

Genesis 1:26-28

COVENANT RENEWAL

Matthew 28:18-20

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"UNTIL DEATH . . .

by Ray R. Sutton

... do us part." Recognize this statement? It's usually pronounced at weddings. But if people are supposed to be married until they die, what about divorce, especially among Christians?

Don't think it doesn't happen. The Church can no longer afford to stick its head in the sand, hoping that its problems will just evaporate into thin air. Church members are divorcing, remarrying and sitting on the front pews every week, reminding the pastor of serious problems in his midst. If there is one question a pastor flinches at when asked, it is, "Pastor, can I divorce and remarry?" Why? Is he simply unwilling to take a stand? Sometimes, but most of the time pastors and counsellors meet situations too complicated for their view of divorce and remarriage to handle.

It's like the other day. A Christian woman called a counsellor for some advice. She started to weep as she unfolded one of the strangest stories the counsellor had ever heard. Mother of four and married to an officer in an evangelical church, she disclosed that she had just found out that her husband of nearly ten years was a practicing homosexual, and that he had been infected with AIDS. She was stunned most by the fact that he had been a closet homosexual all during his married life. Somehow he had been able to conceal his immorality. But AIDS finally caught up with him (just like it has caught up with the whole homosexual culture), and now he had possibly infected his own wife.

What was she to do? Should she remain married, as the no-divorce-no-remarriage counsellors would tell her, even though she knows that further sexual contact might lead to her own death, and maybe even lead to the death of her children? Remember, we can't be absolutely certain that the disease is only transmitted through sexual contact. They just don't know yet. For example, in central Africa, they have found AIDS in the bloodstream of insects. If the disease can only be sexually transmitted, how did the insects become infected?

Is she under any Biblical obligation to stay married, for her husband said that he was repentant, and that he wanted to keep the marriage together? But if she remains, she would have to abstain from sexual contact. Remember, condoms are not one hundred per cent effective. And again, we just don't know all the ways the disease can be transmitted. So, if she remains and abstains from sexual contact, she violates Paul's comment, "Stop depriving one another, except by agreement for a time that you may devote yourselves to prayer and fasting" (I Cor. 7:5). But Paul doesn't seem to include disease as a legitimate reason for separation.

If she gets a divorce, can she remarry and replace the loss of her financial and spiritual provider? Some groups would say she can divorce, although they probably would not recognize her situation as fitting one of the only two reasons for divorce (adultery and desertion). They would say

that she must remain unmarried for the rest of her life. But what about her children? Remember, she has four hungry mouths to feed. She only has a high school education, no marketable skill, and she has neither the money nor the time (Two of her children are pre-school) to get the training necessary to make enough to feed, clothe and educate the kids.

She has gone to her local church, but it does not have enough money to help her. It doesn't approve of divorce anyway, so it wouldn't help her if it could. The only conservative church that does approve doesn't have the funds to help.

She could go to the State (welfare), but she would lose full authority over her children. She would have to put them in a public school. Anyway, she couldn't make enough with welfare and food stamps to pay for a Christian education.

What is she to do?

Ah, some well-intentioned soul will be quick to say, "Look Sutton, you're approaching the problem from a pragmatic point of view. You've raised a practical dilemma, but we're supposed to work off of **principle** and not **pragmatism**. She could stay married, and the odds are that she won't get AIDS if her husband uses a condom. If you don't believe me, just listen to Surgeon-General Koop. He's a Christian, and he believes that a condom is a near perfect solution to prevent the spread of AIDS. And even if she contracts AIDS, she could consider herself a martyr, suffering and dying for her religious convictions. If she dies, I'm sure that Christians and family will take care of her children. If her children contract AIDS—which they probably won't, since we all know for sure that AIDS is only sexually transmitted—they can learn how to suffer for their convictions. Better to die than violate Biblical principle."

I agree, we should not change our theology for pragmatic considerations. But I would also say in response that when men **misinterpret** the Bible, **all sorts of practical problems result**. Men once thought that the world was flat, for example, and this misinterpretation of Scripture inhibited the exploration of the world, God's creation. Hitler surrounded himself with liberal theologians to provide a "Biblical" basis for Aryanism. Many suffered and died because of this bad theology. So misinterpretation has bad practical consequences. Good theology, on the other hand, offers true solutions to man's deepest and most complex needs. I think that most of what I hear on divorce and remarriage is not practical because it is wrong!

