

The *SBJT* Forum: Issues Relating to the Family

Editor's note: Readers should be aware of the forum's format. D. A. Carson, C. Ben Mitchell, Bruce A. Ware and Russell D. Moore have been asked specific questions to which they have provided written responses. These writers are not responding to one another. The journal's goal for the Forum is to provide significant thinkers' views on topics of interest without requiring lengthy articles from these heavily-committed individuals. Their answers are presented in an order that hopefully makes the forum read as much like a unified presentation as possible.

SBJT: To handle certain categories of divorce and remarriage cases within the congregation, some churches have established a kind of "ecclesiastical court." What biblical warrant, if any, exists for this practice?

D. A. Carson: For some people, the expression "ecclesiastical court" may be a little off-putting. It may conjure up images of the Inquisition, or at very least of a room full of black-robed, foul-tempered, rule-driven hypocrites, untouched by the mellowing influence of human compassion.

Rightly understood, however, the notion of an ecclesiastical court may be rather helpful. In some parts of the English-speaking world, a "court" is any group that gives a considered judgment on some matter within their purview. In such contexts, Christians sometimes speak of the "Deacons' Court" or the "Elders' Court." All they mean by the latter, for instance, is that the group of elders (pastors) in some church or other gives rulings on matters within the sphere of their responsibility. For instance, a church that practices church discipline must have some mechanism by which a decision is made as to whether or not some brother or sister should be taken before the entire

body to be excommunicated (as in the terrible situation described in 1 Corinthians 5).

How does this apply to the matter of divorce and remarriage? It applies in at least two ways. Most Christians hold that divorce, although always a sign of marital failure and therefore something that God hates in principle, is concessively permitted under certain circumstances that (they believe) the Bible spells out. A slightly smaller number of Christians, but probably a majority, also hold that remarriage under those circumstances is also permitted. Inevitably, difficult judgments arise as to whether or not a particular case falls within the defined bounds. Who makes this decision? Should it not be the spiritual leadership of the church, i.e., those primarily charged with teaching and upholding the Scriptures—those very Scriptures from which our understanding of these matters derives? And hence, we appeal to the elders' court (or, more generically, the "ecclesiastical court"—an expression that focuses less on the body that makes the decision, as in "elders' court," and more on the body for whom the decision is made).

In some ways, however, this is a fairly straightforward instance. When some

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people speak of an ecclesiastical court with reference to divorce and remarriage, they are thinking of a more complex problem. This problem is most easily seen with an example. Suppose A and B, both Christians, are married. Suppose A divorces B on biblically illegitimate grounds, and that neither has had an affair. The state grants the divorce (on the grounds of, say, “mutual incompatibility”), but because the church does not recognize these grounds, it does not sanction the remarriage of either A or B. Suppose further that a few years later A, having abandoned the faith, marries C. From the Bible’s perspective, the church argues, A by marrying C has committed adultery: A has broken the one-flesh union with B. Consequently, B is now free to re-marry. But the only divorce that B has undergone has been the state divorce, on biblically illegitimate grounds. If one of the pastors of the church officiates at the (re)marriage of B to D, some eyebrows will be lifted. It is far better for the “ecclesiastical court” to issue a formal decision stating that the situation has changed since the state divorce, and as a result B now has biblically legitimate reasons to divorce A, and permission to re-marry, should he or she wish to do so. (Of course, there may be personal or other reasons why B should not re-marry; I am not here entering into discussion of the complexities of godly counsel, but merely the broader terrain of what is biblically conceded.)

Someone might well protest at this juncture, “But isn’t this a lot of legal wrangling, and a long way removed from the gospel? Doesn’t this sound like hair-splitting pomposity? What conceivable justification, biblical or theological or even practical, can you offer for such ecclesias-

tical courts?” It is a fair question—and here are some answers.

(1) Part of the complexity of the situation derives from the thorny history of marriage in the Western world. In medieval times, not only did the Roman Catholic Church understand marriage to be a sacrament, but because of that fact marriage could be performed only by the priest. Protestants dropped the language of sacrament with respect to marriage, but long protected the prerogatives of ministers of the gospel to officiate at weddings. Eventually justices of the peace or other non-ecclesiastical state-recognized officials were granted the right to officiate at weddings, not least to accommodate the non-religious among us. All sides recognize that these weddings are every bit as valid as a wedding celebrated at First Baptist Church.

