

20th General Assembly, 1992, Appendix 0, p. 513

DIVORCE AND REMARRIAGE

19-16, p. 63, Recommendation 7:

“In light of the current focus on sexuality and the public confusion generated through the recent controversy on that subject within the Presbyterian Church (USA), the Presbyterian Church in America (PCA), a distinctly different denomination, strongly reaffirms its commitment to the Bible's teaching on sex and marriage.

“The PCA reaffirms that sex is a gift from God which should be expressed only in marriage between a man and a woman. Therefore all sexual intercourse outside marriage, including homosexuality and lesbianism, is contrary to God's Word (the Bible), and is sin. We acknowledge that the Bible declares that those who continuously and unrepentantly sin shall not inherit the kingdom of God, and we sorrow for their plight.* Yet we also joyfully acknowledge that God in the gospel of Jesus Christ forgives repentant sinners and welcomes such forgiven, cleansed and changed sinners into the Church of Jesus Christ.”

(1 Corinthians 6:9-11)

REPORT OF THE AD-INTERIM COMMITTEE

ON DIVORCE AND REMARRIAGE

TO THE TWENTIETH GENERAL ASSEMBLY

INTRODUCTION

Due to the need for guidance regarding pastoral care of persons affected by divorce or severe marital crisis, the 16th General Assembly appointed the Ad Interim Committee to prepare a report which would include, but not be limited to, the following:

- a) A re-examination of biblical teaching concerning grounds for divorce and remarriage. The committee shall ask whether the Westminster Confession Chapter 24.6 is more lax or more restrictive than Scripture, and shall suggest any revisions to that article of the Confession it deems appropriate. In particular, the committee shall address the question, whether a Christian may have other legitimate grounds for divorce, besides desertion by an unbelieving spouse, or adultery (for example, inveterate physical abuse, marital rape or other sexual abuse, attempted murder, or equally serious violations of the marriage covenant).

- b) Recommend guidelines and resources for pastoral care and counsel of couples with marital difficulties, persons considering divorce or remarriage after divorce, divorced persons, and children and other family members affected by divorce." (1988 General Assembly, Overture #12)

This report represents the findings of the Committee. Having considered carefully the request of the General Assembly, the Committee divided its research into three parts. First, it was asked to consider whether the Confession is more lax or more restrictive than Scripture, and whether any revisions to the Confession would be appropriate at this time. Chapter 1, Historical Perspective on Divorce and Remarriage focuses on the conclusions reached by the Westminster Divines and the diversity of views present in that day. Most of the issues debated today were debated then with a broad range of answers, and the writings of the Puritan and Continental Divines provide an interesting parallel to today's breadth of views in the PCA.

Second, the Committee was asked to consider whether there could be other legitimate grounds for divorce besides "desertion by an unbelieving spouse" or "adultery," namely, such harmful actions as inveterate physical abuse, attempted murder, etc. Chapter 2, Scriptural Perspective on Divorce and Remarriage, seeks to address this issue by reexamining those passages of Scripture that deal with divorce and remarriage. In the past, countless such studies have been made. There are no new scriptures to which we may appeal for answers. Whatever answers there are in Scripture will be based on those passages already studied by so many, and especially on the interpretation of two major passages, Matthew 19:9 with its "exception clause," and I Corinthians 7:10-15 with its details regarding "desertion." This is the heart of the debate. Can the "sexual immorality" (*porneia*) of Matthew 19:9 be understood to include a variety of forms of sexual sin, or must it be limited only to one sexual offense? Can "desertion" of I Corinthians 7 be understood to include such harmful actions as physical abuse and attempted murder, or must it be limited only to an unbelieving spouse leaving the house of a believer?

Actually, the Committee was not totally pleased with the wording of the request "whether a Christian may have other legitimate grounds for divorce..," as though the task of the committee would be to find if there were other legal ways out of a marriage. It is better to view Matthew 19:9 not as providing a ground for divorce but rather an exception to the principle of the permanence of marriage. Also, as the report will show the "desertion" of I Corinthians 7 was not a ground for divorce, but rather an actual incidence of divorce. Considerable thought has been given to the meaning of "sexual immorality" and "desertion," and the findings of the Committee need to be pondered carefully in the light of the entire chapter on Scripture.

Third, the Committee was asked to provide guidelines and resources for the PCA in its pastoral care and counsel of all parties affected by marital difficulties, divorce, or remarriage. Ruling and teaching elders will find this third chapter very helpful as they seek to minister to people in these situations, and as they establish policy and procedures for the churches. Many excellent insights and suggestions are given to help in this most difficult pastoral task.