I also agree that it is better to die than to disobey God. But would the woman married to an AIDS-infected homosexual really be disobeying God if she got a divorce and remarried? For sound Biblical reasons, I don't think so. Let us examine the Biblical doctrine of divorce from a **covenantal view**.

A Covenantal View of Divorce

Moses says that Biblical divorce is a covenantal process, by saying, "When a man takes a wife and marries her, and it happens that she finds no favor in his eyes because he has found some indecency in her, and he writes her a certificate of **divorce** and puts it in her hand and sends her out from his house . . ." (Deut. 24:1). The phrase "certificate of divorce" literally reads in the Hebrew, "Book of cutting," **divorce** being the English translation of **cutting**. Here is the key.

Moses has carefully used a word to describe the divorce process that he also uses to explain the formation of a covenant. When he refers to man's covenant with God, he says, "On that day the Lord **made** [cut] a covenant with Abram" (Gen. 15:18; Deut. 29:1, 25). The language precisely describes how the covenant with Abram was made, better, **cut**. Animals were **cut** in half. They were severed to symbolize the sanction of cursing being placed on a substitute. The tearing of flesh also indicated that should Abram ever break the covenant, what happened to them would happen to him and his descendants. As the animals were cut when the covenant was made, so would he be cut if the covenant were violated.

We can conclude that Moses' use of the same word to explain both actions, entrance into and exit out of a covenant, makes them equally part of a covenantal process. He thereby establishes that Biblical divorce is just as much a covenant action, as the original formation of the marriage covenant. More in line with our purposes, he provides a proper **covenantal** rationale for understanding divorce and remarriage. Since Moses speaks to the divorce question with covenantal language (Deut. 24:1ff.) in the larger covenant of the Book of Deuteronomy, let us use the points of the covenant to overview five principles of divorce.¹

Covenantal Principles

First, the principle of **imputation**. God is transcendent. One of the ways He initially demonstrates His transcendence is by His ability to **declare** something into existence, and to **designate** a certain legal status to that which He created. His power to designate is the principle of imputation, literally "lay to the account of." He designated His world "good," or "very good" in the case of the creation of man. But God also designated what was bad, or **dead**. He told Adam and Eve that covenantal violation of His commands would terminate the covenant, rendering them covenantally **dead** — "In the day you eat . . . you shall surely die" (Gen. 2:17). In other words, God would impute the legal status of death to them.

We know their death was a **legal** death because Adam and Eve did not **physically** die when they ate the forbidden fruit; they died in their **covenantal** relationship to God. Their death was not cessation of existence. They had the legal status of death imputed to them. God and God alone could declare the status of a relationship, because He set the terms of the covenant. By so doing, God determined the basis for creating and dissolving all covenants. He set out the principle that **on the basis of covenant fulfillment, a certain status is imputed to the covenant, either a status of life or death**, meaning the covenant is either existent or non-existent according to covenant faithfulness.

Man applied this principle of imputation to the formation and the dissolution of the marriage covenant. When Adam met Eve, he **designated** her his wife (Gen. 2:23). He saw the covenant faithfulness of **God** in creating and bringing her to him, so he acted as an agent for God by pronouncing a legal union. Adam imputed a certain status to the relationship. Today, a minister, or a Justice of the Peace, asks two people to

vow publicly before witnesses, and then he declares that a covenant bond exists. The minister usually says, "What God has joined together, let no man separate" (Matt. 19:6). The covenant is imputed into existence.

Man was also allowed to declare the death of a marriage covenant. In the words of Moses, he could, "write out a certificate of divorce," if he found "some indecency" in his spouse (Deut. 24:1). Just as God had declared Adam and Eve legally dead in their covenant to Him, meaning the covenant no longer existed, so man can declare a marriage covenant legally dead, meaning the covenant no longer exists.

A number of questions immediately pop into the mind, but the basic one goes something like the following: Can man just arbitrarily declare a marriage covenant dead, any time he wants to? Of course not, man's imputation is not allowed to be autonomous. He is not permitted to get a divorce any time he wants to or feels like it, because there are other controlling principles, as we shall see. Nevertheless, they all build on the first principle that legal status is imputed to a relationship on the basis of faithfulness or unfaithfulness.

Second, the principle of **jurisdiction**. Paul says, "Do you not know brethren [for I am speaking to those who know the law], that the law has **jurisdiction** over a person as long as he lives? For the married woman is bound by law to her husband while he is living; but if her husband dies, she is released from the law concerning her husband" (Rom. 7:2). Paul parallels the jurisdiction of the law (Old Covenant)² and the jurisdiction of the marriage covenant. In both cases **death** is the extent of accountability to the covenant involved.

