

**St. Ninian's Parish Church**  
**Sunday 7th October 2018**  
Genesis 2: 18 - 24; Mark 10: 2 - 16

Why do I do it? Why does the Church of Scotland allow it? I've done it many times; as a minister I have married couples of which at least one party has been married before and is divorced. It is legal to do so in the Church of Scotland; not so in all churches, but it is in the Church of Scotland.

But, why is it legal to do so, and why do I do it when it appears from the Gospel reading this morning that as far as Jesus Christ, our Lord and Saviour, is concerned, when divorcees remarry they are breaking the seventh commandment, Thou shalt not commit adultery?

From our reading this morning, Jesus, in private, indoors, to his disciples said,  
*Whoever divorces his wife and marries another commits adultery against her: so too, if she divorces her husband and marries another, she commits adultery.*<sup>1</sup>

Why do I do it? Why does the Church say that it is legal for me to do it, despite what Jesus said to his disciples, people like us? To open the lock of this treasure chest of reasoning and to see inside this story, you need two keys. The first key is found in verse three of what we read,

*The question was put to Jesus: 'Is it lawful for a man to divorce his wife?' This was to test Jesus.*

A question about divorce was put to Jesus in order to test him. That is the first key that you need. The second is found in verse nine where Jesus says,

*What God has joined together, man must not separate.*<sup>2</sup>

In reply, Jesus reframes the original question about a couple divorcing in terms of separation of any kind.

This is not the only time in the Gospel of Mark that people ask Jesus questions insincerely in order to test him rather than to discover an answer. Here are two other examples from chapter 12, 'Are we or are we not permitted to pay taxes to the Roman Emperor?'<sup>3</sup> And, with regard to a woman who has married seven brothers successively after their decease, 'At the resurrection, whose wife shall she be since all seven have married her?'<sup>4</sup>

These questions, like the one in our reading, are put to Jesus in order to catch him out on a point of law, so that someone will be offended, or so that the legal authorities can reduce Jesus to just another lawyer with a legal opinion about

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<sup>1</sup> Mark 10: 11 - 12

<sup>2</sup> Mark 10: 9

<sup>3</sup> Mark 12: 14

<sup>4</sup> Mark 12: 23

controversial social issues, rather than the unique Son of God with a mission to save the soul of individuals and society.

These trick questions always fail to catch Jesus out. They fail because although human-made laws can help ensure that you keep on the straight and narrow when it comes to how human societies, states, religions are governed, they can't ensure that you live the sort of life expected in God's kingdom, or ensure that you live up to the moral and ethical demands of your conscience, or your spirit, or your soul.

So, when faced with a trick question on a contestable point of law, Jesus always reframes the question to reflect the more substantial moral and ethical ideal, and deploys that against the legal conundrum he is being presented with. And, that is what he does here. In response to a question about the nature of the biblical Law of Moses on the rights of a man and a woman to divorce and remarry, Jesus draws his questioners' attention to another part of the Bible, the more fundamental story about the created nature of human beings.

For Jesus, the coming together of two people in a union, particularly one that might produce children, is not merely a legal contract; two signatures on a piece of paper dignified by the blessing of the state, or a religion, or the law. For him, it is more than that. They are forming a spiritual bond that goes to the heart of what it means to be a human being. Love cannot be reduced to a contract; it has a deep, universal, spiritual significance.

That deep, universal, spiritual significance is why Jesus turns the question about divorce in to one about separation. When two people are spiritually joined together, the tearing apart of that one flesh, as the creation story describes a marriage, has consequences that no human law-making can ever hope to fully accommodate.

Last week I was celebrating communion with the Church of Scotland Guild's Edinburgh Council. Preaching at the service was a former Moderator of the General Assembly of the Church of Scotland, the Very Rev Dr Andrew McLellan. Before he retired Dr McLellan was Scotland's Chief Inspector of Prisons. In his sermon he used a grave statistic to illustrate the point he was making.

Did you know that in Scotland there are more children affected by having at least one parent in prison than are affected by having parents who are divorced?

More children are affected in Scotland by having a parent in prison than by having parents who are divorced. Of course, part of the reason for that is there are fewer marriages in Scotland than there used to be, and therefore fewer divorces, but nevertheless in that statistic, which is all about the consequences of separation, there is potentially bottomless pain.

No matter the nature of separation, whether it is by divorce, or bereavement, or imprisonment, or estrangement, or geography or whatever, there is an aching gap between what people actually experience when one flesh is torn apart, as the

book of Genesis puts it, and what our human society can ever conceive of coping with fully.

