

October 7, 2018
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Mark 10:2-16

Is it Lawful?

Divorce. Is it lawful? This is the question of the gospel today. Some Pharisees ask the question of Jesus, to test him, the gospel says. In fact, that's the first thing this gospel story says, that they ask the divorce question to test Jesus, to trap Jesus, to put him in a tough spot. Is it lawful to divorce? We're not told the setting for the conversation, but the adversarial set-up, the sense that Jesus is not just being questioned, but cross-examined, the "Gotcha" quality reminds me of a courtroom. The question seems very lawyerly to me. Maybe I should apologize to lawyers for saying that (sorry Bri, Jessica, Nathan, Dave, other lawyers in our congregation), but that's where my mind goes, especially after the events of these past weeks, with legal proceedings so much in the news, with people giving testimony, and being questioned, the investigations, the fine points—and the larger points, the setting up of sides against each other, right and left, women and men, black and blue, the adversarial setting that is our new normal, the dissolution of trust in a shared system. What's happening to us, legally, morally?

That's the question today. But before Jesus answers, as is often his way, he turns the matter around, questions those questioning him, "What does Moses tell you?" he asks. The Pharisees would know what Moses says, what is written in the Hebrew Bible. They would know it very well, that was their specialty. As, of course, it is Jesus'. Jesus knows his Bible. When Jesus asks, "What does Moses tell you?" He is asking, "What does it say in our shared and sacred scripture? What does God say about this?" "Well," they say, "Moses allowed a man to write a certificate of dismissal and to divorce her." Take note here, it may be easy to miss but there is an omission here that speaks volumes: a man could divorce. That is, only a man could pursue a divorce.

"Moses allowed a man to write a certificate of dismissal and to divorce her." That certificate is, in fact, a quite radical provision of Mosaic law. The requirement of a certificate meant that if a man were to get a divorce, he had to give the woman a legal document. The man couldn't just get up and go whenever he felt like it. He couldn't just leave a woman he no longer had any use for, now deemed undesirable, he couldn't just discard a woman for other opportunities. He couldn't say, "I've had my fun. Ha, Ha. Now let her fend for herself." That's not how you treat women, according to scripture. So often in the ancient world women were treated that way, as if they had no voice, significant only for what their bodies could do, easily abandoned, discounted, disregarded, discarded. It was a hard world.

It is a hard world. So often still, today, women are treated that way. We have been hearing these stories, all this last year, all these last weeks. It's not ancient history. Maybe it's your history.

For women who were in a tough situation, the law of Israel had a provision: public acknowledgement of a separation, something other than utter destitution after. That was the intent of the certificate of dismissal: a way of protecting women. That's what the divorce law is for: recognizing the tough spot someone is in and seeking to alleviate it. That would be a holy use of the law, not as something to entrap, but something to protect.

To those who would test him, trap him, Jesus notes the hardness of human hearts, the hardness of human life in a broken world. And then Jesus reminds his questioners of another

part of scripture, a part even older than Moses, a part about the intent of human life, from the beginning. Jesus quotes the briefest of snippets but the Pharisees would have known this part of the Bible, too, the allusions to Genesis one and two, stories that describe how God creates human beings, and what we are created for. God creates human beings, male and female, both of them, the crown of creation, both men and women. And this is what God makes them for: relationship, to be joined to one another, to become one flesh. To be human is to be in relationship; it goes back to our very identity, from the beginning. That's God's intent.

So what about divorce, is it lawful? The question is asked again, this time by the disciples, and Jesus has more to say. It may be easy to miss, and in fact the later gospel of Matthew leaves part of this out, but in what he says next Jesus states that divorce may be initiated both by men and women. Jesus says, "Whoever divorces his wife... and if she divorces her husband..." That's a rather radical thing for Jesus to say, that women might also initiate divorce.

As is what Jesus says next, which is impossible to miss, how Jesus describes what happens after a divorce: Jesus says that marriage after divorce is adultery. This is a hard saying, and has been used in hard ways, maybe especially by the church. What Jesus says here about divorce has been used to trap people, to keep them in terrible situations, to tell them there's no way out of a partnership that has become a source of unrelenting pain. What Jesus says has been used to tell people to stay in bad marriages, abusive marriages. Jesus does not say that. Jesus would not tell a person to stay in a marriage that hardens hearts, that breaks hearts, that dehumanizes. Jesus says that divorce is lawful, and awful, something to lament. Even when a divorce is the best possible outcome, its aftermath is not easy. No one says "I do," hoping to go through that. A colleague of mine, a pastor in the midst of a divorce said, "You think you are through it, and then you just keep discovering new ways to be hurt..." The brokenness continues, even when the break is the holiest possible option.

If you have been divorced, or your parents are divorced, or someone else close to you has been divorced, you know this. Divorce is hard; it leaves you vulnerable in ways you never imagined, an awful undoing that was never the intent. If your heart has been broken, hear this from the gospel today: Hear Jesus saying that the dissolution of relationship, the breakdown of what should be an elemental blessing, is not what God wants for us.

Hear then what Jesus does next: welcomes those who are regularly discarded and discounted, who've been told to stay away by religious gatekeepers. The very next thing Jesus does is open his arms to the vulnerable, children, and tells us to become like them. They are the ones who will receive the kingdom.

That's the true "Gotcha" moment in this gospel, that's who has got us, whose love will never let us go.