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RESEARCH ARTICLE

**DIVORCE AND REMARRIAGE:
AN ETHICAL CHALLENGE TO THE CONTEMPORAY METHODIST CHURCH IN KENYA**

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ABSTRACT

In the African context, marriage is regarded as an important rite of passage which every normal person must perform during his life time to keep the continuity of the kinship in the social structure (Mbiti J, 1973: 210). This means that it holds a very central place in the African life. Marriage concerns the society where its negativity or positivity affects the whole order of law and society; hence it should be kept intact. Despite all these expectations, the tragic fact is that divorce is commonplace in our contemporary MCK church and society. Divorce today has touched the lives of many individuals than ever before. Sadly enough, the dramatic rise in divorce rates in the recent years has affected the MCK Christian community including the clergy, hence becoming a challenging issue to the Contemporary MCK church and society. Church members are filing for divorce (even after having very expensive weddings) within one year of marriage where the clergy who are believed to be able to offer guidance to the problem are also victims. The inclusion of the clergy as victims has made the situation more difficult because it has eroded the moral authority which the clergy should command on the challenge.

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INTRODUCTION

This article uncovers how divorce and remarriage pose an ethical challenge in the contemporary Methodist Church in Kenya (MCK). First, I make a brief description of divorce and remarriage as described in both the New Testament and the Old Testament. This will serve as the backdrop for my discussion. Further, I discuss the ethical dilemma faced by the contemporary MCK church and society in regards to divorce and remarriage. My intention is not to bring out the exegetical part of the Bible texts, but to trace the beginning of marriage from the Old Testament so that we can understand marriage through a biblical lens before discussing the issue of divorce and remarriage.

Divorce in the Old Testament

To understand the concept of marriage, we first have to trace God's intentions in creating humanity in Genesis 1 and 2. Even Jesus said the relations between a husband and wife should be understood in reference to these chapters in Genesis (Cornes A, 1993:52). "So God created man in his own image, in the image of God he created him; male and female he created them" (Gen 1:27). This emphasizes the fundamental equality between the husband and the wife. Genesis 2:18-24 also describes the intended relationship between a husband and wife:

The Lord God said, 'It is not good for the man to be alone. I will make a helper suitable for him.' Now the Lord had formed out of the ground all the beasts of the field and all the birds of the air. He brought them to the man to see what he would name them; and whatever the man called each living creature, that was its name. So the man gave the names to all livestock, the birds of the air and all beasts of the field. But for Adam no suitable helper was found. So the Lord God caused the man to fall into a deep sleep; and while he was sleeping, he took one of the man's ribs and closed up the place with the flesh. Then the Lord God made a woman from the rib he had taken out of the man, and brought her to the man. The man said, 'This is now bone of my bones and flesh of my flesh; she shall be called 'woman' for she was taken out of man.' For this reason a man will leave his father and mother and be united to his wife and they will become one flesh.

Marriage, therefore, involves more than just the recognition that one's partner is a human being like one's self. Being one flesh means total sharing with no boundaries between partners. As one flesh, the formerly two individuals constitute a new being that will endure as long as they live. Yet, Deuteronomy 24 provides a reason where a man could divorce his wife.

If a man marries a woman who becomes displeasing to him because he finds something indecent about her, and writes her a certificate of divorce, gives it to her and sends her from his house, and if she leaves

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his house she becomes the wife of another man, and her second husband dislikes her and write her a certificate gives it to her and sends her from the house or if he dies, then the first husband who divorced her is not allowed to marry her again after she has been defiled. That would be detestable in the eyes of the lord ... (Deut. 24:1-4).

The above biblical texts give us an idea of the beginnings and importance of marriage in the Old Testament, as well as exceptions of divorce in case the marriage does not work. We cannot understand the issue of divorce and remarriage without understanding God's ideal intention for creating male and female. Having traced the background of divorce from the Old Testament point of view, let us now turn to the divorce issue in the New Testament background.

Divorce in the New Testament

Having traced divorce and remarriage from the Old Testament teachings, let us turn to the argument of divorce and remarriage in the New Testament teachings. In the tenth chapter of Mark, Jesus had made a decision to leave Galilee and confront the Pharisees in the place where they were the strongest. Instead of waiting for Jesus to arrive at that place, they asked Him a lot of questions, hoping to secure some evidence that could be used against Him. "Some Pharisees came and tested Jesus by asking, 'is it lawful for a man to divorce his wife?' Jesus replied, 'What did Moses command you to do?' They answered, 'Moses permitted a man to write a certificate of divorce and send her away'" (Mark 10:2-4). The Pharisees asked all these questions with an expectation that Jesus would contradict himself with the Law of Moses, thus giving them evidence that would enable them bring a charge of blasphemy against him. The Book of Deuteronomy 24 as quoted in the previous section has this provision for divorce and even the argument of the Pharisees was focused on the same law enabling divorce in Law of Moses in Deuteronomy.

