



The “And” of the Law
Mark 10:2-12
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We are studying the invitation of the art of improv to say “yes, and ...” to life and faithfulness. In her book, *God, Improv, and the Art of Living*, Rev. MaryAnn McKibben Dana reminds us that “God always stirs us in the direction of more surprising grace, more radical community, and deeper wholeness.”ⁱ There’s always more to the work of God than what may first seem possible. From Moses among the reeds in the floating basket, to Jonah in the mouth of the fish, to Daniel in the lion’s den, to David versus Goliath – the expected outcome, the accepted reality of what “should” be, is always usurped by God’s improvisational direction that provides an “and ...” to the story line.

Remember the stories of our faith: The Israelites wandered in the wilderness in thirst, *and* God sprung up a well to give them water. The Philistines were going to destroy the Israelites, *and* God called a leader from the sheep-fields. The disciples were caught in a terrible storm on the Sea of Galilee in certainty of their doom, *and* Jesus calmed the winds and stilled the sea. God always comes forth with an *and* that leads to greater life and peace among humanity.

When we read the Biblical text as finite, as having no invitation to something more life-giving or more grace-offering, we have failed to see the work of God in the text, because God is always in the work of giving life and offering grace. That is the very nature of God.

With that being said, let’s talk about today’s scripture.

Today’s scripture is a hard one to read. It’s challenging, at least in part, because many of us have in some form been affected by divorce. In recent years, the divorce rate has come down, but even at its lowest point in 50 years, researchers estimate that nearly 50% of all marriages end in divorce. Whether it was our marriage that ended in divorce, or a parent’s, or a sibling’s, or a friend’s ... statistics suggest that at least half of us have been directly impacted by a divorce, and that well over half have been indirectly impacted by the ending of a marriage.

Because this text appears so direct, and because so many of us have been impacted by its implications, many pastors prefer not to preach on it. I went back to check on myself – in 10 years of weekly preaching, with 520 Sunday opportunities to preach, I’ve never preached on this text before. It’s not easy to write a sermon about a scriptural text that so clearly opposes divorce in a society where divorce is so prevalent. That said, knowing its impact, I approach this text with great care.

At face value, this text does offer a pretty strong critique against divorce. I mean, just look at verses 11-12, which offer a pretty blunt statement: “Jesus said to them, ‘Whoever divorces his wife and marries another commits adultery against her, and if she divorces her husband and marries another, she

commits adultery.” One can’t read these two verses and think that Jesus is ok with divorce, especially if the one who divorces gets remarried.

In fact, these two verses in isolation are so strong in statement, they helped shape the Catholic practice of marital annulment. In 1498, Pope Alexander VI granted an annulment to King Louis XII, allowing him to separate from his first marriage with his cousin Joan, which was an arranged marriage, so that he could remarry Anne of Brittany, with whom he wanted to be married. Without the annulment, the King would not have been able to remarry, because as a nation with Catholicism as their dominant religion, they couldn’t have a king who was clearly an adulterer.

And the scripture is clear, right? If anyone who divorces – a man or woman – gets remarried, they are committing adultery. That’s what Jesus says. So, how do you allow someone to separate from their spouse and remarry without them having to live in the stigma of adultery? You allow them to act as if the first marriage never existed. The Catholic practice of marriage annulments removes the stigma of adultery upon remarriage because the first marriage is seen as never having taken place. It is null and void.

Marriage annulments were implemented, at least in part, to allow people to remarry without the stigma of adultery, all based on two isolated verses in the Biblical text.

I’ve said it before, and I’ll reiterate now – context matters. These two verses do not sit in isolation from the rest of the scripture. We must expand our reading to understand what Jesus is offering when taking such a hard line against divorce and remarriage.

As our text begins in verse 2, what we find is that the Pharisees are not really looking to discuss divorce or marriage with Jesus. Their purpose in speaking to Jesus on this occasion has nothing to do with determining whether or not divorce is right or wrong. Verse 2 begins, “Some Pharisees came, *and to test Jesus*, they asked ...”

Y’all, *context matters*.

