Marriage*

Matthew 19:3-9 (3) The Pharisees also came unto him, tempting him, and saying unto him, Is it lawful for a man to put away his wife for every cause?
(4) And he answered and said unto them, Have ye not read, that he which made them at the beginning made them male and female,
(5) And said, For this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh?
(6) Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder.
(7) They say unto him, Why did Moses then command to give a writing of divorcement, and to put her away?
(8) He saith unto them, Moses because of the hardness of your hearts suffered you to put away your wives: but from the beginning it was not so.
(9) And I say unto you, 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.
The Pharisees — Who always had a watchful eye on Jesus, were now irritated by the fame of His late miracles which they had in vain endeavored to suppress; they came to Him, tempting Him — With what they thought, was a very artful and ensnaring question. A widely accepted Pharisee teaching in Jesus' time was that a Jewish man can put away his wife for any and every reason. Jesus was seeking to correct that error just as He was constantly doing. The Law of Moses did permit divorce, but one could not 'put away' a wife without a writing of divorcement. Do not take my word, turn with me to;
Deuteronomy 24:1-4 (1) When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her: then let

him write her a bill of divorcement, and give it in her hand, and send her out of his house.
(2) And when she is departed out of his house, she may go and be another man's wife.
(3) And if the latter husband hate her, and write her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house; or if the latter husband die, which took her to be his wife;
(4) Her former husband, which sent her away, may not take her again to be his wife, after that she is defiled; for that is abomination before the LORD: and thou shalt not cause the land to sin, which the LORD thy God giveth thee for an inheritance.
Moses said the man could divorce his wife if she did something bringing shame upon her husband. When Jesus spoke of "fornications" in both Matthew 5 and Matthew 19 he was speaking of the same thing Moses did - something that brings shame upon her husband. Now the first thing I want to point out is the Pharisees came to Jesus testing Him, "is it lawful?" *The point is--this is about the* ***Law of Moses****. Jesus answered, "have you not read?" referring them to Genesis and God's original intent for mankind, that one man and one woman join and become one flesh and what God has joined let not man put asunder. He did not say man cannot put asunder. He said let not man put asunder. Anyone who seeks to please God will not enter into a marriage with the mindset that they can end it if they get tired of it or want a new spouse. This one fact has always been true in every dispensation. God always wants one man and one woman to join and become one flesh for life. Now here is where many insert assumptions and preconceived ideas to what Jesus said. The Greek word translated "put away" in the King James version is* ***apoluo****, the Greek word for "divorce" is* ***apostasion****. (Englishman's Greek Concordance) Two different words, two different meanings. 'Put away' was translated from 'Apoluo' not 'apostaion.' If a man will*

"put away" his wife without giving her a bill of divorcement, he is still married to her and therefore if either remarry they commit adultery. Divorce according to; **The Law of Moses**
1. Only men were allowed the option of divorce under the Old Testament Law.
2. If a man kicked his wife out (sent her away) without a certificate of divorce in her hand, she would not be free to remarry. If she tried to marry another man, her first husband could claim she was still married to him and have her and her new husband stoned to death for adultery. A woman kicked out without a certificate of divorce was powerless.
3. Moses commanded that a man was not allowed to kick his wife out without giving her a certificate of divorce in her hand. She could appeal to a judge and the judge could force the man to give her a certificate of divorce so that she was protected from being called an adulteress later, if she remarried.
Now turn with me to;
Romans 7:1-4 (1) Know ye not, brethren, (for I speak to them that know the law,) how that the law hath dominion over a man as long as he liveth?
(2) For the woman which hath an husband is bound by the law to her husband so long as he liveth; but if the husband be dead, she is loosed from the law of her husband.
(3) So then if, while her husband liveth, she be married to another man, she shall be called an adulteress: but if her husband be dead, she is free from that law; so that she is no adulteress, though she be married to another man.
(4) Wherefore, my brethren, ye also are become dead to the law by the body of Christ; that ye should be married to another, even to him who is raised from the dead, that we should bring forth fruit unto God.
There were many Jews in Rome during Paul's ministry who undoubtedly knew the law, and it's obvious Paul is speaking to them because he says; (for I speak to them that know the law).
Verse 1. The fact that his brethren understood the working

principles of law as it pertained to marriage prompted Paul to draw comparison between Christ and Moses.
Verse 2. A woman cannot be lawfully bound to more than one man at a time, neither can a person be subject to more than one religious law at the same time. Now about the exception clause in Matthew 19:9, except it be for fornication, *punishment for sexual immorality under the law was stoning to death* (Deut 22:24)*, which did not require a writing of divorcement to end the marriage. They that know the law of Moses concerning marriage know that; A woman kicked out without a certificate of divorce was powerless and remained under the law of her husband, but a certificate of divorce protected her from being called an adulteress later if she remarried. Further the law states that if a man gives his wife a writing of divorcement and puts her away, then if she should marry another man she shall not be called an adultress. The woman is bound by that law of divorcement from her former husband and may never marry her former husband again because that is an abomination (Deuteronomy 24:4). Another thing not advocated is that Israel had committed adultery and God had given her a bill of divorcement and put her away. No one ever tells you that, Do not take my word, turn with me to;*
Jeremiah 3:8-10 (8) And I saw, when for all the causes whereby backsliding Israel committed adultery I had put her away, and given her a bill of divorce; yet her treacherous sister Judah feared not, but went and played the harlot also.
(9) And it came to pass through the lightness of her whoredom, that she defiled the land, and committed adultery with stones and with stocks.
(10) And yet for all this her treacherous sister Judah hath not turned unto me with her whole heart, but feignedly, saith the LORD.
God had put Israel away and had given her a bill of divorce; as men do when they put away their wives for just cause, so the point is; Israel was literally cut off, severed by a bill of

divorcement and 'put away.' Israel was given a bill of divorcement and put away, Judah became dead to the law by the body of Christ. With a little research, there is history that may surprise you.

[Religious leaders have always had differences of viewpoint on virtually all aspects of marriage, divorce, and remarriage. Certainly in churches of Christ this has been the case. The disagreements occur in the matter of the aftermath, particularly how to handle such cases redemptively. The matter of recovery, healing, or redemption of the parties involved has had ministers, elders, and counselors embroiled in complications and controversies for many years, especially in recent times when the divorce rate has been so high.

The theory which came to be most dominant on this subject was issued by the Catholic Council of Trent around the middle of the 16th century. The decrees issued by that Council put in place a concept which was quickly accepted around the world and has been the way many people view the matter ever since. The theory was that since marriage is a "divine creation," that it is a "sacrament," and as such, is under the control of the church and is unbreakable until death. Many do not use the word "sacrament" but they buy the idea. From this concept many words and phrases came into common usage which are not found in the Bible. Such expressions as eligible and ineligible marriage partners, valid and invalid marriage, living in adultery, and the such like, reflect the thinking of confused men, originating in medieval times. In churches of Christ we need to get our information only from the Bible text and that we must read all relevant passages in order to get the whole counsel of God. However, there has been a persistent unwillingness to do this.

The Restoration movement began on the basis of the fundamental truth that express scripture statements are authoritative and decisive, and that human deductions and conclusions should not be thought of as authoritative. It should

not be surprising then that the pioneers of the Restoration movement rejected the theories put forth by the Council of Trent. Alexander Campbell was asked a question about whether a woman, divorced for reasons unknown, could be allowed to continue in her second marriage. In his response Campbell completely ignored the prevailing traditional theories of the Council of Trent about “still bound in the eyes of God,” “living in adultery,” “ineligible for marriage,” etc. He wrote that this woman should not be troubled about her marriage. He said that in view of the fact that the apostle had written it so, “it seems to me that in all cases of voluntary desertion on the part of the unbelieving party, the marriage covenant is made void and the believing party is to the deserter as though they had never been married.” (Mil. Harbinger, Vol. 5, pg. 72). Through the years many of our most noted and most conservative preachers have rejected the traditional theory. But it nevertheless came to prevail in churches of Christ. DIVORCE & REMARRIAGE - HUMAN THEORY VS. BIBLE STATEMENTS Olan Hicks**]**

It would seem to me that if traditional theories of the Council of Trent are thrown out, understanding the gospel concept of marriage is attainable. The gospel account written by Paul is;

1Corinthians 7:27-28 (27) Art thou bound unto a wife? seek not to be loosed. Art thou loosed from a wife? seek not a wife. (28) But and if thou marry, thou hast not sinned; and if a virgin marry, she hath not sinned. Nevertheless such shall have trouble in the flesh: but I spare you.

Let's break this down a bit to get to the truth of the matter; Paul gives his judgment to the married, the divorced, and the virgin evidenced by his statement;

Art thou bound unto a wife*? That is, a man bound to a woman by consummate marriage: which is an obligation, a lawful bond. Now notice carefully, if you are married;*

Seek not to be loosed*. That's straight forward, no if and or buts about it, honor your obligation or bond. Whatever the*

problem, and if separated, seek reconciliation, not divorce. However, he asks another question;
Are you loosed from a wife? *The language is such that to be loosed, one would have been divorced from a wife. Logically, if a person is "loosed" from a wife, they were at one time bound by consummate marriage. However if you are loosed, Paul gives this advice;*
Seek not a wife*. That's straight forward, do not seek a wife, do not seek a woman to marry. Why? Because if you do, you will have trouble in the flesh. And I suppose therefore that for the present distress today, it is good for a divorced person to remain as they are. However, Paul clearly says, that if you are currently loosed, (not seeking to become loosed), and if you decide to marry;*
Thou hast not sinned*. This is straight forward also; The marriage state is, no doubt, both lawful and honorable if the Apostle is correct in his judgment. Nevertheless, such shall have trouble in the flesh — Many troubles abound from within. The problem is, human hearts become hard because sin is in the world. This is why the Pharisees finally asked why Moses commanded to give a certificate of divorce and Jesus replied by saying divorce was permitted because of hardness of heart. A widely accepted Pharisee teaching in Jesus' time was that a Jewish man can put away his wife for any and every reason. Yet no record exist that denied baptism due to marital status. No one was told they needed to divorce the present wife and remarry the exwife before God's grace could be administered. Now let's turn to;*
1Corinthians 7:12-15 (12) But to the rest speak I, not the Lord: If any brother hath a wife that believeth not, and she be pleased to dwell with him, let him not put her away.
(13) And the woman which hath an husband that believeth not, and if he be pleased to dwell with her, let her not leave him.
(14) For the unbelieving husband is sanctified by the wife, and the unbelieving wife is sanctified by the husband: else were

your children unclean; but now are they holy.
(15) But if the unbelieving depart, let him depart. A brother or a sister is not under bondage in such cases: but God hath called us to peace.
The apostle Paul understood, by Holy Spirit inspiration, "If the unbeliever departs, let him depart. A brother or sister is not under bondage in such cases." (1 Cor. 7:15). *Advocates of the traditional theory have struggled hard to try to make this mean something other than release from the marriage bond, which is the subject to which Paul applied it. They do this because it contradicts the view which came from the Catholic Council of Trent that is accepted as authoritative. But a careful consideration of the text shows that view is not Biblical.*
[When we look to Paul's writing in 1 Corinthains we have the same need to read what is in the text accurately. When we do that we find that he sets forth the same basic premises that Jesus did. He affirms first the universal authorization of marriage, that it is God's appointed way for humans on earth. That is where Jesus began in Matthew 19:4-6. In Paul's case it was written to a church wherein he knew there were some former adulterers. (1 Cor. 6:9-11). But in 7:2 he said that every person there should be allowed to have a mate "to avoid immorality." This reason is repeated again at verse 5 and then at verses 8-9 he repeats it again and applies it to all of the "unmarried" and to the "widows." He said, "for it is better to marry than to burn." The traditional theory has to disagree with this whole line of thought.
Then look at a passage in Paul's letter which hasn't been preached on a lot. At 1 Cor. 7:27-28, the KJV reads it, "Art thou bound to a wife, seek not to be loosed. Art thou loosed from a wife? Seek not a wife. But and if thou marry thou has not sinned and if a virgin marries she hath not sinned." Note the word "loosed" is from "lusin," which is derived from "luo," which is the same word translated "put away in Matthew 19:9.

Here it is a perfect tense, passive voice verb. So it means that this man was put away sometime in the past by his wife. The reason is not stated but Paul says simply, “If you marry you do not sin.”

The only one in scripture who was said to forbid marriage was the devil. In 1 Timothy 4:1-3 Paul said the Spirit predicted that it would come about with the great falling away in the last days, and at the behest of demons. In contrast to that, Jesus taught and practiced the will of God for mercy and grace upon human sins. He told the Pharisees that they needed to learn what God meant when He said, “I desire mercy and not sacrifice.” (Matthew 9:13). He also stated His mission precisely when He said, “God sent not His Son into the world to condemn the world, but that the world, through Him, might be saved.” (John 3:17).

