

Annapolis Evangelical Presbyterian Church
Session Policy on Marriage, Divorce and Remarriage

Introduction

The purpose of this policy paper is to articulate the understanding, on the part of the Session of the Evangelical Presbyterian Church of Annapolis, Maryland, of the position of our denomination's (PCA) handling of divorce and remarriage, and to provide pastoral considerations for areas where the Presbyterian Church in America requires each Session to determine steps in individual cases. This paper will seek to summarize our understanding of the teaching of Scripture with regard to marriage, divorce, separation, and remarriage. It will then conclude with a statement of our policy for shepherding God's people for whom these teachings apply.

We begin with a word to the members of our congregation who are reading this policy. It may be that your interest in reading this policy stems from an immediate or potential crisis in your own marriage. It is our desire that you be comforted by the words of the psalmist (Ps 46:1): "God is our refuge and strength, a very present help in trouble." No matter how difficult your trials may seem, if you belong to Christ, nothing can separate you from His love (Rom 8:35). Your elders thus invite you to allow us the high and holy privilege of walking with you through these troubles. This policy is meant as a guide for both you and your elders, yet with the Apostle John we are reminded that "though I have much to write to you, I would rather not use paper and ink. Instead I hope to come to you and talk face to face, so that our joy may be complete" (2 John 12 ESV).

I. Marriage

Before addressing the subject of divorce, it is important to begin where our Lord Jesus did when questioned on this subject. Our Lord responded to the Pharisees' question about divorce (a question designed to trap him) with a strong affirmation of God's purpose and plan for marriage:

He answered, "Have you not read that he who created them from the beginning made them male and female, and said, 'Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh'? So they are no longer two but one flesh. What therefore God has joined together, let not man separate." (Matt 19:4-6 ESV)

Marriage matters. Marriage is essential to the proclamation of the gospel because Scripture uses marital imagery throughout its inspired pages to describe the relationship between God and his people (Is 54:5-6; Ezek 16:8-14; Hos 2:14-20; Rev 19:6-8). Yet most significantly, the Apostle Paul tells us in Eph 5:32 that the marriage between Christ and the church is the antitype and human marriages are the type, which is to say, that the Christ/church marriage is the true "marriage masterpiece" upon which all human marriages are based.

In addition to the way marriage helps us understand the gospel, marriage matters because it is a creation ordinance valid for all men and women everywhere and in every age. The Scriptures teach that this creation ordinance serves many functions. We affirm therefore, that among these functions are the following:

1. Marriage is a life-long covenant (Matt 19:6; 1 Cor 7:39).
2. Marriage is between one man and one woman (Gen 1:27; 2:25; Lev 18:22; Matt 19:6).
3. Marriage is for companionship (Gen 2:18; 24:67; Song 5:16).
4. Marriage is for producing and raising godly children (Gen 17:7; Mal 2:15; Eph 6:1-4).
5. Marriage is for sexual purity and pleasure (Prov 5:15-19; 1 Cor 7:1-5).

6. Marriage is for a stable society (Ex 20:12; Mal 4:5-6).

For whom does marriage matter? Since marriage is a creation ordinance it matters to all creation, but specifically, we affirm that marriage matters to:

1. The husband and wife who marry (Gen 2:24)
2. The children who are protected and nurtured by their parents' union (Ps 127:3)
3. The Church which is modeled after the marital family (1 Tim 3:5; 3:14-15; 5:1-2)
4. The greater society, including all government and order, as well as those who are not married (WLC 124; Ps 68:6; Is 56:3-5; Rom 13:1)

Finally, under our biblical understanding of marriage we make the following affirmation and denial:

We affirm that since the creation of mankind the proper persons who may marry are one man and one woman (Gen 2:24; Matt 19:6).

We deny that two persons of the same sex can ever constitute a biblical or true marriage, despite what any civil magistrate may affirm (Lev 18:22; Rom 1:26-27).

II. Divorce

As elders in the Presbyterian Church in America, we affirm through our ordination vows the understanding of divorce which is summarized by the Westminster Confession of Faith, Chapter 24.6, which reads,

Although the corruption of man be such as is apt to study arguments unduly to put asunder those whom God hath joined together in marriage: yet, nothing but adultery, or such willful desertion as can no way be remedied by the church, or civil magistrate, is cause sufficient of dissolving the bond of marriage: wherein, a public and orderly course of proceeding is to be observed; and the persons concerned in it not left to their own wills, and discretion, in their own case.