The Pharisees are only using the topic of divorce because they see it as an area of law they can use to trip up Jesus, which would give them a reason to denounce him as a heretic. They’re using divorce, not because they actually care about the issue of divorce, but because they see it as a target topic through which they can prove their superiority over Jesus and make a mockery of him in front of the crowds who were growing in their loyalty to his teachings.

“Some Pharisees came, and to test Jesus, they asked, ‘Is it lawful for a man to divorce his wife?’”

The question of divorce in the first century for the Jewish people was not a question of legality. They knew it was lawful. Everyone in the Jewish faith knew it was lawful. The TORAH – the laws that govern Jewish life – were not wish-washy about whether or not divorce was lawful.

I love trying to picture Jesus' thoughts in this moment. I can see Jesus thinking, "I know, that you know, that I know, that you know marriage is legal." So, instead of answering the question and falling into the trap that the Pharisees are trying to set, Jesus turns the question around on them, because Jesus knows they know. "Jesus answered them, 'What did Moses command you?'"

Of course, the Pharisees know, and so they answered, "Moses allowed a man to write a certificate of dismissal and to divorce her." ... Indeed, that's all it takes. This legal allowance comes from Deuteronomy 24, which begins by saying, "Suppose a man enters into marriage with a woman, but she does not please him because he finds something objectionable about her, and so he writes her a certificate of divorce, puts it in her hand, and sends her out of his house." This type of arbitrary dismissal of a wife was something that Jewish law allowed in the first century, and it constituted a legal divorce. All the man had to say was that there was "something objectionable about [his wife]," and he had grounds for a legal divorce.

The question of "is divorce legal?" is not really the focus of this text. As Jesus made evident, the Pharisees already knew the answer. They were just trying to trap Jesus. Instead, Jesus turns it around, and offers an indictment on the Pharisees.

This is where we see the "yes, and ..." of the law come in to play. See, when we read the Biblical text as finite, as having no invitation to something more life-giving or more grace-offering, we have failed to see the work of God in the text, because God is always in the work of giving life and offering grace. That is the very nature of God.

Jesus doesn't just roll over and let this issue go to bed. The law has been named – according to the Jewish Torah, it is a legal right of men to divorce their wives with the simple writing of a letter of dismissal that can be as subjective in reason as the man so desires to dismiss his wife.

But Jesus doesn't let the conversation end; he continues.

"Jesus said to them, "Because of your hardness of heart, [Moses] wrote this commandment for you. But from the beginning of creation, "God has made them male and female." "For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh." So they are no longer two, but one flesh. Therefore what God has joined together, let no one separate."

Just to make sure we're all on the same page, Jesus is directly quoting scripture. He's pulling word for word from Genesis 1:27 and Genesis 2:24 to correct the Pharisees, who were a group of church leaders who knew the scripture better than anyone else.

Jesus is telling the Pharisees that Moses' command, which allows for divorce, was not offered because it was within the realm of God's desire, but that instead, it was offered to placate the hardened heart of men who wanted a way to divorce their wives. Jesus says, there were men who were finding ways to get rid of their wives even though it was wrong, so Moses gave you a command that permitted divorce in a way that at least allowed the women to walk away unharmed. But, the reality of God's will, Jesus

says, God's desire dating all the way back to the narrative of the creation, is that divorce is not in line with God's desire, because it separates – it breaks that which God has been a part in creating.

See, Jesus isn't interested in a tit-for-tat around what is legal and what is illegal. Jesus, as the divine incarnate, is interested only in the will of God for the created humanity.

Professor M. Eugene Boring summarizes, "Jesus does not temper his command with situational conditions, but announces the absolute will of God ... Jesus shows that divorce is in fact a violation of God's will revealed in the Torah."ⁱⁱ Professor C. Clifton Black adds, "The point is clear: while dissolution of marriage is permissible, owing to human incompetence in sustaining their vows, God's intent at creation is wholeness, including oneness of flesh."ⁱⁱⁱ

Here's the thing about the Biblical law: In the beginning, God only asked humanity for one thing. *One thing*. God gave to the first of creation one rule: be you, don't be me. Live with the power I've given you, don't try to usurp my power. Have everything, except the fruit of the tree at the center of the garden. As we know, that didn't go so well, and humanity was sent forth from the garden.