The problems around divorce arose because the phrase "finding something indecent about her" is so vague. The teachers who followed Rabbi Shammai interpreted this with utter strictness to refer to adultery and adultery alone (Bauman E, 1976:52). On the other hand, the Hillel school of thought interpreted the law with some leniency, approving divorce for trivial offenses such as a wife's burning or over-salting food, or a husband finding another woman who appealed to him more than his wife. Due to such disagreement, there emerged a multiplicity of accepted grounds of divorce (Bowman H, 1952:65). Well, if divorce was granted on such ground in today's society, then we wouldn't have any families left. Ronilick Mchami argues that the dominant legal system during the New Testament times was the Roman legal system. This system had procedures of regulating marriage and divorce, even though they were not equally applied to all nations and among all the people who were then living under the Roman Empire (Mchami R, 2003:6). For example, Jewish marital issues were not regulated and governed by the Roman law of marriage, but instead Jews used their Holy book, the Torah, to regulate and govern their matrimonial matters during the time they lived under the Roman Empire (Mchami R, 2003:6). Divorce too, was regulated in accordance with the instruction of the Jewish Torah and not in accordance with the

Roman law of marriage. Moreover, as I have said above in Mark 10:4-5, Jesus traces the issue of divorce and remarriage by explaining why the mosaic legislation of Deuteronomy 24 was given (Cornes A, 1993:189). Jesus' reply to the Pharisees on the question of divorce in regards to Moses' issue of a man writing a certificate of divorce and sending the woman away (v.5) was that it was because their hearts were hard that Moses wrote that law for them. Jesus added, "But at the beginning of creation God made male and female. For this reason a man shall leave his father and mother and be united by his wife. So they are no longer two but one" (Mark 10:6-8). In Mark 10:9, Jesus is reported to have said, "Therefore what God has joined together, let man not separate." In Mark 10:11-12 we read, "Any one who divorces his wife and marries another woman commits adultery against her and if she divorces her husband and marries another man she commits adultery." These two sayings by Jesus ran contrary to what was popular and favored in the thinking of the Jewish people in regards to marriage and divorce at the time (Mchami R, 2003:6). In Mark's gospel, Jesus does not ever give any indication that divorce is allowable on any grounds. In addition, Mchami argues that the message of Mark 10:11-12 was most likely indeed the thinking of Apostle Paul when he wrote in the first letter to the Corinthians, for in 1 Corinthians 7:10-11, he states, "To the married I give this command (not I, but the Lord that): A wife must not separate from her husband. But if she does, she must remain unmarried or else be reconciled to her husband. And a husband must not divorce his wife" (Mchami R, 2003:6).

The gospel of Matthew gives two accounts in which Jesus taught about divorce and allowed it on the grounds of marital unfaithfulness: Matt 5:32 and 19:9. The key word in these two verses is the Greek word *porneia* which is translated as sexual infidelity according to Donald Hagner (Mchami R, 2003:1). An appropriate reading of the context of Matthew 5:32; 19:9 and Mark 10:1-12 discloses that Jesus was not willing to condone the pharisaic practice of allowing divorce on the ground of adultery. In addition, Jesus never intended to confirm, and hence, condone the unfair practice of Jewish law of marriage which gave Jewish husbands the prerogative of divorcing their wives at their will, on reasons best known only to them, but disguised under the matrimonial offence of adultery (Mchami R, 2003:11). Matthew 5:32 reads, "But I tell you that anyone who divorces his wife, except for marital unfaithfulness, causes her to become an adulteress, and anyone who marries the divorced woman commits adultery." When we compare Mark and Mathew on this issue of divorce, we discover that one exception has been added: "except for marital unfaithfulness." The gospel of Luke does not give any reason acceptable for divorce, but does speak of remarriage. Luke 16:18 says, "Anyone who divorces his wife and marries another woman commits adultery, and the man who marries a divorced woman commits adultery." Having examined the teachings of Jesus on divorce and remarriage in the Gospels of Matthew, Mark, and Luke, I will now turn to the Apostle Paul's argument regarding divorce and remarriage. The Apostle Paul is the first of the New Testament writers to talk about valid grounds for divorce among Christians. He does so in his first letter to the Corinthians 7:1-38 and in particular, verses 10-16. Here, Paul is speaking to Christians in Corinth, who by and large were Gentiles. As a result, their matrimonial matters were regulated and governed by the Greco-Roman Laws of marriage.(Mchami R, 2003:11). Under

the Greco-Roman Laws of Marriage, marriages were arranged by parents, considered agreements, and were not private, but public activities.

