

THE JOURNAL OF PASTORAL PRACTICE

This reprint has been produced to correct what originally was issued. We apologize for any confusion as well as inconvenience a new type-setting computer may have caused.

Who Owns the Children of Divorce?

by George C. Scipione*

[Abstract: In this article Rev. Scipione cracks some hard nuts. You may agree or disagree with his conclusions. He calls for further study and writing. If you wish to respond taking his article further, applying biblical principles to additional cases, etc., we shall be happy to consider your article for publication.]

Is that an odd title? How did I come up with such a topic? Reality often pushes into our dream world. Recently I had to face this issue. A Christian brother came and asked advice on his responsibility for his young child. He and his wife had been members of a Bible-believing church. She committed adultery, refused to repent, and divorced him. The church excommunicated her. The civil court had awarded joint custody. She has the child during the week, he on the weekends. He wanted advice and something solidly biblical to read. What would you say? What would you recommend? I know of nothing in print.

Consider another actual case—think of it as yours. A young couple are members of your church. The wife is leaving her husband to run off with another man. This is not the first instance of infidelity on her part. You see no repentance on her part. She refuses the church's help. You can not effect a reconciliation. Painful, but you know God's will is to follow Matthew 18:15–20. However, a complication arises. He is going to allow their young child to go with her. He sees no problem with legal joint custody or his rebellious wife leaving the state and raising the child. He thinks she is a good mother. He also believes for him to keep the child would hurt the child and the mother emotionally. Now you have two problems. Examples abound.

What major issues are involved? Three arise. First, who 'owns' the children? Who should determine and control their training? Second, if the believing parent has an obligation before God for these children, what is it? Third, if the civil magistrate blocks the Christian parent from fulfilling his or her duty, what should be done? To answer these questions properly we need God's perspective. We need the biblical teaching¹ on children of believers in general, the children of divorce in particular, and then, the nature of the relationship between the family, the church, and the civil government. After we grasp God's mind on these topics, we can apply His wisdom to life's problems in pastoral advice.

*Rev. Scipione is director of CCEF's San Diego office.

Biblical Perspective: God's View of Covenant Children

When God created the world He made the family His basic building block for society (Genesis 1). Children were part of God's commands to Adam and Eve (verses 26–28). God expects children as a fruit of the marriage covenant. Children do not define marriage. A marriage remains a marriage even if it produces no offspring (Genesis 11:29–30, Judges 13:3; Luke 1:5–7). Although marriage is more than producing children², God intends for it to produce and train godly seed. He views children as blessings (Psalm 127, 128). Barrenness is seen as a curse (Genesis 15:2, Leviticus 20:20–21; Judges 13:1 Samuel 1: 1–8, 11; II Samuel 6:23, II Kings 4:14–16; Jeremiah 22:30). Part of the fruit of His salvation is the reversal of barrenness (Psalm 113:9; Isaiah 54:1–3). God's view of His children's children is covenantal, not cultural, and spans culture and time. His promises include children (Deuteronomy 28:4, 11). God loves children and bestows them as blessings, not bothersome burdens!

The Old Testament teaches that covenant children, i.e., the children of believers, are special in God's eyes. The Lord owns these children and has a keen interest in their training (Deuteronomy 6:1–9). This covenantal training is not limited to religious or spiritual matters but extends comprehensively to all areas of life. God sees Israel as “the sons of the Lord your God” (Deuteronomy 14:2). As His sons, all that they own is the Lord's. Their children are his grandchildren. They are to become the next generation of the sons of the Lord God. Jehovah is concerned deeply with this generational continuity. Thus, the children of believers are a necessary part of God's covenantal plan for His people.

In Exodus 13:1–2 and 11, God declares that the first-born of each Israelite family belongs to Him in a special way. He takes them to remind Israel of its salvation and unique standing before Him. Then, He takes the Levites as a substitute for the first-born (Leviticus 8:14–19). The redemptive-historical typology is rich in these covenantal provisions. However, for our purposes note what God does with children: He not only has a special interest in all the seed of believers, He also has special purposes for special ones. He may pick out of His holy children some for special, unique assignments. This only highlights the general uniqueness of the seed of believers.

