark on what He had said to the multitude, when He turns to them, and makes answer, "But I say unto you," &c.

On this hypothesis we have two versions of our Lord's words—one in St. Matthew, the other in St. Mark; and both will have to be carefully considered, as both are addressed to the Church. We shall presently examine the whole passage in St. Matthew. At the present moment we are only occupied with St. Mark, and, as has already been shown, our Lord's words, as given by this Evangelist, are as full and as absolute as those recorded by St. Luke.

Let us now turn to St. Paul. The Corinthians, whom he had converted to the Faith, addressed to him, apparently after his departure from them into Asia, a series of questions respecting, *inter alia*, the law of married life, to which the Apostle replies at considerable length in his first Epistle to that Church. The date at which that Epistle was written is, I believe, generally fixed at *circa* A.D. 57, or some years previous to the publication either of St. Mark's or St. Luke's Gospels, or of the Greek version of St. Matthew's. The Corinthians consequently possessed, when this Epistle was written, only the oral teaching of the Apostle. The questions, therefore, which they put to him were not enquiries as to the true meaning of what was written in

any of the four Gospels ; they did not appeal to him as to an inspired commentator on the writings of the Evangelists, but as to one from whom they had received the knowledge of the Gospel, and from whom they now desired to receive explicit rules by which to govern their conduct and to regulate their discipline.

The Apostle, in his replies, would necessarily give them full and complete instruction. When, therefore, he writes, "To the married I command, yet not I, but the Lord, Let not the wife depart from her husband ; but and if she depart, let her remain unmarried, or be reconciled to her husband, and let not the husband put away his wife" (1 Cor. vii. 10, 11), and at the same time makes no manner of mention of any cases which our Lord had excepted from this His Commandment, we must conclude that he knew of none, otherwise it would seem that he was laying upon the Corinthians a burden in some respects different from that which Christ had imposed on the Church universal.

We may consequently sum up by saying that the testimony of St. Mark, St. Luke, and St. Paul is that our Lord, in language full, clear, and absolute, forbade remarriage after divorce, including every such act within the sin of adultery.

A threefold cord, says the wise man, is not quickly broken ; and against this most explicit teaching of our Saviour there can only be set His words as recorded in St. Matt. xix.

I have already shown that, by one way of reading those words, they emphatically confirm the testimony of the three, and the cord becomes a fourfold strand, with nothing to oppose to it but the lusts of men and man's slowness of heart to believe. Or if we take the other possible way of reading this passage, then, if the exception it contains attaches only to the condemnation of putting away, and does not allow of remarriage—that is to say, the words "except it be for fornication" are to be read only in connection with the words "whosoever shall put away his wife"—once more do these words of our Lord

agree in every respect with what is written by St. Mark, St. Luke, and St. Paul, the cord again becomes a fourfold one. Further, that the exception should be read in connection with the condemnation of divorce only may justly be concluded, both from its position in the sentence and from the fact that our Lord had previously connected it therewith in His Sermon on the Mount.

It is only on the double hypothesis that the exception refers to the whole sentence, and that our Saviour's words were addressed to the Church, and not to the Pharisees, that a seeming difficulty arises in reconciling the words in St. Matthew with the testimony of the other three. I say seeming, because I hope to show that even in this case there is no real difficulty; that the context shows that this hypothesis is not tenable in its entirety, and that it excludes such a construction being put on the passage as shall make it allow of remarriage on divorce.

But if this could not be shown, then it should suffice to say, if there are three ways of reading the words of our Lord, as given by St. Matthew—to wit, (1) that the words were addressed to the Pharisees, and not to the Church; (2) that they were addressed to the Church, but that the exception only permits of divorce, but not of remarriage; (3) that they were addressed to the Church, and that the exception allows both of divorce and remarriage—and if, of these three, two make them to accord perfectly with our Lord's other words, whilst the third creates a discrepancy, then, seeing that Holy Scripture is not to be interpreted so as to make it contradict itself, we are bound to reject the third method of reading the passage in question as untenable, and to acknowledge that the testimony of St. Matthew, as well as of St. Mark, St. Luke, and St. Paul, is that our Lord pronounced a Marriage on divorce to be adulterous.

CHAPTER II.

Let us now proceed to consider fully and carefully the whole of this passage in St. Matt. xix. I say the whole, and not verse 9 only, on which men build the doctrine that in the case of adultery Marriage is dissoluble, as the true meaning and force of our Lord's words can only be ascertained by examining them in connection with the context. An exception must always be considered in its relation to that to which it is an exception. My remarks may extend to some length; but if we bear in mind how momentous is the issue involved, no investigation can be regarded as too searching.