The Committee appreciates that pastors and sessions will adopt, modify, or ignore the guidelines and resources as the case may be. In the Church, there are significant differences of opinion regarding approaches to pastoral counseling. The Committee will not recommend that the General Assembly adopt these guidelines, only that they be made available for consideration. In this regard, let no one mistake the attention we pay both to historical data and pastoral guidelines in chapters one and three. We understand that Holy Scripture is, as our Confession says, "the

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supreme authority" in this as in all matters of faith and practice. Our Confession, as a subordinate standard, is a faithful effort to reproduce the Scripture's teaching.

In the process of preparing this report, the Committee received numerous suggestions for improving the report. The Committee considered every suggestion, whether it was from a presbytery, a session, or a particular elder. All were considered, and some significant changes have been made as a result.

The format of the report is a basic one. The initial Outline serves as a summary of the content of the report, and as an aid in finding the Committee's statements on specific issues. Please be careful to read the Committee's specific statements in the context of the whole report. Then three chapters follow dealing with the three parts of the report. Finally, in the Conclusion, a summary of our findings is stated, and it is followed by a series of specific recommendations to the General Assembly. We have sought to make the report readable and usable for all members of the PCA, and trust that it will bring glory to God.

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CHAPTER I

HISTORICAL PERSPECTIVE ON DIVORCE AND REMARRIAGE

I. The Westminster Confession on Divorce and Remarriage

The 16th General Assembly (1988) of the Presbyterian Church in America appointed a study committee to reexamine the biblical teaching on divorce and remarriage and to ask whether the Westminster Confession of Faith is more lax or more strict than Scripture on this issue and to propose any revisions deemed appropriate.¹

The assertions of the Confession to be queried are the following:

In the case of adultery after marriage, it is lawful for the innocent party to sue out a divorce: and after the divorce to marry another, as if the offending party were dead. (24.5)

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. (24.6)

It is not the first time in this century that the teaching of the Confession on divorce has been reviewed by an American Presbyterian church body. The Presbyterian Church in the U.S. A. in 1953 adopted a revised chapter on marriage and divorce, and the Presbyterian Church in the U.S. followed with a revision of its own in 1959. The latter was subsequently adopted by the Evangelical Presbyterian Church in 1984; it is currently being reviewed by that church's standing committee on theology at the request of the 9th General Assembly (1989).

Is the Confession too strict or too lax? Or is it just right? The mid-century studies cited above apparently found it too strict, but more recently it has come under attack by some evangelicals for being too lax. William Heth and Gordon Wenham in particular are critical of the Westminster position, which they call "the Erasmian view" inasmuch as "the exegetical tradition started by Erasmus and amplified by Luther and the other Reformers was confirmed by the above sections [24.5-61 in this Confession of Faith]."²

II. The Witness of the Early Church

The Heth-Wenham thesis is that Erasmus departed from the uniform teaching of the early church that remarriage following divorce for any reason was adulterous, a view which they defend as exegetically sound. It may be noted here that what they call "the early church view" is more accurately "the final Augustinian view". As late as 413 Augustine wrote: "Nor is it clear from Scripture whether a man who has left his wife because of

¹ *Minutes of the Sixteenth General Assembly of the Presbyterian Church in America, 1988*, p. 41.

² 2 William A. Heth and Gordon J. Wenham, *Jesus and Divorce: The Problem with the Evangelical Consensus*, Nashville, 1984, p. 83. The Westminster position is also implicitly criticized by J. Carl Laney in *The Divorce Myth: A Biblical Examination of Divorce and Remarriage*, Minneapolis, 1981.

adultery, which he is certainly permitted to do, is himself an adulterer if he marries again. And if he should, I do not think that he would commit a grave sin.³ Augustine's definitive position according to which such a man would be an adulterer appears six years later in *De Conjugliis adulterinis*.⁴

It is by no means certain that Heth and Wenham adequately represent the teaching of the early church. According to Jesuit scholar Theodore Mackin in his massive *Divorce and Remarriage*, "Christian writers on the subject of adultery, divorce and remarriage, beginning in the middle of the second century and continuing at least until Augustine ... never call the following persons adulterers: (1) A husband who remarries after dismissing an adulterous wife. (2) A husband who remarries after being abandoned by his wife. (3) A woman who marries a man in either of these two cases."⁵

Moreover, the Augustinian view was never adopted by the Eastern churches, all of which permitted divorce and remarriage. Mackin summarizes the discipline of the Byzantine Church in the thirteenth century as follows:

When a marriage is indissoluble this comes of its being a sacramental marriage of two Christians. But even this indissolubility yields to divine dispensation as this was expressed by Christ in the exceptive clause recorded in Matthew 5:3: and 19:9...In the circumstances envisioned by the Matthean passages the Church was thought to be authorized to separate the spouses, to dissolve their marriage in the name of and by the authority of God ... *Porneia* in the exceptive clause was taken to designate adultery; dismissal was taken to designate the dissolution of the marriage.

