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The Authority of Scripture in the recent Practice
of the Church of England

Part II. Divorce

by
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Part II

DIVORCE

Divorce raises other problems. First, as a negative it should properly be considered together with its positive, marriage, which cannot be discussed here. Anglican formularies and assemblies have frequently affirmed its divine institution and, in God's intention, lifelong character (e.g. Canon B 30 of the C. of E. "affirms, according to our Lord's teaching, that marriage is in its nature a union permanent and lifelong"; Lambeth 1968 (resolution 23) "monogamous lifelong marriage as God's will for mankind"; Lambeth 1920 had called it indissoluble in principle. Second, since marriage is also a social institution, divorce affects the State and relations between Church and State. Third, the Gospels contain explicit words of Jesus on divorce, of paramount authority if rightly attributed to him and correctly understood, but complicated by acute critical and exegetical problems.

A. Textual Criticism and Exegesis

The chief passages are Mark 10:1-12 with Matthew 19:1-9, Matthew 5:32 with Luke 16:18. The intention of this paper is not to solve, but to indicate briefly, the problems which Anglicans find it necessary to take into account. There is no official Anglican text of the Greek Testament and no official exegesis of individual passages. Influential examples of critical scholarship in the last two generations are the commentaries on St. Mark by A.E.J. Rawlinson (later Bishop of Derby) 1925 and D.E. Nineham (now Warden of Keble) 1963. The Anglican report, "Marriage, Divorce and the Church", 1971, contains a critical survey by H. Montefiore, 'Jesus on Divorce and Remarriage'. These all draw freely upon the scholarship of other churches, as do ordinands and their teachers in university faculties and theological colleges.

(1) Text

Points with exegetical consequences are:

(a) the possible omission of 'Pharisees' from Mk.10:2, which would affect the setting of Jesus' words;

(b) the textual variants concerning remarriage in Mk.10:11-12 and Mt.19:9, Mt.5:32 and Lk.16:18, which may suggest early confusion in the tradition.

(2) Synoptic Criticism

If the text of each Gospel were correctly established, should we then have a correct record (verbatim or substantially) of the incident(s)? There are synoptic problems. Since most Anglican scholars accept the priority of Mark and allow the possibility of 'church-work' in shaping the Gospels, it is now commonly held that the Matthaean Exception, 'except for adultery' (19:9), is not dominical. Other differences between Mk.10 and Mt.19 cannot be ignored, since they suggest that the words of Jesus were not precisely remembered, and, perhaps, that practical needs affected the record. But Anglicans are free to hold more conservative views, and many do.

(3) Exegesis is therefore difficult.

(a) The situation: we need to know whether (i) Pharisees (or others) tried to put Jesus in conflict with the Mosaic Law, or (ii) to make him choose between two rabbinic schools (Rawlinson and Montefiore see this in the Matthaean version), or whether (iii) Jesus is attacking Roman law, or (iv) is laying down absolutely the principles of marriage and divorce, going behind all law to ultimate divine intentions.

(b) Porneia: does this mean fornication, or adultery in the strict Jewish sense (i.e. with a married woman), or in the modern limited sense (by a married person), or (as Montefiore concludes) sexual immorality of various kinds? The answer may turn on (a) above.

(c) Law or principle?

(i) If the Matthaean exception is accepted as dominical, must the Church regard it as legislation and so hold that divorce is possible for porneia, but for nothing else? Older Anglicans usually took this line, though sometimes giving a wide sense to porneia.

(ii) If Mark is here the original, is its intention more drastic legislation than in Matthew, allowing no divorce at all? Or did Jesus express the principle (institution, intention, nature are also terms used) of marriage, leaving the Church free to deal legislatively and/or pastorally with breakdown or breaches of the principle?

These possibilities form one or the two main issues in recent Anglican discussion, as in "Marriage, Divorce and the Church". Such discussion is conveniently illustrated and summarized in A.R. Winnett's books, "Divorce and Remarriage in Anglicanism" (1958) and "The Church and Divorce" (1968).

(d) Remarriage: If divorce qua separation is permitted, is remarriage? And to both parties? Is Mk.10:11-12 dominical, despite textual confusion in the relevant passages? If so, is Jesus here and in Mt.19 forbidding remarriage? Or are all these verses interpretations or applications made by the primitive Church in Jewish (Mt.) or Roman (Mk.) situations? (Montefiore discusses the possibilities). Is the Pauline privilege (I Cor.7:15) evidence that the Church did make such decisions on its own authority?