At the outset, it is perhaps necessary to state that throughout this enquiry it is assumed that there is but one and the same law for the man and the woman, as this also is brought into controversy. The tyranny of men has too generally made in the kingdoms of the world one law for the man and another for the woman. Basing its action on social considerations, it has distinguished between unfaithfulness in the husband and the wife, making it a crime in the woman only. The Church, however, whose moral law has regard not only to the welfare of Society, but to individual purity also, makes no difference between the man and the woman. We are expressly taught in Holy Scripture that in the Kingdom of Christ "there is neither male nor female" (Galat. iii. 28), but that there is one law for all, without distinction of race or sex.

Further, that this is the case in respect of the relationship of Marriage is plainly taught us in 1 Cor. vii. 4, where we read: "The wife hath not power of her own body, but the husband; and likewise, also, the husband hath not power of his own body, but the wife." Again, the "thou" of the Seventh Commandment is the same "thou" as is addressed throughout the Decalogue. It is impossible to argue that every human soul, without distinction of sex, is addressed in nine of the Commandments, whilst in the remaining one the woman only is

signified. In treating, therefore, of the Christian law of adultery, what is said of one, either of the man or the woman, must be understood as said of the other also.

With this prefatory remark, let us now turn to St. Matt. xix. In this passage we find our Lord not only gives to us His own law of Marriage, but compares it at the same time with the Mosaic and primæval laws.

In promulgating His own, our Lord commences by redelivering the original law *verbum pro verbo*, as it is recorded in Genesis ii. 24. He then dwells upon the last clause, "and they twain shall be one flesh," and, solemnly for Himself, re-affirms the mystery of this union, saying, first, negatively, "so that they are no more twain;" then, positively, "but one flesh;" and, lastly, emphatically adds, "What, therefore, God hath joined together, let not man put asunder."

The fulness and earnestness of our Lord's words on this occasion surely force us to acknowledge that that unity of Marriage which He thus protects by a triple defence of His own words must be, as those words, incapable of being broken.

After having, in this solemn manner, declared that man and wife are one flesh; that the making of twain one flesh is the act of God; and, thirdly, that it belongs not to man to sunder this unity, our Saviour proceeds to comment on the Mosaic law. In considering what He here says, we must bear in mind how carefully, in the Sermon on the Mount, He guarded His teaching by prefacing it with the assurance that He "came not to destroy the law, but to fulfil." Accordingly, we do not find in this place that He repeals anything *commanded* in the law: the law given by Moses remains to be fulfilled in the Church; Christ only abrogates that which had not been commanded, but had only been allowed to men from the hardness of their hearts. By saying, "from the beginning it was not so," He declares that this permission had no place in the original institution of Marriage, and is henceforth withdrawn. That, however, which Moses commanded as the law of the Most

High remains as the expression of the unchangeable mind of God—to wit, the law of incest and the law of adultery. These continue as part of that immutable moral law of the Almighty which is binding on all the sons of God, as is acknowledged in the 7th of the 39 Articles of Religion.

Of the law of incest we have elsewhere spoken. The other, the law of adultery, delivers over the transgressor to death. Death, under the law of Moses, was temporal death; in the spiritual Kingdom of Christ it is spiritual death, or excommunication. It would seem to follow, therefore, that the Church is required by our Lord to excommunicate those of her children who may be convicted of adultery.

Our Lord, having thus condemned the putting away of their wives by men, proceeds to set up again the ancient beacons, defining the boundaries of adultery. His words are: “And I say unto you, Whosoever shall put away his wife, *εἰ μὴ ἐπὶ πορνείᾳ*, and shall marry another, committeth adultery; and whoso marrieth her which is put away doth commit adultery.”

The question which arises out of these words is, what is the exact meaning and force of *εἰ μὴ ἐπὶ πορνείᾳ*, rendered in our English version, “except it be for fornication”?

Now, it is to be observed that our Lord only makes this exception, but does not proceed to deal with it. He tell us that, save in the excepted case, to marry one who has been put away, or to put away and to marry another, is to commit adultery; but whether in the excepted case it is a lesser sin so to marry, or only inexpedient, or perfectly lawful in the sight of God, He does not succinctly make known—at least, in this place.