But the adultery warranting dismissal and dissolution was understood to be not the only cause, but to be only a sample and a point of departure for other and equivalent causes. It was taken as self-evident that other crimes are possible to spouses that injure their marriages with equal or greater severity. Abortion and attempted murder of the spouse were only two of these.⁶

The historic difference between the Roman Catholic and the Eastern Orthodox churches on the doctrine of divorce persists down to the present day.⁷ Thus, while Erasmus should be given his due for his exegetical contribution to the discussion, to label the view which permits remarriage following divorce for just cause "Erasmian" is misleading.

In any case, of more immediate concern than the question of historical antecedents is the question of what the Confession actually teaches, especially with respect to "desertion" as

³ Augustine, *On Faith and Works*, trans. Gregory J. Lombardo, New York, 1988, ch. 19 (35) p. 43.

⁴ *Ibid*, note 198, p. 98.

⁵ Theodore Mackin, *Divorce and Remarriage*, New York, 1984, p. 172.

⁶ *Ibid*, p. 373.

⁷ Cf. Gregor Larentzakis, "Marriage, Divorce and Remarriage in the Orthodox Church," *Theology Digest* 26 (1978) pp. 232-234. The discipline of the Roman Catholic church is another matter. See Joseph P. Zwack, *Annulment Your Chance to Remarry within the Catholic Church*, New York, 1983.

a second ground for divorce alongside adultery. To judge whether the Westminster position is too strict or too lax, we must first determine what it is. This may not be entirely simple.

The Original Intent of the Confession

It is a sound principle that constitutional documents should be interpreted according to their original intent. For creeds and confessions to function as subordinate norms, they must be read according to the grammatico-historical method of interpretation. Confessional subscription is not to anything the words can be taken to mean, but rather to the *discourse meaning* of the text.⁸

The Westminster divines took up the question of marriage and divorce in 1646, the year the Confession was completed (apart from the proof texts requested by Parliament). The minutes record the following actions. The committee assignment was made February 23. The report on marriage was presented June 17 and debated August 3-4. The report on divorce was presented August 10 and debated September 10-11. The proposed chapter "Of Marriage and Divorce" as a whole was debated November 9, and the section on willful desertion was recommitted. The committee reported back the next day, and, following further debate on willful desertion, the Assembly on November 11 adopted the chapter "Of Marriage and Divorce" as we now know it.⁹

It is of interest that none of the antecedent Reformed confessions in the British Isles -- neither the Scots Confession (1560) nor the Thirty-Nine Articles of the Church of England (1563) nor the Irish Articles of Religion (1615) - include a statement on divorce, and the articles on marriage in the latter two documents focus narrowly on the question of a celibate clergy. According to the Thirty-Nine Articles:

Bishops, priests, and deacons are not commanded by God's law either to vow the estate of single life or to abstain from marriage. Therefore it is lawful also for them, as for all other Christian men, to marry at their own discretion as they shall judge the same to serve better to godliness. (32)

The parallel affirmation in the Irish Articles of Religion is only slightly broader.

For the preservation of the chastity of men's persons, wedlock is commanded unto all men that stand in need thereof. Neither is there any prohibition by the Word of God but that the ministers of the Church may enter into the state of matrimony: they being nowhere commanded by God's law...[remainder repeats the Thirty-Nine Articles verbatim]. (64)

⁸ The term *discourse meaning* points us back to the event of the utterance or act of writing which is contextually informed and determinative for meaning". Peter Cotterell and Max Turner, *Linguistics and Biblical Interpretation*, Downers Grove, Illinois, 1989, p. 69.

⁹ *9 Minutes of the Session of the Westminster Assembly of Divines*, ed. Alexander F. Mitchell and John Struthers, Edinburgh, 1976, pp. 190, 244, 262-264, 266, 279-280, 299, 300. Unfortunately, George Gillespie's fuller *Notes of Debates and Proceedings of the Assembly of Divines and Other Commissioners at Westminster*, Edinburgh, 1846, records only from February 1644 to January 1645. Similarly, John Lightfoot's *Journal of the Proceedings of the Assembly of Divines* is limited to the calendar years 1643-1644.

Taking into account also the Reformed confessions on the continent, the only Reformed creed to contain any reference to divorce prior to the Westminster Confession is the First Helvetic Confession (1536), which in its teaching on marriage includes a word for the civil government:

We contend that marriage has been instituted and prescribed by God for all men who are qualified and fit for it and who have not otherwise been called by God to live a chaste life outside marriage. No order or state is so holy and honorable that marriage would be opposed to it and should be forbidden. Since such marriages should be confirmed in the presence of the Church by a public exhortation and vow in keeping with its dignity, the *government* should also respect it and see to it that a marriage is legally and decently entered into and given legal and honorable recognition, *and is not lightly dissolved without serious and legitimate grounds* (27); emphasis added.¹⁰