If we get back to the text only, and do justice to the Biblical data, we find that marriage is indeed a divine creation and a serious responsibility. But it is not a sacrament, not unbreakable, and it is not under the control of the church to make legislations about it. Sins against marriage are sins committed, just like other sins, and are pardonable upon repentance and reformation of life. Marriage is God’s appointed way for mankind and its aim is to avoid immorality. It is marriage breaking that God forbids, not marriage practice. God’s way is one man for one woman for life. People who do differently and violate this, need to repent, change their minds, and from this time forward, go God’s way, starting where they are. Divorce & Remarriage Human Theory VS. Bible Statements Olan Hicks**]**

Even with cause, divorce was never to be seen as a preferred or easy option. The Hebrew word translated divorce has as its root the idea of “a hewing off, a cutting apart” - it is the amputation of that which is one flesh. Christians all regard divorce as something like cutting up a living body, as a kind of surgical operation. Some think that the operation is so

violent that it cannot be done at all; others admit that it is a desperate remedy in extreme cases. They are all agreed that it is more like having your legs cut off than dissolving a business partnership or even deserting a regiment. This helps us understand what Jesus said in Matthew 19:8: Moses, because of the hardness of your hearts, permitted you to divorce your wives, but from the beginning it was not so. *But because God knows there is hardness in our hearts - both in the offending and offended parties - He grants permission for divorce. Both Moses and Jesus make it clear that God permits divorce in certain circumstances, but never commands it. Yet, if someone has Biblical grounds of divorce, they certainly do have permission to divorce, and God does not hold it against them. As the role of husband and wife in Ephesians 5 is described, we see that God emphasizes the essential oneness between husband and wife. The husband cannot make his wife happy without also bringing happiness into his own life. Conversely, he cannot bring misery into the life of his spouse without also bringing misery into his own life. A happy wife is the foundation for a happy home; a bitter or contentious wife makes for a miserable home. There is another home to consider, Jesus said;* In my Fathers house are many mansions; *Our Father has laid the foundation for a happy home by faith in Christ which is the effect of belief, therefore only those who first believe the testimony of God, and by faith repent of their sins, confess Jesus Christ is the Son of God, and are baptized for remission of sins, have the full and explicit testimony of pardon. This is the gospel. It's invitation to obey is always open, also prayer requests for other reasons, in either case come while we gently persuade with song.*

This message approved by
Jack Warford
a minister for Christ

‘Marriage’ Revised; 01062020
Ref. Gill's Exposition of the Entire Bible
Ref. Virtual Jewish World: Rome, Italy
Presented to; PineMt.Ar-July2014/LostsheepOk-July2014/
WestvilleOk-July2014/

***Ref*. DIVORCE & REMARRIAGE HUMAN THEORY VS. BIBLE STATEMENTS**

Religious leaders have always had differences of viewpoint on virtually all aspects of marriage, divorce, and remarriage. Certainly in churches of Christ this has been the case. Although it has been pretty much agreed that divorce, or marriage breaking, is sin, yet many continue to think of this point as being the question at issue. It is not. The disagreements occur in the matter of the aftermath, how to deal with the sin, and particularly how to handle such cases redemptively. The matter of recovery, healing, or redemption of the parties involved has had ministers, elders, and counselors embroiled in complications and controversies for many years, especially in recent times when the divorce rate has been so high.

The theory which came to be most dominant on this subject was issued by the Catholic Council of Trent around the middle of the 16th century. The decrees issued by that Council put in place a concept which was quickly accepted around the world and has been the way most people view the matter ever since. The theory was that since marriage is a "divine creation," that it is a "sacrament," and as such, is under the control of the church and is unbreakable until death. Many do not use the word "sacrament" but they buy the idea. They believe that marriage involves a "joining" act of God and can only be broken by an act of God. In debate with this writer in 1995 Mac Deaver affirmed throughout that "Only God can join you and only God can unjoin you." From this concept many words and phrases came into common usage which are not found in the Bible. Such expressions as "eligible" and "ineligible" marriage partners, "valid" and "invalid" marriage, "living in adultery," "married in the eyes of God," and the such like, reflect the thinking of confused men, originating in medieval times. Even worse than not being in the Bible, these ideas contradict explicit statements that are there. Thus we have an unusually great need now to more accurately read the Bible text and bring forth what God has actually said.

Several respected scholars have recognized this problem and what the basic cause of it is. There has not been a complete reliance on Bible statements for the premises and there has been too much acceptance of human theory. For example, John Murray noticed that certain verses are being isolated and not considered in context, either immediate or remote. he wrote, "Nevertheless a better understanding of the teaching of scripture may be promoted if the pivotal passages are discussed in correlation with one another and some attempt made to bring the relevant Biblical data to the forefront for reflection and study." The way we would phrase this in churches of Christ would be that we need to get our information only from the Bible text and that we must read all relevant passages in order to get the whole counsel of God. However, there has been a persistent unwillingness to do this. Jay E. Adams, in the preface of his book on the subject, expressed it this way, "All in all the Christian church still awaits a comprehensive, lucid, accurate study, presented in a readable style that, nevertheless, expounds and does justice to the Biblical data."

This is indeed the great need in regard to any question of a spiritual nature, to do justice to the Biblical data. The Restoration movement began on the basis of the fundamental truth that express scripture statements are authoritative and decisive, and that human deductions and conclusions should not be thought of as authoritative. It should not be surprising then that the pioneers of this movement rejected the theories put forth by the Council of Trent. In 1925 Alexander Campbell was asked a question about whether a woman, divorced for reasons unknown, could be allowed to continue in her second marriage. In his response Campbell completely ignored the prevailing traditional theories about "still bound in the eyes of God," "living in adultery," "ineligible for marriage," etc. He wrote that this woman should not be troubled about her marriage. He said that in view of the fact that the apostle had written it so, "it seems to me that in all cases of voluntary desertion on the part of the unbelieving party, the marriage covenant is made void and the believing party is to the deserter as though they had never been married." (Mil. Harbinger, Vol. 5, pg. 72).

Through the years many of our most noted and most conservative preachers have rejected the traditional theory. But it nevertheless came to prevail in churches of Christ in the 60s, 70s, and 80s. For example, Foy E. Wallace Jr. wrote that preachers who that kind of judgments are

playing God. He said that in such a case God is pushed away as the judge of all the earth and a preacher ascends to the bench. (Sermon on the Mount & the civil state, pg. 41) In 1955 G.C.Brewer, editor of the Gospel Advocate, wrote articles with a similar message. In 1966 Gus Nichols, in his little paper "Words of truth," wrote a full page article entitled "The guilty party can remarry." He also spoke in opposition to Roy Deaver on this point at the Harding Graduate School's preacher forum in 1973. Many other noted scholars in our movement knew that the prevailing theory on divorce and remarriage was from men, not from the scriptures. The fact is, right now most of the Bible language scholars in our own brotherhood universities say openly that the tradition view on this subject is simply inaccurate textually.

Even so, there are still thousands of committed Christians who hold adamantly to the traditional concept and have yet to open their minds and Bible and look at the facts on the matter. Many minds have been poisoned by the misrepresentations of adamant traditional advocates. they have been told that our position gives endorsement to everything from divorce to homosexuality, and for some strange reason they choose to believe it even though we deny it, and are unwilling even to hear us on our on behalf. Fortunately, most of our brethren are not like that and therefore truth is making rapid progress in most areas of the country. It is primarily for the benefit of these open minded Christians, who care about what pleases God, that the following facts are given here,

1. If you take the Bible text only, the problem is solved. Look at Matthew, chapter 19, starting with the question at verse 3. they did not ask about "marriage eligibility." They asked whether it was lawful to put away one's wife for any and every cause. This is the question dealt with throughout that context. Note at verse 6 that Jesus did not say, "What God has joined together man CANNOT put asunder." He said, "Let not man put asunder. Literally, "Man must stop putting asunder." Look at the grammar in the Greek text. It is an imperative command, preceded by the negative particle "me." Scholars say that this type of construction means that something is being done and is ordered stopped. Of course, if it is being done, it cannot be impossible to do it. Just like murder, it is wrong, forbidden, but not impossible. If we say what the text says we will say that God forbids marriage breaking. If we say what tradition says we will say that marriage breaking is impossible and that people who attempt that are still bound and thus are ineligible to practice marriage.

2. Continue with the Bible text only, apart from human theory. look at verses 7 & 8. The Pharisees asked why Moses had commanded the "bill of divorcement," in view of the fact that Jesus had just said God did not approve marriage breaking. In His reply Jesus acknowledged that God did indeed authorize the bill of divorcement, but said that God never did approve marriage breaking. "From the beginning it was not so." This is not inconsistent. It simply recognizes a difference between the bill of divorce and the action of breaking the marriage. If God approves one while forbidding the other, obviously they are not the same thing. The certificate of divorce one gets at the courthouse does not break the marriage. It simply recognizes officially that a marriage has been broken. This we get from the text. But from tradition we get the idea that it is the certificate of divorce that breaks the marriage and that in approving that, God made a temporary concession to sin. Believe it or not this is what J.W.McGarvey wrote in his commentary on Matthew.

But the truth is that if a married person stops being a wife, or husband, he has sundered the one flesh relationship, which is what the sin in view here consists of. If the other mate goes to the courthouse and gets a divorce certificate, that is not breaking the marriage. The one who stopped being a husband, or wife, broke it. But to the traditionalist, if a wife is abused by her husband, or even deserted, and she goes and gets a divorce certificate, she will be breaking the marriage, they say. But the apostle Paul understood, by Holy Spirit inspiration, the truth that Jesus recognized here. So he wrote, "If the unbeliever departs, let him depart. A brother or sister is not under bondage in such cases." (1 Cor. 7:15). Advocates of tradition have

struggled hard to try to make this mean something other than release from the marriage bond, which is the subject to which Paul applied it. They do this because it contradicts the view which came from the Council of Trent. But a careful reading of the text shows that their view is not Biblical.

3. Continue with the text only in verse 9 of Matthew 19. Jesus first says, “Whosoever shall put away his wife, except for fornication. .” and the traditionalist must stop right there and disagree. You see he has just read verse 6 to say that it cannot be done. But Jesus speaks of a man who does it. So how do they fix this contradiction? They invented the idea that “In the eyes of God” he doesn’t put her away, only as man sees it. But in the text it is Jesus, one member of the Godhead, who said he puts her away. They just deny that God sees it that way, regardless of what the text says. Then Jesus said, “And shall marry another.” Again the same problem occurs. In the afore mentioned debate Mac Deaver said, “It is not possible in such a case to actually marry another.’ So they say again that “in the eyes of God” he isn’t married to her. Then Jesus said that the man doing these two things “commits adultery,” and they deny that also. they insist that adultery is always a sex act, that this is its only meaning. In spite of the fact that the bible uses this word many times to refer to actions that are not sexual, they use their arbitrary definition of the word to over rule every statement of Jesus in this verse. The incredible part is that this is their one and only proof text, yet they deny everything it says.

4. Continue with the text only, apart from human theory, to verses
10-12. The disciples suggested that it might be best not to marry. We all know what that means. Live alone, without a mate, be celibate. But the answer of Jesus is that “Not everyone can accept that saying.” Then He explained that some are eunuchs and some are not and said, “He that can receive it, let him receive it.” But again traditionalists disagree. they say that anyone can choose to be a eunuch if the church declares them “ineligible” for marriage. But again on this point, the apostle Paul said emphatically the same thing Jesus did. “If they cannot contain, let them marry, for it is better to marry than to burn.” (1 Cor. 7:9).

When we look to Paul’s writing in 1 Corinthains 7 we have the same need to read what is in the text accurately. When we do that we find that he sets forth the same basic premises that Jesus did. He affirms first the universal authorization of marriage, that it is God’s appointed way for humans on earth. That is where Jesus began in Matthew 19:4-6. In Paul’s case it was written to a church wherein he knew there were some former adulterers. (1 Cor. 6:9-11). But in 7:2 he said that every person there should be allowed to have a mate “to avoid immorality.” This reason is repeated again at verse 5 and then at verses 8-9 he repeats it again and applies it to all of the “unmarried” and to the “widows.” He said, “for it is better to marry than to burn.” The traditional theory has to disagree with this whole line of thought.

As you continue with the text only, apart from human theory, to verses 10-11, you find that what is stated there, if read accurately, follows the same line of thought as the context of Matthew 19. In fact Paul said at verse 10 that “The Lord” also said this, and uses the same word, “choridzo,” in saying that the wife must not depart from her husband. The first three words are “Unto the married.” It is only when this is ignored and it is applied “Unto the divorced,” that we have a problem. This married wife is told not to depart (not divorce) from her husband. The word is “choridzo” not “apoluo.” So this is not addressed to formerly married people who divorce. It is addressed to presently married people who separate. If that happens, Paul said, she is to “remain unmarried,” in the sense of not practicing the marriage, and work at being reconciled to her husband. She still has a husband to whom to be reconciled, which is not true of the “unmarried” back up at verse 8, who are told to marry. If this is applied to a marriage under tress, as Paul addressed it, it makes sense. The obvious purpose is to save the marriage. But if it is misapplied to the divorced, it makes no sense. She has no husband to whom to be reconciled. So it simply means a sentence of permanent celibacy for her and that is not its intention. Both jesus and Paul said that is not a workable idea.So, taking just the text alone, we have a simple order that if a marriage is in trouble, bear down in an effort to save it.

Then look at a passage in Paul's letter which hasn't been preached on a lot. At 1 Cor. 7:27-28, the KJV reads it, "Art thou bound to a wife, seek not to be loosed. Art thou loosed from a wife? Seek not a wife. But and if thou marry thou has not sinned and if a virgin marries she hath not sinned." Note the word "loosed" is from "lusin," which is derived from "luo," which is the same word translated "put away in Matthew 19:9. Here it is a perfect tense, passive voice verb. So it means that this man was put away sometime in the past by his wife. The reason is not stated but Paul says simply, "If you marry you do not sin."

Strangely missing in all that Jesus said and all that Paul said, are the premises of the traditional concept. If we are going to believe that divorced people are "still bound in God's sight," on what basis will we believe it? Some try to find it in Romans 7:1-3, but that passage states 5 times in three verses that it is a reference to the law. Why not read verse 4 which says that the Romans were freed from the law "by the body of Christ, that you should be married to another, even Him who is raised from the dead." So that is not a passage about people being bound forever, even after divorce. It is, in fact, the opposite, telling the Jews that they were released from their previous spiritual husband, God, to be married to Christ. Again, if we are going to believe that many people are "ineligible" for marriage, where will we find Biblical support for it? Some have tried to claim Herod's case as an example. But Herod was not ineligible to marry. he was simply told that it was not lawful for him to have "his brother's wife." The same is true of the Israelites of Ezra 10. they were forbidden to marry heathen wives. They were not forbidden to marry among their own people. There is no case in scripture where anyone is declared ineligible to be married.

The only one in scripture who was said to forbid marriage was the devil. In 1 Timothy 4:1-3 Paul said the Spirit predicted that it would come about with the great falling away in the last days, and at the behest of demons. In contrast to that jesus taught and practiced the will of God for mercy and grace upon human sins. he told the Pharisees that they needed to learn what God meant when He said, "I desire mercy and not sacrifice." (Matthew 9:13). He also stated His mission precisely when He said, "God sent not His Son into the world to condemn the world, but that the world, through Him, might be saved." (John 3:17).

If we get back to the text only, and do justice to the Biblical data, we find that marriage is indeed a divine creation and a serious responsibility. but it is not a sacrament, not unbreakable, and it is not under the control of the church to make legislations about it. Sins against marriage are sins committed, just like other sins, and are pardonable upon repentance and reformation of life. Marriage is God's appointed way for mankind and its aim is to avoid immorality. It is marriage breaking that God forbids, not marriage practice. God's way is one man for one woman for life. People who do differently and violate this, need to repent, change their minds, and from this time forward, go God's way, starting where they are.