Paul addressed several problems faced by believers who were living in the Greco-Roman world where anyone could employ divorce by separation. He reminded them that Jesus forbade this type of separation when he condemned the very similar Hillelite “any matter” divorce (Instone-Brewer D, 2002:302). Paul reminded them about their marital obligations of material and emotional support to one another, because he did not want any believer to be the cause of a divorce. By reminding them about their obligations of material and emotional support, it is clear that Paul regarded these obligations as part of their marriage vows in the same way that the Jews did. As a result, Paul regarded their neglect of these vows as grounds for divorce (Instone-Brewer D, 2002:302). Widows and spouses whose partners deserted them against their will had a right to divorce the deserting spouse on the grounds of neglecting marital obligations. These then divorced spouses were also allowed to remarry. But in the case of divorce due to neglect of marital obligations, Paul counseled caution in the use of these as grounds for divorce. Paul added that believers who have tried reconciliation and failed were free to accept that marriage has ended and they were free to remarry (Instone-Brewer D, 2002:302). Paul’s position on divorce is very clear: marriage is a lifelong commitment (Rom7:2-3; 1 Cor7:10,39a). His emphasis is that a believer should never cause divorce by either separating from his or her partner or by neglecting marital obligations. But, if the marriage ends despite the best efforts, either partner is entitled to divorce and free to remarry (Instone –Brewer D, 2002:302). For the unbeliever, Paul says, “If a woman has a husband who is not a believer and he is willing to live with her, she must not divorce him. For the unbelieving husband has been sanctified through his wife, and the unbelieving wife has been sanctified through her believing husband” (1 Cor 7:13-14). But what happens when the unbelieving partner wants to divorce the believing partner? Paul answers the question by saying: “But if the unbeliever leaves let him do so. A believing man or woman is not bound in such circumstances...” (1 Cor 7:15).

When is it right to divorce?

In the teachings of Jesus the answer to the question of “When is it right to divorce?” is clear: almost never. Jesus’ entire argument on this subject in Matthew as well as in Mark is against divorce. In Mark, divorce is forbidden totally with no exceptions made (10:1-12). In Luke, the argument is about remarriage and not specifically about about divorce (16:18). In Matthew 5:31 and Matthew 19:1-12, Jesus’ teaching is also given precisely to forbid divorce (Cornes A, 1993:296). The prohibition of divorce and remarriage is part of what it means when God says: ‘Do not commit adultery’ (Matt 5:27-32). A couple becomes one flesh in marriage; God joins them together; and this joining is not to be put asunder. This is the response to question Jesus faced about whether and when it is right to divorce (Matt 19:1-9). Nonetheless, an exemption is given in Matthew 5:32 and 19:9. In both cases, the exception is in the case of sexual unfaithfulness. On the other hand, Paul also invokes the teachings of Jesus (1 Cor. 7:10). It is very rare for Paul to refer directly to the teachings of Jesus, but on this very specific issue he does so, referring not only to Jesus’

general prohibition of divorce but also to the specific exception’s he gives (Cornes A, 1993:297). In addition, Paul appears to add another exception to the prohibition against divorce: mixed marriages. Yet, this is exactly what he does not do. In fact, it is the Corinthians who are advocating for the exception, saying: a Christian should divorce his pagan partner (cf 1 Cor.7:1). But, Paul answers this with categorical ‘No’ (12-14). He adds that if a pagan partner insists on leaving, let him/ her go. The Christian does not have to feel enslaved to the promises made in marriage so that the Christian pursues the pagan partner at all costs and refuses in any way to acquiesce to the separation (Cornes A, 1993:297). As Cornes asserts, in the New Testament, there are two clear scriptural grounds for divorce. First, for reasons of sexual unfaithfulness (Matt 5:32) and second, if a Christian’s unbelieving partner insists on divorce (Cor 7:15).¹

Question of remarriage after divorce

Is it right to remarry after divorce? In the gospel of Mark, Jesus clearly answers ‘No’. Remarriage after divorce, whether it is a man or a woman who has instigated the divorce, is portrayed as adultery. No exemptions are given (Mark 10:10-12). The gospel of Luke, also, talks not only of remarriage after divorce, but that a first marriage to a divorcee is prohibited; they are both adulterous (Luke 16:18). In Matthew 5, divorce is allowed in the case of marital unfaithfulness. But the question is if divorce is allowed in such a situation, is remarriage also permitted? This question is left hanging in Matthew 5:32, because Jesus does not address the question directly, which could leave a reader to conclude that remarriage is prohibited after divorce, because remarriage is still considered to be adultery while the other partner is living. Matthew 19:9 is the only part of Jesus’ teaching on which a case of remarriage after divorce could possibly be built, though it is unclear too.