Two passages underscore how every child of God's sons has a special position before Him. The first, Ezra 9:2, clearly shows the significance of the children of believers in God's eyes. A complaint is filed against the Levites and rulers for contracting marriages with pagans for themselves and their sons and daughters (verses 2, 12). These rulers and their children are collectively

called holy seed (verse 2).³ The holy seed is mixed or mingled⁴ with unholy seed. This is a cause for great fear and national repentance (verse 4). What is going on? To mix God's set-apart, dedicated, consecrated seed with unholy seed is wicked. Note that the children of believers, no less than the parents, were separated to the Lord's service. The point to grasp is: God owns the children of believers.

The second passage is Malachi 2:15. The exegetical questions that arise here are many and difficult. Although it is not our purpose to solve them nor can we take the time to do so⁵, we can note that whether the one seeking the godly seed is God Himself, Abraham, or a faithful Jew who possesses a remnant of the Spirit or a spirit of sense, someone is seeking a seed that will reflect God's character. Any of the three would underline the law's view of covenant children that is mentioned throughout the whole Old Testament in general and in Ezra 9:2 in particular.

This data drives us to conclude that the seed of believers are special in God's eyes: they are holy to the Lord. God not only owns the believer's land, productivity, and life; He also owns his children and controls their training.

In the Old Testament the parents own or have property rights in their children. They are God's stewards to train His children. R. J. Rushdoony's statement helps to explain this concept in the context of the family:

The word *property*, once one of the most highly regarded words in the English language, has come in recent years to have a bad connotation because of the deliberate assault on the concept by socialists. The word, however, was important enough to be a basic aspect of freedom to men during the War of Independence, when a rallying cry was “Liberty and Property”. Now, however, even those who most defend property, wince at its broader usage, the inclusion of people. Thus, most women would bridle at being described as *property*. But the word *property* should be regarded instead as a very highly possessive and affectionate term rather than a cold one. It comes from the Latin adjective *proprius*, meaning “not common with others, special, several, individual, peculiar, particular, proper.” It also has the sense of “lasting, constant, enduring, permanent.” St. Paul makes it clear that husband and wife, with respect to sex, have a property right in one another (I Corinthians 7:4, 5). Even more, it can be said that a man holds his wife as his property, and his children have certain individual, particular, special, and continuing claims on him. They have a property right in him.⁶

Children are not only a blessing from God to parents (Psalm 127, 128) but are to be blessed by the parents (Deuteronomy 4:9–10; 6:5–7; 11:18–19).

Their inheritance is not limited to wealth or physical property but includes a godly lifestyle. Instead of the futile life-style that sinners dump on their children (1 Peter 1:18), believers should pass on a Christ-like life-style. Obviously, God sees the continuity of the covenant as a spiritual, heart-commitment, life-style issue as well as a physical one. God sees the continuity of the covenant as crucial (Deuteronomy 6:1-3, Malachi 2:15).

Because the Lord owns the children of the covenant and loans them to parents for training in righteousness, He limits parental control. Two limitations are of major importance for our discussion. First, parents are not to sacrifice their children to pagan idols to fulfill parental desires (Leviticus 18:21; 20:1-5). Only God has the life and death control of His children. Second, parents may not give their children to pagans in marriage (Exodus 34:12-17; Deuteronomy 7:1-5; Joshua 23:1-13; Ezra 9-10; Nehemiah 13:23-31). If God's holy seed are mixed with pagans, unbelief will influence the covenant seed to idolatry. Therefore, to put God's holy seed in a position that exposes them to pagan control or even influence is an act of disloyalty to God (Ezra 9:1-4). The only proper response is repentance.

The Old Testament is clear. The children of believers belong to God in a special way. Parents have control *in loco deus*. Their power is limited by God. God does not want His seed mixed with unholy seed or destroyed before the demands of rival gods.

In the New Testament age, God's nation is no longer bound to a geographical locale or a racial-ethnic stock (Exodus 19:5-6; Deuteronomy 14:2; Titus 2:14; 1 Peter 2:9). Non-Jews now partake of the Messiah, the Commonwealth of Israel, the covenants of promise, the blessed hope, and the Father (Ephesians 2:11-13). Of course, a radical change has occurred in history. The reality of resurrection and of redemption is here. The condemnation of the law is past. The Mosaic typological structure is fulfilled. Yet, there is no indication whatever that God views differently the children of believers in the new covenant, or as less important or privileged than the children in the old covenant. His view has not changed, nor has their position. Also, the duty of parents is no less under the new covenant than the old.