Since then, in every generation of human life, we've had a new iteration of laws that have sought to help us live into the peace that was first set forth by God for creation in the garden. The 10 Commandments, one of the most popular governances laid out, should have been sufficient, but the created humanity sought loop holes, and so more laws were created to cover the specifics of what people thought was not included in the earlier laws. This continues to happen today – both in society and in the church. We create more laws, we pass more restrictions, and we insist on more governance. Some of this is helpful ... but only because we – as God's created – continue to try and usurp the will of God with our own preferences and power.

Jesus, when put to the test about the law, offers in response, "Yes, I know what the law says ... yes, the laws are all written down so you'll know more explicitly how to live ... yes, the laws are there to help govern the lives of God's created. And ... and ... and ... the laws are only there because you weren't willing to accept God's initial invitation. The laws are there because of your hardened hearts."

Jesus comes as the incarnate being with only one purpose, to offer life and grace, and part of that means calling out the lack of life and grace offered by the law. Yes, I know that at first glance, this text doesn't seem really grace-filled, but look again at what Jesus is doing. Divorce, for as necessary as it is at times, is always painful. It's painful for the spouses who are getting divorced, for children, for friends, for family, for churches, for neighborhoods, and for the community at large. Even when necessitated by issues of abuse or improprieties, divorce is never easy; it always leaves a wake of hurt in its path.

And Jesus, as the divine Son, doesn't want pain for any of us. Jesus doesn't want us to be hurting. Jesus would rather us be fully united as two individuals, joined as one flesh, as God intended for us to be in the unity of marriage since the inception of creation. Jesus doesn't want divorce, because divorce in and of itself is an indication that both parties were not mutually engaged in this union as equals, fully entrusting themselves to the other. That's not an indictment to say that at least one wasn't – but

marriage is a union between two, and requires such humility, vulnerability, honesty, trust, and love from both.

But Jesus' indictment on divorce is not first and foremost focused on the law of divorce – because again, while divorce is used as the subject of testing in this text, this text is not about divorce, it's about the Pharisees trying to trap Jesus into making some heretical statement, while utilizing the law of divorce as their bait. This text is more about our attempt as humanity to once again usurp the power of God, as church leaders tried to claim power over the Son of God.

The text is about far more than any law about divorce, regardless whether such a separation leads to remarriage. Ultimately, I'm not sure this text is even about the right and wrong of divorce.

Jesus seems to be offering a greater invitation in this text to understand that the law is only helpful in as much as we are unwilling to receive God's true invitation as creation. We, as the created, were not intended to be divisive to the extent we needed laws to govern our relationships with one another, or our relationships with the land around us, or our relationships with money, property, wealth, occupation, health, travel ... add whatever governed area of life you want to the list.

Our invitation by God is to embrace and live in-fleshed the witness of Jesus Christ, who calls us to share in equity and justice and peace with all of creation. We shouldn't need laws to govern creation care, we should just care about creation. We shouldn't need laws to govern the rights of humanity, we should just care about one another in a divine way, such that we are corporately sharing in the work of peace and wholeness together every step of the way.

Yet, we have failed in this regard, so there is a law, Jesus acknowledges it and even names its rationale, but then he offers a divine *and* ... and, he says, if we could live in to the invitation of God to us as the created, we could ever more live and love in the peace and joy, in the life and grace God offers, claiming the shalom – the wholeness – God desires for creation. May we claim the *and* of the law, to live more fully into the life-giving and grace-offering love of God in Jesus Christ. Amen.

ⁱ MaryAnn McKibben Dana. *God, Improv, and the Art of Living*. Grand Rapids: William B. Eerdmans Publishing, 2018.

ⁱⁱ M. Eugene Boring. *Mark: A Commentary (The New Testament Library)*. Louisville: Westminster John Knox Press, 2006.

ⁱⁱⁱ C. Clifton Black. *Feasting on the Word, Year B, Volume 4*. Eds. David L. Bartlett and Barbara Brown Taylor. Louisville: Westminster John Knox Press, 2009.