It is urged by some that the natural construction of the paragraph carries with it the permission to marry; as when it is said that, except in a certain case, it is unlawful to do a certain thing, it follows that in the case excepted it is lawful. Before, however, we can so conclude, we must examine the exception itself, and enquire whether it applies to remarrying, or only to putting away; or

whether it may not have been elsewhere treated of by our Lord ; or, lastly, whether it may not include a class of cases, and not only a particular one. If this last should be the case, then it might be found to be impossible to deal with the exception in the general. Each case included under it might require to be separately considered.

This would explain why our Lord only states the exception, and abstains from adjudicating upon it. Having already promulgated the Divine law of Marriage, He had, in so doing, supplied the Church with the proper tests to apply to the several cases embraced under the one heading, and consequently left her, under the guidance of the Holy Spirit, to apply the principles He had enunciated to the exceptions He allowed.

Now, on comparing Scripture with Scripture, we find that *πορνεία*, on account of which our Lord makes His exception, bears three significations—(1) fornication ; (2) incest ; (3) adultery. It is accordingly noticeable that in 1 Cor. vii. 2 St. Paul speaks of fornication in the plural, *διὰ τὰς πορνείας*. That *πορνεία* signifies fornication there can be no doubt, as that being the primary meaning of the word, it cannot be evacuated of it without doing violence to language. It is impossible, moreover, to contend that He, Who is the Truth, did not use words in their natural sense, though, at the same time, He may have enlarged their signification by applying them to the substance when before they had been used of the shadow.

Again, that this word in Holy Scripture signifies incest is evident from 1 Cor. v. 1 ; and, lastly, that it includes adultery is the common judgment of the Church. Moreover, if *πορνεία* does not include adultery, there is no permission granted to a married person to put away his or her partner for adultery ; but if, as we have shown, excommunication is God's appointed sentence upon those who so sin—a sentence which involves separation from the society of the faithful, and, consequently, requires the faithful partner to put away the sinner—a certain putting away is allowed by the Almighty in the case of adultery,

and, therefore, must be included in the exception—that is, *πορνεία* signifies also adultery.

We need not, at the present time, consider the effect on Marriage of *πορνεία*, in its first acceptation—that is, of sin prevenient to Marriage—as that case is not referred to in the Canon under review.

The first clause of the Canon does, however, refer to the effect of *πορνεία* in its second sense of incest, and we have elsewhere shown that such a Marriage is *ipso facto*, *ab initio*, null and void; so that, saving the discipline which the Church may impose on particular offenders, proportioned to the measure of their consciousness of guilt, both parties, being wholly unmarried, are able, without committing adultery, to marry again lawfully, according to the law of God.

We come now to the third signification of *πορνεία*, or adultery.

In considering this case, let us, in the first instance, turn again to the words of our Lord, ὃ οὖν ὁ θεὸς συνέζευξεν. The Church of England has rendered them thus: “Those whom God hath joined together,” making in this manner the relative to be plural, and referring it, as its antecedent, to the persons of the man and the woman.

But this rendering of our Saviour’s words, whilst we must receive it as expressing part of His doctrine, manifestly does not measure it in its fulness. For Christ so spake as to make it evident that He was not altogether unfolding, but rather proclaiming, a *mystery*. He used a verb which seems to require for its object a dual or plural noun; whereas He assigned to it one in the singular number, and that, again, a relative pronoun, whose exact antecedent cannot be inferred.

In this way our Lord declared the unity of Marriage to be a mystery. That it includes the persons of the man and the woman the language of the Church requires us to acknowledge; that it embraces their flesh is plainly taught us by our Lord; but more closely we cannot define it.

Seeing, then, that our Saviour, in revealing the wondrous unity which God constitutes by Marriage, employed such

a form of words as shows that that unity is incomprehensible by man, or that it is His will to withhold for a season the full knowledge thereof, we draw from the premises this conclusion, that *man cannot, unless specially empowered so to do, dissolve a Marriage on account of adultery, or for any other cause*, inasmuch as he does not know how the unity of Marriage is formed, nor in what it consists.

As additional evidence that the unity of Marriage is a mystery, and, therefore, that it can only be dealt with in such wise as God has permitted by revelation, it is important to point out that in I Cor. vi. the Apostle St. Paul, when speaking of fornication, applies to it the words of God : "They two shall be one flesh." Notwithstanding, he does not teach us that the relationship so established is that of Marriage, but, on the contrary, calls it fornication.

In both cases there is a union of the flesh, but in one, that of fornication, it is not only in the flesh, but by the flesh ; whilst in the case of Marriage, it is wrought by spiritual power, without the intervention of the flesh, as the Marriage union was perfect in Paradise, though the first born of that union was not begotten until after the Fall.