(4) Authority

The second main issue in recent debate, and the gravest, has already been raised in Part I, and the movement away from proof-texts was there emphasized, though more in connexion with St. Paul than with Jesus. When we have ipsissima verba of Jesus, are they absolutely binding, taken by themselves, and universally applicable? Should we allow for any limitation due to the conditions of the Incarnation, e.g. of knowledge in using the Old Testament or assessing rabbinic exegesis? If Jesus was legislating, did he, in some statements, apply permanent principles to social conditions which have changed too greatly for the application to remain valid? If, however, in Mark 10 he enunciated principles to get behind 'Mosaic' legislation, the Church in turn must draw upon Christian principles in their totality to deal pastorally with modern hardness of heart. This line of thought is debated in much recent Anglican literature; the issues are well stated by J.W. Bowker in an appendix to the 1971 Marriage Report and are summarized at § 73 of the report: "Scripture is offered to us as a means of grace in the conditions in which we are. Argument about the meaning of Scripture is a necessary consequence of the reality of the incarnation. But . . . Christian decisions are made, and the

process through which they are made is a part of the work and meaning of the Church. This is a persistent and living process, in which the resources of Christian theological meaning, in both Scripture and tradition, are kept constantly in relation to particular empirical circumstances".

Finally, the Matthaean exception and other disputed verses remain canonical, even if not dominical. Here is another problem of authority.

B. The Appeal to Scripture in recent Debate within the C. of E.

The previous section set out the biblical problems by which Anglicans are faced; the present asks how the appeal to Scripture has been conducted in recent discussion. One major theme, the Church's discipline for divorced persons, is not pursued here.

Typical Anglican divines of the 17th century were divided as to divorce a vinculo, some holding marriage to be indissoluble absolutely, others that Christ allowed divorce for adultery alone, with right of remarriage for the innocent party. (For this, and much that follows, see Winnett, *The Church and Divorce*, chap. I). Their decisions, though supported by appeals to tradition, turned essentially on exegesis, the relevant scriptural texts being regarded as binding when correctly understood. But a legal divorce a vinculo could only be obtained by private Act of Parliament until the Matrimonial Causes Act of 1857 set up a civil court empowered to grant it for adultery. Some bishops objected, most accepted this.

For the next fifty years, most churchmen held divorce, with remarriage for the innocent party, to be permissible within the limits of the Matthaean Exception: a view plainly based on direct scriptural authority. Then, with New Testament criticism questioning the dominical origin of the Exception, many accepted Mark as alone certainly dominical and argued from it that Christ absolutely prohibited divorce a vinculo. Here also was an appeal to particular texts as sufficient and final authority. Whereas subsequent official assemblies have continued to cite the words of Jesus as definitive of the true nature or principle of marriage, they often seem less certain how to apply them to divorce. Thus while Lambeth 1888, re-affirmed in 1908, had said that the Church cannot recognize divorce except for fornication or adultery, later books and debates (e.g. in Convocation and Church Assembly), though still holding on scriptural grounds that divorce is always a departure from the intention and principle of marriage, find it impossible to work from an agreed exegesis of Mark 10 etc. to a divorce law laid upon the Church by divine authority.

Recent discussion of the pastoral care of divorced persons, including remarriage in church and admission to Holy Communion, has tended to move away from particular texts towards the application of general Christian principles to individual persons in their actual situation. This has reflected back upon the attitude to divorce itself, leading first to willingness to extend its grounds beyond adultery (cf. the Jewish debate in which Jesus was involved), and secondly to a change in its principle: the substitution of irretrievable breakdown of marriage for matrimonial offences of which one party must be found guilty. This change was recommended by Putting Asunder and underlies the argument and proposals of Marriage, Divorce and the Church (e.g. § 139).

This line of thought may appear to forsake scriptural authority by yielding to the pressure of social change and to considerations which, if humane, are not specifically biblical. This is not so, partly because it is honestly believed by its advocates that the crucial passages (Mk. 10 etc.) have after much study been found indecisive as law, partly - and more positively - because the change comes from the application of genuinely biblical principles to the understanding of marriage. This, it is argued, is precisely what Jesus did when he appealed to Genesis, to the intention of God for man which is revealed in biblical teaching as a whole. Marriage and divorce should be seen in the light of all that the Bible teaches on sexuality, on the union of persons and the development of Christian personality in and through marriage, on forgiveness and reconciliation, on the creative possibilities of suffering. Such considerations may point in contrary directions and may not offer an easy solution. But the attempt to rethink divorce in this manner is (the argument runs) not less an acceptance of the authority of scripture than the attempt to draw direct conclusions from a few texts, even when they are dominical; fundamentally, perhaps, it is more scriptural, since less legalistic. "An adequate doctrine of grace can loose as well as bind, forgive as well as bless, create again as well as create at first; an adequate doctrine of God reveals him as over and in his creation and able to turn even the wrath of man to his praise (Marriage, 1971, § 142).

The main principle of Putting Asunder was approved after debate by the Church Assembly in the words: "welcomes the Report... Putting Asunder and believes that the fact that a marriage appears finally to have broken down should be the sole ground of civil divorce" (16 Feb. 1967, p. 253). The Marriage report of 1971 has yet to come before the National Synod. Tendencies and decisions in other Anglican churches are summarized in it, and in Dr. Winnett's books.