In fact, I would argue that marriage is a creation ordinance, not a church ordinance. I’m not sure that ministers of the gospel should be involved in the legal matters of weddings at all. I rather like the practices that have developed in France (though I admit that they developed for all the wrong reasons). There, every marriage must be officiated by a state functionary. Christians will then have a further service/ceremony/celebration, invoking the blessing of God and restating vows before a larger circle of family and friends, brothers and sisters in Christ. Similarly, Christians seeking to be married may well undergo pre-marital counseling offered by the church. But the legal act of the wedding is performed exclusively by the state. That is one way of making clear that marriage is not a distinctively Christian ordinance (though it has special significance for Christians, including typological significance calling

to mind the union of Christ and the church); it is for a man/woman pair everywhere, converted or not, Christian or not—truly a creation ordinance.

Ideally, of course, the state should adopt the same standards for marriage and divorce as those demanded by Scripture. But where that is not so—whether by sanctioning marriages after prohibited divorces, or by sanctioning marriages between persons of the same sex, or whatever—Christians will be the first to insist that because we take our cues and mandates from Scripture, our own standards for what will pass for an acceptable marriage will not necessarily be those of the state. So our own members will observe the biblical standards, regardless of what the state permits. The tensions we feel on these occasions arise from one of the most obvious truths in the New Testament: we live in the period of inaugurated eschatology, in the period between the “already” and the “not yet.” As a result we have two citizenships. We owe allegiance to “Caesar,” to our country in this world, and we owe allegiance to the kingdom of God. But where the two allegiances conflict, we must obey God rather than human beings. In this light, and remembering the history of marriage in the Western world, ministers of the gospel who perform marriages (as I do) better remember that when they do so, they are not performing a sacrament, or making a marriage union more holy; they are functioning as officials of the state, licensed by them. They are discharging their duties as citizens of an earthly kingdom. Then, in the larger service in which the wedding is performed, they may also be discharging their duties as Christian ministers—assigning to marriage a much higher value than the state does, drawing

attention to Christian obligations for husbands and wives, reminding all present of the wonderful typological connection between Christ and the church, and so forth. In France, all of these Christian duties are separated from the legal marriage vows themselves; here, they are integrated (in church weddings) precisely because the minister is serving both as a minister of the gospel and as a minister of the state.

It is this intertwining of church-based and state-based obligations that makes some of these matters of divorce and remarriage so difficult. One of the purposes of the ecclesiastical court is to sort out the hard cases.

(2) In particular, the ecclesiastical court makes it clear that the church is not simply adopting the divorce/remarriage standards of the surrounding culture. It gives biblical reasons for its decisions. On the long haul, the trail of its decisions will protect the leadership of the church. For instance, if in the example given above a pastor decided to officiate at the (re)marriage of B, this time to D, on the grounds that B is now free to re-marry since A has committed adultery by marrying C, but that pastor does not first make it very clear that he would not officiate at the re-marriage of any and every believer who has been divorced for “mutual incompatibility,” sooner or later he will be charged with a double standard. Perhaps the daughter of his head deacon has been divorced for mutual incompatibility, without adultery on either side, and now wants to re-marry—and the pastor declines. Expect a nasty fight, unless the church leadership has made it clear why there is an exception in the case of the marriage of B to D, and no exception pertains in the case of the deacon’s daughter.

This is most easily done with a “ruling” or a “decision” that people understand.

(3) Similarly, the process of working through these cases, in the light of Scripture, not only spreads responsibility among the elders/pastors, but becomes the occasion of training for a new generation of young pastors. The church “leaders” who say, “Pastor, just tell us what to do,” and the pastor who goes along with them, are in a foggy conspiracy to keep these so-called “leaders” as ignorant as possible. It is precisely in the outworking of hard cases of many kinds that leadership is trained, and an entire church is helped to think about ethical and other matters in a deeply biblical way. Far from being a nasty revival of the spirit of the Inquisition, a properly run ecclesiastical court is nothing other than the training of new elders/pastors within the matrix of hard cases, and a means of informing the entire church what biblical texts and principles are driving the leadership to its joint conclusions.