We learn, therefore, that two can be one flesh after divers manners. There is, first, the oneness which belongs to being sprung from the same parents, and which is such that it is hateful to God for offspring to be born of it ; secondly, there is the unity of Marriage, which is made by God, and is such that the blessing bestowed upon it is that of offspring ; and, lastly, there is the union carnally effected, which the Scriptures designate as fornication, and which excludes from the Kingdom of Heaven.

In what, however, these three kinds of unity of the flesh essentially consist, or wherein they essentially differ, man cannot explain ; and, therefore, as has been said, he has no power over the unity of Marriage, unless it has been given him by express command of Christ.

We have, therefore, to enquire whether our Lord has given power over the unity of Marriage to dissolve it, either to men in general, or to the Church in particular.

Let us first enquire whether such power has been granted to individual men.

That such power is not conferred upon men, when permission is given to put away a wife in the case before us, can, I conceive, be clearly shown from a careful consideration of our Lord's language.

For, in promulgating the general law, Christ absolutely forbade man to sunder that which the power of God, and not the will of man, had joined ; and when He afterwards proceeds to allow a man to put away his wife in a particular case, He does not empower him to sunder, χωριζεῖν, the unity, which had been constituted by Marriage ; but He makes use of an entirely different verb, and applies it to the *person of the wife, not to the bond of Marriage*. Our Lord's words are : " Whosoever shall put away," ἀπολύσῃ, " his wife ;" the verb being different, the action is different, and, further, the object is also different, as, in this case, it is the wife, and not the Marriage.

Will reverence allow us to draw any other conclusion but this : that our Lord, by thus changing both the action and the object, taught us that that which is allowed in the exception does not suspend the general law which He had given ? In other words, that the permission to a man to put away his wife for adultery does not permit or enable him to sunder the Marriage bond.

Again, if we consider the force and meaning of the verb ἀπολύειν, which our Lord uses in connection with the exception, it would seem to apply to dissolving a compound, or releasing from a contract, or to unloosening two things which had been tied together ; but not to signify breaking a unity. That is to say, this particular verb can be used in relation to man's part in Marriage, but not in connection with that part which is the work of God. Man's part is to effect a union between two ; God's, to create out of them a unity.

Man's part in Marriage is not a mystery to himself, but is done with an intelligent mind, as well as with free will. Consequently, if permitted, he can afterwards deal intelligently with this, his own part, and, in one particular case,

this permission is granted. Man, when marrying, enters into a definite and intelligible contract, concerning which our Lord, the Judge of all the earth, has said that He allows of no release from it during life, except under one special condition of circumstances. These He constitutes into an exception, and, in that case, allows a man to unloose himself, or to be unloosed from the obligations of his contract. This permission, however, is not granted until our Lord has first solemnly warned us against extending it, so as to make it reach to God's part in Marriage, which is a mystery.

That unity which God has made our Lord first forbids man to sunder, and then allows the contract which the man and the woman at the same time mutually make to be in one case dissolved.

It is important to bear constantly in mind, and to discern clearly, that whilst the man and the woman unite themselves by a contract, God at the same time forms of them a mysterious unity. Our Lord's words are: so "they are no more twain"—that is, they are not two firmly bound together, but they are "one flesh"—and herein lies the fundamental distinction between the civil and the ecclesiastical conception of Marriage.

The civil law, and, therefore, men generally—for the civil law is only the expression of the minds of men—regards Marriage as a particular kind of union between a man and a woman, and no more. It does not see, as the Church does, a new thing formed by Marriage, which in Holy Scripture (see Gen. v. 2) is designated man, or Adam, and in which the man and the woman subsist. The civil law, in consequence, deals only with the persons of the husband and the wife, and the contract between them; whilst the Church, which knows God and has heard our Lord say, "My Father and I are one," realizes that the man and the wife are also one—one substance, one entity; and, therefore, recognizes that the law of Marriage must deal not only with the persons of those who are married, but with this entity also.

Again, it must be remembered that our Lord did not,

when speaking of Marriage to His Disciples, reveal this mystery to us for the first time. He only dwells upon it as a truth already made known, going back upon it, as I have already pointed out, and reaffirming it with added words of His own. It was revealed from the beginning. As we read in Gen. i. 26, 27, God did not create two and unite them, but made *man*. It runs: "So God created *man* in His own Image, in the Image of God created He *him*; male and female created He them;" the two, the male and the female, are contained in the *man* which God created. Again, in Gen. v. 1, 2, we read: "In the day that God created *man*, in the likeness of God made He him; male and female created He them, and blessed them, and called *their name* Adam."