Although the Westminster articles on divorce are without confessional precedent in the Reformed churches, they are understandable given the historical circumstances of the Westminster Assembly. By the Solemn League and Covenant (1643) both Assembly and Parliament were sworn to preserve and extend "the reformed religion and to "endeavor to bring the Churches of God in the three kingdoms [Scotland, England, and Ireland] to the nearest conjunction and uniformity in [that] religion" (1st vow). As its dual title indicates, the Solemn League and Covenant was a political instrument as well as a religious commitment. At its heart lay "the conviction that the unity of a society inheres in its religion and church."¹¹

Given the conception of a religiously unified society and the intimate connection between church and state that obtains under such circumstances, it is not surprising to find the social institution of marriage among the articles of religion addressed by the Westminster Confession. The Assembly no doubt judged that the unity of both church and society would be well-served by a confessional exposition of the doctrine of marriage, including the biblical grounds for its dissolution, a controversial issue in 17th century Britain.¹² The Scottish Parliament, already in 1573 had enacted legislation which allowed divorce for desertion.¹³ With Anglo-catholic on the one hand, still arguing that marriage was indissoluble, and Milton, on the other,

¹⁰ The Second Helvetic Confession (1566), although silent on divorce, is unique in making this proposal: "Let lawful courts be established in the Church, and holy judges who may care for marriages, and may repress all unchastity and shamefulness, and before whom matrimonial disputes may be settled." (29)

¹¹ John H. Leith, *Assembly at Westminster: Reformed Theology in the Making*, Richmond, 1973, p. 59.

¹² Cf. James Turner Johnson, *A Society Ordained by God: English Puritan Marriage Doctrine in the First half of the Seventeenth Century*, Nashville, 1970. A useful discussion, but unaccountably it does not include the Westminster Confession.

¹³ *Marriage and Divorce: A Report of the Study Panel of the Free Church of Scotland*, Edinburgh, 198

p. 28. "These two causes for the termination of marriage [adultery and desertion] ... remained the only two grounds for divorce in Scotland until 1938 when cruelty, incurable insanity, sodomy and bestiality were added by Act of Parliament" (p. 28). More radical legislation was enacted in 1976 and 1977 (p. 5)

lobbying for divorce on grounds of incompatibility, the question could hardly be ignored as it was bound to have an effect on the civil law.¹⁴

As it turned out, Parliament did not take the “humble advice” of its assembled divines on this issue but omitted the paragraphs on divorce in its authorized edition of the Confession published in 1648. The Savoy Declaration (1658) also chose to do without them, so it has fallen to the Presbyterian churches to wrestle with their confessional status.

Between the rigorous Anglican view and the relaxed view of Milton the Westminster position on divorce might seem to be a golden mean, but it was not adopted for any reason other than that it was believed to be biblical.

IV. The Views of Three Prominent Puritan Divines

A. William Perkins (1558-1602)

Remarriage following divorce for adultery had long been permitted by English Puritan divines. The exegesis of the exceptive clause in Matthew given by William Perkins (1558-1602) is typical:

By *fornication*, Christ meaneth not every sin of that kind, but only the sin of *adultery*; or that which is greater in that kind, namely *incest*... The exception belongs to the whole answer of our savior Christ, denying divorce, save only for adultery; and permitting no marriage after divorcement, save only where divorce is for adultery.¹⁵

Although he is expounding the Sermon on the Mount, Perkins brings in I Corinthians 7:15. Desertion of a believer by an unbeliever is not viewed as a second *ground* for divorce, but it is nevertheless another circumstance which results in the dissolution of the marriage.

The malicious or wilfull departing of the unbeliever, doth dissolve the marriage; but that is no cause of giving a bill of divorce: only adultery causeth that. Here the believer is a mere patient, and the divorce is made by the unbeliever, who unjustly forsaketh, and so puts away the other.¹⁶

With respect to I Corinthians 7:10-11, where both marriage partners are believers, Perkins says: "The Apostle speaketh of departure, and putting away, for other causes than

¹⁴ 14 John Milton, *The Doctrine and Discipline of Divorce: Restor'd to the Good of Both Sexes from the Bondage of Canon Law and Other Mistakes ... to the Parliament of England with the [Westminster] Assembly*, 2nd ed., London, 1644. The 1st edition was published in 1643; both editions, along with Milton's other divorce tracts, are included in *Complete Prose Works of John Milton*, vol. 2, 1643-1648, ed. Ernest Sirluck, New Haven, 1959.

¹⁵ William Perkins, *A Godly and Learned Exposition of Christ's Sermon on the Mount: Preached in Cambridge by that Reverend and Judicious Divine M. William Perkins. Workes*, Cambridge, 1618, vol. 3, p. 69. Perkins specifically rejects contagious and incurable disease and attempted murder as grounds for divorce.