Ethical quandary

Let us, then, now move to a comparison of the conditions for divorce and remarriage in New Testament with that of the MCK context. There are ethical dilemmas when dealing with the issue of divorce and remarriage in the MCK context. The dilemma comes in when there are no explicit guidelines provided by biblical materials as to how to deal with actual problems that are threatening the lives of marriage partners in MCK. The Bible gives few examples for the reasons of divorce that pertain to the serious marital issues that need to be addressed in MCK today. What should happen then, with the serious issues that are not overtly dealt the Bible? These cases include conflicts of marriage vows, and bearing responsibility for the physical, psychological, and emotional health of the family. In such conflicts, we are confronted with dilemmas where there is no possibility of choosing right or wrong, good or bad. Instead, MCK Christians are forced to choose between two lesser evils.

Ethical challenge of divorce and remarriage in the MCK Church

To begin with, let me echo what Bauman and Mchami say about the God’s ideal intention for marriage. God created man

¹ See Cornes A, 1993:297.

and woman for a marriage relationship, which is intended to be permanent and indissoluble; there is no place for divorce in God's ideal intention for marriage (Bauman E, 1976:51). Despite God's ideal intention for marriage, divorce was a common fact among all communities in the New Testament times, as it is all over the world today. Among the Gentiles, both husbands and wives had equal rights to divorce under the Roman law of marriage (Mchami R, 2003:6). On or after divorce, the parties of the divorced marriage had equal rights to remarry, which is the similar to the MCK context of understanding divorce. Yet, the MCK church has fallen into a trap relative to the problem of remarriage. They have done this in their greater willingness to approve the remarriage of divorced or "innocent parties" than of the "guilty parties." The church set this trap for itself when it created a black-and-white distinction between the two parties. The "innocent party" is given the freedom and blessings to remarry while the "guilty party" is condemned with no possibility of remarriage by the church.

Does this mean therefore, that a Christian should never divorce under any circumstance? What is the relationship of Jesus' teaching on this issue of divorce to the increasing frequency of divorce in our Kenyan church and society today? These questions are very important for church to address as we continue to struggle with the issue of divorce in the Kenyan church and society today. The New Testament teachings on divorce and remarriage have been interpreted in a variety of ways. The traditional view says that there are only two grounds for divorce (adultery and lack of emotional and material support) and that remarriage is not allowed during the lifetime of the former spouse. I agree with Instone-Brewer, when he says that this view does not make sense when it is viewed through the eyes of a first century Jew or Gentile especially in comparison to the MCK context today (Instone-Brewer D, 2002:298). In addition, the argument of divorce and remarriage in the New Testament teaching appears to be internally inconsistent in that it allows divorce on some grounds, but not for other more serious grounds, such as physical abuse. This poses a question whether it is morally acceptable for one partner to be physically abused by the other and not seek divorce. What happens to the wife who has a violent and abusive husband? Should she continue to be abused because the Bible is inconsistent in such situations? These are some of the questions that we struggle to answer in the church today.

The basis given for divorce and remarriage in the New Testament has produced a lot of struggle on how to handle the issue of divorce in MCK today, though it is not a new issue in the history of the church. As Instone-Brewer puts it, the church has struggled with its handling of these situations for centuries (Instone-Brewer D, 2003:94). Origen, one of the greatest of the church fathers, at the start of the third century faced the issue squarely in his commentary. He asked why Jesus did not allow a husband to divorce a wife who had tried to poison him or who had killed one of their children because to "endure sins of such heinousness which seem to be worse than the adultery or fornication will appear to be irrational." Even though he did not understand how it could be possibly right or just, Origen concluded that we should nevertheless obey Jesus' teachings because it would be "impious" to do otherwise (Instone-Brewer D, 2003:94).