The sign of the covenant has changed. Physical and heart circumcision (Genesis 17:10-11; Deuteronomy 10:16, 30:6; Jeremiah 4:4; Romans 2:28-29) has been replaced by physical and heart baptism (John 3:3; Colossians 2:10-14; Titus 3:4-7). Therefore, the children of the covenant receive the sign of the new covenant to evidence their special position as God's holy seed. Since the sign of the covenant of faith between God and Abraham (Romans 4:9-12) was to be given to Isaac before he could exercise and evidence mature repentance and faith (Genesis 17:10-13), and since failure

to comply carried grave consequences (Genesis 17:14; Exodus 4:24-26), we see how special God views His holy seed.

Perhaps you balk at these biblical concepts: a basic continuity between covenants, the church as the true and completed Israel, the sign of the covenant being given to believers' seed. When you read the above ideas, theological apoplexy sets in! Even if you react this way, I think you at least can agree that the children of believers, under the new covenant, are in some sense special to God. Perhaps you dedicate infants. This is an acknowledgement of the fact. If not, you at least train them in the nurture and admonition of the Lord. Children in the new covenant do have a special place in God's heart no less than, at least equal to, and perhaps greater than, the children in the old covenant. Why? Is this just some theological bias? No, they are special for four reasons that are repeats of the Old Testament teaching. First, God still views the children of believers as 'holy seed.' 1 Corinthians 7:14 says that children of a believer are holy⁷ or in a consecrated position because of the believing parent's faith. As with Malachi 2:15 the interpretation of this text is varied. But God does see these children as holy in some sense. God views a home with one believing parent as a covenantal family. Even if you cannot accept this as being identical with the Old Testament holy seed, you must take it to be some sort of a parallel. The point to grasp is the uniqueness of such children in God's sight. Second, God still enjoys children and wants them to come to Him (Matthew 19:13-15; Mark 10:13-16; Luke 18:15-17). Both Jesus' desire to bless little children and babies and His sharp rebuke of the disciples show His view of children to be the same as in the Old Testament. Third, God still requires parents to train their children in His fear and counsel (Ephesians 6:4-5; Colossians 3:21). He commends such training (II Timothy 1:5; 3:14-15). Fourth, God still demands us to be pure and not to mix with pagans (II Corinthians 6:14-18)⁸. God's desire for purity in His people is not diminished in the New Testament age!

To summarize, the New Testament views the children of believers in the same relationship to God as that of the children of believers in the Old Testament. The parents or parent are responsible to train these covenant children for God just as the Old Testament believer did.

Biblical Perspective: God's View of the Children of Divorce

The Bible does not speak directly to the issue of property rights concerning the children of divorce. We must deduce answers from the general principles in the Word. I assume the paucity of information is due to God's view of divorce. He hates it and does not expect it to be practiced among His people (Malachi 2:13-16). I will not discuss the Jewish confusion over the grounds for divorce.

before and during Jesus's day, or the modern evangelical debate. I assume the basic position of Jay Adams⁹ and *The Westminster Confession of Faith*,¹⁰ Two grounds exist: sexual immorality and desertion of a believer by a non-believer. We are focusing our discussion on the family with two believing spouses. The assumption is that if someone deserts his or her spouse, eventually he or she would be excommunicated. This is what should happen, though it may not. This is *de facto* apostasy.

In the Old Testament sexual immorality in marriage (Exodus 22:19; Leviticus 20:10-17; Deuteronomy 22:20-25, etc.) and apostasy (Deuteronomy 13:6-16; 17:2-5) were capital offenses. Divorce by the death penalty left only the believing parent to be responsible to train the children for the Lord. This is straightforward. However, if the civil magistrates did not follow the biblical mandates or non-biblical grounds were used to obtain a divorce, what then? Perhaps a godly priest would try to prevent the impenitent from participating in worship. I know of no historical record of this occurring in the area of divorce. However, we do have records of spiritual leaders who directly opposed sin when civil leaders did not. Phinehas, a priest, executed a man and woman while in an immoral act (Numbers 25). God commended him. Improper participation in worship by kings was opposed by godly priests and prophets (1 Samuel 13; II Kings 11; II Chronicles 26). No doubt this was not the norm, but it did happen. This kind of intervention was possible, although not probable. Thus, we have historical examples of church leaders opposing sin when civil leaders did not. So sexual immorality or improper participation in worship by an unrepentant sinner could be stopped. Admittedly, this is speculative. The priests may have exerted pressure to repent or even asked the rebel's family to exert pressure. Malachi's sermon outlined in Chapter 2 indicates that he preached against the sins of marriages with pagans and improper divorce. Could this involve taking the children and awarding them to the faithful spouse?