Forgiveness of sins is the Lord's prerogative. We see it demonstrated when jesus stood before the woman taken in adultery in John 8:11, and says to her, "Neither do I condemn you, go and sin no more." If you meet the terms Jesus requires your sins are forgiven and you can count on that. As He said, "If the Son therefore shall make you free, you shall be free indeed." (John 8;36). He has the authority to do that. But the terms that men invent are totally irrelevant. They have nothing to do with reality in spiritual matters. Therefore we say, "To the law and to the testimony. If they speak not according to this word, it is because there is no light in them." If you have a divorce in your past, conform your life to what Jesus and the apostles said, the specifications of the Lord, not the specifications of human theory. If you are an elder or preacher, or a counselor, give the people the concept of these things set forth in the scriptures. In doing this, "thou shalt both save thyself and them that hear thee." (1 Timothy 4:16).

Olan Hicks

Second, the shepherd in Texas writes -- "I understand that the 'traditional' view on MDR is almost directly from the Council of Trent. I have looked at this manuscript online, but cannot wade through it to get a clear picture of this teaching. Do you have any help or references on this?" It has oft been said that the Council of Trent was the official Roman Catholic response to the public burning of the June 15, 1520 papal bull, Exsurge Domine, of Pope Leo X, condemning the teachings of Martin Luther (1483-1546), although the council did not actually convene for another two and a half decades. Although multi-faceted in scope, it is fairly safe to state that Martin Luther's teachings were far more faith/grace-centered than the Roman Catholic leadership of his day. Luther, through his prolific writings and his many public proclamations, was having a tremendous influence upon the thinking of the laity (as well as some within the clergy). This could not be tolerated by the powers that be in the Papal See. This rogue clergyman was filling the hearts and minds of the people with notions of freedom in Christ from the dogma of institutionalized religion and its attendant oppression. Thus, the Council of Trent was convened to solidify traditional Catholic theology and doctrine, thereby officially countering, it was hoped, the growing "heresy" of "change agents" like Martin Luther.

The Council of Trent actually occurred over a period of 18 years (1545-1563), and spanned the reigns of five popes. It took the Catholic leadership 25 years to even convene the first session, for the more they looked into the teachings of Luther (and others like him), the more they realized how difficult it was going to be to rationally counter these arguments. Thus, delay after delay took place as they tried to figure out how to justify their dogma in the face of his challenges. The result of the 25 sessions, in three separate sittings (which took over four years), "was a greater volume of legislation than the combined output of all the previous 18 general councils recognized by the Roman Catholic Church." Many of the disciplinary reforms required by this legislation were born of fear of the teachings of Luther, who was seeking to turn men's minds back to what the Bible actually said, rather than what the Church said it said. Thus, the Council declared that the curriculum in all Catholic seminaries was to be scholastic rather than biblical. Thirty-three canons were issued condemning Luther's "error" on justification by faith. The sacraments were given more time in the Council than any other doctrinal matter. Seven sacraments were instituted by Christ, it was affirmed: baptism, confirmation, communion, penance, unction, orders, marriage. With regard to communion, transubstantiation was confirmed as the official church doctrine, thus condemning the various views of Luther, Zwingli, Karlstardt, Calvin and others. Church tradition was declared to be equally authoritative with Scripture; the Church leaders alone were divinely invested with the authority to correctly interpret the Bible, not the laity; the Vulgate was to be used exclusively in all public readings and writings. Sound familiar?! No version but the KJV? No interpretation correct but ours? Tradition equal to Truth? Like Martin Luther, we're still having to fight for freedom from bondage to religious regulation; we're still struggling against the Institution to bring a grace-centered, Jesus-focused worshipful experience into the lives of His people. We are still wandering through a desert of tradition to find that refreshing oasis of Truth.

As was already noted somewhat in passing, the Council of Trent was the 19th Ecumenical Council of the Roman Catholic Church, and is easily considered to be by far the most important and influential of them all. It convened three times, beginning on December 13, 1545 and ending on December 4, 1563. The rulings and regulations of this council would remain for several centuries. Indeed, it would be over 300 years before the next Ecumenical Council was convened. The Oxford Dictionary of the Christian Church states: "The Council of Trent was the most impressive embodiment of the ideals of the Counter-Reformation." Martin Luther knew a council was being prepared [indeed, Pope Paul III (1534-1549) had called for it almost a decade earlier, but his cardinals were unanimously opposed], and so he'd been preparing for this assault on his teaching [he wrote the Smalcald Articles, which defined those areas where he felt some compromise could occur, and those areas of faith, doctrine and practice where such compromise should never occur]. Sadly, the continual delays in convening this council were so numerous that by the time it finally began Martin Luther only had two months left to live (he

died on February 18, 1546). Thus, for the next 18 years the Roman Catholic Church would seek to counter the influence of a man who was no longer alive to defend his teaching.

That portion of this council that most concerns us here, however, took place near the very end of the third meeting (which adjourned on December 4, 1563 with the proclamation, "Anathema to all heretics, anathema, anathema!"). Session 24 was held November 11, 1563, and it was in this session that the sacrament of marriage and problems associated therewith (such as divorce) were addressed. This occurred under the reign of Pope Pius IV (1559-1565). Twelve canons were issued at the end of this session regarding "The Sacrament of Matrimony." In Canon #9 the primacy of the celibate state was reaffirmed. Polygamy was condemned in Canon #2. Various additional matters were also addressed. However, it is Canon #7 with which we are specifically concerned in this present study. This particular canon declares that both spouses who are party to a divorce (when the cause of divorce is the adultery of one spouse), "even the innocent one who gave not occasion to the adultery, cannot contract another marriage during the lifetime of the other; and that he is guilty of adultery who, having put away the adulteress, shall take another wife, as also she, who, having put away the adulterer, shall take another husband." Here we see that remarriage is denied to all parties in a divorce ... even the party innocent of the sin of adultery ... as long as the other spouse is alive. Needless to say, this goes significantly beyond the teaching of the New Covenant writings, as I have sought to demonstrate within my book. This is also considerably more restrictive than most traditionalists within Churches of Christ teach, since generally they will allow the right of remarriage to the spouse not guilty of adultery (true in most other conservative Christian groups as well). So, to answer this elder's question -- yes, the traditional position is based somewhat on this canon (though they would say it's based only upon the Scriptures), but over the past several hundred years that canon has been softened somewhat in favor of the innocent party (at least by most traditionalists, although some do indeed adhere totally, at least in practice if not in profession, to the decree of the Council of Trent).

Geneva Bible Marginal Notes

Finally, this brother writes, "I have read that in the margin notes of the Geneva Bible it is written that apoluo does not mean 'divorce.' Wal-Mart does not have a copy of this manuscript. Any help or resource on validating this?" Ahhhh ... yet another failing of the Wal-Mart empire!!! Seriously, though, I'd be surprised if they did have a copy. It is not very common today, and many have probably never heard of it, but in its day it was the most beloved of the English versions. It was easily the most widely read and most influential English Bible of the 16th and 17th centuries, and was especially beloved by the Puritans. Indeed, it was often referred to as The Puritan's Bible, and was brought with the Pilgrims as they set sail on the Mayflower. From 1560 to 1644 it went through over 200 different printings, and was the version of choice for many of the greatest theologians and writers of that time (including such men as John Bunyan and John Milton). When Queen Mary ("Bloody Mary") banned the printing of the Scriptures in English for the common people, many fled to Geneva where they began work on an English Bible for the people (thus the name The Geneva Bible).

One of the great features of this Bible, a feature that certainly made it popular with the common people, was its extensive use of marginal notes, all written by some of the great Protestant Reformation leaders of that time; men like John Calvin, John Knox, Miles Coverdale, William Whittingham, Anthony Gilby, William Keithe, Thomas Sampson, Thomas Wood, and many others. These extensive notes were designed to help the common reader better understand the Scriptures, something that infuriated the Roman Catholic leadership who believed the interpretation of the Scriptures was not the responsibility or right of the laity, but only of the clergy. These notes run almost 300,000 words, and make up almost one third of the length of this version. For many, many decades these marginal notes aided the people in better understanding the Word of God. These notes were also the ultimate reason for the demise of this version, as King James considered them "seditious," and thus made ownership of this version a felony. Thus, to quiet these "seditious" teachings of the Protestant Reformers, King James demanded an "authorized" version be produced that would forever replace it, and which

would retain the use of certain words and phrases approved by him. This would, in the course of time, come to be known as The King James Version. It would be promoted with such fervor (while The Geneva Bible was defamed with equal fervor) that the final printing of the latter would occur in 1644. For those interested, The Geneva Bible may be read online in its entirety, with all its notes (both the 1560 and 1599 printings). It is quite interesting to study.

With regard to the question by the elder from Texas -- "I have read that in the margin notes of the Geneva Bible it is written that apoluo does not mean 'divorce.'" -- actually, that is not true. In the Matthew 5:32 text there are no notes dealing with the topic, and in the Matthew 19:9 text there are only two notes, one from the 1560 version, the other from the 1599 version. **The latter note simply makes the observation regarding the passage in general that there would be no need of divorce if those committing adultery were treated as the Law required: i.e., they were to be put to death!** It does not suggest divorce didn't exist, it merely suggested that if the Law of Moses was observed strictly then it would never occur (at least not for the cause of adultery). The other note, from the 1560 edition, is the one that might have caused some to think what the brother suggested in his question. This note opines, with respect to the covenant of marriage: "For this band cannot be broken at man's pleasure." The point of this statement is clearly not to suggest the impossibility of divorce, but rather to stress that these covenants were entered into with God as witness, and they were not subject to disbanding on a whim. During the time of Christ, marriages were cast aside and new ones entered into "at man's pleasure," and the Lord condemned the practice in no uncertain terms! "One woman for one man for life" was the IDEAL, and the selfish wishes of men were never to be elevated above this eternal IDEAL of our God. Does it happen? Yes. Are marriages too often terminated "at man's pleasure"? Yes, to man's shame. Such is sin, and we should call it no less.

The Council of Trent

The Twenty-Fourth Session

The canons and decrees of the sacred and oecumenical Council of Trent,
Ed. and trans. J. Waterworth (London: Dolman, 1848), 192-232.
Hanover Historical Texts Project
Scanned by Hanover College students in 1995.
The page numbers of Waterworth's translation appear in brackets.

SESSION THE TWENTY-FOURTH,

Being the eighth under the Sovereign Pontiff, Pius IV., celebrated on the eleventh day of November, MDLXIII.

DOCTRINE ON THE SACRAMENT OF MATRIMONY

The first parent of the human race, under the influence of the divine Spirit, pronounced the bond of matrimony perpetual and indissoluble, when he said; This now is bone of my bones, and flesh of my flesh. Wherefore a man shall leave father and mother, and shall cleave to his wife, and they shall be two in one flesh. But, that by this bond two only are united and joined together, our Lord taught more plainly, when rehearsing those last words as having been uttered by God, He said, therefore now they are not two, but one flesh; and straightway confirmed the firmness of that tie, proclaimed so long before by Adam, by these words; What therefore God hath joined together, let no man put asunder. But, the grace which might perfect that natural love, and confirm that indissoluble union, and sanctify the married, Christ Himself, the institutor and perfecter of the venerable sacraments, merited for us by His passion; as the Apostle Paul intimates, saying: Husbands love your wives, as Christ also loved the Church, and delivered himself up for it; adding shortly after, This is a great sacrament, but I speak in Christ and in the Church. Whereas therefore matrimony, in the evangelical law, excels in grace, through Christ, the ancient marriages; with reason have our holy Fathers, the Councils, and the tradition of the universal Church, always taught, that it is to be numbered amongst the sacraments of the new law; against which, impious men of this age raging, have not only had false notions touching this venerable sacrament, but, introducing according to their wont, [Page 194] under the pretext of the Gospel, a carnal liberty, they have by word and writing asserted, not without great injury to the faithful of Christ, many things alien from the sentiment of the Catholic Church, and from the usage approved of since the times of the apostles; the holy and universal Synod wishing to meet the rashness of these men, has thought it proper, lest their pernicious contagion may draw more after it, that the more remarkable heresies and errors of the above-named schismatics be exterminated, by decreeing against the said heretics and their errors the following anathemas.

ON THE SACRAMENT OF MATRIMONY.

CANON I.-If any one saith, that matrimony is not truly and properly one of the seven sacraments of the evangelic law, (a sacrament) instituted by Christ the Lord; but that it has been invented by men in the Church; and that it does not confer grace; let him be anathema.

CANON II.-If any one saith, that it is lawful for Christians to have several wives at the same time, and that this is not prohibited by any divine law; let him be anathema.

CANON III.-If any one saith, that those degrees only of consanguinity and affinity, which are set down in Leviticus, can hinder matrimony from being contracted, and dissolve it when contracted; and that the Church cannot dispense in some of those degrees, or establish that others may hinder and dissolve it ; let him be anathema.

CANON IV.-If any one saith, that the Church could not establish impediments dissolving marriage; or that she has erred in establishing them; let him be anathema.

CANON V.-If any one saith, that on account of heresy, or irksome cohabitation, or the affected absence of one of the parties, the bond of matrimony may be dissolved; let him be anathema.

CANON VI.-If any one saith, that matrimony contracted, but not consummated, is not dissolved by the solemn profession of religion by one of the married parties; let him be anathema.

CANON VlI.-If any one saith, that the Church has erred, in that she hath taught, and doth teach, in accordance with the evangelical and apostolical doctrine, that the bond of matrimony

cannot be dissolved on account of the adultery of one of the married parties; and that both, or even the innocent one who gave not occasion to the adultery, cannot contract another marriage, during the life-time of the other; and, that he is guilty of adultery, who, having put away the adulteress, shall take another wife, as also she, who, having put away the adulterer, shall take another husband; let him be anathema.

CANON VIII.-If any one saith, that the Church errs, in that she declares that, for many causes, a separation may take place between husband and wife, in regard of bed, or in regard of cohabitation, for a determinate or for an indeterminate period; let him be anathema.

CANON IX.-If any one saith, that clerics constituted in sacred orders, or Regulars, who have solemnly professed chastity, are able to contract marriage, and that being contracted it is valid, notwithstanding the ecclesiastical law, or vow; and that the contrary is no thing else than to condemn marriage; and, that all who do not feel that they have the gift of chastity, even though they have made a vow thereof, may contract marriage; let him be anathema: seeing that God refuses not that gift to those who ask for it rightly, neither does He suffer us to be tempted above that which we are able.