This unity is indeed so complete as to be made the groundwork of one of the most important theological parallels in the New Testament. In 1 Tim. ii. 14 St. Paul distinguishes between Adam and Eve, saying that "Adam was not deceived, but the woman being deceived, was in the transgression." Yet in Rom. v. 12-19, with repeated and special emphasis, he declares that "by *one* man sin entered into the world;" "through the offence of *one* many be dead;" "by *one* man's offence death reigned by *one*;" "by the offence of *one* judgment came upon all;" "by *one* man's disobedience many were made sinners;" where it is obvious that the unity of the Adam is an essential element in the contrast the Apostle is drawing between him and the "One Man, Jesus Christ."

No sin in the woman can break that unity in which, as a wife, she subsists with her husband. Accordingly, our Lord says *ἄνθρωπος μὴ χωριζέτω*, let not man break a unity, sever it into parts, each of which is a fragment, not an integer or constituent part of the whole. The husband by such severance does not necessarily become a single person, nor the wife an unmarried woman, but both are fragments of that whole which God in the beginning designated "*man*."

This is made abundantly evident by reference to 1 Cor. vii. 10, 11. In this passage the woman is warned against

being sundered from her husband ; but if she be sundered, *χωρισθῇ*, she is commanded to remain unmarried, notwithstanding that, in verse 39 of the same chapter, she is declared to be free, on the death of her husband, to marry again whomsoever she will. Why not equally free in the other case ? Only because the Marriage still subsists, as the Apostle proceeds to show by adding, “or let her be reconciled to her husband”—that is, the sundering has not so affected the Marriage that it no longer exists, but, on the contrary, it can again be made whole. No argument adverse to this conclusion can, I conceive, be based on the presence of the word *ἄγαμος* in this passage, as it is immediately followed by the clause, “or let her be reconciled to her husband.” This clause, in both its terms, regards the woman not as unmarried, but as married, as her husband is spoken of, and reconciliation with him is recommended to her. *ἄγαμος* must be understood as used in reference to the civil law, which accounted a woman so circumstanced to be unmarried, and permitted her to remarry, whereas the Apostle enjoins her not to use this liberty.

From this it clearly follows that whosoever looses his wife from his side, seeing that he cannot at the same time annihilate the Marriage, exposes her thereby to temptation ; and whoso marries her that is so put away commits adultery, as he has taken to himself a married woman. Our Lord, however, permits a man to put away, to loose from his side, an unfaithful spouse. In that case a brother is not in bondage—that is, the woman’s sins shall not be laid to his charge, as in every other case they are, according to our Saviour’s words in St. Matt. v. 32, for he that causes, or *ποιεῖ*, another to commit sin, must give account for that sin at the day of judgment.

It would seem, therefore, as the result of this examination, that our Lord, in the passage before us, St. Matt. xix. 3-10 :

1. Declares the Divine law in respect of that which is the work of God in Marriage, and pronounces it to be indissoluble.

2. Proceeds to speak of that which is wrought by the wills of those whom Marriage unites, when the two solemnly engage before God to live the one for the other an undivided life until death severs them. In respect of this vow, which is man's part in Marriage, a release is allowed from its obligation in the case specially excepted by our Lord, and in it only.

No permission is granted to man to embrace within the exception cases not included by Christ therein ; nor, again, may man extend the range of the dispensation, and apply it to that to which our Lord does not apply it—*i.e.*, to the Marriage itself. He, in the excepted case, grants a release to man from his vow, but does not unmake the God-made unity of Marriage.

In other words, the permission to a man to put away his wife applies only to the society which the one ought to have of the other, to the claim for protection and support, but does not reach to the essential unity of Marriage, which man has previously been forbidden χωρίζειν.

This conclusion is further fortified by reference to 1 Cor. vii. 15. In this place the inspired Apostle says : “ If the unbelieving depart, let him depart.” The constant interpretation of this passage has been that St. Paul permits a heathen, so far as the heathen himself is concerned, to divorce *à vinculo* his or her Christian spouse, notwithstanding our Lord's words : “ What God hath joined together, let not man put asunder.” This permission St. Paul expresses by using, not the verb ἀπολύειν, but χωρίζειν, as if the latter verb, and not the former, had been consecrated to signify in Holy Scripture the sundering or severing of Marriage.

Again, not only is the verb different, but St. Paul, in granting permission to “ depart,” addresses a different class to that to which our Lord was speaking when He said : “ Whosoever shall put away his wife,” &c. St. Paul addresses the heathen, and, at the same time, is careful not to extend to the believer the license which he allows to the unbeliever.