The MCK church is faced with the same struggles as that of the third century when it comes to issues that threaten family relationships. On one hand, I do not wish to contradict Origen's interpretation of the Bible when I disagree with his assertion that we should nevertheless obey Jesus' teachings because it would be impious to do otherwise. If we take the traditional interpretation of the New Testament seriously, no one would be allowed to be separated or divorced from an abusive partner. I believe, on the other hand that the church should avoid Biblicism or biblical literalism at all costs. I concur with Instone-Brewer that today's church has been beleaguered by theological problems and misunderstandings of divorce and remarriage as much as by other theological misunderstandings like the doctrine of the Holy Spirit, women's leadership, and the nature of scriptural interpretations, to mention a few which have caused division and mass excommunications in the church (Instone-Brewer D, 2002:305). This means that the MCK church cannot run away from the reality that the issue of divorce and remarriage remains a theological problem today. Understanding the context is very important in this case. We have to consider the situation in which divorce can be permitted, without absolutely limiting ourselves to the biblical provisions that cannot explicitly give solutions to a context which the texts do not address, such as the MCK context. This is very important for the MCK church to understand that we can faithfully meet the challenges brought about by divorce and remarriage in the church today. We should be in a position to move beyond the fear that by lowering the church codes in consideration of the situation, we will also lower the church's Christian commitment. Let me now move to indentifying a few of the ethical issues that have emerged from the New Testament argument on divorce and remarriage and relate them to the current conditions in the MCK church.

Unfaithfulness

Faithfulness is a heavy term in the marriage context. Faithfulness cannot be limited to a sexual aspect because of its association with marriage vows and the marriage commitment of both partners in the marriage. Besides marital unfaithfulness, there are other marriage problems. In this case, I will compare marital faithfulness in the New Testament with that of current MCK context. Let me begin with marital unfaithfulness as described in the gospels of Mark and Matthew, since these are often given as the main reason for the acceptability of divorce in the New Testament. In MCK, marital unfaithfulness is given as the reason behind almost every divorce that occurs, even when other marriage strains are at work. Sexism, in this case, has taken the centre stage, especially for women. Women have been victimized to a much greater extent than men when the decision to divorce is made based on accusations of marital unfaithfulness. In many instances, divorce is purported to be supported by the church and society and easily allowed by the court when women are accused of marital unfaithfulness, whereas men's unfaithfulness is disregarded. The MCK church has fallen into this snare too. When the husband accuses his wife of marital unfaithfulness, the husband will say it loud enough and often enough to make sure that everybody hears about it. The church ministers, too, tend to move very fast to either accuse the wife of marital unfaithfulness or demand an apology from the wife to her husband. But when it comes to the husband

being an offender, the results are much different. The church minister most often handles the issue with the utmost of care, trying to protect the husband from the wife. In addition, the church minister will move swiftly to reconcile the husband and wife in order to avoid marriage strain. This does not happen when the wife is accused of the marital unfaithfulness. It seems as if men are superior to women when it comes to family issues.

This differential treatment of men and women on marital unfaithfulness poses a moral challenge to the church and society today. First, let me say that each partner has the responsibility to practice marital faithfulness because it is part of fulfilling the marriage commitment. Second, wives too have the right to accuse their husbands of marital unfaithfulness and no injustice should be practiced towards them. Lack of equal treatment in regards to divorce has created an ethical challenge to the church and to society that needs to be answered. The Bible is not clear as to what happens when a man is accused of marital unfaithfulness. One might then ask, "Were men not involved in marital unfaithfulness during the biblical times?" I believe these questions have contributed to the way the church is handling the whole issue. Lack of biblical clarity as to what happened to men accused of marital unfaithfulness has caused ambiguity that has contributed to the handling of the issue in the MCK church today. It is very important to note that a black-and-white distinction in terms of divorce can cause a lot of friction in marriage, especially if there is no balance when dealing with marital unfaithfulness. Each partner, not just the husband, has an obligation to provide conjugal love to the other partner. As Instone-Brewer puts, conjugal love can be regarded as the foundation of a principle of physical affection or even respect (Instone-Brewer D, 2003:103). Moreover, each partner has a conjugal right to be listened to when the other partner is accused of marital unfaithfulness. This will help to minimize the marital unfaithfulness practiced by men more than women in church today. It will help improve marriage and marital faithfulness and remind men that women too can seek divorce when their husbands are involved in marital unfaithfulness. Church ministers should be ready to give a hearing to both partners in cases of accused marital unfaithfulness.