CANON X.-If any one saith, that the marriage state is to be placed above the state of virginity, or of celibacy, and that it is not better and more blessed to remain in virginity, or in celibacy, than to be united in matrimony; let him be anathema.

CANON XI.-If any one saith, that the prohibition of the solemnization of marriages at certain times of the year, is a tyrannical superstition, derived from the superstition of the [Page 196] heathen; or, condemn the benedictions and other ceremonies which the Church makes use of therein; let him be anathema.

CANON XII.-If any one saith, that matrimonial causes do not belong to ecclesiastical judges; let him be anathema.

DECREE ON THE REFORMATION OF MARRIAGE

CHAPTER I.

The form prescribed in the Council of Lateran for solemnly contracting marriage is renewed.--Bishops may dispense with the bans.--Whosoever contracts marriage, otherwise than in the presence of the Parish Priest and of two or three witnesses, contracts it invalidly.

Although it is not to be doubted, that clandestine marriages, made with the free consent of the contracting parties, are valid and true marriages, so long as the Church has not rendered them invalid; and consequently, that those persons are justly to be condemned, as the holy Synod doth condemn them with anathema, who deny that such marriages are true and valid; as also those who falsely affirm that marriages contracted by the children of a family, without the consent of their parents, are invalid, and that parents can make such marriages either valid or invalid; nevertheless, the holy Church of God has, for reasons most just, at all times detested and prohibited such marriages. But whereas the holy Synod perceives that those prohibitions, by reason of man's disobedience, are no longer of avail; and whereas it takes into account the grievous sins which arise from the said clandestine marriages, and especially the sins of those parties who live on in a state of damnation, when, having left their former wife, with whom they had contracted marriage secretly, they publicly marry another, and with her live in per-[Page 197]petual adultery; an evil which the Church, which judges not of what is hidden, cannot rectify, unless some more efficacious remedy be applied; wherefore, treading in the steps of the sacred Council of Lateran celebrated under Innocent III., it ordains that, for the future, before a marriage is contracted, the proper parish priest of the contracting parties shall three times announce publicly in the Church, during the solemnization of mass, on three continuous festival days, between whom marriage is to be celebrated; after which publication of banns, if there be no lawful impediment opposed, the marriage shall be proceeded with in the face of the church; where the parish priest, after having interrogated the man and the woman, and heard their mutual consent, shall either say, "I join you together in matrimony, in the name of the Father, and of the Son, and of the Holy Ghost;" or, he shall use other words, according to the received rite of each province. But if upon occasion, there should be a probable suspicion that the marriage may be maliciously hindered, if so many publications of

banns precede it; in this case either one publication only shall be made; or at least the marriage shall be celebrated in the presence of the parish priest, and of two or three witnesses: Then, before the consummation thereof, the banns shall be published in the church; that so, if there be any secret impediments, they may be the more easily discovered: unless the Ordinary shall himself judge it expedient, that the publications aforesaid be dispensed with, which the holy Synod leaves to his prudence and judgment. Those who shall attempt to contract marriage otherwise than in the presence of the parish priest, or of some other priest by permission of the said parish priest, or of the Ordinary, and in the presence of two or three witnesses; the holy Synod renders such wholly incapable of thus contracting and declares such contracts invalid and null, as by the present decree It invalidates and annuls them. Moreover It enjoins, that the parish priest, or any other priest, who shall have been [Page 198] present at any such contract with a less number of witnesses (than as aforesaid); as also the witnesses who have been present thereat without the parish priest, or some other priest; and also the contracting parties themselves; shall be severely punished, at the discretion of the Ordinary. Furthermore, the same holy Synod exhorts the bridegroom and bride not to live together in the same house until they have received the sacerdotal benediction, which is to be given in the church; and It ordains that the benediction shall be given by their own parish priest, and that permission to give the aforesaid benediction cannot be granted by any other than the parish priest himself, or the Ordinary; any custom, even though immemorial, which ought rather to be called a corruption, or any privilege to the contrary, notwithstanding. And if any parish priest, or any other priest, whether Regular or Secular, shall presume to unite in marriage the betrothed of another parish, or to bless them when married, without the permission of their parish priest, he shall-even though he may plead that he is allowed to do this by a privilege, or an immemorial custom,-remain ipso jure suspended, until absolved by the Ordinary of that parish priest who ought to have been present at the marriage, or from whom the benediction ought to have been received.

The parish priest shall have a book, which he shall keep carefully by him, in which he shall register the names of the persons married, and of the witnesses, and the day on which, and the place where, the marriage was contracted.

Finally, the holy Synod exhorts those who marry, that before they contract marriage, or, at all events, three days before the consummation thereof, they carefully confess their sins, and approach devoutly to the most holy sacrament of the Eucharist.

If any provinces have herein in use any praise-worthy customs and ceremonies, besides the aforesaid, the holy Synod earnestly desires that they be by all means retained.

And that these so wholesome injunctions may not be unknown [Page 199] to any, It enjoins on all Ordinaries, that they, as soon as possible, make it their care that this decree be published and explained to the people in every parish church of their respective dioceses; and that this be done as often as may be during the first year; and afterwards as often as they shall judge it expedient. It ordains, moreover, that this decree shall begin to be in force in each parish, at the expiration of thirty days, to be counted from the day of its first publication made in the said parish.

CHAPTER II.

Between whom Spiritual Relationship is contracted.

Experience teaches, that, by reason of the multitude of prohibitions, marriages are ofttimes unwittingly contracted in prohibited cases, in which marriages either the parties continue to live on, not without great sin, or they are dissolved, not without great scandal. Wherefore, the holy Synod, wishing to provide against this inconvenience, and beginning with the impediment arising from spiritual relationship, ordains, that, in accordance with the appointments of the sacred canons, one person only, whether male or female, or at most one male and one female, shall receive in baptism the individual baptized; between whom and the baptized, and the father and mother thereof; as also between the person baptizing and the baptized, and the father and mother of the baptized; and these only; shall spiritual relationship be contracted. The parish priest, before he proceeds to confer baptism, shall carefully inquire of those whom

it may concern, what person or persons they have chosen to receive from the sacred font the individual baptized, and he shall allow him or them only to receive the baptized; shall register their names in the book, and teach them what relationship they have contracted, that they may not have any excuse on the score of ignorance. [Page 200] And if any others, besides those designated, should touch the baptized, they shall not in any way contract a spiritual relationship; any constitutions that tend to the contrary notwithstanding. If through the fault or negligence of the parish priest any thing be done contrary hereto, he shall be punished, at the discretion of the Ordinary. That relationship, in like manner, which is contracted by confirmation shall not pass beyond him who confirms the person confirmed, his father and mother, and him who places his hand on him; all impediments arising from this kind of spiritual relationship between other persons being utterly set aside.

CHAPTER III.

The impediment of public honesty is confined within certain limits.

The holy Synod entirely removes the impediment of justice arising from public honesty, whensoever espousals shall be, for whatsoever cause, not valid; but, when they are valid, the impediment shall not extend beyond the first degree; forasmuch as any such prohibition can no longer be observed, without injury, in more remote degrees.

CHAPTER IV.

Affinity arising from fornication is confined to the second degree.

Moreover, the holy Synod, moved by the same and other most weighty reasons, limits, to those only who are connected in the first and second degree, the impediment contracted by affinity arising from fornication, and which dissolves the marriage that may have been afterwards contracted. It ordains [Page 201] that, as regards degrees more remote, this kind of affinity does not dissolve the marriage that may have been afterwards contracted.

CHAPTER V.

No one is to marry within the prohibited degrees: in what manner dispensation is to be granted therein.

If any one shall presume knowingly to contract marriage within the prohibited degrees, he shall be separated, and be without hope of obtaining a dispensation; and this shall much the rather have effect in regard of him who shall have dared not only to contract such a marriage, but also to consummate it. But if he have done this in ignorance, but yet has neglected the solemnities required in contracting matrimony, he shall be subjected to the same penalties. For he who has rashly despised the wholesome precepts of the Church, is not worthy to experience without difficulty her bounty. But if, having observed those solemnities, some secret impediment be afterwards discovered, of which it was not unlikely that he should be ignorant, he may in this case more easily obtain a dispensation, and that gratuitously. As regards marriages to be contracted, either no dispensation at all shall be granted, or rarely, and then for a cause, and gratuitously. A dispensation shall never be granted in the second degree, except between great princes, and for a public cause.

CHAPTER VI.

Punishments inflicted on Abductors.

The holy Synod ordains, that no marriage can subsist between the abducer and her who is abducted, so long as she shall remain in the power of the abducer. But if she that has been [Page 202] abducted, being separated from the abducer, and being in a safe and free place, shall consent to have him for her husband, the abducer may have her for his wife; but nevertheless the abduced himself and all who lent him advice, aid, and countenance, shall be ipso jure excommunicated, for ever infamous, and incapable of all dignities; and if they be clerics they shall forfeit their rank. The abducer shall furthermore be bound, whether he marry the person abducted, or marry her not, to settle on her a handsome dowry at the discretion of the judge.

CHAPTER VII.

Vagrants are to be married with caution.

There are many persons who are vagrants, having no settled homes; and, being of a profligate

character, they, after abandoning their first wife, marry another, and very often several in different places, during the life-time of the first. The holy Synod, being desirous to obviate this disorder, gives this fatherly admonition to all whom it may concern, not easily to admit this class of vagrants to marriage; and It also exhorts the civil magistrates to punish such persons severely. But It commands parish priests not to be present at the marriages of such persons, unless they have first made a careful inquiry, and, having reported the circumstance to the Ordinary, they shall have obtained permission from him for so doing.

CHAPTER VIII.

Concubinage is severely punished.

It is a grievous sin for unmarried men to have concubines; but it is a most grievous sin, and one committed in special contempt of this great sacrament, for married men also to live in this state of damnation, and to have the audacity at times to [Page 203] maintain and keep them at their own homes even with their own wives. Wherefore, the holy Synod, that it may by suitable remedies provide against this exceeding evil, ordains that these concubinaries, whether unmarried or married, of whatsoever state, dignity, and condition they may be, if, after having been three times admonished on this subject by the Ordinary, even ex officio, they shall not have put away their concubines, and have separated themselves from all connexion with them, they shall be smitten with excommunication; from which they shall not be absolved until they have really obeyed the admonition given them. But if, regardless of this censure, they shall continue in concubinage during a year, they shall be proceeded against with severity by the Ordinary, according to the character of the crime. Women, whether married or single, who publicly live with adulterers or with concubinaries, if, after having been three times admonished, they shall not obey, shall be rigorously punished, according to the measure of their guilt, by the Ordinaries of the places, ex officio, even though not called upon to do so by any one; and they shall be cast forth from the city or diocese, if the Ordinaries shall think fit, calling in the aid of the Secular arm, if need be; the other penalties inflicted on adulterers and concubinaries remaining in their full force.

CHAPTER IX.

Temporal lords, or magistrates, shall not attempt anything contrary to the liberty of marriage.

Earthly affections and desires do for the most part so blind the eyes of the understanding of temporal lords and magistrates, as that, by threats and ill-usage, they compel both men and women, who live under their jurisdiction,-especially such as are rich, or who have expectations of a great inheritance,-to contract marriage against their inclination with those whom the said lords or magistrates may prescribe unto them. Wherefore, seeing that it is a thing especially execrable to violate the liberty of matrimony, and that wrong comes from those from whom right is looked for, the holy Synod enjoins on all, of [Page 204] whatsoever grade, dignity, and condition they may be, under pain of anathema to be ipso facto incurred, that they put no constraint, in any way whatever, either directly or indirectly, on those subject to them, or any others whomsoever, so as to hinder them from freely contracting marriage.

CHAPTER X.

The solemnities of marriage are prohibited at certain times.

The holy Synod enjoins, that the ancient prohibitions of solemn nuptials be carefully observed by all, from the Advent of our Lord Jesus Christ until the day of the Epiphany, and from Ash-Wednesday until the octave of Easter inclusively; but at other times It allows marriage to be solemnly celebrated; and the bishops shall take care that they be conducted with becoming modesty and propriety: for marriage is a holy thing, and is to be treated in a holy manner.

DECREE ON REFORMATION

The same sacred and holy Synod, prosecuting the subject of Reformation, ordains that the things following be established in the present Session.

CHAPTER I.

The manner of proceeding to the creation of Bishops and Cardinals.

If, as regards all manner of degrees in the Church, a provident and enlightened care is to be taken, that in the house of the Lord there be nothing disorderly, nothing unseemly; much more

ought we to strive that no error be committed in the election of him who is constituted above all those degrees. [Page 205] For the state and order of the whole household of the Lord will totter, if what is required in the body be not found in the head. For which cause, although the holy Synod has elsewhere usefully ordained certain things touching those who are to be promoted to cathedral and superior churches, yet doth it account this office to be of such a nature, as that were it to be pondered upon in proportion to its greatness, there would never seem to have been caution enough taken. Wherefore It ordains, that, as soon as a church shall become vacant, processions, and prayers shall be made in public and private; and such shall be enjoined, by the Chapter, throughout the city and diocese; that thereby both clergy and people may be enabled to obtain from God a good pastor.

And as regards all and each of those who have, in any way, any right from the Apostolic See, or who otherwise have a part, in the promotion of those to be set over the churches; the holy Synod,-without making any change herein, from a consideration of the circumstances of the present time,-exhorts and admonishes them, that they above all things bear in mind that they cannot do anything more conducive to the glory of God, and the salvation of the people, than to study to promote good pastors, and such as are capable of governing a church; and that they sin mortally, becoming partakers in others' sins, unless they carefully endeavour that those be promoted whom they themselves judge the most worthy of, and useful to, the church, not guided by entreaties, or human affection, or the solicitations of pretenders, but by what the merits of the individuals require at their hands; and seeing that they be persons whom they know to have been born in lawful wedlock, and who, by their life, learning, and in all other qualifications, are such as are required by the sacred canons, and by the decrees of this Synod of Trent.