Whilst, therefore, we adduce this passage in evidence

that in the New Testament ἀπολύειν does not signify to annul a Marriage, no argument can be drawn from it in favour either of the dissolubility of the Marriage in the mind of God, or of its being permitted to a Christian to divorce à vinculo. On the contrary, as the Christian is excluded when the permission is granted, the conclusion is that it is allowed to the unbeliever only.

Our Lord's words reveal the mind of the Father, and call upon the Christian to hearken and do ; but mysteries are hidden from the heathen, and they are not to be required by the Church to obey words which their ears have not been opened to hear. The Church is not to sew new cloth into old garments, nor to impose her heavenly discipline upon such as are yet carnal. Therefore, St. Paul argues, though our Lord has forbidden the Christian to sunder the Marriage bond, yet, if the unbeliever desires to do so, let him. " God has called us unto peace," and not to force the wills of those who have not yet learned of Christ.

The Apostle further adds : " A brother or a sister is not under bondage in such cases." These words have been understood by some as laying down that a brother or a sister is free in such cases to enter into another Marriage, and consequently that a Marriage which a Christian contracts is not in every instance, and so altogether, indissoluble. I cannot consider that such a conclusion can be justly drawn from the language of the Apostle, for :

1. If St. Paul had been referring to the Marriage bond, he would, I conceive, have used the verb δέεσθαι, and not δουλεύεσθαι.

2. The natural reference is to our Lord's warning in the Sermon on the Mount.

The words read as if the Apostle expected some to reply, We cannot allow our wives to depart, though they may be desirous of doing so, lest their after sins should be charged to us. St. Paul makes answer, Use not violence to retain them. " God has called us unto peace ; do not forcibly keep with you those who cannot understand your motive for refusing to let them go ; in such cases you will

not be bound by their sins." A brother or a sister is not, then, under bondage.

The conclusion, then, which we come to is, that when our Lord permitted a man to put away his wife on account of adultery, no power was given to him to annul the Marriage bond ; it was allowed him to divorce *à mensâ et toro*, but not *à vinculo*. Liberty was given to him to separate in a particular case, without committing sin, from the society of his wife, notwithstanding his Marriage vow, but not to go further, and sunder the unity which God had made.

We have next to enquire whether power has been given to the *Church* to dissolve for any cause a Marriage which has been validly contracted.

The power which the Church possesses is that which was given her when the keys of the Kingdom of Heaven were committed to her custody. She was then entrusted with the Ministry of Reconciliation, but not with that of destruction. To the Church has been given authority to unloose the bonds of Satan, but not to sever the ties which God has created ; she can bind or remit sin, but has no power to unmake that which has been wrought by God.

Now, with regard to Matrimony, it must be remembered that Marriages are not simply solemnized according to the law of God, but each Marriage is the act of God, so that to dissolve a Marriage is to destroy a work of the Almighty. After the Flood God gave to man authority in one particular case to destroy the work of His Hands, saying, "Whoso sheddeth man's blood, by man shall his blood be shed ;" but the Church never confuses the power thus given with that bestowed on her when she received the keys. On the contrary, she thankfully acknowledges that her Lord has not placed in her hands that sword which He has given to the magistrates of the world to bear.

By parity of reasoning, therefore, and on the same grounds, we contend that had the Almighty given to man authority to destroy a Marriage, which we have endeavoured to show He has not, nevertheless, the Church could

not be the depository of that power, as it forms no part of the Ministry of Reconciliation.

Our ultimate conclusion, therefore, is, after comparing the words of our Lord, "What God has joined together, let not man put asunder," with the permission to the man to put away his wife for the cause of adultery, that no power has been given either to man or to the Church to sever the Marriage bond.

CHAPTER III.

LET us now consider the permission to put away for adultery in connection with the teaching of St. Paul—that it is lawful to marry again after the death of the first spouse.

The question may be thus stated: Our Lord, having declared separation lawful in the case of adultery, and St. Paul having also taught us that when the man and the woman have been separated by death it is lawful for the survivor to remarry, is the separation in the two cases the same in kind and degree, so that either or both of those who have been separated on account of adultery may marry again?

In replying to this question, it has to be borne in mind that the separation caused by death is not absolute, as a man still remains of one flesh with his wife, though she be separated from him by death. The twain are still one flesh, and because they are so, the survivor cannot marry the deceased's near relations, for they are still his near of kin through the operation of the bond of Marriage.

