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THE
CHURCHMAN

AUGUST, 1888.

ART. I.—THE MARRIAGE LAW AMONG CONVERTS
TO CHRISTIANITY.

THE importance of this subject has been felt since the very earliest days of Christianity; so much so that it has found a place in the writings of St. Paul, and might therefore be supposed to have been fully settled. But it is not so. Cases have arisen, and must arise, which do not easily range themselves under the general principles laid down by the Apostle: and therefore there has always been considerable divergence of opinion among those who are called to act, or to give opinions in various cases.

The different cases that arise in the present day divide themselves into two distinct branches, which, while the same general principle must underlie them, require separate and distinct treatment.

I. First are the cases of Polygamy when the man becomes a Christian.

Under this same heading would come cases of Polyandry were they not so extremely rare, and were they not so distinctly condemned by Holy Writ and the consent of mankind generally.

II. Second come the cases of true marriage of one woman and one man, when one of them becomes a Christian.

On the first of these divisions two important articles have lately been written, by Dr. R. N. Cust, and by Professor Stokes, of Cambridge (see CHURCHMAN for September, 1886, and March, 1887).

The first article proceeds on the ground that Polygamy is acknowledged as legal in many countries, and that it is not

forbidden in the Old Testament. That though it is forbidden by Christ, and therefore may not be admitted into the Christian Church, yet men who become Christians who are already Polygamists ought not to be instructed to put away any wives, but ought to be taught that they should retain them because of the many troubles and hardships that would ensue on putting them away.

But Dr. Cust is against allowing such men to be baptized, unless "*in articulo mortis*;" he would admit them only as Catechumens.

Professor Stokes argues the question on the ground that it is especially "*putting away*" that is forbidden, and that Polygamy is not prohibited in the Old Testament. He would therefore have a convert instructed that he should retain his wives, as he has no right to put any away. He would admit a man in such a position to the rite of baptism, but he would not allow him to hold any office in the Church.

Taking all things into consideration, the latter would seem to me to be the more correct way. We have no right to refuse baptism to anyone confessing Christ unless he wishes to continue in actual sin. To say that Polygamy is actual sin is to beg the whole question, as well as to throw over the fact of the Old Testament not forbidding it.

For a Christian to become a Polygamist is undoubtedly a great sin. But for a Polygamist to put away some of his wives because he has become a Christian seems to be a greater sin. Yet if of their own accord they depart because he has become a Christian, then it is another matter. They come under the dictum pronounced by St. Paul.

Another question crops up here. The Mahometan says that the change of faith, from Mahometanism to any other religion, of itself dissolves the union. But this we cannot admit, because God made them male and female, and it is He who says "they twain shall be one flesh."

With these few words I may dismiss this branch of my subject and enter upon that which seems to present to us much greater difficulties.

On the second division of our subject, a very able paper appeared in the *CHURCHMAN* last April, written by Mr. Philip Vernon Smith, a Barrister. It is his aim, principally, to give the opinions of ancient authorities on the various points that are raised.

1. The first point raised under this head is a very simple one, and easily settled to the satisfaction of all. If one of a married pair becomes a believer, and the other, though still an unbeliever, is willing to remain with the believer, he or she is

at liberty to do so. The believer may not put the unbeliever away. This is plainly laid down by St. Paul, 1 Cor. vii., 12, 13, 14. But even here a question has been raised. If both become believers, or if one becomes a believer, is it necessary that they should be re-married, that is, according to the rites of the Christian Church? Clearly not, for the whole injunction proceeds upon the fact that the man and woman are really married, and therefore the marriage is not to be repeated. The Church's blessing may be given, but there ought not to be a re-marriage.

2. Next comes the case of those who have been married and divorced before either becomes a believer. Does the divorce stand good? or ought the one who becomes a believer to be instructed to seek re-union with the divorced partner? or is he, or is he not, eligible for re-marriage? There has been a considerable divergence of opinion here, expressed principally in connection with St. Paul's direction that a bishop (1 Tim. iii. 2) and an elder (Tit. i. 6) must be the husband of one wife.

I need not quote the passages,¹ but Jerome says plainly that "he is not a bigamist who had one wife before, and another after baptism," while Augustine, Innocent, and Eusebius say just the contrary.

But when we come to look at the matter in the general view, it would seem that these last opinions cannot be upheld.