¹⁶ *Ibid.*

adultery; as for hatred, dislike, etc., which indeed are not sufficient causes of divorce, and therefore they that separate thereupon, ought not to marry."¹⁷

Perkins' *definitive* treatment of desertion is found in his *Christian Oeconomie*. He begins with a definition: "Desertion is when one of the married folks upon a wilfull and obstinate mind of their own head departeth from the other without a just am necessary cause."¹⁸ He then discusses "sundry cases".

Case 1: "Suppose that an husband which is an unbeliever or a heretic in the foundation of his own accord, upon detestation of true religion, quite forsakes the believing wife and denies any more to dwell with her: what is to be done?" The answer is relatively straightforward: "All good means must be used to bring the infected [sic] party to repentance; and when none will succeed, but the case remaineth desperate, then marriage is dissolved on his part, and the believing wife is free to marry another."¹⁹

Case 2: "What if there fall out a desertion between two married folks, which are both believers?" The answer here is more complicated:

The faulty person, who is the cause of his desertion, is to be forced by course of civil, and ecclesiastical censure to perform his, or her duty. Upon which proceeding if he remain obstinate and perverse in will; the other must in patience, and earnest prayer unto God, wait the time, until his mind may be changed, and he be made to relent by the order of the Magistrate. But if one of them, by just occasion of fear, be compelled to depart from the other: and cannot return again without apparent danger of life; in this case they are not bound to return; but the delinquent party is to remain solitary, till they be instructed and made willing to do their duties: and in the meanwhile, the party innocent must be resolved that God hath called him or her to a single life.

Again, be it that the one is resolutely unwilling to dwell with the other, an thereupon flies away without any fault of the other: if the thing after a Ion, space be sufficiently known before-hand, and all probable means have bee used, to reclaim the guilty person; yea, being called he doth not personally appear before the judge, to yield a reason of the fact; after public and solemn declarations made, *the Minister upon such desertion may pronounce the marriage to be dissolved*. For he that upon malice flieth away from his mate, is to be holden in the same terms as with an unbeliever, who departs upon detestation of religion, and the service of God, I Timothy 5:8.²⁰

¹⁷ *Ibid*, pp. 70-71.

¹⁸ William Perkins, *Christian Oeconomie: Or, A Short Survey of the Right Manner of Erecting an Ordering a Family According to the Scriptures*, trans. Thomas Pickering. *Workes*, Cambridge, 1618, vol. 3, p. 687.

¹⁹ *Ibid.*

²⁰ *Ibid*, pp. 687-688; emphasis added.

Although the deserting partner in this instance is a professed believer, his or her malicious abandonment of a Christian marriage puts the deserter in the category of an unbeliever so far as the question of dissolution is concerned. Perkins does not say that a sentence of excommunication must precede the pronouncement of dissolution, though such apparently was required by an Act of the Scottish Parliament in 1573 allowing divorce on grounds of desertion.²¹

Perkins next takes up "malicious dealing" as a sub-category of desertion. Although it follows Case 2 (Christian marriages), it is actually a refinement of Case 1 (mixed marriages). Once again he begins with a definition:

Like unto *desertion is* malicious and spiteful dealing of married folks one with the other. *Malicious dealing is*, when dwelling together, they require of each other intolerable conditions ... Here it may be demanded, what a believer should do, who is in certain and imminent danger, either of loss of life, or breach of conscience, if they both abide together.

If [this danger is] from a stranger, then the husband either takes upon him the defence of his believing wife, or not; if he doth, then she ought to abide with him. If not, she may depart and provide for her own safety. Again, if the husband threateneth hurt, the believing wife may fife in this case; and it is all one, as if the unbelieving man should depart. For to depart from one, and drive one away by threat, are equipollent.²²

Perkins is aware that this goes beyond the strict terms of I Corinthians 7:15 and anticipates an objection: "It is alleged, that if this be so, then the believing wife forsakes the unbelieving husband, which she may not do." He answers: "She forsakes him not finally, but leaves him for a time. Again, the desertion is not made by the person, which giveth place for the time, but by him in whom is the cause of the desertion."²³

By introducing the category of "malicious dealing" Perkins shows his willingness to draw inferences from the biblical text in order to make application to additional circumstances not directly addressed in Scripture. In this instance, however, he appears to have fallen short of drawing out the full implications of this position. Although "malicious dealing" is like wilful desertion to the point of being "equipollent", it nevertheless justifies only temporary separation of a believer from an unbeliever, not full divorce. The remaining question is whether Perkins would countenance divorce by

²¹ According to the study panel of the Free Church of Scotland cited earlier: "The procedure required by the Act was surprisingly elaborate: the civil authorities were to make every effort to apprehend the deserter and oblige him to return to his wife and home; if they failed, they were to declare him an outlaw. They were then to notify the ecclesiastical authorities who, if also unsuccessful, were to excommunicate him. The marriage could be ended by divorce provided the deserted spouse had always shown willingness 'to adhere' ... i.e. to have the deserter back and to continue the marriage." *Marriage and Divorce*, p. 39.