And forasmuch as, by reason of the diversity of nations, peoples, and customs, a uniform system cannot be followed everywhere, in receiving the grave and competent testimony of [Page 206] good and learned men on the subject of the aforesaid qualifications, the holy Synod ordains, that, in a provincial Synod, to be held by the metropolitan, there shall be prescribed for each place and province a proper form of examination, scrutiny, or information, such as shall seem to be most useful and suitable for the said places, which form is to be submitted to the approval of the most holy Roman Pontiff; yet so, however, that, after that this examination, or scrutiny, as regards the persons to be promoted, shall have been completed, it shall, after being reduced into the form of a public document, be necessarily transmitted, as soon as possible, with all the attestations and with the profession of faith made by the individual to be promoted, to the most holy Roman Pontiff, in order that the said Sovereign Pontiff, having a full knowledge of the whole matter and of the persons, may, for the advantage of the Lord's flock, in a most useful manner provide those churches therewith, if they shall have been found, by the examination or scrutiny, suitable persons. And all the scrutinies, informations, attestations, and proofs of whatsoever kind, and by whomsoever made, even though in the Roman court, touching the qualifications of the person to be promoted, shall be carefully examined by a cardinal-who shall report thereon to the consistory-aided therein by three other cardinals; and the said report shall be authenticated by the signature of the cardinal who drew up the report, and of the three other cardinals; and therein each of the four cardinals shall make affirmation that, after giving exact attention thereto, he has found the persons to be promoted, endowed with the qualifications required by law, and by this holy Synod, and that, at the peril of his eternal salvation, he doth certainly think them fit to be placed over the churches: in such wise that, after the report has been made in one consistory, the sentence shall be deferred until another consistory, in order that the said inquiry may be more maturely looked into in the mean time,-unless the most blessed Pontiff shall judge it expedient to act otherwise.

[Page 207] And the Synod ordains, that all and singular the particulars which have been elsewhere ordained, in the same Synod, touching the life, age, learning, and the other qualifications of those who are to be appointed bishops, the same are also to be required in the creation of cardinals-even though they be deacons -of the holy Roman Church; whom the most

holy Roman Pontiff shall, as far as it can be conveniently done, select out of all the nations of Christendom, as he shall find persons suitable.

Finally, the same holy Synod, moved by the so many most grievous afflictions of the Church, cannot avoid recording, that nothing is more necessary for the Church of God than that the most blessed Roman Pontiff apply especially here that solicitude, which, by the duty of his office, he owes to the Universal Church,-that he take unto himself, to wit as cardinals, persons the most select only, and that he appoint over each church, above all things, good and fit pastors; and this the more, for that our Lord Jesus Christ will require at his hands the blood of those sheep of Christ which shall perish through the evil government of pastors who are negligent, and forgetful of their office.

CHAPTER II.

A Provincial Synod to be celebrated every third year, a Diocesan Synod every year: who are to convoke, and who to be present thereat.

Provincial councils, wheresoever they have been omitted, shall be renewed, for the regulating of morals, the correcting of excesses, the composing of controversies, and for the other purposes allowed of by the sacred canons. Therefore, the metropolitans in person, or if they be lawfully hindered, the oldest suffragan bishop shall not fail to assemble a Synod, each in his own province, within a year at latest from the termination of the present council, and afterwards, at least every third year, [Page 208] either after the octave of the Resurrection of our Lord Jesus Christ, or at some other more convenient time, according to the custom of the province; at which council all the bishops and others, who, by right or custom, ought to be present thereat, shall be absolutely bound to assemble, those excepted who would have to cross the sea at their imminent peril. The bishops of the province shall not, for the future, be compelled, under the pretext of any custom whatsoever, to repair against their will to the metropolitan church. Those bishops likewise who are not subject to any archbishop, shall once for all make choice of some neighbouring metropolitan, at whose provincial Synod they shall be bound to be present with the other bishops, and shall observe, and cause to be observed, whatsoever shall be therein ordained. In all other respects, their exemption and privileges shall remain whole and entire.

Diocesan Synods also shall be celebrated every year; to which all those even who are exempted, but who would otherwise, that exemption ceasing, have to attend, and who are not subject to general Chapters, shall be bound to come; understanding however that, on account of parochial, or other Secular churches, even though annexed, those who have charge thereof must needs, whosoever they may be, be present at the said Synod. But if any, whether metropolitans, or bishops, or the others above-named, shall be negligent in these matters, they shall incur the penalties enacted by the sacred canons.

CHAPTER III.

In what manner Prelates are to make their visitation.

Patriarchs, primates, metropolitans, and bishops shall not fail to visit their respective dioceses, either personally, or, if they be lawfully hindered, by their Vicar-general, or visitor; if they shall not be able on account of its extent, to make the visitation of the whole annually, they shall visit at least the greater part thereof, so that the whole shall be completed in two years, [Page 209] either by themselves, or by their visitors. Metropolitans, however, even after having made a complete visitation of their own proper diocese, shall not visit the cathedral churches, or the dioceses of the bishops of their province, except for a cause taken cognizance and approved of in the provincial Council.

But archdeacons, deans, and other inferiors, who have been hitherto accustomed lawfully to exercise (the power of) visitation in certain churches, shall henceforth visit those same places, but by themselves only, with the consent of the bishop, and assisted by a notary. The visitors also who may be deputed by a Chapter, where the Chapter has the right of visitation, shall be first approved of by the bishop; but the bishop, or, if he be hindered, his visitor, shall not thereby be prevented from visiting those same churches apart from those deputies; and the said archdeacons, and other inferiors, shall be bound to give the bishop an account, within a

month, of the visitation that has been made, and to show him the depositions of witnesses, and the proceedings in their entire form; any custom, even though immemorial, and any exemptions and privileges whatsoever notwithstanding.

But the principle object of all these visitations shall be to lead to sound and orthodox doctrine, by banishing heresies; to maintain good morals, and to correct such as are evil; to animate the people, by exhortations and admonitions, to religion, peacefulness, and innocence; and to establish such other things as to the prudence of the visitors shall seem for the profit of the faithful, according as time, place and opportunity shall allow. And to the end that all this may have a more easy and prosperous issue, all and each of the aforesaid, to whom the right of visitation belongs, are admonished to treat all persons with fatherly love and Christian zeal; and with this view being content with a modest train of servants and horses, they shall endeavour to complete the said visitation as speedily as possible, though with due carefulness. And during it they shall be careful not to be troublesome or burthensome to any one by any useless expenses; and neither they, nor any of theirs, shall, by way of agency fee for the visitation, or, on account of wills made for pious uses--except that which is of right due to them out of [Page 210] pious bequests--or under any other name whatsoever, receive anything, be it money, or present, of whatsoever kind, or in whatsoever way offered; any custom, even though immemorial, to the contrary notwithstanding; with the exception, however, of food, which shall be furnished frugally and in moderation to them and theirs, only during the time necessary for the visitation, and no longer. It shall, however, be at the option of those who are visited, to pay, if they prefer it, in money, according to a fixed assessment, what they have been accustomed heretofore to disburse, or to furnish the food as aforesaid; saving also the right of ancient conventions entered into with monasteries, or other pious places, or churches not parochial, which right shall remain inviolate. But, in those places or provinces, where it is the custom that neither food, money, nor anything else be received by the visitors, but that all be done gratuitously, the same shall be retained there.

But if any one, which God forbid, shall presume to receive anything more than is prescribed in any of the cases above-named; besides the restitution of double the amount which is to be made within a month, he shall also be subjected, without any hope of pardon, to the other penalties contained in the constitution of the general Councils of Lyons, which begins, Exigit; as also to the other penalties (which shall be enacted) in the provincial Synod, at the discretion of that Synod.

As regards patrons, they shall not presume in any way to interfere in those things which regard the administration of the sacraments; neither shall they meddle with the visitation of the ornaments of the church, or its revenues arising from landed property, or from buildings, excepting so far as they are competent to do this by the institution, or foundation; but the bishops themselves shall attend to these things, and shall take care that the revenues of those buildings be expended upon purposes necessary and useful for the church, as to them shall seem most expedient.

CHAPTER IV.

By whom, and when, the office of preaching is to be discharged: the Parish Church to be frequented in order to hear the word of God. No one shall preach in opposition to the will of the Bishop.

The holy Synod, desirous that the office of preaching, which peculiarly belongs to bishops, may be exercised as frequently as possible, for the welfare of the faithful, and accommodating more aptly to the use of the present times, the canons elsewhere set forth on this subject, under Paul III., of happy memory, ordains, that the bishops shall themselves in person, each in his own church, announce the sacred Scriptures and the devine law, or if lawfully hindered, it shall be done by those whom they shall appoint to the office of preaching; and in the other churches by the parish priests, or, if they be hindered, by others to be deputed by the bishop, whether it be in the city, or in any other part whatsoever of the diocese wherein they shall judge such preaching expedient, at the charge of those who are bound, or who are accustomed, to defray it, and this at least on all Lord's Days and solemn festivals; but, during

the season of the fasts, of Lent and of the Advent of the Lord, daily, or at least on three days in the week, if the said bishop shall deem it needful; and, at other times, as often as they shall judge that it can be opportunely done. And the bishop shall diligently admonish the people, that each one is bound to be present at his own parish church, where it can be conveniently done, to hear the word of God. But no one, whether Secular or Regular, shall presume to preach, even in churches of his own order, in opposition to the will of the bishop.

The said bishops shall also take care, that, at least on the Lord's Days and other festivals, the children in every parish be carefully taught the rudiments of the faith, and obedience towards [Page 212] God and their parents, by those whose duty it is, and who shall be constrained thereunto by their bishops, if need be, even by ecclesiastical censures; any privileges and customs notwithstanding. In other respects, those things decreed, under the said Paul III., concerning the office of preaching, shall have their full force.

CHAPTER V.

In criminal causes against Bishops, the greater causes shall be taken cognizance of by the Sovereign Pontiff only, the less by the Provincial Council.

The more grave criminal causes against bishops, even of heresy-which may God forfend-which merit deposition or deprivation, shall be taken cognizance of and decided by the Sovereign Roman Pontiff himself only. But if the cause shall be of such a nature that it must necessarily be committed out of the Roman Court, it shall not be committed to any others soever, but metropolitans, or bishops, to be chosen by the most blessed Pope. And this commission shall both be special, and shall be signed by the most holy Pontiff's own hand; nor shall he ever grant more to those commissioners than this,-that they take information only of the fact, and draw up the process, which they shall immediately transmit to the Roman Pontiff; the definitive sentence being reserved to the said most holy Pontiff.

The other things hereupon elsewhere decreed, under Julius III., of happy memory, as also the constitution published in a general Council under Innocent III., which begins, Qualiter et quando, which constitution the holy Synod renews in this present decree, shall be observed by all.

But the less criminal causes of bishops shall be taken cognizance of and decided in the provincial Council only, or by persons deputed thereunto by the provincial Council. [Page 213]

CHAPTER VI.

When and how the Bishop may absolve from crime, and dispense in cases of irregularity and suspension.

It shall be lawful for the bishop to dispense in all manner of irregularities and suspensions, arising from a crime that is secret,-except that proceeding from wilful homicide, and those crimes which have been already carried before a legal tribunal; -and (it shall be lawful for them), in their own diocese, either by themselves, or by a vicar to be deputed especially for that purpose, to absolve gratuitously, as far as the tribunal of the conscience is concerned, after imposing a salutary penance, all delinquents whatsoever their subjects, in all cases whatsoever that are secret, even though reserved to the Apostolic See. The same also, as regards the crime of heresy, shall be permitted them in the said court of conscience, but to them only, and not to their vicars.

CHAPTER VII.

The virtue of the Sacraments shall, before being administered to the people, be explained by Bishops and Parish Priests; during the solemnization of mass, the sacred oracles shall be explained.

In order that the faithful people may approach to the reception of the sacraments with greater reverence and devotion of mind, the holy Synod enjoins on all bishops, that, not only when they are themselves about to administer them to the people, they shall first explain, in a manner suited to the capacity of those who receive them, the efficacy and use of those sacraments, but shall endeavour that the same be done piously and prudently [Page 214] by every parish priest; and this even in the vernacular tongue, if need be, and it can be conveniently done; and in accordance with the form which will be prescribed for each of the

sacraments, by the holy Synod, in a catechism which the bishops shall take care to have faithfully translated into the vulgar tongue, and to have expounded to the people by all parish priests; as also that, during the solemnization of mass, or the celebration of the divine offices, they explain, in the said vulgar tongue, on all festivals, or solemnities, the sacred oracles, and the maxims of salvation; and that, setting aside all unprofitable questions, they endeavour to impress them on the hearts of all, and to instruct them in the law of the Lord.

CHAPTER VIII.

On public sinners, a public penance shall be imposed, unless the Bishop shall determine otherwise: a Penitentiary to be instituted in Cathedral Churches.

The apostle admonishes that those who sin publicly are to be reproved openly. When, therefore, any one has, publicly and in the sight of many, committed a crime, whereby there is no doubt that others have been offended and scandalized; there must needs be publicly imposed upon him a penance suitable to the measure of his guilt; that so those whom he has allured to evil manners by his example, he may bring back to an upright life by the testimony of his amendment. The bishop, however, may, when he judges it more expedient, commute this kind of public penance into one that is secret. Likewise, in all cathedral churches, where it can be conveniently done, the bishop shall appoint a penitentiary, annexing thereto the prebend that shall next become vacant, which penitentiary shall be a master, or doctor, or licentiate in theology, or in canon law, and forty years of age, or otherwise one who shall be found more suitable [Page 215] considering the character of the place; and, whilst hearing confessions in the church, he shall be meanwhile reputed as present in choir.

CHAPTER IX.

By whom Secular Churches, not of any diocese, are to be visited.

Those things which have elsewhere been established by this same Council, under Paul III., of happy memory, and lately under our most blessed lord Pius IV., touching the diligence to be used by the Ordinaries in visiting benefices, even though exempted, the same shall also be observed in regard of those Secular churches which are said to be in no one's diocese; to wit they shall be visited by the bishop-as the delegate of the Apostolic See-whose cathedral church is the nearest, if he be able to do so; otherwise, by him whom the prelate of the said place has once for all selected in the provincial Council;-any privileges and customs whatsoever, even though immemorial, to the contrary notwithstanding.

CHAPTER X.

Where visitation and correction of morals are concerned, no suspension of decrees is allowed.

Bishops, that they may be the better able to keep the people whom they rule in duty and obedience, shall, in all those things which regard visitation and correction of manners, have the right and power, even as delegates of the Apostolic See, of ordaining, regulating, correcting, and executing, in accordance with the enactments of the canons, those things which, in their prudence, shall seem to them necessary for the amendment of their subjects, and for the good of their respective dioceses. Nor herein, when visitation and correction of manners are concerned, shall any exemption, or any inhibition, or appeal, or complaint, even though interposed to the Apostolic See, in any way hinder, or suspend the execution of those things which shall have been by them enjoined, decreed, or adjudged. [Page 216]

CHAPTER XI.