What may be surmised more certainly is that in the absence of the death penalty or priestly intervention, the father, as the head of the family, would get custody of the children if there was a divorce. The husband had certain executive privileges over his wife (Numbers 30) and children (e.g., Exodus 22:16-17). It is assumed that due to his authority, his property rights would be higher than those of the mother.¹¹ To summarize, the Old Testament has custody going to the believing parent or to the parent with the higher responsibility for raising the children.

The New Testament's instructions in regards to intermarriage are the same as those of the Old Testament. Believers are to marry in the Lord only (I Corinthians 7:39, II Corinthians 6:14-18). In a marriage of two believers or

of a converted pagan with a pagan, the children are holy to the Lord. Both believers and the converted pagan who now follows Christ are responsible to God to train their children in the covenant.

Obviously, a pagan parent can not raise up holy seed to the glory of the true God. Thus, if the pagan parent refuses to stay in the marriage, the believing spouse not only is free from the marriage contract (I Corinthians 7:15) but also should continue to have custody of the children. Physical procreation, affectionate sentiment, and personal desires do not take precedence over God's right to His holy seed. Any righteous, wise judge would recognize God's property rights and award the children to the believer as God's representative. Obviously, all judges are not so wise and righteous!

If a marriage of two church members ends in a church-approved divorce, the faithful spouse would be doubly clear of the marriage contract. Whether the other spouse was divorced on the grounds of unrepentant immorality or desertion, he or she now would be excommunicated (or should be.) Since the former member is now functionally a non-believer (Matthew 18:17), he or she has no rights to claim the name of Christ, take communion, or enjoy any other privileges of God's covenant. This would include losing the right to raise the children for God. Why? This person is now in Satan's camp (I Corinthians 5:5; I Timothy 1:20) and is unfit to train anyone to be a disciple of Jesus Christ.

It would follow that the departing 'pagan' (i.e., excommunicated church member) is primarily at fault. If there are righteous grounds for divorce, a person is righteous in exercising them. Although the faithful spouse is not sinless or perfect, she or he is not the cause for the destruction of the marriage covenant. I am assuming a complete judicial investigation has occurred, plus counseling of the offended party and appropriate forgiveness sought by her or him. If this has happened, the idea of a no-fault divorce is not biblical. There is someone at fault for breaking the marriage covenant. The guilty party, by virtue of breach of contract, should lose all property rights to wealth accumulated under the marriage contract. If the Christian graciously grants some of the property, that is a beautiful act of mercy. However, the line must be drawn at the children. A Christian has no right to give away God's seed. Sentimental feelings or a desire to get away from parental duties can not be allowed to cloud the picture. To give the children to the departing spouse is an act of disloyalty to Jesus Christ. To place the children into the custody and training of a rebellious pagan also involves the Christian in the sin of not providing what is good for children (I Timothy 5:8). This is as bad as giving one's child to a pagan in marriage. That expressly is forbidden, although professing Christians do it all the time.

Joint custody is not acceptable for all the above reasons. Moreover, it is as workable as Solomon's decision to cut a baby in half and to give half to each woman (1 Kings 3). What Solomon wisely used as a ploy to discover the child's true mother has become common court policy. Now it is not a wise ploy but a wicked policy! While life with the wrong parent is bad, at least it is life! To split the child between parents is to cut him in half to create a double-minded person (James 1:6-8; 4:8). This is not acceptable. The two value-systems always will clash, creating problems for the children. At all costs believers must maintain control of the Lord's holy seed as an act of loyal service to the living and true God.

I can hear objections ringing in your mind. First, you might think that religious training is the only obligation for a Christian parent. But the Old Testament teaching in general and its teaching on raising children in particular make clear there is not one area of life that is not religious (Deuteronomy 6:1-9). All activities of life (1 Corinthians 10:31) are to be done to God's glory. Children are to be raised in the Lord (Ephesians 6:9). We have seen that God singles out child-rearing as a key factor in covenantal continuity.