²² *Christian Oeconomie*, p. 688. The *Oxford English Dictionary* defines 'equipollent' as follows: "A. adj. 3. c. propositions which express the same thing, notwithstanding formal diversity. . . . B. an equivalent."

²³ *Ibid.*

the innocent party should the malicious dealing continue and the temporary separation, of necessity, continue indefinitely.²⁴

Case 3: “When the husband is perpetually absent from the wife, what is to be done?” Wilful absenteeism, which is often the modern meaning of “desertion” in marriage contexts, is placed under the principles already discussed by Perkins. This is another example of this esteemed Puritan theologian’s ability to apply the Word of God a circumstances require.

B. William Gouge (1575-1653)

Of the Westminster divines who published works on marriage, the most important is William Gouge who chaired the Assembly’s committee on divorce. Gouge’s *Domestical Duties* first appeared in 1622; a second and third edition followed in 1626 and 1634. His position on grounds for divorce is succinctly stated in opposition to “the error of the papists”: “Concerning adultery, we deny not, but that it giveth just cause of divorce: but withall we say (as we have good warrant from Christ’s words that it is the only cause of just divorce”).²⁵

Although adultery provides just cause for divorce, it does not in itself dissolve the marriage. On the question of pardoning adultery upon repentance of the guilty part; Gouge counsels, “Though it be not meet in this case to impose it as an inviolable law upon the innocent party to retain the delinquent because of repentance (for we have no

²⁴ J. I. Packer judges Perkins to have permitted divorce and remarriage to the innocent spouse in the case of desertion and that desertion was understood by him ‘to cover all behavior that nullified the matrimonial relationship in practice’, such as the imposition of intolerable conditions. He further links Perkins’ view with that already developed by some of the continental reformers and suggests that ‘most’ Puritans followed Perkins in these opinions. *A Quest for Godliness: The Puritan Vision of the Christian Life*, Wheaton, 1990, p. 269.

This interpretation of Perkins has been sharply criticized by D. Lachman in “Divorce Reconsidered,” *The Presbyterian Advocate*, vol. 1., No. 5 (May-June 1991) pp. 1, 17-20). Dr. Lachman understands Perkins to mean that only actual physical abandonment of house and home constitutes such desertion as may justify the eventual dissolution of a marriage. Separations necessary to ensure the safety of a victimized spouse, contrarily, are of a different kind and never justify such a dissolution, even if the spouses never again cohabit. This reading of Perkins is possible, but the committee is not persuaded that this is certainly his meaning. In speaking of such desertions Perkins does indeed say that ‘in the meanwhile, the party innocent must be resolved that God hath called him or her to a single life.’ But he then immediately proceeds to say that if the deserter proves ‘resolutely unwilling’ after all means have been exhausted, the marriage may be dissolved. The question is whether, in the last instance Perkins is speaking only of a departing spouse or also of an abusive one. The committee wonders whether Dr. Lachman has given sufficient weight to Perkins’ acknowledgment that ‘to depart from one, and drive away by threats, are equipollent.’ If an abusive spouse is thus a deserter, has not the way been opened to consider unremedied physical cruelty as a form of desertion with ‘equipollent’ consequences. Dr. Lachman also cites Andrew Willet. While Willet does not deal specifically with the question here at issue, he does, in a section not cited in Dr. Lachman’s article, claim general agreement with Beza who, as we note below, takes the position Dr. Lachman is here rejecting.

²⁵ William Gouge, *Of Domestical Duties Eight Treatises*, 3rd ed., London, 1634, vol. II, ii, P. 16.

direct and strict warrant for it) yet I doubt not but they may so do, if they will, and that without just exception to the contrary they ought so to do.”²⁶

The second treatise devotes a section to desertion, which begins with a rather wordy definition:

The vice contrary to matrimonial unity is *desertion*, when one of the marries couple through indignation of the true religion, and utter detestation thereof, or some other cause, shall apparently renounce all matrimonial unity, and withdraw him or herself from all society with the other, and live among infidels, idolaters, heretics, or other such persecutors, as a faithful Christian with safety of life, or a good conscience, cannot abide among, and though all good means that can be thought to be used to reclaim the party so departed, yet nothing will prevail, but obstinately persisteth in renouncing all matrimonial fellowship.²⁷

This does not mean, as Perkins taught, that the innocent party is free to remarry. Citing I Corinthians 7:15 (“A brother or a sister is not under bondage in such cases”) Gouge comments, “By bondage he meaneth matrimonial subjection (by reason whereof neither of the married persons have power of their own body, but one of the others).” In other words, the innocent party is free from the obligation of conjugal relations and need not seek after the delinquent party; yet the marriage is not wholly dissolved. Gouge is aware of other Reformed interpretations of the Pauline release, but he does not feel it is incumbent upon him to deal with the exegesis because the problem is remote.