Simple enough, but what kind of death, physical or covenantal, sometimes inaccurately called "spiritual"? Death has to be more than physical in the case of "death to the law," because one does not die **physically** to be freed from the Old Covenant. Death is through the reception of Jesus Christ, a covenantal participation in His death.³ So the death of a marriage covenant has to be broader than physical death. The termination of marriage for ethical reasons is expressly allowed by Moses and Jesus. Moses says that a proper "certificate of divorce" can end a marriage (Deut. 24:1). And Jesus says that "fornication" terminates a marriage covenant (Matt. 5:32). Furthermore, the immediate context of the Romans 7 passage says, "For the wages of sin is **death**, but the free gift of God is eternal life" (Rom. 6:23). How is "death" used in this verse? Is it cessation of life? No, the "death" in view is covenantal.

We should conclude that the death of which Paul speaks is covenantal and/or physical. Should one's spouse die physically, he is obviously released from marriage obligations. But should his spouse die covenantally, he is also released. Just as covenantal unfaithfulness killed Adam's covenant with God, resulting in the imputation of the status of death to the relationship, even though he was still physically alive, so covenantal unfaithfulness results in the imputation of the status of death to the marriage covenant, even though the marriage partner is still physically alive. The innocent party is released from the **jurisdiction** of the guilty party.⁴

Now we can ask the question in our next principle, "What specific acts kill the marriage covenant?"

2. See John Murray's commentary on Romans in the *New International Commentary on the New Testament*.

3. Even Jesus' death was primarily covenantal. His death was first and foremost **separation from God the Father**, which He suffered **on the cross**. His physical death was merely a result of covenantal judgment.

4. Note that this is apparently the understanding of the framers of the *Westminster Confession of Faith*, the historic doctrinal standard of the Presbyterian Church. Chapter 24.5 says, "In the case of adultery after marriage, it is lawful for the innocent party to sue out a divorce; and, after the divorce, to marry another, **as if the offending party were dead**." The Confession footnotes Romans 7:2 on this point.

1. I stress **overview** because I can't go into a complete development in a newsletter. I am presently working on a book for the *Blueprint Series*, however, that will provide a much fuller treatment of the subject.

Third, the principle of **covenant killing offenses**. These offenses are acts that kill the covenant and/or the covenant community. Most of the time they involve a second, false covenant that nullifies the original covenant (e.g. idolatry and adultery). Normally they receive the death penalty or exile. These covenant-breaking actions are often called the "worthy of death" offenses (Rom. 1:32; Acts 25:11; cf. Deut. 17:6, 19:6, 21:22, 22:26). Some of the acts which could be punished by death or exile were the following: murder, idolatry, homosexuality, witchcraft, apostasy, blasphemy, adultery, and disease.⁵

How does this principle apply to marriage? If one lived in a Biblical society, his spouse could be put to death or exiled for committing any of these offenses, and the innocent party would obviously be free from his marriage to the guilty party because his spouse would be covenantally or physically dead. This rationale seems to be behind Christ's use of a very broad umbrella term like "fornication," when He used it to specify the only basis for divorce (Matt. 5:32). Greg Bahnsen has proved that "fornication" speaks to a number of heinous sexual religious crimes, the ones referred to above as **covenant killing offenses**.⁶ So Christ's reasoning is that certain offenses in and of themselves kill the marriage covenant.

Fourth, the principle of **restitution**. What is the punishment for killing the marriage covenant? The fourth principle states that the **restitution** for murder, even the murder of a marriage, is the **death penalty**. The payment exacted for killing the covenant by murder and adultery (one of the capital offense crimes) is illustrated in the life of David. When he murdered Uriah and committed adultery with Bathsheba (II Sam. 11), the prophet Nathan told the king a story.

He said, "There were two men in one city, the one rich and the other poor. The rich man had a great many flocks and herds. But the poor man had nothing except one little ewe lamb which he bought and nourished; and it grew up together with him and his children. It would eat of his bread and drink of his cup and lie in his bosom, and was like a daughter to him. Now a traveler came to the rich man, and he was unwilling to take from his own flock or his own herd, to prepare for the wayfarer who had come to him; rather he took the poor man's ewe lamb and prepared it for the man who had come to him."

"Then David's anger burned greatly against the man, and he said to Nathan, 'As the Lord lives, surely the man who has done this deserves to die. And he must make **restitution** for the lamb fourfold, because he did this thing and had no compassion'" (II Sam. 12:1-6).