You might think, well yes, all aspects of child-rearing are important, but non-Christians can and do produce moral children. On the surface that may appear to be true. But can one produce a godly character? Just examine the Lord's evaluation of the Pharisees. They were the best human flesh or nature could produce. They had God's infallible, inerrant Word, at least the Old Testament that Paul claims is enough to make one wise to salvation and equip him for every good work (1 Timothy 3:15-17). They had zeal plus. What did it produce? An abomination before God (Luke 16:15)! The pagan spouse might be zealous but can not obey God's Word. If he tries, he well may produce something worse than the Pharisees!

You think, yes that well may be true, but isn't the mother always best for the child, maternal instinct, etc? We need not argue the issue of who is better for the children: father, mother, or same-sex parent. These are important concerns but do not change the core issue of a Christian parent versus a rebellious, pagan parent. Remember what God says of a sinner: "A righteous man has regard for the life of his beast, but the compassion of the wicked is cruel" (Proverbs 12:10).

Now you throw up your hands and say, what about the rights of the parting parent? I ask, what rights? All rights are relative except God's. Only He is the infinite, eternal, unchangeable, sovereign Creator and Sustainer of life. Parental rights are defined, delegated, and controlled by Him. He can take them away. God is the owner of all things. Few of us, if any, would argue that there is never a time when children may have to be removed from a home to protect

them. We might argue about the grounds for removal, who should do the removal, who should care for the children, how long the removal should last, etc. But few would say never. If you would opt for this by claiming a higher authority than sinful parents, often accepting state intervention, why won't you see God's authority?

Other objections may come to mind, but biblically no circumstance would justify a non-Christian parent in a divorce setting being given control of or custody rights over God's holy seed. All this is predicated upon the believer as a godly functioning member of a local body that practices biblical church discipline.

Biblical Perspective: God's View of Pagan Courts

This is such a vast, complicated subject that another article devoted to this subject is needed. However, some preliminary thoughts may be helpful in thinking through our main issue. Obviously, these provide only a preliminary framework.

God rules and orders His world by three basic institutions: the family, the church, and the governmental authorities. The family is foundational. God first ordained the family and not the other two. Genesis 1-5 is true history—it is the history of families. One can say that the other two grow out of the family.

The church is the second God-ordained institution. Man worshipped God from the beginning of creation (Genesis 2:1; 3:10; 4:26). However, there was no formal God-ordained worship. People argue as to when the church as an institution formally was founded. Some opt for different points in history: Pentacost, the baptism of Jesus and the beginning of His messianic work, Israel's birth in Exodus 13-20, or Abraham's call. The Exodus of Israel from Egypt logically is the formal, historical beginning of a called-out assembly of worshippers known by Jehovah's name. However, that question is beyond this article's scope and purpose. What needs to be noted is that God instituted the family prior to the formal start of the church as an historical institution. As such, the family has prior or higher institutional jurisdiction over its members than does the church. As to human authority, the family's authority is primary, the church's secondary.

The third legitimate God-ordained institution is government. As with the founding of the church, the precise historic beginning of the state is beyond the scope of this article. Some might opt for the institution of the death penalty in Genesis 9:5-7, others the post-Babel kings of Genesis 14. What is clear is that the elders of clans or families became the governing bodies of the ancient world. This is clearly an extension of family rule. The gradual development of kings was due to the centralizing of power. Formal

government by divine legislation was commanded in Israel. God accepted the elders of the people (Exodus 4:29-31), then set up a judicial governing process under Him as King (Deuteronomy 16:18-20; 17:8-13). It is significant that God foretold Israel's rejection of Him as King and their desire to be like the pagans around them (Deuteronomy 17:14-20; I Samuel 8). He regulated even this displeasing rejection! Central to our consideration is the priority of the family over the state.

Note also that the civil courts were to be informed or directed by religious authorities (Deuteronomy 17:8-9).¹² The dispensing of justice by the government had to be under the authority of God's Word as taught by the priests. Law without the light of God's Word is dark tyranny indeed. God's design gives priority to His law, as taught by His ordained ministers, over the rules of the civil magistrate. The church has an authority that is higher than the state's.

This should not be passed off as merely an Old Testament view limited to Israel nor as some medieval perversion. I Corinthians 6:1-9 shows that the church courts have original jurisdiction over Christians as opposed to civil courts. God sees His body as wiser than the governmental courts. This is doubly true when civil magistrates are pagans who ignore or contradict God's law. From God's perspective pagans have the wrong standard of law and lack the personal wisdom to rule His people. In fact, one day Christians will participate in the final judgment as judges of the world, both natural and supernatural. Secular courts often make decisions that are harmful to families in general and harmful to Christian parents in particular. In the area of parental rights, courts in the western world now render decisions frighteningly similar to those in communist countries!¹³ Many New England Puritans wanted freedom from tyrannical governments in order to live to God's glory according to His righteous law in the Bible. This drove them to the new world. They realized the primacy of the family's authority.¹⁴ Christianity always has recognized this familial primacy.