G. Church and State

As social institutions of supreme importance, marriage and the family are the concern of Church and State. The State needs its law of marriage and divorce which, in England, must take into account both that there is an Established Church and that many citizens profess non-Christian religions or none. In 1857 the State set up courts to grant divorce for adultery alone; in 1937 it extended the grounds; in 1969 it accepted irretrievable breakdown as the sole ground. Its intention has been to safeguard the institution of marriage; the Church has been fully consulted, and is formally represented in Parliament by Bishops.

Alarmed by the 'non-biblical' grounds of divorce, some Christians pressed the Church to frame its own law of marriage and divorce for its members, leaving the State to legislate for civil contracts of marriage and civil divorce. This appears frequently in debates as a minority view (cf. Marriage, §§133-5). The majority hold marriage to be a divine institution in the order of creation for mankind as such - a scriptural principle seen in Jesus' appeal to Genesis. The Church cannot approve State acceptance of civil contracts with no intention of permanence, which would be marriages different in kind. So it must co-operate with the State over legislation applicable to all. In turn, the Church becomes more aware of its duty through its engagement in social problems.

The Church's position can be studied in Convocation and Assembly debates when new legislation was discussed around 1937, 1963, 1967, and in Reports of that period. It always affirms

marriage to be by God's intention lifelong, and presses the State to preserve this principle, which to the Church is scriptural and binding. It respects the words of Jesus in Mark 10 etc. But, throughout, there is much division of opinion on these words, with an increasing, though not uniform, tendency to regard the Matthaean Exception as not dominical and Mark 10 as principle, not law, and to rest decisions less on single texts and more on general Christian principles. The State knows that the Church cannot speak with one mind. Hence the fresh attempt to clarify the doctrine of marriage in the 1971 Report.

In 1951 and 1963 Parliament considered proposals for divorce after seven years separation, without proof of matrimonial offence. Many speakers took a secular stance: Christians, a minority, cannot impose their views; we must be free to promote social welfare along modern lines. Many, however, on moral or religious grounds but with little use of specific biblical texts, argued against the proposals as weakening the institution (or sanctity) of marriage. The Churches generally opposed them as allowing divorce by consent. They did not become law. But a joint statement by leaders of many churches undertook to 'examine any measure for relieving hardship which did not sap the foundation of marriage'. Hence Putting Asunder, drawn up with direct reference to the law of the State, and in 1969 a new Bill to make breakdown the sole legal ground of divorce; this after amendment became law. Speeches in Parliament ranged from the indissolubilist view to civil marriage as a contract dissoluble by consent. There was little direct argument from Scripture, but a general desire to safeguard marriage as an institution, to weaken which by easy divorce would damage society as a whole: here Christians see the heritage of a biblical culture. Christians welcomed the responsible tone of the debates, while supporters of the proposals welcomed the backing of Putting Asunder, though many points in the new law pose fresh problems for the Church which are taken up in Marriage, 1971.

General Conclusion

This paper has not tried to solve the problems of Ordination of Women and Divorce, but only to illustrate by these examples how the Church of England now makes its appeal to Scripture. Had central credal doctrines needed definition, there would have been far more biblical argument; but the Church is not eager for such definition. Practical problems with underlying doctrinal questions are better for the present purpose. Some conclusions may be drawn.

(1) The C. of E. continues to affirm the authority of Scripture as the record and instrument of God's self-revelation in Christ. In practice it may start from the immediate situation and its needs and from the existing tradition of the Church, but it considers the bearing of Scripture on each problem and reviews tradition in its light.

(2) In doing this it faces the problems raised by modern biblical criticism, encourages study of them, and brings them into the open in its decision-making assemblies. In particular, it hesitates to argue simply from proof-texts (this is not to disregard them) and it takes account of the social and intellectual conditions in which the Scriptures were written and asks whether social and intellectual change has invalidated particular statements or altered their application. It feels bound to do this even with the words of Jesus.

(3) This being so, it sees how necessary it is to apply Scripture as a whole to contemporary situations and problems: interpretation of this totality being controlled by the revelation of God's nature and will in Christ. This makes loyalty to the Person of Christ central.

(4) The difficulties acknowledged above (§2) also lead the C. of E. to take fuller account of past tradition than when the appeal to Scripture was more easily and confidently handled; and simultaneously to draw fully upon modern knowledge relevant either to the exegesis of Scripture or to the problem requiring solution. It knows that this is not easy, that it risks deserting scriptural revelation by yielding to social pressures or contemporary intellectual fashion. It recognizes its own fallibility even when it tries to open itself to the Spirit's guidance. It does not expect short cuts to final answers. Sometimes it would prefer to delay decisions until 'the mind of the Church' as a whole can be ascertained. When it must decide for itself, it allows and requires full and open discussion by such processes as have been described in this paper, looking forwards, as well as backwards, to Christ.