Restitution should be paid; the message is clear. The payment may be in the form of the death penalty, or in the form of "fourfold restitution" should the offending party repent and should covenantal renewal occur. (In some cases the payment and repentance might be made by the offending party, but the innocent party may choose not to continue the marriage, as in the case of a **life-threatening-disease** being involved, like AIDS.)

But let it not be misunderstood: payment should and always is made. Even when it is ignored, God always gets His payment, one way or the other. In David's case, he lost his son, and he even describes his own post-sin-condition as a state of covenantal death. He says, "When I kept silent about my sin, my body wasted away through my groaning all day long" (Ps. 32:3). In other words, David had covenantally died and his body was in the process of decay.

We can now understand certain New Testament statements that build on the Old Testament. The Lord could freely

use such an all-encompassing word as **fornication**, when He told the Pharisees of the only reasons for divorce (Matt. 5:32), because **fornication** sins were punishable by death or exile. In other words, fornication killed the covenant, so divorce was possible. Also, Paul referred to desertion as a basis for divorce because the family was left destitute (I Cor. 7:15). In effect, a deserter kills his family unless someone else helps. Again, the rationale is that the deserter covenantally died through this murderous act.⁷ Divorce and remarriage is allowed.

Fifth, the principle of **transfer**. What happens to the innocent party when his partner commits a covenant killing offense, and he does not receive the death penalty? Here is where the actual divorce procedure comes into the picture. The innocent party will have to decide whether he (or she) wants to pursue a divorce. He may want to stay and try to restore the guilty party, but he may want to leave, understanding that the guilty party has rendered himself "worthy of death." In this case, he will need to secure a **certificate of divorce**. This legal document officially declared the marriage covenant dead. It was as important as the coroner's statement that declares anyone legally dead.

Why? A coroner has an important function in society. He applies a standard to determine whether or not someone is **really** dead, and then **declares** it so. He makes certain that a person is not buried alive. In the case of marriage, civil and ecclesiastical authorities would essentially perform this function. They would pronounce the death of a marriage with a "certificate of divorce."

The "bill of divorce" (Deut. 24:1) was a legal declaration. It was a declaration that death had taken place. It did not kill the marriage any more than a coroner kills a person when he pronounces him dead. It would have probably taken place in connection with the Elders between the gates, since one would not want to be subject to the accusation of adultery when he went to marry a new wife (Deut. 24:1ff.). Therefore, people in the Church ought to go to the officers of the Church, rather than the Civil magistrate, to secure a "certificate of divorce." Not only can they find counsel that might lead the offending party to covenant renewal and resurrection, but the divorce can be declared in a proper Biblical fashion.

Although we are not given a complete sample of a divorce document in Scripture, we can cite an example from extra-Biblical Jewish literature. Church officers might want to use something similar to the following statement.

"On the _____ day of the week _____ in the month _____ in the year _____ from the beginning of the world, according to the common computation in the province of _____ I _____ the son of _____ by whatever name I may be known, of the town of _____ with entire consent of mind, and without any constraint, have divorced, dismissed and expelled thee _____ daughter of _____ whatever name thou art called, of the town of _____ so as to be free at thy own disposal, to marry whomsoever thou pleasest, without hindrance from anyone, from this day for ever. Let this be thy bill of divorce from me, a writing of separation

7. One might be tempted to ask, "if covenantal death is the basis for being released from the marriage covenant, then wouldn't a person still be married to a believer who died, but was covenantally alive?" No, because the death of even a believer represents final covenantal death and complete resurrection. The physical body is under the curse of the covenant, or death. When a believer dies, he becomes a complete new person in finality. He receives a new body to which his spouse is *not* married. His spouse was married to the old body which has died. Hence, all marriage relationships between two physical bodies are nullified at the death of the physical body. And, believers enter the ultimate marriage which human marriage symbolized, marriage to Christ forever.

5. The death penalty was mandatory only in the case of murder because there was no appropriate restitution short of life for life. In all of the other cases, the death penalty was the maximum that could be ordered.

6. Greg Bahnsen, *Theonomy and Christian Ethics* (Phillipsburg, New Jersey: Presbyterian and Reformed Publishing, [1977] 1984), pp. 105ff.

and expulsion, according to the law of Moses and Israel.