Honorary titles, or particular privileges, shall not derogate in any way from the right of bishops.

Forasmuch as the privileges and exemptions which, under various titles, are granted to very many persons, are clearly seen to raise, in these days, confusion in the jurisdiction of bishops, and to give occasion to those exempted to lead a more relaxed life; the holy Synod ordains, that if at any time it be thought proper, for just, weighty, and well nigh compulsory causes, that certain persons be distinguished by the honorary titles of Protonotary, Acolyte, Count Palatine, Royal Chaplain, or other such titles of distinction, whether in the Roman court or elsewhere; as also that others be admitted into monasteries as Oblates, or as attached thereunto in some other way, or under the name of servants to military orders, monasteries,

hospitals, colleges, or under any other title whatsoever; nothing is to be understood as being, by these privileges, taken away from the Ordinaries, so as to prevent those persons, unto whom those privileges have already been granted, or to whom they may be hereafter conceded, from being fully subject in all things to the said Ordinaries, as delegates of the Apostolic See, and this as regards Royal Chaplains, in accordance with the constitution of Innocent III., which begins Cum capella: those persons, however, being excepted, who are engaged in actual service in the aforesaid places, or in military orders, and who reside within their enclosures and houses, and live under obedience to them; as also those who have made their profession lawfully and according to the rules of the said military orders, whereof the Ordinary must be certified: notwithstanding any privileges what soever, even those of the order of Saint John of Jerusalem, and of other military orders. But, as regards those privileges which by virtue of the constitution of Eugenius, those are accustomed to enjoy who reside in the Roman Court, or who are in the household of cardinals, such privileges shall in no wise be understood to apply to those who hold ecclesiastical benefices, in so [Page 217] far as those benefices are concerned; but such shall continue subject to the jurisdiction of the Ordinary; any inhibitions to the contrary notwithstanding.

CHAPTER XII.

What manner of persons those ought to be who are to be promoted to the dignities and canonries of Cathedral Churches: and what those so promoted are bound to perform.

Whereas dignities, especially in cathedral churches, were established to preserve and increase ecclesiastical discipline, with the view that those who should obtain them, might be pre-eminent in piety, be an example to others, and aid the bishop by their exertions and services; it is but right, that those who are called unto those dignities, should be such as to be able to answer the purposes of their office. Wherefore, no one shall henceforth be promoted to any dignities whatsoever, to which the cure of souls is attached, who has not attained at least to the twenty-fifth year of his age, and, having been exercised for some time in the clerical order, is recommended by the learning necessary for the discharge of his office, and by integrity of morals, conformably to the constitution of Alexander III., promulgated in the Council of Lateran, which begins, Cum in cunctis.

In like manner archdeacons, who are called the eyes of the bishop, shall, in all churches, where it is possible, be masters in theology, or doctors or licentiates in canon law. But, to the other dignities or personates, to which no cure of souls is attached, clerics shall be promoted, who are in other respects qualified, and who are not less than twenty-two years of age. Those also who are promoted to any benefices whatsoever having cure of souls, shall, within two months at the latest from the day of obtaining possession, be bound to make a public profession of their orthodox faith in the presence of the bishop [Page 218] himself, or, if he be hindered, before his Vicar-general, or official; and shall promise and swear, that they will continue in obedience to the Roman Church. But those who are promoted to canonries and dignities in cathedral churches, shall be bound to do this not only before the bishop, or his official, but also in the Chapter; otherwise all those promoted as aforesaid shall not render the fruits theirs; nor shall possession avail them anything. No one shall henceforth be received to a dignity, canonry, or portion, but one who has either already been admitted to that sacred order which that dignity, prebend, or portion requires, or is of such an age as to be capable of being admitted to that order, within the time prescribed by law and by this holy Synod. As regards all cathedral churches, all canonries and portions shall be attached to the order of the priesthood, deaconship, or subdeaconship; and the bishop, with the advice of the Chapter, shall designate and apportion, as he shall judge expedient, to which thereof each of those respective sacred orders is for the future to be annexed; in such wise, however, that one half at least shall be priests, and the rest deacons, or subdeacons: but where the more praiseworthy custom requires, that the greater part, or that all be priests, it shall be by all means retained. Moreover, the holy Synod exhorts that, in provinces where it can conveniently be done, all the dignities, and one half at least of the canonries, in cathedral and eminent collegiate churches, be conferred only on masters, or doctors, or even on licentiates in theology, or canon law.

Furthermore, it shall not be lawful, by virtue of any manner of statute or custom whatsoever, for those who possess, in the said cathedral or collegiate churches, any dignities, canonries, prebends, or portions, to be absent from those churches, above three months in each year-saving, however, the constitutions of those churches which require a longer term of service-otherwise every offender shall, for the first year, be deprived of onehalf of the fruits which he has made his own by reason even of his prebend and residence. But, if he be again guilty of the same negligence, he shall be deprived of all the fruits which he may have acquired during that same year: and, the contumacy increasing, they shall be proceeded against according to the con-[Page 219] stitutions of the sacred canons. As regards the distributions; those who have been present at the stated hours shall receive them; all others shall, all collusion and remission set aside, forfeit them, pursuant to the decree of Boniface VIII., which begins, Consuetudinem, which the holy Synod brings again into use; any statutes, or customs, whatsoever, to the contrary notwithstanding. And all shall be obliged to perform the divine offices in person, and not by substitutes; as also to attend on and serve the bishop when celebrating (mass), or performing any other pontifical functions; and reverently, distinctly, and devoutly to praise the name of God, in hymns and canticles, in the choir appointed for psalmody.

They shall, moreover, at all times wear a becoming dress, both in and out of church; shall abstain from unlawful hunting, hawking, dancing, taverns, and gaines; and be distinguished for such integrity of manners, as that they may with justice be called the senate of the Church. As to other matters, regarding the suitable manner of conducting the divine offices, the proper way of singing or chanting therein, the specific regulations for assembling in choir and for remaining there, as also such things as may be necessary in regard of all those who minister in the church, and any other things of the like kind; the provincial Synod shall prescribe a fixed form on each Head, having regard to the utility and habits of each province. But, in the mean time, the bishop, assisted by not less than two canons, one of whom shall be chosen by the bishop, and the other by the Chapter, shall have power to provide herein as may be judged expedient.

CHAPTER XIII.

In what manner provision is to be made for the more slightly endowed Cathedral and Parish Churches: Parishes are to be distinguished by certain boundaries.

Forasmuch as very many cathedral churches have so slight a revenue, and are so small, that they by no means correspond with the episcopal dignity, nor suffice for the necessities of the churches; the provincial Council, having summoned those whose [Page 220] interests are concerned, shall examine and weigh with care, what churches it may be expedient, on account of their small extent, and their poverty, to unite to others in the neighbourhood, or to augment with fresh revenues; and shall send the documents prepared in regard thereof to the Sovereign Roman Pontiff; who, being thereby made acquainted with the matter, shall, of his own prudence, as he may judge expedient, either unite together the slightly provided churches, or improve them by some augmentation derived from the fruits. But in the meantime, until the things aforesaid are carried into effect, the Sovereign Pontiff may provide, out of certain benefices, for those bishops who, on account of the poverty of their dioceses, stand in need of being aided by certain fruits; provided however those benefices be not cures, nor dignities, canonries, prebends, nor monasteries wherein regular observance is in force, or which are subject to general Chapters, or to certain visitors.

In parish churches also, the fruits of which are in like manner so slight that they are not sufficient to meet the necessary charges, the bishop,-if unable to provide for the exigency by a union of benefices, not however those belonging to Regulars,-shall make it his care, that, by the assignment of first fruits, or tithes, or by the contributions and collections of the parishioners, or in some other way that shall seem to him more suitable, as much be amassed as may decently suffice for the necessities of the rector and of the parish.

But in whatsoever unions may have to be made, whether for the causes aforesaid, or for others, parish churches shall not be united to any monasteries whatever, or abbeys, or

dignities, or prebends of a cathedral or collegiate church, or to any other simple benefices, hospitals, or military orders; and those so united shall be again taken cognizance of by the Ordinaries, pursuant to the decree already made in this same Synod, under Paul III., of happy memory, which shall also be equally observed in regard of those unions that have been made from that time forth to the present; notwithstanding whatsoever form of words may have been used therein, which shall be accounted as being sufficiently expressed here.

Furthermore, all those cathedral churches, the revenue of which, [Page 221] in real annual value, does not exceed the sum of one thousand ducats, and those parish churches where it does not exceed the sum of one hundred ducats, shall not for the future be burthened with any manner of pensions, or reservations of fruits. Also, in those cities and places where the parish churches have not any certain boundaries, neither have the rectors thereof their own proper people to govern, but administer the sacraments to all indiscriminately who desire them, the holy Synod enjoins on bishops, that for the greater security of the salvation of the souls committed to their charge, having divided the people into fixed and proper parishes, they shall assign to each parish its own perpetual and peculiar parish priest who may know his own parishioners, and from whom alone they may licitly receive the sacraments; or the bishops shall make such other provision as may be more beneficial, according as the character of the place may require. They shall also take care, that the same be done, as soon as possible, in those cities and places where there are no parish churches: any privileges aind customs, even though immemorial, to the contrary notwithstanding.

CHAPTER XIV.

In promotions to benefices, or in admissions into possession of the same, any deductions from the fruits, not applied to pious uses, are prohibited.

In many churches, as well cathedral as collegiate and parochial, it is understood to be the practice, derived either from the constitutions thereof, or from an evil custom, that upon any election, presentation, institution, confirmation, collation, or other provision, or upon admission to the possession of any cathedral church, benefice, canonries, or prebends, or to a participation in the revenues, or the daily distributions, there are introduced certain conditions, or deductions from the fruits, certain payments, promises, unlawful compensations, as also the profits which are in some churches called Turnorum lucra; and [Page 222] whereas the holy Synod detests these practices, It enjoins on bishops, that they suffer not anything of the kind to be done, unless the proceeds be converted to pious uses, nor permit any of those modes of entering (on benefices) which carry with them a suspicion of a simoniacal taint, or of sordid avarice; and they shall themselves carefully take cognizance of their constitutions, or customs in the above regards; and, those only being retained which they shall approve of as laudable, the rest they shall reject and abolish as corrupt and scandalous. And It decrees that those, who act in any way contrary to the things comprised in this present decree, incur the penalties set forth against simoniacs by the sacred canons, and divers constitutions of the Sovereign Pontiffs, all of which this Synod renews; any statutes, constitutions, customs, even though immemorial, even though confirmed by apostolic authority, to the contrary notwithstanding; the bishop, as the delegate of the Apostolic See, having power to take cognizance of any surreption, obreption, or defect of intention, in regard thereof.

CHAPTER XV.

Method of increasing the slight prebends of Cathedral, and of eminent Collegiate Churches.

In cathedral, and eminent collegiate, churches, where the prebends are numerous, and so small, that, even with the daily distributions, they are not sufficient for the decent maintenance of the rank of the canons, according to the character of the place, and of the persons, it shall be lawful for the bishop, with the consent of the Chapter, either to unite thereunto certain simple benefices, not however such as belong to Regulars, or, if a provision cannot be made in this way, they may reduce those prebends to a less number, by suppressing some of them,-with the consent of the patron, if the right of patronage belong to laymen,-the fruits and proceeds of which shall be applied towards the daily distributions of the remaining prebends; yet so, however, that such a number shall be left as may conveniently serve for the

celebration of divine worship, [Page 223] and be suitable to the dignity of the church; any constitutions and privileges whatsoever, or any reservation whether general or special, or any application whatever, to the contrary notwithstanding: nor shall the aforesaid unions or suppressions be set aside or hindered by any manner of provision whatsoever, not even by virtue of any resignation, or by any other derogations, or suspensions whatever.

CHAPTER XVI.

What duty devolves on the Chapter during the vacancy of a See.

When a See is vacant, the Chapter, in those places where the duty of receiving the fruits devolves upon it, shall appoint one or more faithful and diligent stewards to take care of the property and revenues of the church, of which they shall afterwards give an account to him whom it may regard. It shall also be absolutely bound, within eight days after the decease of the bishop, to appoint an official, or vicar, or to confirm the one who fills that office; who shall at least be a doctor, or a licentiate, of canon law, or otherwise as competent a person as can be procured: if anything be done contrary hereto, the appointment aforesaid shall devolve on the metropolitan. And if the church be itself the metropolitan, or exempted, and the Chapter shall be, as has been said above, negligent, then shall the oldest of the suffragan bishops in that metropolitan church, and the nearest bishop in regard of that church that is exempted, have power to appoint a competent steward and vicar. And the bishop, who is promoted to the said vacant church, shall demand, from the said steward, vicar, and all other officers and administrators, who, during the vacancy of the See, were, by the Chapter, or others, appointed in his room,-even though they should belong to the Chapter itself,-an account of those things which concern him, of their functions, jurisdiction, administration, or of any other their charge whatsoever; and shall have [Page 224] power to punish those who have been guilty of any delinquency in their office or administration, even though the officers aforesaid, having given in their accounts, may have obtained a quittance or discharge from the Chapter, or those deputed thereby. The Chapter shall also be bound to render an account to the said bishop of any papers belonging to the church, if any such have come into the possession thereof.

CHAPTER XVII.

In what case it is lawful to confer more than one benefice upon one individual; and for him to retain the same.