In order to state with the utmost clarity, the Session understands the terms “adultery” and “willful desertion” in the following way:

Adultery means a physical act of sexual immorality which violates the “one-flesh” principle of marriage. The Greek word used in Matt 5:32 and 19:9 is *porneia*, which means any kind of illegitimate sexual intercourse. We understand this definition to include not only heterosexual vaginal intercourse, but acts of homosexuality, bestiality, or oral-genital contact. With the PCA Position Paper, we agree that while masturbation and pornography are not per se grounds of divorce because they do not unmistakably break the one-flesh relationship, yet it is possible that, if a person became so obsessed with them that they become a substitute for fulfilling the conjugal rights of the spouse, then they could be understood to break the one-flesh union. *Porneia* is the sole exception which our Lord Jesus cites in the Gospels as a ground for divorce.

Willful Desertion is a condition which the Apostle Paul describes in 1 Cor 7:15. Defining this condition has been the subject of considerable debate within the church. Most simply understood, the term refers to the refusal by an *unbeliever* to “live with” (1 Cor 7:12-13) his or her spouse. The unbelieving status of the partner who forsakes the marriage covenant needs to be carefully noted. The Session, therefore, will be careful to adjudicate the visible church membership of the partner who has been accused of abandoning the marriage. This process of church discipline is part of the required “public and orderly course of proceedings...to be observed”¹ and members of the church are reminded of the importance of waiting upon this process.

It is our understanding that the term “separate” (used in the English Standard Version of 1 Cor 7:10 and 15 for the Greek word *chorizo*) refers to separation through divorce, that is to say, a permanent act of dissolution of the marriage.

¹. WCF 24.6.

The much debated question is whether there are “dynamic equivalent” acts of willful desertion which fall short of a legal or physical departure from the marriage covenant. We believe the best way to answer this question is to quote extensively from our denomination’s Position Paper on Divorce and Remarriage which was adopted by the 20th General Assembly in 1992.

Are there other forms of “separation” today that may be considered equivalent to this leaving of the marriage of which Paul speaks? Specifically, what about cases of habitual physical abuse? Has that person deserted his spouse to the extent we may label it *de facto* divorce? We must be careful not to open the floodgate of excuses. On the other hand, we need to recognize the reality of the “separation.” We should allow Sessions the liberty to discern with much prayer what would be the proper response in particular circumstance.

Several considerations incline us to agree with those of our authorities who have maintained that desertion can occur as well by the imposition of intolerable condition as by departure itself. We are struck by the fact that, taking Matthew 19 and 1 Corinthians 7 together, it appears that the Lord concedes the necessity of the abolition of marriage in certain cases precisely so as to protect a blameless spouse from intolerable conditions. Further, taking into account both the general principles of Biblical ethics and the Scripture’s characteristic manner of ethical instruction, *viz.* the statement of commandments in a general form to which is added case law sufficient to indicate the manner of application, it seems to us that those Reformed authorities are correct who have argued that sins which are tantamount in extremity and consequence to actual desertion should be understood to produce similar eventualities (cf. Larger Catechism, Q. 99, A. 6).

What is more, a husband’s violence, particularly to the degree that it endangers his wife’s safety, if unremedied, seems to us, by any application of Biblical norms, to be as much a ruination of the marriage in fact as adultery or actual departure. This is so precisely because his violence separates them, either by her forced withdrawal from the home or by the profound cleavage between them which the violence produces, as surely as would his own departure, and is thus an expression of his unwillingness “to consent” to live with her in marriage (1 Cor. 7:12-13; Eph. 5:28-29). Further, insofar as the “passivity” of the blameless spouse is an important prerequisite in Paul’s permission of the dissolution of marriage on account of desertion, it seems right to note that in the case of physical abuse, for example, the blameless spouse is similarly victimized.

Finally, credible alternatives to this point-of-view seem to us to be wholly lacking Scriptural support. It is all very well to recommend separation as a temporal expedient to protect a battered wife, but perpetual separation amounts to a Roman Catholic doctrine of the indissolubility of marriage and could scarcely be justified as a Biblical alternative to divorce.

Indeed, separation of any kind as a means to dealing with marital difficulty and preventing divorce not only is neither recommended nor mentioned in Scripture, but

seems to be contrary to a fundamental principle of Biblical spirituality, viz. that what ought not to be done, ought not to be approached.