In summary, our biblical overview of the civil courts has God as the ultimate authority. Under His rule the authoritative order of institutional jurisdiction is: first, the family; second, the church; third, the civil magistrate. Only when the authority with higher and original jurisdiction fails to do justice should the next highest authority be sought for redress.

Biblical Principles

We may conclude the following principles from our biblical study:

One— The children of believers are God's holy seed and therefore belong to Him. His property rights to them supercede all other claims.

- Two— Christian parents are to train their covenant children for the Lord.
- Three— Christian parents are not permitted to place their children under pagan influences.
- Four— Christian parents, as God's covenantal representatives, have higher custody claims to their children than do pagan parents in the case of divorce.
- Five— Church courts have higher and prior judicial jurisdiction over family matters than do the civil courts when a covenantal couple fails to keep its marriage covenant and the families of the parents can not bring about a godly, peaceful settlement.

Pastoral Advice

I want to make some suggestions for counseling based on our study and the above principles. This will deal with covenant children before and after a divorce.

First, since marriage involves the leaving, cleaving and weaving of two lives into a one-flesh relationship, this union includes all property. This should include the children from any previous marriages. All efforts should be made to adopt them into the new family. They should come under the special status of holy seed belonging to God. They should receive the new father's name, receive baptism or dedication unless they are of an independent age or deny the faith, and be viewed as under God's special protection and provision just as the seed of this union. If an overall, one-flesh relationship is to form, neither spouse's children should be excluded.

Second, parents should make legal provision for the care of their children. In case of the death of both parents, the children should be entrusted to another covenant couple. Blood relatives would be the first choice, only if they were regenerate believers. A will to this effect should be drawn up. Parents should vow to follow the leadership of the church and its discipline. This formally should include the renouncing of custodial rights to the children should one apostatize. If such an agreement could be made legally binding, it should be done.

Third, parents must vow to utilize biblical church discipline before going to a civil court to ask redress against a spouse who is breaking his or her marriage covenant. They should also vow to follow the church court's decision or exhaust the denominational court structure before going to a civil court. This should be part of the marriage covenant and baptismal vows taken by the parents of the children of the covenant.

Fourth, if the case does come to a civil court for adjudication, the believing parent must sue for full custody of the children. The church, which should be

deeply involved already, must give whatever help is necessary in this process. The believing parent must not be intimidated by the civil courts, the social welfare system, or the cost. He or she may trade property rights to other possessions for custody of the children or whatever else can be done legitimately. However, he or she must go for full custody as God's representative, protecting His interest as well as that of the children.

Fifth, if the believing parent does get custody, he or she must prayerfully decide on the quantity and quality of the contact between the departed spouse and the children. The children must be taught to honor the departing parent, but not to emulate his or her rebellion.

Sixth, if the civil court does not award full custody to the Christian parent, the parent along with the elders of the church must make a plan of action. They must decide how to respond to the court's perverting justice. They must obey God rather than man.¹⁵ Since this is not a clear-cut case of being asked to disobey a divine command, but one by inference, we must move cautiously. First, there should be prayer and fasting to seek God's wisdom. Next, the situation must be examined to see if in good conscience the parent can comply. If the answer is no, then the decision is either disobedience to the court's order plus a willingness to suffer the legal penalties or fleeing with the children to another state or country that allows familial and religious liberty. If the extended family or clan is Christian, their wisdom may be sought in this decision.

Rushdoony succinctly summarizes the options for a believer under the jurisdiction of an unjust court decision, whether it is ecclesiastical or civil:

For the people of God under their jurisdiction, the routes open are, first, peaceful resistance, using the instruments of the law; second, emigration to another church or another country; third, obedience but with the full awareness that they are obeying as unto God, to preserve order, not unto man, recognizing that, while the powers have no right to command apart from God's word, sometimes duty to obey remains as the moral course, and the pragmatic course; fourth, disobedience as a moral duty under the leadership of authority; such disobedience must be conscientious obedience to God rather than man.¹⁶

Detailed guidelines on how to decide which option to take would be another whole topic. However, it is important to note the seriousness of these decisions.