Whereas ecclesiastical order is perverted when one cleric fills the offices of several, the sacred canons have holily provided that no one ought to be enrolled in two churches. But, seeing that many, through the passion of ungodly covetousness deceiving themselves, not God, are not ashamed to elude, by various artifices, what has been so excellently ordained, and to hold several benefices at the same time; the holy Synod, desiring to restore the discipline required for the government of the church, doth by this present decree,-which It orders to be observed in regard of all persons whatsoever, by whatsoever title distinguished, even though it be by the dignity of the Cardinalate,-ordain, that, for the future, one ecclesiastical benefice only shall be conferred on one and the same person. If indeed that benefice be not sufficient to afford a decent livelihood to the person on whom it is conferred, it shall then be lawful to bestow on him some other simple benefice that may be sufficient; provided that both do not require personal residence. And the above shall apply not only to cathedral churches, but also to all other benefices whatsoever, whether Secular or Regular, even to those held in commendam, of whatsoever title and quality they may be. But they who at present hold several parochial churches, or one cathedral and one parochial church, shall be absolutely obliged,-all dispensations and unions for life whatsoever to the contrary notwithstanding,-retaining one parochial church only, or the cathedral church alone, to resign the other parochial [Page 225] churches within the space of six months; otherwise as well the parish churches, as also all the benefices which they hold, shall be accounted ipso jure void, and as void shall be freely conferred on other competent persons; nor shall they who previously held them be able to retain the fruits thereof, with a safe conscience, after the said time. But the holy Synod desires that a provision be made in some suitable manner, as may seem fit to the Sovereign Pontiff, for the necessities of those who resign.

CHAPTER XVIII.

Upon a Parish Church becoming vacant, a Vicar is to be deputed thereunto by the Bishop, until it be provided with a Parish Priest: in what manner and by whom those nominated to Parochial Churches ought to be examined.

It is most highly expedient for the salvation of souls, that they be governed by worthy and competent parish priests. To the end that this may with greater care and effect be accomplished, the holy Synod ordains, that when a vacancy occurs in a parish church, whether by death, or by resignation, even in the Roman Court, or in any other manner whatsoever, though it may be alleged that the charge thereof devolves on the church (itself), or on the bishop, and though it may be served by one or more priests,-and this not excepting even those churches called patrimonial, or receptive, wherein the bishop has been accustomed to assign the cure of souls to one or more (priests), all of whom, as this Synod ordains, must be subjected to the examination herein prescribed later,-even though, moreover, the said parish church may be reserved, or appropriated, whether generally or specially, by virtue even of an indult, or privilege granted in favour of cardinals of the holy Roman Church, or of certain abbots, or chapters; it shall be the duty of the bishop, at once, upon obtaining information of the vacancy of the church, [Page 226] to appoint, if need be, a competent vicar to the same--with a suitable assignment, at his own discretion, of a portion of the fruits thereof--to support the duties of the said church, until it shall be provided with a rector. Moreover, the bishop, and he who has the right of patronage, shall, within ten days, or such other term as the bishop shall prescribe, nominate, in the presence of those who shall be deputed as examiners, certain clerics as capable of governing the said church. It shall nevertheless be free for others also, who may know any that are fit for the office, to give in their names, that a diligent scrutiny may be afterwards made as to the age, morals, and sufficiency of each. And even,--if the bishop, or the provincial Synod shall, considering the custom of the country, judge this more expedient,--those who may wish to be examined may be summoned by a public notice. When the time appointed has transpired, all those whose names have been entered shall be examined by the bishop, or, if he be hindered, by his Vicar-general, and by the other examiners, who shall not be fewer than three; to whose votes, if they should be equal, or given to distinct individuals, the bishop, or his vicar, may add theirs, in favour of whomsoever they shall think most fit.

And as regards the examiners, six at least shall be annually proposed by the bishop, or by his vicar, in the diocesan Synod; who shall be such as shall satisfy, and shall be approved of by, the said Synod. And upon any vacancy occurring in any church, the bishop shall select three out of that number to make the examination with him; and afterwards, upon another vacancy following, he shall select, out of the six aforesaid, the same, or three others, whom he may prefer. But the said examiners shall be masters, or doctors, or licentiates in theology, or in canon law, or such other clerics, whether Regulars,-even of the order of mendicants,-or Seculars, as shall seem best adapted thereunto; and they shall all swear on the holy Gospels of God, that they will, setting aside every human affection, faithfully perform their duty. And they shall beware of receiving anything whatever, either before or after, on account of this examination; otherwise, both the receivers and the givers will incur the guilt of simony, from which they shall not be capable of [Page 227] being absolved, until after they have resigned the benefices which they were possessed of in any manner whatsoever, even before this act; and they shall be rendered incapable of any others for the time to come. And in regard of all these matters, they shall be bound to render an account, not only to God, but also, if need be, to the provincial Synod, which shall have power to punish them severely, at Its discretion, if it be ascertained that they have done anything contrary to their duty.

Then, after the examination is completed, a report shall be made of all those who shall have been judged, by the said examiners, fit by age, morals, learning, prudence, and other suitable qualifications, to govern the vacant church; and out of these the bishop shall select him whom he shall judge the most fit of all; and to him, and to none other, shall the church be collated by him unto whom it belongs to collate thereunto. But, if the church be under ecclesiastical

patronage, and the institution thereunto belongs to the bishop, and to none else, whomsoever the patron shall judge the most worthy from amongst those who have been approved of by the examiners, him he shall be bound to present to the bishop, that he may receive institution from him: but when the institution is to proceed from any other than the bishop, then the bishop alone shall select the worthiest from amongst the worthy, and him the patron shall present to him unto whom the institution belongs.

But if it be under lay patronage, the individual who shall be presented by the patron, must be examined, as above, by those deputed thereunto, and not be admitted, unless he be found fit. And, in all the above-mentioned cases, to none other but to one of those who have been examined as aforesaid, and have been approved of by the examiners, according to the rule prescribed above, shall the church be committed, nor shall any devolution, or appeal, interposed even before the Apostolic See, or the legates, vice-legates, or nuncios of that see, or before any bishops, or metropolitans, primates, or patriarchs, hinder or suspend the report of the aforesaid examiners from being carried into execution: for the rest, the vicar whom the bishop has, at his own discretion, already deputed for the time being to the vacant church, or whom he may afterwards happen to depute [Page 228] thereunto, shall not be removed from the charge and administration of the said church, until it be provided for, either by the appointment of the vicar himself, or of some other person, who has been approved of and elected as above: and all provisions and institutions made otherwise than according to the above-named form, shall be accounted surreptitious: any exemptions, indults, privileges, preventions, appropriations, new provisions, indults granted to any university whatsoever, even for a certain sum, and any other impediments whatsoever, in opposition to this decree, notwithstanding.

If, however, the said parish churches should possess so slight a revenue, as not to allow of the trouble of all this examination; or should no one seek to undergo this examination; or if, by reason of the open factions, or dissensions, which are met with in some places, more grievous quarrels and tumults may easily be excited thereby; the Ordinary may, omitting this formality, have recourse to a private examination, if, in his conscience, with the advice of the (examiners) deputed, he shall judge this expedient; observing however the other things as prescribed above. It shall also be lawful for the provincial Synod, if It shall judge that there are any particulars which ought to be added to, or retrenched from, the above regulations concerning the form of examination, to provide accordingly.

CHAPTER XIX.

Mandates 'de providendo,' Expectatives, and other things of the like kind are abrogated.

The holy Synod ordains, that mandates for contingent promotions, and those graces which are called expectant, shall not any more be granted to any one, not even to colleges, universities, senates, or to any individuals whatsoever, even [Page 220] though under the name of an indult, or up to a certain sum, or under any other colourable title; nor shall it be lawful for any one to make use of such as have been heretofore granted. So, neither shall any mental reservations, nor any other graces whatsoever in regard of future vacancies in benefices, nor indults which apply to churches belonging to others, or to monasteries, be granted to any, not even cardinals of the holy Roman Church; and those hitherto granted shall be looked upon as abrogated.

CHAPTER XX.

The manner of conducting causes, appertaining to the Ecclesiastical court, is prescribed.

All causes belonging in any way whatever to the ecclesiastical court, even though they may relate to benefices, shall be taken cognizance of, in the first instance, before the Ordinaries of the places only; and shall be completely terminated within two years at the latest from the time that the suit was instituted: otherwise, at the expiration of that period, it shall be free for the parties, or for either of them, to have recourse to superior, but otherwise competent, judges, who shall take up the cause as it shall then stand, and shall take care that it be terminated with all possible despatch; nor, before that period, shall the causes be committed to any others (than the Ordinaries), nor be transferred therefrom; nor shall any appeals interposed by those parties be received by any superior judges whatsoever; nor shall any

commission, or inhibition be issued by them, except upon a definitive sentence, or one that has the force thereof, and the grievance arising from which cannot be redressed by an appeal from that definitive sentence. From the above are to be excepted those causes, which, pursuant to the appointments of the canons, are to be tried before the Apostolic See, or those which the Sovereign Roman Pontiff shall, for an urgent and [Page 221] reasonable cause, judge fit to appoint, or to avocate, for his own hearing, by a special rescript under the signature of his Holiness signed with his own hand.

Furthermore, matrimonial and criminal causes shall not be left to the judgment of deans, archdeacons, and other inferiors, even when on their course of visitation, but shall be reserved for the examination and jurisdiction of the bishop only; even though there should be, at this present moment, a suit pending, in whatsoever stage of the proceedings it may be, between any bishop, and the dean, or archdeacon, touching the cognizance of this class of causes: and if, in any said matrimonial cause, one of the parties shall truly prove his property in the presence of the bishop, he shall not be compelled to plead out of the province, either in the second or third stage of the suit, unless the other party will provide for his maintenance, and also bear the expenses of the suit.

Legates also, even though de latere, nuncios, ecclesiastical governors, or others, shall not only not presume, by virtue of any powers whatsoever, to impede bishops in the causes aforesaid, or in any wise to take from them, or to disturb their jurisdiction, but they shall not even proceed against clerics, or other ecclesiastical persons, until the bishop has been first applied to, and has shown himself negligent; otherwise their proceedings and ordinances shall be of no force, and they shall be bound to make satisfaction to the parties for the damages which they have sustained.

Furthermore, should any individual appeal in those cases allowed of by law, or lodge a complaint touching any grievance, or have recourse, as aforesaid, to a judge, on account of two years having elapsed, he shall be bound to transfer, at his own expense, to the judge of appeal, all the acts of the proceedings that have taken place before the bishop, having given, however, notice thereof previously to the said bishop; that so, if it seem fit to him to communicate any information on the suit, he may acquaint the judge of appeal therewith. But if the appellee [Page 231] shall appear, then shall he also be bound to bear his proportion of the costs of transferring those acts, provided that he wishes to make use thereof; unless it be the custom of the place to act otherwise, to wit, that the entire costs have to be borne by the appellant.

Moreover, the notary shall be bound to furnish the appellant, upon payment of the suitable fee, with a copy of the proceedings as soon as may be, and within a month at the furthest. And should that notary be guilty of any fraud in delaying the giving such copy, he shall be suspended from the exercise of his office, at the discretion of the Ordinary, and be condemned to pay double the costs of the suit, which shall be divided between the appellant and the poor of the place. But if the judge also should himself be cognizant of, and an accomplice in, this delay, or if he shall in any other way raise obstacles against the entire proceedings being delivered over to the appellant within the term aforesaid, he shall be subjected to the same penalty of paying double the costs, as above; notwithstanding, as regards all the aforesaid matters, any privileges, indults, covenants, which only bind the authors thereof, and any other customs whatsoever to the contrary.

CHAPTER XXI.

It is declared, that, by certain words used previously, the usual manner of treating business in General Councils is not changed.

The holy Synod,-being desirous that no occasion of doubting may, at any future period, arise out of the decrees which It has published,-in explanation of the words contained in a decree published in the first Session under our most blessed lord, Pius IV., to wit, "which, the legates and presidents proposing, shall to the said holy Synod appear suitable and proper for assuaging the calamities of these times, terminating the controversies concerning religion, restraining deceitful tongues, correcting the abuses of depraved manners, and procuring for the church a

true and Christian peace," declares that it was not Its [Page 232] intention, that, by the foregoing words, the usual manner of treating matters in general Councils should be in any respect changed; or that anything new, besides that which has been heretofore established by the sacred canons, or by the form of general Councils, should be added to, or taken from, any one.

INDICTION OF THE NEXT SESSION.

Moreover, the same sacred and holy Synod ordains and decrees, that the next ensuing Session be held on the Thursday after the Conception of the Blessed Virgin Mary, which will be the ninth day of December next, with the power also of abridging that term. In which Session there will be treated of the sixth chapter which is now deferred till then, and the remaining chapters on Reformation which have been already set forth, and other matters which relate thereunto. And if it shall seem advisable, and the time will allow thereof, certain dogmas may also be treated of, as in their proper season they shall be proposed in the congregations.

Divorce, The Law, and Jesus

Posted on May 23, 2013 by pattimorton under Repent America and Return to your First Love!
Walter L. Callison
Divorce and remarriage are topics of much debate.
The purpose of the following article is to invite the reader to reassess the church's attitude toward remarriage. We welcome your comments and opinions on the content of this article.

For the law was given by Moses, but grace and truth came by Jesus Christ (John 1:17). Grace. Did grace come by Jesus Christ to those suffering marital tragedy, even as much grace as was provided by Old Testament law? Surely, we affirm, grace and truth did come by Jesus Christ. Then how does grace abound to those who have suffered the tragedy of a marriage failure and divorce?
Christ did more than teach with words. He also taught with His life. Christ brought new ideas to his followers, rejecting their ancient "eye for an eye" and "tooth for a tooth" doctrines, encouraging love for those not their own, lifting up women from the status oaf "things" to recognition as people. Yet he also taught respect for the old Jewish law.
When we study what he said about divorce, we must also study the life he lived among those of broken marriages, as well as what he taught about Jewish law, especially their divorce law.
But what about His words? If a divorced person is remarried, what about the words, "Whosoever putteth away his wife and marrieth another, committeth adultery" (Luke 16:18?
We could emulate the compassionate and forgiving nature of Christ, as he sent the woman at the well into Samaria to be his witness. But do His words deny His actions? Are people who are divorced and married to another living in adultery? Are they forbidden service to Christ?
We also must hear the words of the Apostle Paul, "A bishop then must be blameless, the husband of one wife" (I Tim. 3:2). Does he speak of a person who has been divorced and remarried? Luke records only one comment, and a very concise one, on this subject:
"And it is easier for heaven and earth to pass, than one tittle of the law to fail. Whosoever putteth away his wife, and marrieth another, committeth adultery: and whosoever marrieth her that is put away from her husband committeth adultery" (Luke 16:17-18).
Concise. But Jesus did make it clear that the Old Testament had something significant to say. There is a law! When asked by the Pharisees, in the Gospel of Mark, "Is it lawful for a man to put away his wife?" (Mark 10:2), Jesus answered, "What did Moses command you?" (Mark 10:3) "Moses suffered to write a bill of divorcement" (Mark 10:4). There is a law.
The law is found in Deuteronomy 24:1-4, and at the time Christ lived, Favius Josephus, who also lived then, paraphrased it and referred to it as the "law of the Jews":
"He that desires to be divorced from his wife for any cause whatsoever, (and many such causes happen among men), let him in writing give assurance that he will never use her as his wife any more; for by this means she may be at liberty to marry another husband, although before this bill of divorce be given, she is not to be permitted so to do…" (Antiquities of the Jews (The Life and Work of Flavius Josephus), Book IV. Ch. VIII, Sec. 23, p. 134; (tr. Wm. Whiston; Holt, Rinehart, and Winston, NY).
Here is the law from Deuteronomy:
"When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house, and when she is departed out of his house, she may go and be another man's wife." (Deut.24: 1-2).
Are people who are divorced and married to another living in adultery?
The law was still around in the time of Christ. We must, therefore, deal with the "tittles" of the law.
The Bible only records one divorce. God said he did it. In Jeremiah 3, God reminded Judah that she was heading for trouble. Israel had already been taken captive. God told Jeremiah to warn Judah that she had witnessed her sister Israel's infidelity and had seen God give her a bill of divorce and send her away; and yet she did not fear (Jer.3: 6-8).