_____ son of _____, witness
 _____ son of _____, witness"⁸

The officers of the Church would want to alter the statement at some points. Christians should work out marital and divorce problems through the Church. The Church is a government which has its own sphere of authority, not to be mingled or confused with civil government. Nevertheless, when Christians are married, we see all three spheres of society involved: State, Church, and Family. Thus, when a divorce occurs, all three spheres will probably end up being involved, especially in our society. Unfortunately, however, although State, Church, and Family help create the marriage covenant, only the **State** participates in the dissolution. The **statist** approach robs the Elders (officers) and the Church of its rightful place in the life of society and the individual Christian.

Summary

Let me now summarize. "Death" is the basis for divorce. The death of one's partner kills the marriage covenant. And, the covenantal and more Biblical view of death teaches that certain capital offense sins kill the marriage bond.

For Christians, covenantal life is the basis of their marriage (II Cor. 6:14). If the spouse commits a sin which brings covenantal death, the "worthy of death" crimes of the Bible, then the innocent party is free to sue for divorce and remarry.

For non-Christians, although they are covenantally dead, they are still able to marry on the basis of the original marriage institution that was created by God's Word. Thus, their marriage is "legally" alive. The "worthy of death" crimes could be used as a standard for divorce and remarriage with them as well, in so far as one of these crimes would "legally" kill the offending spouse's relationship to the innocent party.

Finally, the covenantal interpretation of Romans 7 resolves those theological and practical tensions we mentioned earlier. Here are significant ramifications.

Ramifications

One, a person cannot Biblically and legitimately obtain a divorce for just any reason. I once heard a minister say that "desertion" is the sole basis for divorce. When I asked him what he considered "desertion," he told me things like "psychological" desertion. According to the Biblical system, such subjective reasons would not be valid reasons for divorce and/or remarriage. The matter has to be a threat to the covenantal life of the marriage.

Two, divorce is not mandatory. In the case of Hosea, God commanded him to remain with his adulterous wife. One might choose to remain, even though he is married to

someone who has covenantally died and left the marriage covenant. He could wait and see if his spouse repents, is resurrected, and comes alive again. In other words, the faithful partner could keep the marriage alive, if he wants to.

Three, one is free to **remarry** because the spouse is considered covenantally dead (Rom. 7:2). So many of the views on divorce separate the divorce/remarriage issue. But this is unsound reasoning. On the basis of the Romans 7 principle, the spouse is free to take another. If a woman with four children is released from a husband because he has committed adultery, wouldn't it be better for her to remarry? Yes, but not just for practical considerations. Paul reasons that her husband is dead in the true sense. Biblical logic makes provision for the children. From a practical point of view, certainly she should remarry. Those children need a new father!!!!

Four, death can be overcome by resurrection. Even though a spouse has committed a sin which kills his covenant, he can renew his relationship with God. This was the case with David. He says, "I acknowledged my sin to Thee, and my iniquity I did not hide; I said, 'I will confess my transgression to the Lord,' and Thou didst forgive the guilt of my sin" (Ps. 32:5). So, any marriage can be renewed if repentance occurs. This is a marvelous offer which God makes to each and every broken marriage. It is the message of resurrection through Jesus Christ.

Five, the believer who has converted after his marriage to an unbeliever is told to stay with the unbeliever. Why? Again the Old Testament clears up the matter. The unbeliever is said to be "sanctified" (I Cor. 7:14). The model for unbeliever sanctification is the stranger in the land in the Old Testament (Ex. 12:43ff.; Lev. 24:22). As long as he was willing to live in the sphere of the covenant, he was provisionally clean, and he was in some sense covenantally "alive," but not in any eternal sense. If the unbeliever, married to a believer, revolted against the law of the covenant and thereby defected from the sphere of sanctification created by the Christian spouse, he left the sphere of sanctification and covenantally died. The believer was free to divorce and remarry.

In conclusion, divorce is never an easy situation. The Bible gives refreshing insight in a day when there is much confusion. But divorced people, and those who are about to experience a divorce, are still faced with the pain and suffering associated with it. Even so, the Grace of God is greater than all our sin. Therefore, the Grace of God is man's only hope!!!

Note: The response to the March offer in *Covenant Renewal* has been tremendous. Many of you have written to tell me about some "pocket-sized" whole Bibles. I'm still checking on the prices, so that I can give you a complete price list of what is available. I'll let you know the results in the next couple of issues.

8. W. W. Davies, *International Standard Bible Encyclopedia* (Grand Rapids: Eerdmans, 1949), vol. II, p. 864-865.

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