Conclusion

Now there is something in print. Our brother has a place to start. I am sure

I have raised many more questions than have been answered. No doubt a few theological eyebrows have been raised. Yet I know the deductions concerning the duty of Christian parents are correct. I believe the applications are also. Perhaps you can improve on the article. If you do, I'll be grateful, and I'm sure our brother will be much more so.

Footnotes

1. My major assumption is based upon II Timothy 3:15-17 and can be summarized: "the whole counsel of God concerning all things necessary for his own glory, man's salvation, faith and life, is either expressly set down in scripture, or by good and necessary consequences may be deduced from scripture." *The Westminster Confession of Faith*, Chapter I, Sec. VII.

2. Jay E. Adams, *Marriage, Divorce and Remarriage*. (Phillipsburg: Presbyterian and Reformed Pub. Co., 1980).

3. *Zera* is used 228 times in the Old Testament and means seed. It is used literally and figurately. God promises to multiply Abraham's seed (Genesis 13:15-16; 15:3; 5, 13, 18; 17:7-10; 22:17-18). In Isaiah 6:13 the term holy seed refers to the remnant of Israel, but clearly has a typological reference to Jesus Christ. (See E. J. Young, *Isaiah*, Vol. I [Grand Rapids: W. B. Eerdmans Publ. Co., 1965] pp. 264-6). He is the real seed of the woman (Genesis 3:15). He is the true seed of Abraham (Romans 4:18; Galatians 3:16). He is the true fulfillment of Isaac as the seed of promise who goes to the mount to be cut off but is resurrected (Genesis 22; John 12:23-24). He is the true holy seed in the stump of Jesse (Isaiah 6:13; 11:1). *Qadesh* is used 469 times in the Old Testament and means holy, separated, consecrated to Jehovah. To set apart for special service to Jehovah is the idea. The term is used to refer to Jerusalem, Mt. Zion, the temple, the holy place, and the holy of holies. This indicates the significance of the concept of holy seed. Israel in general and their children in particular are unique redemptive historical pictures of Jesus Christ and His children (Hebrews 2:11-18).

4. *Arbh* has several meanings. Here it is the hitpa'el form and means to mingle or mix. Gesenius says the literal meaning is to braid together.

5. A good place to start is Keil and Delitzsch, *Minor Prophets*, vol. 2, (Grand Rapids: Eerdmans Pub. Co., 1949). The N.A.S.V. text and its marginal translation are helpful for a second, better translation. Overall, the N.I.V. is the best. However, each supports the point that someone is seeking a godly seed.

6. R. J. Rushdoony, *The Institutes of Biblical Law*, I. (Phillipsburg: Presbyterian and Reformed Pub. Co., 1973), pages 174-5.

7. The term is *hagia*, which means holy and is the opposite of *akatharta*, which means unclean. This is the Greek word used to express the Hebrew term *qadesh* (cf. footnote 3). The children are consecrated to God's service and are not impure, contaminated, but allowed into God's presence to serve Him and to receive blessings in return.

8. R. C. H. Lenski and J. Calvin have helpful comments on this passage. Calvin notes that the command is broad in its scope. While it includes unlawful marriage it means much more.

9. Adams, *op. cit.*

10. *Westminster Confession of Faith*, Chapter XXIV, Sect. VI.

11. Rushdoony, *op. cit.* His section on "Family and Authority" is thought provoking, pages 199–208. On page 207 he says:

Whereas the father as the source of authority once normally gained custody of the children in a divorce, today only six states, Alaska, Georgia, Louisiana, North Carolina, Oklahoma, and Texas, continue to declare the father "the preferred natural guardian."

12. *Ibid.*, pages 617–621. This section on the court is very helpful in grasping God's view of civil courts and law.

13. John W. Whitehead, *Parents' Rights*. (Westchester: Crossway Books, 1985).

14. *Ibid.*, Chapter six, "The American Experience".

15. L. Buzzard and P. Campbell, *Holy Disobedience: When the Christian Must Resist the State* (Ann Arbor: Servant Books, 1984). This is a good introduction to this subject and the issues involved. The strength of the book is the survey of the issues involved and the historic approaches taken by the church through the ages. The weakness is the lack of solid biblical exegesis.

16. Rushdoony, *op. cit.*, page 620.