There were other things men did with their wives. Many men of old married more than one wife, and without bothering about divorce. Some of these were God's revelation, but also products of their culture.

If he did not divorce her, what did a man of those days do with a wife when he took another? He put her away. There is a word for that in the Old Testament, the Hebrew word shalach. It is different than the Hebrew word for divorce, which iskeriythuwth. Heriythuwth (Jer.3: 8 above) literally means excision, a cutting of the marital bonds; legal divorce was written, as commanded in Deuteronomy 24, and permitted subsequent marriage. Shalach is usually translated "to put away." Women were "put away" when their men married others, put away to become mere property, as slaves, or put away in total dismissal; it was a cruel day for women. They were "put away" in favor of another, but not given a divorce and the right to marry again. This word described a cruel tradition, common, but contrary to Jewish law.

Some of the hardships and terror experienced by women who were "put away" can be seen as this Hebrew word shalach is described in the Langenscheid Pocket Hebrew Dictionary (McGraw Hill, 1969) – "to let loose, roaming at large, to be scared, abandoned, forsaken."

"The Christian faith took root and flourished in an atmosphere almost entirely pagan, where cruelty and sexual immorality were taken for granted, where slavery and the inferiority of women were almost universal, while superstition and rival religions, with all kinds of bogus claims, existed on every hand."

God hated this "putting away." Malachi the prophet broken-heartedly pleaded with God's people to stop the practice. Hear Malachi plead with them. The word translated "putting away" in Malachi 2:16 is not the Hebrew word for divorce but it is shalach, put away. Hear Malachi respond to leaders who asked how they had dealt treacherously, and committed abomination in Israel, and profaned the holiness of the Lord.

"Yet ye say, wherefore? Because the Lord hath been witness between thee and the wife of thy youth, against whom thou hast dealt treacherously: yet is she thy companion, and the wife of the covenant. And did not he make one? Yet had he the residue of the spirit. And wherefore one? That he might seek a godly seed. Therefore take heed to your spirit, and let none deal treacherously against the wife of his youth. For the Lord, the God of Israel, saith that he hateth putting away?" (italics mine) (Mal. 2: 14-16).

And Jesus came. And His words do not deny His actions! He spoke of this when He said, "Whosoever putteth away His wife, and marrieth another, committeth adultery: and whosoever marrieth her that is put away from her husband committeth adultery: and whosoever marrieth her that is put away from her husband committeth adultery" (Luke 16: 18). Whosoever does this, commits adultery! This practice was cruel and was adulterous, but it was not divorce.

The New Testament word, translated "put away" in the King James Version, is a form of the Greek word apoluo. It is the word in Greek, the language of the New Testament, which parallels the Hebrew word shalach (put away).

There is an Old Testament Hebrew word for divorce, keriythuwth, and a New Testament Greek word, apostasion. The Arnait-Gingrich Lexicon of the New Testament cites usage of the word apostasion as the technical term for a bill or writing of divorce as far back as 258 B.C.

Apoluo, the Greek word for putting away, was not technically divorce, though often used synonomously. In that age of total male domination, men often took additional wives, and did not provide written release when they forsook wives and married others. The Jewish law demanding written divorce (Deut. 24: 1-2) was largely ignored. If a man married another woman, so what? If a man "put away"(apoluo) his wife without bothering with a written divorce who was going to object? The woman?

Jesus had some objections. Jesus even loved mistreated women! He told them that this earth would go up in smoke before the law requiring a written bill of divorce would fail (Lk. 16:17). And he said, when you put away a wife (without written divorce), and marry another (while still married), you are guilty of adultery (Lk.16:18). Moreover, she who is put away is in real trouble. She has no divorce paper. She is abandoned, but still married. She would commit adultery if she married again (Lk.16:18). The distinction between "put away" and

“divorce,” between the Greek apoluo and apostasion is critical. Apoluo indicated that women were enslaved, put away, with no rights, no recourse; deprived of the basic right to monogamous marriage. Apostasion ended marriage and permitted a legal subsequent marriage. The paper makes a difference. “Let him write her a bill of divorcement, and give it in her hand, and send her out of his house. And when she is departed out of his house, she may go and be another man’s wife” (Deut. 24:2). That was the law.

How did we ever begin to read “whosoever divorces his wife” into those places where Jesus literally said “whosoever puts away, or abandons, his wife”?

There are passages, other than Luke 16:17-18 (above) where Jesus spoke on this matter. They include Matt. 19:9, Mark 10:10-12 (where Mark records that Jesus laid down the same law for women as for men), and Matt. 5:32. Jesus used a form of the word apoluo eleven times in these passages. In every passage he forbade apoluo, putting away. He never forbade giving apostasion, written divorce, required by Jewish law.

Should the Greek word apoluo be translated divorce? Kenneth S. Wuest in the New Testament, an Expanded Translation always translated it “dismissed” or “put away,” never “divorced.” The old, and very literal American Standard Version always translated it “put away.” The King James Version translated it “put away” ten out of the eleven times Jesus used it. That eleventh instance seems to be the source of the problem. In 1611, in ONE place the King James translators wrote “divorced” instead of “put away.” In Matt. 5:32, they wrote, “and whosoever shall marry her that is divorced (italics mine) committeth adultery.” The word is not the Greek word apostasion (divorce), but is a form of that same Greek word apoluo which did not include a writing of divorce for the woman. She, technically, would still be married.

Matt. 19:3-10 records the Pharisees taunting Jesus about this matter, asking him, “Is it lawful for a man to put away his wife for every cause?” He responded that marriage is a permanent relationship, and said, “Whatsoever God hat joined together, let not man put asunder” (Matt. 19:6).

They then asked, “Why did Moses then command to give a writing of divorcement (apostasion), and to put her away?” (Matt. 19:7) Jesus answered, “because of the hardness of your hearts!” (Matt.19:8). The first basic human right God gave us was the right to be married. No other companionship was adequate. Hard-hearted men unilaterally put away women and married others, considering themselves divorced, but leaving the women without recourse and deprived of that first basic human right. Human rights were for men only in those days. Jesus changed that! He demanded obedience to the law; he demanded equal marriage rights for women. Grace does abound in Jesus Christ!

Jesus told those men that to put away a wife and to marry another was adultery! Adultery! The law (Deut. 22:22) called for the death penalty for adultery, for both the woman and the man! That was bitter medicine for men who did as they pleased with women. Matt. 19:10 records their shock: “If the case of a man be so with his wife, it is not good to marry.” They did not live in a culture wherein a man was expected to live with only one woman for life, much less, give her equal rights if marriage failed.

How did we ever begin to read, “whosoever divorces his wife” into those places where Jesus literally said, “whosoever puts away, or abandons, his wife”?

It may be that the one place where apoluo was mis-translated “divorced” in 1611 started the whole process. The American Standard Version corrected the error in 1901. It never became popular enough to make much difference. Wuest was careful to avoid such misstates, as noted earlier. But almost everything that has ever come off a printing press has been influenced by the King James Version of the Bible, even Greek-English lexicons, and most modern translators seem to be influenced by that one occurrence in it and translate aapoluo “divorce,” even though the meaning of the word does not include a writing of divorce (apostasion). Now, tradition has taught us to record “divorced” in our minds though our eyes actually read “put away” in the King James Version.

Is written divorce, as commanded in Deuteronomy, the solution to the cruel practice of “putting away”? The twenty-fourth chapter of Deuteronomy is evidence that, even as God

heard the groaning of his people in Egypt and provided deliverance from slavery, he also heard the groans of enslaved women and provided deliverance from abuse by means of that tragic necessity, divorce; tragic because it ends that which should never end, marriage; necessary to protect the victims of those who do not obey the rules of our Creator, all-mighty God. Necessary, originally, because men "put away" women, trapping them in illegal and adulterous multiple marriages.

Divorce is a privilege, provided as a corrective for an intolerable situation. It is a privilege, which can be, and often is, abused. Divorce is not a pretty picture in most cases. Loneliness, rejection, a deep sense of failure, loss of self-esteem, critical relatives, child care problems, property settlements – these concerns and more confront the divorced.

Divorce is Tragedy

Divorce can be more traumatic than the death of a mate. Grief following the death of a spouse is hard to bear, as is the grief of divorce. But a dead spouse does not keep coming back. The divorced one often does, thus prolonging the often-renewing grief. Divorce is still only what it was in Jesus' day, a partial solution to a serious and cruel situation and maybe the only reasonable solution. It may be necessary, but it is always a tragedy!

It is easy to preach against divorce, but difficult for a church to be constructive in providing preparation for marriage.

We might be able to prevent some divorces by tightening our divorce laws or by religious prohibitions against divorce, but such actions would not prevent broken marriages. When couples stay together only because of fear of the notoriety required by divorce laws, or because of church prohibitions, or "for the sake of the children," tragedy can result. Disastrous marital triangles, domestic cruelty, child abuse, murder, and suicide are some of the documented consequences of marriage, which had failed but was not terminated. What is a fearful choice! A broken home is a tragedy, but I will never forget a young man who put a gun barrel in his mouth and ended his marriage, his alternative to divorce. His church had forbidden divorce.

Our high divorce rate is not the real problem. Marriage failure comes first, and then divorce. The divorce rate is only an indicator of our high bad marriage rate. To correct this, we must more than preach against divorce! It will be more difficult. It is easy to preach against divorce, but difficult for a church to be constructive in providing preparation for marriage and strengthening of marriages. Our challenge lies here!

Can a divorced person be ordained as a deacon or a preacher? The Apostle Paul, and educated man, knew the Greek word for divorce (apostasion) and knew his culture. He also knew Christ would accept anyone, even him, the "chiefest of sinners" (I Tim. 1:15). Unquestionable some early converts had multiple wives, slave wives, and concubines. Each of these relationships, though given the nicer title, polygamy, was adultery. Paul rejected the heads of such households as leaders in the church. The command to give a writing of divorcement in Deuteronomy 24 limited a man to only one wife and thus prohibited polygamy and the adultery inherent in it. Paul seemed to concur fully when he said, "A bishop then must be blameless, the husband of one wife" (I Tim. 3:2). He rejected polygamy, not divorce.

Despite serious abuse, the divorce law (Deuteronomy 24) still has validity. Divorce is a radical solution to insurmountable marriage problems. It ends all hope that the marriage might be saved, and declares publicly that the marriage has failed. This moment of truth can be shattering. Sin, related to this failure, must be confessed if there is to be any forgiveness, any peace with God. "If we confess our sin, he is faithful and just to forgive us our sin, and to cleanse us from all unrighteousness" (I John 1:9). This includes forgiveness for marital failure. As opposed to putting away, written divorce, commanded by the law, provided a degree of human dignity for women subjected to cruel abuse, adulterous polygamy, and the whims of hard-hearted men. Nothing so flimsy as an oral "I divorce you" would do. Divorce declared the legal end of a marriage, thereby precluding any charge of adultery or bigamy should either party ever marry again. Divorce severed all marital ties and all control by the former spouse. Divorce demanded strict monogamy. Divorce prevented unilateral dismissal and preserved the

basic right to be married. Divorce does the same today. Abandonment, desertion, putting away, or whatever one calls that hard-hearted forsaking of a wife for another, without divorce was and is forbidden by the Lord Jesus himself (Mt. 19:9, Mt. 5:32, Mk. 10:11-13, Lk. 16:18). For centuries much of the Christian community has interpreted these teachings of Jesus to say: 1)
Divorce is absolutely not permitted, or at best, is permitted only in the case of admitted or proven adultery. 2) A divorced person is not allowed to marry again. 3) A divorced person who does marry again lives in adultery. 4) A person who is divorced cannot be ordained as a deacon or a minister. Every one of these beliefs could be wrong. The first three are contrary to Mosaic Law and are based on scripture in which Jesus did not even use the Greek word for divorce (apostasion); the fourth is based on scripture in which Paul did not use it. The word Jesus used was apoluo, to put away. This was the problem with which he dealt, not divorce. A divorced person must have great grace and determination to serve in a church, which holds to the four positions listed above. How can this be, when the church is the body of Christ on earth, to function and to serve as he did, in person?
Christ, who once wept over Jerusalem must look down from heaven and weep over us. He came and called Simon the Zealot, a radical anti-Roman, and Matthew, a hated lackey of Rome, a pair as incompatible as any you could find in America today; but he put them to work, together, in his kingdom. The he went to Samaria, revealed himself to a woman with a shameful background of marital failures, and sent her out to share the revelation of God in Christ as if she were as good as anyone else. He must weep when he sees us wasting our time trying to figure out whom we can disbar from serving him in his church.
Jesus openly ministered to all who came to him. Yet many of our divorced friends are afraid of our churches. They know what we say the Bible teaches about divorce. Can we be right and so unlike Christ? Do our traditional interpretations separate us from people whom Christ would have received? If so, we must be wrong. He came to save sinners. The only people he ever rejected were the self-righteously religious. Is our understanding of His words correct if it does not square with His life? Divorced people are real people! For centuries churches have excluded these people from fellowship and usefulness, from joy and equality, even from salvation; people for whom Christ died. Whether or not divorce is sin, this certainly is! May God Grant us the grace to mediate that grace which did come in Jesus Christ to the divorced.