If, then, death only dissolves the society of the husband and wife, but not the unity of their flesh, it cannot be argued that any divorce effects what death does not. Moreover, in the case of adultery, it will not be denied

that if the one who has sinned repents, and is forgiven by the one sinned against, the two can return to the society of married life without being remarried ; and therefore it follows that the adultery repented of has not severed the unity of their flesh, nor sundered the bond of Marriage. And we conclude that the man who has put away his wife for adultery cannot remarry.

If it be argued that, on the same ground, it must be unlawful for a man whose wife is deceased to marry again, we reply that God, but God alone, can suspend His own laws. In the fulness of His power, at different times of old, He suspended the law of incest, and now again has suspended the law of adultery in the case of death, so that the survivor can remarry without committing adultery, though the deceased and the survivor are still of one flesh. But as our Lord, as we have shown, in naming the exception, did not proceed to deal with it further, much less gave authority to the Church to suspend the Divine law in the excepted cases, but, on the contrary, left her to apply the law which He then unfolded, we are constrained to pronounce a second Marriage, after putting away for adultery, to be adulterous.

It cannot be contended that if, on account of the weakness of the flesh (Romans vi. 19), the law is suspended in the case of death, the same reason prevailing in the case of the man who has put away his wife for adultery, the two cases belong to the same class, and that, therefore the suspension of the law in one case involves its suspension in the other. The two cases cannot be included in the same category in respect of the Marriage of Christians ; and it is the Church's law of Marriage we are considering, as in the case of the partner put away for adultery there may be repentance, and, where there is that, the Church requires reconciliation, and cannot, therefore, by blessing a second union, interpose a barrier to forgiveness.

CHAPTER IV.

THIS last consideration brings us again to a fresh standpoint from which the question may be approached. It must always be borne in remembrance, when discussing this or any similar subject, that it is a fundamental principle underlying the whole Canon law, and imparting to it that special characteristic which distinguishes it from all civil law, that no part of it can be interpreted so as to impede the free flow of forgiveness. All spiritual discipline is directed, not to the punishment of the sinner, but to lead to repentance, and through repentance to forgiveness.

No system of discipline can be constructed by the Church which, by its action, as in the case of allowing a remarriage on divorce, would conflict with our Lord's words: "If ye forgive not men their trespasses, neither will your Father forgive your trespasses;" or, again, which should be at variance with the doctrine of the parable of the unforgiving servant, or with the Saviour's command to forgive seventy times seven. A man may put away his wife until she repent, but he cannot marry again, and so be incapable of being reconciled to his wife as his wife.

Therefore, we once more conclude that to allow a remarriage in the case of adultery, as in the case of death, is beyond the power of the Church, as to do so would violate the fundamental principle which distinguishes the Church from the kingdoms of the world; they redress wrongs, she forgives all injuries.

 CHAPTER V.

THE same conclusion will be arrived at from carefully considering the language of St. Paul (Romans vii. 1), though it must be acknowledged that it is sometimes quoted to show that the Marriage bond is dissolved by death. The

Apostle says : "The law hath dominion over a man as long as he liveth."

If we apply this principle to the Mosaic law, to which, indeed, St. Paul himself applied it, then, as we read in Deut. xii. 1, "These are the statutes and judgments which ye shall observe to do in the land, which the Lord God of thy fathers giveth thee to possess it, *all the days that ye live upon the earth*," it follows that the dominion of that law ceases with death. But if we apply the same principle to the Church, the Kingdom of Christ, concerning which we profess our belief that it has no end, then, as temporal death does not terminate a man's life or membership in the Church, therefore temporal death does not terminate the dominion of the law of Christ over one who has been baptized. Consequently, the argument by which St. Paul shows that the Mosaic law of Marriage is not binding beyond this life, shows that death does not dissolve the Marriage bond under the law of Christ.

With this agrees the Catholic opinion of Christendom—that death destroys no relationship—an opinion grounded on the fact that our Lord has overcome sin and death, and that through His victory the whole creation expecteth the restoration of all things ; and so the ties which God has created look forward to revive again beyond the grave. This is compatible with what our Lord says in reply to the Sadducees (St. Matt. xxii. 30), as every natural tie, quickened by the Spirit, will doubtless develop into new forms, as the bud expands into the flower, and then, quickened by impregnation, develops into the rich ripe fruit.

We, therefore, once more conclude that as death does not, much less does adultery dissolve Christian Marriage, and consequently the married person who puts away his or her partner for adultery cannot enter upon a second Marriage.

CHAPTER VI.