In many reformed Churches beyond the seas desertion is accounted so far to dissolve the very bond of marriage, as liberty is given to the party forsaken to marry another; and it is also applied to other cases than that which is above mentioned: as when an infidel, idolater, or heretic shall depart from one of the true religion for other causes than hatred of religion: or when both man and wife having lived [sic] as idolaters among idolaters, one of them being converted to the true faith, leaveth his abode among idolaters, and goeth to the professors of the true faith, but can by no means get the other party to remove: or where one of the true religion shall depart from another of the same profession, and will by no means be brought to live with the party so left, but openly manifesteth peremptory obstancy [sic]; the matter being heard and adjudged by the magistrate, the marriage bond may be broken; and liberty given to the party forsaken to marry another. *But because our church hath no such customs, nor our law determined such cases, I leave them to the custom of other churches.*²⁸

One could wish that Gouge had published a post-Assembly volume on *How My Mind Has Changed*. Perhaps the Scottish commissioners pointed

²⁶ *Ibid*, p. 6.

²⁷ *Ibid.*, p. 3.

²⁸ *Ibid*; emphasis added.

out that divorce for desertion not only had the approval of Reformed churches beyond the seas but also parliamentary authorization (since 1573) in one of the three island kingdoms now in solemn league and covenant.

C. William Ames (1576-1633)

Further it is of considerable importance to note that among other English Puritans not only could support be found for the opinion that divorce for desertion conferred the right of remarriage upon the innocent party, but apparently also for the opinion that this desertion could occur as well by the imposition of intolerable conditions as by actual departure. William Ames, certainly a representative Puritan Divine (one English edition of his celebrated *Marrow of Divinity* was printed 'by order from the honorable House of Commons'), speaks to the question in his *Conscience with the Power and Cases Thereof*.²⁹ After first affirming the indissolubility of marriage, he begins his discussion of divorce.

A.3. Nevertheless, it is not so indissoluble, but that upon such cause, as God approveth to bee just it may been dissolved. For that indissolubility was not instituted for the punishment, but the comfort of the innocent and doth admit some exception, in which God ceaseth to joyne them. Matthew 19:6, 9.

A.4. 'There is not any just cause of making, a divorce approved in Scriptures, besides adultery and the like horrid impurities, whereby it comes to passe, that two remaine no longer one flesh but divided; and so the faith of Wedlock, is directly violated; Matthew 5:31 and 19:9.

After ruling out contagious disease as a ground of divorce in the following paragraph, he takes up desertion.

A.6. 'An obstinate desertion, although in the party deserting, it containeth no just cause of making a divorce, yet it makes a faire cause for the party deserted after the triall of all other meanes in vaine, to suffer a divorce, I Corinthians 7:15.

A.7. 'A voluntary and spontaneous absence, if it bee beyond the time appointed and continued by deceit, is of the same nature, with a professed desertion.

A.8. 'The great danger, which one party may bee in by the cruelty of the other or by any other manifest meanes of cohabitation [*sive aliunde manifesto emineat ex cohabitatione*], may bee just cause of retiring for a time, so to provide for his owne safety and security, but not for an absolute desertion, unlesse first hee bee deserted. For if one party drive away the other with great fierceness and cruelty, there is cause of desertion, and hee is to bee reputed the deserter. But if hee obstinately neglect, that necessary departure of the other avoyding the eminent danger, hee himselfe in that playeth the deserter.'³⁰

²⁹ ET: 1639, pp. 208-209.

³⁰ It is interesting that in his *Marrow*, dating from nearly the same period as his *Conscience*, Ames says only this on divorce [ET: 1968, p. 320]: 'Adultery is most truly and essentially opposed to marriage, for by its very nature it breaks the bond and covenant of marriage. It is the proper and just cause of divorce, which cannot be said of any other sins although they be more grievous. A just divorce dissolves the very bond of

The passage is not a model of clarity in either its original Latin or English translation, but, taking the words in their simple sense, Ames seems to be acknowledging that such a desertion as can absolve the innocent partner of any remaining obligation to the marriage can consist of the imposition of intolerable conditions threatening physical safety and security as well as of physical departure *per se*. This interpretation gathers strength from the fact, to be elaborated below, that such a point of view was well established among reformed authorities on the continent where Ames' professional career was largely spent.

V. The Conclusion of the Westminster Divines

It may be fairly assumed that the works of Perkins, Ames, and Gouge were widely known by the Westminster divines. It is by no means an easy thing to determine whose opinion would have carried a greater weight with the 'typical' delegate to the Assembly. It is therefore not at all clear how the divines as a whole may have understood desertion or, for example, whether they would have regarded unremedied physical abuse as tantamount to desertion, as justification for divorce, and, if so, for remarriage.