For Jesus, when we ask questions about how we should live in this world, he does not say that we should ignore how the law says we should live, what he says is that the law should never be our starting point when we are considering how to live best in this world. We should always consider first what the ideal way to live should be, and we should aspire to live up to that much higher standard.

We see this time and again in the Gospel of Mark. Jesus relentlessly focuses our attention on what would be the ideal way to live if we were all children living in the Kingdom of God. If your eye offends against you, says Jesus then you should gouge it out. It is easier for a camel to pass through the eye of a needle, he says, than for a rich man to enter the Kingdom of God.

This relentless insistence that the disciples and we focus our attention on what is the ideal way to live, the way life would be lived if we all lived in the Kingdom of God as God's children eventually exasperates the disciples prompting them to ask in a later verse, 'Then who can be saved?'<sup>5</sup> Like us, they know that no one can ever be perfect, and no society can be the perfect society.

But, for Jesus just because you can't attain it doesn't mean you should give up trying. He says to the disciples, 'For people it is impossible, but not for God; everything is possible with God.'<sup>6</sup> Or to put it another way, the only thing that can save us when we fall short of how we should be living, is the grace of God, because when we fall short the law will never be able to legislate well enough to save us from the consequences of our shortfalls.

For Jesus, the starting point of how we measure how we should live in this world is, what is the right thing to do spiritually in the Kingdom of God. But, he knows that we will fall short. And when we do fall short the best the law can do is act as our safety net. That is what Jesus means when he says in our reading, about the Law of Moses,

*It was because your minds were closed that he made this rule for you...<sup>7</sup>*

When a parent commits a serious crime and goes to prison, then the law has done its job well, but it is virtually powerless to do anything about the suffering a child will experience who has been separated from that parent. That doesn't mean to say we shouldn't have prisons, and laws that send people there; of course we should. But, it does mean that we should never forget the suffering that prisons, and the laws that send people there, cause.

When two people come together to form one flesh it would be spiritually ideal if they never separated, and thereby never risked causing the suffering that that separation can cause. But, who can do that? Some marriages don't work, and they should come to an end for good reasons. And when they do, there should

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<sup>5</sup> Mark 10: 26

<sup>6</sup> Mark 10:27

<sup>7</sup> Mark 10: 5

be good laws to ensure that the suffering caused by the end of a marriage is minimised. But, we should recognise that those laws will never be able to fully mitigate the consequences of that separation.

That gap between the ideal world, the Kingdom of God, where there is no need for separation and the painful consequences of separation, and what we as human beings can do to mitigate the consequences of separation with good laws and great love, in that gap the only thing that can save us is the grace of God.

Like every father or husband, I'm not the ideal father or husband. And, although there are good laws in this country to make sure I could be prevented from being a truly abysmal father and husband, nevertheless the gap between what I am, and what I want to be can't be closed, no matter how hard I try. I just have to rely on the power of the grace of God to save me from the guilt of my failings.

Some parents have to go to prison, and when that happens it is not ideal for family life, there are always consequences. Fortunately, there is much that goes on to mitigate those consequences, but it will never be enough. As a society we can only strive to do better, but ultimately we will have to rely on the power of the grace of God to save us from the guilt of our society's failings.

Some marriages have to come to an end, and when they do those who were married often need to find love again, and marry again. When this happens it's not ideal, there are always consequences. Fortunately, there are laws to ensure these consequences are not as great as they might be. But, these laws will never be enough. We should strive to improve them, but we will have to rely on the power of the grace of God to save us from the guilt of our failings.

That is in our reading this morning Jesus directed our attention to both the biblical creation story that emphasises the spiritually ideal nature of a loving union between two people, and the biblical Mosaic law that accommodates marriages that can no longer be sustained. And that is why as a minister in the Church of Scotland, when I marry any couple I emphasise that in the eyes of God their union, two flesh becoming one, is holy beyond any legal document they might sign. It represents what is ideal when two people come together.

But, when a divorcee comes to me wanting to be married, I recognise that we all fall short of what we know are holy, spiritual ideals, and that in that divorce there must have been at least some suffering somewhere. So, I ask whether the divorced person strived to save their previous marriage. I make absolutely sure he or she is able to show me their certificate of divorce proving that they are legally divorced. Then, assured of that couple's sincerity, not to mention their legal competence, I marry them; praying that the grace of God will look after all that is left.