We are quick to add, however, that the list of sins tantamount to desertion cannot be very long. To qualify a sin must have the same extreme effect as someone's physical abandonment of his spouse. Both *porneia* and desertion are objective acts by which a marital covenant might be broken. The Bible gives no justification for divorce based on merely inward, emotional, and subjective reasons. Even if we find justification for interpreting *porneia* and desertion in a broader sense than some have, they must be broadened only within the boundaries of serious objective acts of sexual immorality or desertion. They must not be interpreted in any way that opens the floodgates to divorces based on subjective reasons, such as "irreconcilable differences," "emotional separation," "loss of affection," or the like. There is often great pain involved in marriage, and God intends for His people to work through the pain and learn to love even when we are not loved by the other. Emotional problems in and of themselves are not Biblical grounds for divorce. And the elders of Christ's Church must not surrender to worldly pressures and allow that which God does not allow. In this and in many more ways, the Church's health and integrity depends upon her elders' ability, and willingness and unwavering courage to provide godly, wise, merciful and severe, and scrupulously Scriptural application of Biblical norms to human situations.

The fact remains that Scripture does not address the circumstance of an abusive husband. As is the case in any other area of Biblical ethics, one cannot extract from Scripture a comprehensive statement of all possible applications of a divine law. Rather, it is left to the church to apply Biblical norms, with the direction provided by the casuistry Scripture does supply, to the untold number of situations which must be faced. It is important to acknowledge that the view that "desertion" in 1 Corinthians 7 cannot be made to refer to anything but actual departure from house and home and the view we have stated above are both extrapolations from the Scriptural statements. No one can appeal to a Biblical statement concerning the duty or liberty of a battered spouse.²

In conclusion, the Session of Evangelical Presbyterian Church states the following:

We affirm in agreement with the PCA Position Paper that there are certain extreme cases which constitute a "dynamic equivalent" to adultery or willful desertion without a literal equivalent. As part of this affirmation we state our intention that in every case in which it is called upon to judge, a Commission of the Session will investigate the matter prayerfully, biblically, and thoroughly before making a written report to the Full Session for its adoption.

². Paul Gilchrist, *PCA Digest: Position Papers 1973-1993, Part V* (Atlanta: Presbyterian Church in America, 1993), 228-230.

We deny that there are additional Scriptural grounds for divorce beyond those stated in the Westminster Confession of Faith, Chapter 24.6, and as interpreted in Section II of this present policy paper.

III. Separation

In the days of the Apostle Paul, “separation” did not exist as a status set apart from divorce. The separation that Paul speaks of in 1 Cor 7:10-15 was itself an act of divorce. We acknowledge that in our modern cultural setting there is normally a period of time between when cohabitation ceases and the civil court grants the final legal dissolution of the marriage covenant. This period of time, therefore, is never to be urged as a strategy for “marital therapy” but is the practical outworking of the decision by one or both of the partners to dissolve the marriage. However, there may be conditions of physical safety where cohabitation is unwise until the true motive of the abusive partner can be determined.

When the Session is confronted with a situation among church members of either a physical separation from cohabitation and/or a limited or absolute divorce through the civil court as a *fait accompli*, the biblical admonition given will be the same: a) Refuse to enter into a dating or marriage relationship with any additional person, b) Receive biblical counseling to reconcile outstanding issues between the couple, c) Reconcile by means of remarriage when possible.

We furthermore make the following affirmation and denial:

We affirm that there are only two conditions anyone may be in (married or unmarried) and that neither condition may be occupied simultaneously (1 Cor 7:11; 7:20-28; 7:39).

We deny that our modern cultural understanding of “legal separation,” “limited divorce,” or the Roman Catholic Church’s allowance of separation from bed and board without divorce³ is a biblically permissible condition to be permanently tolerated by either the believer or the church.

IV. Remarriage

The Apostle Paul uses the terms “bound” and “free” (1 Cor 7:15, 27, 39) to refer to whether one has been loosed from the bonds of one marriage and is free to enter into another marriage. No marriage may occur with biblical sanction until this “loosing” function has been fully executed. In the case of the death of a spouse or the remarriage of a former spouse to another, this bond has been permanently released (Deut 24:4; Rom 7:2; 1 Cor 7:15, 39).