Kenyan society has changed quite a bit from traditional Kenyan family way of life. When the African traditional family experienced difficulties in their marriages, there was an alternative. Men were allowed to marry another wife if they were not satisfied with the first, second or more wives.² Patriarchy, therefore, has dominated marriage issues in the Kenyan context. Even when men were the source of the marital problem, women could not raise their voices. Modern families are quite different from traditional Kenyan families. Today, women are more aware of their rights and often stand up to their husbands in case of any marriage problem. The church and society should understand this when dealing with marital conflicts. Both parties are more informed and each person expects a hearing. Additionally, what moral advice should the church give when one partner is involved in marital unfaithfulness and becomes infected with HIV/AIDS, while unfortunately; the other partner is not yet infected? Should the uninfected partner forgive the other and work to continue their

marriage faithfully? And if a wife speaks with the church minister about her husband's marital unfaithfulness, including a fear of HIV contraction, should the minister ignore the wife's concern because the Bible does not provide a clear answer as to what should happen to men accused of marital unfaithfulness? Is it advising the couple to forgive each other and continue in their marriage? These questions challenge the church not to ignore such issues, especially since they are not specifically spoken of in the Bible. The breaking of marriage vows is another aspect of unfaithfulness. As I said above, each partner makes a commitment to take care of each other physically, materially, emotionally, and psychologically. Habitually, it is easy to condemn sexual marital unfaithfulness and ignore a neglect of the other commitments made in the vows of marriage. Physical, psychological, emotional, or material neglect can cause rifts within the family and eventually lead to sexual marital unfaithfulness. Even though neglect by one partner does not excuse marital unfaithfulness, we cannot ignore the fact it can lead one to. The question of the moral acceptability of a partner staying in a marriage because of his or her Christian faith or a probably lack of material provision or family support, even when he or she continues to be physically abused must also be addressed. Let me provide an example of a husband who never lets his wife buy medical supplies even when she is sick. In my opinion, I would consider this to be a form of physical abuse. She could die, because he does not care about her. Where is his commitment to his vow to take care of his wife in times of sorrow, sickness, and difficulties?

Abuse behind the façade

Abuse in Christian families takes on many different forms, including physical, sexual, emotional, and economic abuse. Physical abuse includes the physical mishandling of one partner, battering or neglect during times of sickness, and deliberately preventing another from eating or sleeping. Physical abuse also includes locking one's partner out of the house or abandoning him/her in a dangerous place. When I interacted with many people during my pastoral responsibilities, sexual abuse, in form of marital rape was often reported, but it has never been taken as seriously as it deserves. In MCK today, many married couples have been forced by their spouses to perform sexual acts that they consider to be objectionable. For example, an abusive partner might try to manipulate his/her partner into performing an unpleasant sexual act, telling the partner that he/she must perform the unpleasant act in order to prove his or her love for the abusive partner. An abusive partner may also try to justify his or her sexual aggression or jealousy by blaming it on love (Daily Nation, 2009: 20). It is worth noting that sexual abuse can also lead to emotional, psychological and physical forms of abuse. Sexual abuse is all too common in Kenya today, with some partners, especially women, experiencing this kind of torture from alcoholic husbands. Unfortunately, abused spouses and partners, all too often have no one with whom to share their experiences of abuse. Furthermore, I argue that emotional abuse occurs when one partner isolates his or her partner from family members or friends. There can be cases in which one partner tries to control and subjugate the other through the use of fear, intimidation, guilt, or manipulation. Emotional abuse ranges from verbal forms of intimidation, such as endless criticism, to more subtle forms

² This is the practice of polygamous marriages.

such as constant disapproval by the abuser as occurs when one partner attacks or humiliates the other in presence of other people with an intention of crushing the other's self-esteem. Emotional abuse cuts to the core of the person and creates scars that are sometimes much deeper and longer lasting than physical abuse. Many times emotionally abused people become so convinced of their worthlessness that they believe no one else could want them (Instone-Brewer D, 2003:103). As a result, many partners end up holding on to an unhealthy relationship for fear of being alone. In addition, economic abuse occurs when one partner exerts extreme control over the other's money and economic resources. As a result of historic inequalities between men and women, most economic abusers are married men whose wives either lack sufficient income or are entirely dependent on their husband (Instone-Brewer D, 2003:103). Extreme strictness about giving financial allowances, withholding money at will or forcing one's partner to beg for financial resources can also constitute economic abuse. In other instances, extreme economic abuse comes in when one partner thwarts the other from getting a job or completing his or her educational studies. This is most often observed in men who prevent their wives from getting jobs out of fear that she will either earn more than him or attain a higher level of education than his own. Despite these wide-ranging types of abuse that presently occur in Christian families, many families end up silently suffering out of pretense even when there is a high level of abuse. We cannot know how many of our friends, family members, and neighbors return home to desperately sad and dangerous situations. I agree with Instone-Brewer when he says, "The pretense of a 'happy marriage' is often perpetuated by a whole family because they are ashamed to admit all is not well" (Instone-Brewer D, 2003:104). This happens, by and large, in Christian families who want to protect their status in the church and in their society.