Supposing the divorce to have taken place strictly according to the customs or laws of the people, some time before the conversion to Christianity, and another marriage to have taken place, would it be the duty of the Christian teacher to instruct his convert that he must forsake the woman with whom he is then living and seek out the one who has been some time divorced and be reconciled to her? Clearly not; for the divorced woman may also be re-married, and not only would there be endless confusion but untold misery connected with such teaching. If, then, the divorce must hold good in the case of one or both being re-married, surely it must hold good when no fresh marriage has taken place. And if according to the law of his country and people he is eligible for re-marriage when he becomes a Christian, it would seem to be right for the Christian teacher to receive him as he finds him. There may be cases where is a sense of injustice done to the divorced partner while in an unbelieving state, and when both remain unmarried, where it might be advisable to urge on the believer that he should seek reconciliation, his Christianity teaching him that he had done an unjust deed. But then a new marriage would be required, and if the one put away should

¹ THE CHURCHMAN, April, 1888.

refuse to be reconciled, then the new believer would be free and in a position to marry another. We cannot take into consideration all the past life of one who becomes a believer. In Christ he receives the forgiveness of his sin, but that does not undo the wrong deeds that he has committed.

3. Another branch of this part, and very nearly connected with it, is the question whether, when the divorce or separation takes place because one becomes a Christian and the other demands release, the new believer is altogether released; whether he may hold any office in the Church; and whether he may re-marry. The answers to these points will depend upon the interpretation of the passage 1 Cor. vii. 15, especially the words "a brother or a sister is not under bondage in such cases."

Again there has been a divergence of opinions.

Gratian quotes a decree of a Gallican Council, which says that a convert may not be married while his former wife is living. But he also quotes from Gregory, who says that when a man has been forsaken by his wife on account of her hatred of the faith which he has embraced, he is at liberty to marry again. Pope Innocent III. also writes to the same effect, viz., that it is lawful to marry again. And this would seem to be the true decision of the case. Otherwise the clause "a brother or a sister is not under bondage in such cases" would have no meaning.

The question as to whether the Catechumen may be baptized if left by his wife on account of his faith, is clearly answered in the affirmative by St. Paul, for he does not speak of a man as a believer who is not admitted to the initial rite. But if the believer who has been left by his wife for the sake of his faith is not allowed to hold any office in the Church, not allowed to preach the faith he has received, or not allowed to marry again, surely he is still "under bondage." He is bound to the wife that will not render him the duties of the wife. So that he is under the bondage without having privileges of the marriage tie. Surely this cannot be what St. Paul intends by "a brother or a sister not being under bondage in such cases."

The conclusions then to which we are led are these:

1. The Christian Church has clear and distinct laws for those actually within its pale. No Polygamy can be allowed.

Much as the divorce and re-marriage customs of the Jews are to be condemned, not only on Christian principles but also on the ground of the Old Testament revelation, yet we are compelled to acknowledge that they are the accepted customs of the people, and have with them the force of Law. Grounded as they are on a misinterpretation of the direction given by

Moses, yet the Jews following the School of Hillel have made them a part of their law. The stricter teaching of Shammai, acknowledging the clause of defilement, and interpreting it strictly, has been put on one side, and the lax teaching of Hillel has been followed. And divorce has been admitted on the slightest grounds.

Such being the case, though we utterly disapprove of the teaching and the practice, we are bound to accept it and act upon it in the spirit of St. Paul's injunction, and allow our converts the full benefit of his inspired direction.

No divorce can be permitted except for the one cause named by our Lord.

2. Yet Christianity compels us to honour the marriage customs of those among whom the Gospel is preached. To consider those married who have been married according to the customs of the place or people, and to see that the converts do not seek separation, though the marriage customs may be contrary to Christian Law.

3. As a consequence of the foregoing, Christianity demands that we should acknowledge the laws and customs of divorce that are prevalent among such people, though they also are contrary to Christian principles. All these concern those customs or acts only which have taken place before baptism, and have no concern for those within the Christian Church.

It is sometimes argued that we must allow something in a newly-formed Church for the surrounding atmosphere, and must not too sharply cut off the new community from the manners and customs of those around them.

This seems to be altogether a mistake. The Christian law is so clear and explicit that there can be no toning down allowed. In the Christian Church itself, though it be in its infancy, and though it be in the midst of those who still hold to old customs, a man may be the husband of only one wife, and there must be no putting away.

The arguments used above and the conclusions arrived at refer only to those who have been entangled in wrong customs before they had the knowledge of Christianity, and before they accepted it, but they can have no application to those within the Christian Church.

A. HASTINGS KELK.

JERUSALEM, *June*, 1888.¹

¹ This paper was read at a Conference of Clergy and Laity, held in Jerusalem, under the presidency of the Right Rev. Bishop Blyth.