Remarriage may also become a possibility where the former spouse refuses reconciliation in such a way that he manifests himself to be an unbeliever. In every such case, a public and orderly course of proceedings should be followed and not left to the own will and discretion of the person concerned (Matt 18:15-35).

When a person remarries without being biblically “free” to do so, Jesus made it clear that such an act is adulterous (Matt 5:32; 19:9; Mark 10:10-12; Luke 16:18). This is not an affirmation that such a marriage is in a perpetual state of adultery or that forgiveness can never be extended. It is a reminder, however, that sinful acts should never be considered good or something to be imitated (Is 5:20; Phil 4:8-9). Nevertheless, the example of the continuation of David’s marriage to Bathsheba despite its evil beginning, teaches us that even heinous sin can be forgiven and that what man meant for evil, God can use for good (2 Sam 12:13-14, 24; Gen 50:20; Matt 1:6).

Concerning remarriage:

³. *Catechism of the Catholic Church*, 411.

We affirm that remarriage is often desirable when one has been biblically “loosed” (1 Tim 5:14; 1 Cor 7:28, 36), and that this desirability extends to divorced persons who have satisfied past obligations through forgiveness, repentance, restitution, and sincere efforts at reconciliation. *We deny* that remarriage is ever permissible when a wronged partner is seeking reconciliation (1 Cor 7:11; Matt 5:24).

V. Church Policy and Procedures

Based upon our understanding of Holy Scripture, the Westminster Confession of Faith, and the PCA Position Paper on Divorce and Remarriage to the 20th General Assembly, the Session of Annapolis Evangelical Presbyterian Church will use the following procedures to guide our actions:

1. While the Session has a concern for the health of all marriages, including those regular attendees of EP Church or non-believers in our community, nevertheless, the application of this policy to the point of official action by the Session is limited to those individuals who have taken membership vows with EP Church of Annapolis.
2. When any member of EP Church is experiencing marital struggles which threaten the long-term stability of his or her marriage, it is the member’s responsibility to bring this concern to the elders of the church for biblical counsel and assistance.
3. When a report reaches the Session that a member’s marriage is under stress to the point of contemplation of separation or divorce, a commission of the Session shall be appointed to shepherd the member(s).

4. It is incumbent upon church members as an implication of their membership vows⁴ to cooperate with the commission in its work to promote marital reconciliation or to oversee dissolution.
5. If a member desires to physically separate from or legally divorce his or her spouse, the member shall formally request and receive from a commission its advice and consent before proceeding (unless a credible threat to physical safety precludes immediate notification).
6. Commissions shall keep a written record of their proceedings. Access to commission records is only by permission of the Session.
7. Godly women may serve as advisory member(s) of the Commission.
8. Commissions should seek to honor 1 Cor 6:1-8 by not delaying church discipline of a church member who is contumacious.
9. The ultimate responsibility for and decision to divorce belongs to the offended party alone (Prov 14:10; Rom 14:23; 1 Cor 7:28, 39-40). However, as the Westminster Confession of Faith (24.6) states, “a public and orderly course of proceeding is to be observed; and the persons concerned in it not left to their own wills and discretion in their own case.” This means that the Session will never command divorce but does require church members to receive its advice and consent before proceeding to follow their own conscience.
10. Permanent separation from bed and board without finalization through a civil divorce is not a biblical option. Commissions shall shepherd the individuals to a resolution of this

⁴. Presbyterian Church in America, General Assembly, *The Book of Church Order* (Lawrenceville, GA: Office of the Stated Clerk of the General Assembly of the Presbyterian Church in America), 57.5.

anomaly in accordance with their membership vows to submit to the government and discipline of the church.⁵

11. Remarriage is permitted for all persons who are biblically divorced. Those who were improperly divorced may be remarried if a Session investigation determines that all outstanding “bonds” from this past sin (cf. 1 Cor 7:15, 27, 28, 39 for “bond” language) have been “loosed.”

12. Divorced men may be permitted to serve as pastors, elders, or deacons after their particular circumstances have been carefully evaluated by the Session to determine that the qualifications mandated by 1 Tim 3:1-13 and Titus 1:5-9 have been fully met.

This policy statement was adopted by the Session of the Evangelical Presbyterian Church of Annapolis, Maryland on April 25, 2011.

Dan Smith, Moderator, Pro-Tem

Mike Kaweck, Clerk

⁵. PCA, *Book of Church Order*, 57.5. See especially the fifth vow.