To better illustrate my point, let me provide an example of a case of abuse in which a female church minister is regularly abused physically by her husband who is a lay leader in the church. The female minister does not want to talk about her abuse because she is protecting her profession. She does not want the abuse go public to his church members and the rest who see her as the role model in the society. When she is with church members she puts on a happy face, with the results that only a few of her members know what she is going through. The husband is always in a jovial mood and makes it seem in public that he is supportive of his wife's ministry, but his joyful moods are all a pretense. In private, the husband beats his wife to the extent that he causes a hand fracture. The minister has tried her best keep it private, but feels that this abuse is too much to bear. When she shares her situation with her closest colleagues, they advise her to be patient and pray for her husband. This stems from a belief that if she decides to divorce her husband, she will ruin her character and risk being defrocked by the church. The church does not allow ministers to divorce under any circumstances. The abused female minister thus faces a dilemma. Should she endure the physical abuse in order to maintain her profession, or should she divorce her husband, lose her job, but have the chance to escape an abusive relationship? In such a situation, how should the church respond? We must ask if the church should defend its doctrine, even if that means ignoring or even encouraging spousal abuse. I believe that the church should

have some provisions that allow for divorce in situations of extreme abuse. It is morally right to allow divorce; otherwise the church would seem to be encouraging abusive relationships, particularly among clergy. The context should not be ignored in our Christian faith. I am sure the Bible will never give absolute answers to all the problems at all times, but to some extent I cannot disregard what is the "lesser evil."³ Much is happening behind the curtains of the home in Kenyan Christian families today. Many Christians are experiencing a great amount of stress from their abusive marital relationships. Too often, the church has failed to give moral guidance in marital situations that are need of critical moral guidance. More needs to be required of the church than demanding marriage partners forgive one another in an attempt to force them to stay together. As an ordained pastor in the MCK, I disagree with MCK's new Standing Order and Agenda, which states that any MCK minister facing marital unhappiness and stress is expected to strive to resolve it amicably by exploring all avenues available since divorce has been deemed unacceptable in the MCK. (MCK, 2006:117). This stance towards divorce seems to contradict Paul's position on divorce in Romans 7:2-3 and 1st Corinthians 7:10,39a. From a pastoral care perspective, I am skeptical about the MCK's statement on divorce because there are marriages that do deteriorate to the extent that the lives of those in the marriage are diminished and even destroyed when the partners are forced to remain in a marital relationship. Hatred, cruelty, and even physical violence may become the norm in these relationships, which causes great harm to the husband, wife, and/or children. In my opinion, when every possible effort to redeem such a marriage has failed, then divorce should be a possibility as the lesser of evils.

In MCK, church ministers are treated as "small gods" who do not experience marital problems. The MCK ignores the fact that a church minister is a human being and experiences the same difficulties as a lay person. Church ministers should be treated with the same level of pastoral care and respect as would be given to lay people in the church, including help with their marital challenges. The church is keen to respond to marital problems experienced by lay members. The church is also able to discern innocence and guilt, especially in cases of abuse or neglect. But, the church seems unable, or unwilling, to address marital problems when it comes to ministers of the church. Discernment innocence and/or guilt in the marital relationship of ministers do not exist with the MCK. If a minister divorces his/her spouse, he or she will automatically be defrocked, even in the instance of abuse or neglect. When both spouses are ministers, they each stand to be defrocked, and the church seems not to be concerned about the potential innocence or guilt of either party. Moreover, there are some marriages in which both partners have done their best to keep their marriage together, but the relationship still fails. I ask then, should they be forced to continue in their marriage and quietly suffer in the name of forgiveness? As a church, we need to recognize that modernism has influenced much of modern society, including church. We in the church cannot ignore the fact that Christian family members are being

³ The case of the above woman church minister happened to be shared in an informal discussion with some church minister's ministry colleagues while I was serving as a church minister. The discussion was provoked by a concern about the MCK position on the issue of divorce between two church ministers, in which both risk being defrocked if either of them divorces his/ her spouse.

affected by the challenge of divorce. Whatever affects society today also affects the church. It is ethically wrong to ignore this fact because the church will not be able to help its members who are struggling in their marriage or struggling with divorce. I concur with Brewer when he says,

The church should now be humble and admit that a great mistake has been made. Too many generations of husbands and wives have been forced to remain with their abusing and neglectful partners and have not been allowed to divorce even after suffering repeated unfaithfulness. The church should not continue in a false teaching because the tradition should not be regarded as superior to the teaching of Paul and Jesus. (Instone-Brewer D, 2002:314).

The MCK church has both ethical and pastoral responsibilities to make sure that their members' families are living well as per the vows of marriage. Which is more sinful: to divorce or to break marriage vows? I would argue that divorce is a lesser sin in the context of neglect and abuse. What is sinful is the abuse and neglect that takes places within marital relationships.