FIFTHLY, we need scarcely do more than refer to the words of St. Paul (Roman xi. 29): "The gifts and calling of God are without repentance"—ἀμεταμέλητα γὰρ τὰ χαρίσματα καὶ ἡ κλήσις τοῦ θεοῦ—as it is evident if, for this reason, Baptism cannot be repeated, and Holy Orders are indelible, however much they may have been defiled by spiritual adultery, that, on the same principle, Marriage is indissoluble, though polluted by carnal adultery.

CHAPTER VII.

LET us now examine the doctrine of St. Paul in his commentary on the law of Christian Marriage in the Epistle to the Ephesians.

The Apostle lays down the duty of the wife to her husband, and of the husband to his wife, and rests them on the ground that we are members of the Lord's Body, of His Flesh, and of His Bones, adding, "For this cause shall a man leave his father and mother, and shall be joined unto his wife, and they two shall be one flesh."

The first Adam we know to have been a figure of the second, and Eve a type of the Church; the pious Christian might, therefore, have seen in Marriage a reflection, or image, of the union betwixt Christ and His Church. But the inspired Apostle does more. He declares to us that Christian Marriage is not a mirror, reflecting that which, as he goes on to tell us, is a great mystery, but that it has its origin in that mystery proceeding forth from it, and so is itself spiritual.

Because Eve was bone of Adam's bone, and flesh of his flesh, he, as the prophet of God, foretold that for that cause a man should leave his father and mother, and

shall cleave unto his wife ; and they shall be one flesh. But now the Holy Ghost, speaking by St. Paul, declares again the same thing, but assigns as its cause the fact that we are members of Christ's Body, of His Flesh, and of His Bones. The language is the same, but the connection is different ; the identity of the words sets forth the identity of Christian Marriage with Marriage as instituted in the beginning ; the different connection manifests to them that dwell in light the spiritual nature of Marriage, which before had been hidden. Its root is now fixed in the eternal counsels of God, in which, before the world was, the Incarnation of the Son was ordained, and every Christian man goes forth to his Marriage in the power of that love which moved the Son to leave the Glory of the Father to receive the Church as His Bride.

But the union of Christ with His Church is (God be thanked !) indissoluble. Its indissolubility is its great and chiefest glory ; and if Marriage is sprung from that union, if it is so in the likeness of that from which it is derived, that it exhibits and signifies the spiritual Marriage betwixt Christ and His Church, then must it be clothed with the attributes of that of which it is such a pregnant sign, and be itself also indissoluble.

The Apostle, moreover, rest his whole exhortation on this intimate relation of Marriage to the Incarnation of our Lord. He inculcates upon husbands and wives their duties one towards another, grounding them upon the union subsisting between Christ and His Church, pointing to that union, not as furnishing a model or pattern, but as exhibiting the law which governs the married life of the children of God. St. Paul's words are : " As the Church is subject unto Christ, so let the wives be to their own husbands ; " and, again : " Husbands, love your wives, as Christ also loved the Church." So far, the " as " may imply only that a perfect example is set before us ; but its meaning is fixed as indicating a law by the words which follow, " for we are members of His Body ; " and for the whole body there must be one law—the law which governs the head must govern the members also.

Two facts, consequently, are taught us by the commentary of St. Paul, both of which establish the indissolubility of Marriage :

1. That the Marriage of the baptized, who by their baptism are members of Christ's Body, is a spiritual union ; and all spiritual things remain until the day of judgment.

2. That not only is the union spiritual because the parties united are spiritual, but the bond itself also is such, being a part, an integral part, of that bond which unites the Incarnate Lord to His Church for ever and ever.

I have now finished my examination of the sacred Scriptures, and if it has extended to some length, I would pray you not to conclude that the subject is difficult, and abstruse ; and that, as our Lord has not spoken with absolute plainness, therefore, it remains a doubtful point—one on which we are not required to come to a definite decision.

Not so ; rather let us remember that in the New Testament God dealeth with us as with sons. Under the old law the servant was not regarded as knowing His Lord's mind, and everything was commanded ; but under the new we are left as sons to gather the Father's will from the principles which He has made known to us, and from the manner in which He has applied them in the Old Testament.

It is, therefore, in perfect harmony with everything else in the Church—*e.g.*, the institution of the Sacred Ministry, its permanency, &c.—first, that our Lord should only have stated the exception, and not have expressly laid down the law in each particular case included within it ; and, secondly, that St. Paul should have taught the connection between the Incarnation and Marriage, and not have staid to draw therefrom every particular conclusion.

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