Children and divorce

Children have become victims of divorce and remarriage in the MCK church and society today as well. Both before and after divorce, they often experience a lot of difficulties in a family structure that is crumbling, as well as a lack of parental love. When a parent is not supportive, the resulting adverse marital relationship can cause trauma to the children of that relationship. Some children will end up in shock from what they witness with their own eyes, particularly when, one of both parents physically abuse the other in presence of the children. There are also extremes of abuse to the children and the abuses can result in a divorce as the lasting solution of the problem. Divorce can rescue children from the physical, emotional, or psychological torture that results when children's parents are abusive or neglectful of one another. On the other hand, children will still suffer from lack of both parents' love after divorce. In MCK, there is also a stigma that sticks with children whose parents are divorced. Children of divorced parents may feel ashamed and insecure about how their peers may react to their new family status. They may also be scared and unsure of what the future holds for them in a single-parent household. Even more, children whose parents are divorced can also be torn between the two parents. In instances of remarriage after divorce, some children are not ready for a second mother or father. Some will not welcome the new parent and will not be ready to cooperate. This may pose additional parental challenges from the non-biological parent. The biological parents express some fear that the parents who are married into the divorced families also do not treat the children in caring way. Some will extend the abuse to the children which can cause a lot of trauma to the children. The situation may become even worse than before the divorce. This is one reason why so many women opt not to be remarried after the divorce, and would prefer to take care of their children alone, because they believe that no any other parent can provide the love and support their children need.

Remarriage after divorce

Remarriage often follows divorce. Remarriage itself has posed a lot of questions for the church today. Should divorced

members or ministers be remarried by the church? What is the status of a member or minister who has remarried? Should the remarried member or minister resume their church or pastoral responsibilities as usual? These are the some of the questions that come along with the issue of remarriage in the MCK church today.

When divorced members ask to remarry in a Christian wedding ceremony, it can become a sensitive issue. It may be difficult for the church minister, who in this case the marriage registrar, to determine who the "innocent party" was in the previous marriage. This in turn presents difficulties for pre-marital counseling. In such a case, the MCK allows a member who is an innocent party in an action in which divorce has been granted to remarry (MCK, 2006:121). Because of this rule, every person wanting to be remarried will argue that he or she was innocent in the dissolution of their previous marriage. As a result, it becomes difficult to determine who is actually innocent. In addition, a verdict of innocence or guilt in a Kenyan divorce court is not reliable in most cases, because one party can influence the decision of the court through his or her political and/or economic power. Corruption too has made it difficult for the Kenyan courts of law to give the innocent their innocence and the guilty their guilt. Justice is rare in the Kenyan courts, which has created a dilemma for many MCK ministers as to whether to agree or disagree about remarrying divorced members, based on the innocence or guilt declared by Kenyan divorce courts. As I have argued previously, there are instances when remarriage after divorce can be justified. But, we must then ask if this also applies to cases of adultery within a previous marriage. On the one hand, if the church decides to remarry someone who has previously been accused of adultery, the church may be accused of condoning the sin of adultery. On the other hand, it can be argued that the past is gone and every sin is forgivable. A church minister cannot forbid a sinner from joining the church, so the church cannot forbid a repentant adulterer from remarrying. Since it is not conclusive as to how the church should approach remarrying those who have repented of past adultery, church ministers have shown varying practices when asked to remarrying those previously accused of adultery. Some church ministers choose not to ask about previous marriages because they do not believe that the real reasons for a previous divorce will be revealed. The issue of remarriage after divorce becomes even more complicated when it is a church leader who wants to remarry. Remarried church leaders are often viewed with suspicion and distrust by lay members and even society as a whole. The opinion seems to be that of a church minister cannot run his or her own household; they may not be able to effectively care for the household of the church. Remarriage is a perceptive issue that ministers of the church need to handle carefully. In this case, I would argue that divorce is not "a bigger sin" than any other sin. It can be forgiven if the sinner has asked for forgiveness.

Conclusion

In this article I have discussed divorce and remarriage as an ethical problem in the contemporary MCK church. First, I briefly traced divorce in the Old and New Testaments in order to provide a normative understanding of how I believe the church should approach the issue of divorce and remarriage.

From the framework of the Old and New Testament, it is clear that the Bible does not give an absolute solution to the issue of divorce. We cannot ignore the fact that the Bible was written in a particular time and particular context. Therefore, as the church approaches the various issues surrounding divorce and remarriage, we must also take into consideration the current time and context in which we live.

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