As it is, no record of the substance of the Assembly's debate on desertion is extant. The official minutes record the original resolutions and their disposition by the Assembly. With respect to adultery, the Assembly debated the divorce and remarriage clauses separately and adopted both. The resolutions on desertion proved to be more controversial.

If either of the married persons forsake their yokefellow, and by no means that can be used by the party forsaken, or friends, or magistrate, will be reduced [i.e., brought back or restored], after sufficient time set down by the magistrate, and made known to the party that so desireth, it is lawful for the innocent party to marry another.

Wilful and obstinate desertion of one married party giveth just cause to the other, after all means used to reduce [i.e., to bring back or restore] the offending person, to sue out a divorce and for liberty to marry another.³¹

When the report was debated on September 10-11, the first of these paragraphs was waived and the second adopted, along with the statement, "Other causes of divorce between two parties lawfully married besides these the Scriptures do nowhere allow." But when the chapter as a whole came before the Assembly on November 9, the second paragraph was recommitted. According to a familiar pattern, the committee was "the

marriage.' Ames is not excluding desertion here. Rather, in all likelihood, with many other reformed authorities, he is distinguishing between adultery as the sole legitimate 'ground' of divorce and desertion in which the innocent party is the passive victim, the one who is divorced. A comparison of the two passages may suggest that the precise construction of desertion was considered a detail of the doctrine and ethics of divorce and, therefore, would be omitted in briefer accounts. The larger consensus primarily negative on divorce and adamant as to the general indissolubility of the marriage vows, could be simply stated with an appeal to the dominical statement.

³¹ *Minutes of the Sessions of the Westminster Assembly*, p. 280.

brethren that did except against that clause".³² The brethren are not named, but the final recension (24.6) is thought to reflect Scottish influence in particular.³³

The Confession, as finally adopted, does not explicitly restrict desertion as just cause for divorce to mixed marriages, a point observed at some length by John Murray in his widely-circulated *Divorce*.³⁴ This may or may not have been intentional.

VI. The Views of Two Prominent Continental Divines

The larger Reformed Church shared the Westminster Assembly's general conclusions touching marriage and divorce, though, no doubt, many would have stated the general consensus to suit a broader or more strict construction of it. W. Geesink³⁵ offers this summary from his Dutch Reformed perspective:

'The Reformed recognize only two grounds of divorce, namely adultery and desertio malitiosa religionis causa (I Corinthians 7:15), which then is expanded to desertion in a broader sense. Concerning the ground of adultery they were all in agreement. Regarding desertio malitiosa one finds only here and there a wavering.'

A. Theodore Beza (1519-1605)

Geesink refers to Beza as a representative of this consensus. Beza himself, whom Milton characterized as 'one of the strictest against divorce'³⁶ devoted a separate treatise to the subject.³⁷ Concerning desertion, once having established that the innocent party may remarry (Beza also solves the difficulty of reconciling I Corinthians 7 with Matthew 19 by maintaining that only adultery is a 'ground' of divorce, Paul's remarks regarding desertion dealing instead with the case of the innocent party who is the passive victim of another's unjustified divorce), he considers 'desertion in the broader sense'.

'.. we know him also to be a deserter who does not refuse cohabitation, but obstinately demands impious conditions.' [p. 94]

It is asked whether the faithful in turn may desert the unfaithful? ... in no way is that to be permitted ... (he refers again to Paul's argument in I Corinthians 7 and to the fact that the faithful spouse sanctifies the unfaithful). But, I repeat what I said shortly before, namely that he appears the deserter not only who positively refuses a mutual living

³² *Ibid*, p. 299.

³³ *Marriage and Divorce*, pp. 39-40.

³⁴ John Murray, *Divorce*, Philadelphia, 1953, pp. 76-77. Originally published in the *Westminster Theological Journal*, 1946-49; reprinted by Presbyterian and Reformed, 1961. Murray concluded that "the preposition respecting wilful desertion in the Confession is not sufficiently guarded and delimited so as to confine itself to the teaching of the apostle in this passage."

³⁵ *Gereformeerde Ethiek*, vol. 2, Kampen, 1931, p. 284.

³⁶ *Tetrachordon: Expositions upon the foure chief places in Scripture, which treat of Mariage, or nulities in Mariage*, (1645) *Complete Prose Works*, vol. 2, p. 227.

³⁷ *De Repudiis et Divortiis, Tractationes Theologiae*, vol. 2, Geneve, 1582. The section of the essay devoted to divorce is pp. 83-109. For John Calvin's viewpoint see footnote 41 *infra* and pp. 2394 ff. of the paper by W. S. Barker in the appendix to this report.

together, but also who demands intolerable conditions from the faithful [spouse], such as if the unfaithful spouse absolutely compels the faithful to attend the abominable Mass, in a word any doing or enduring of something altogether against the obligation of piety. From this, therefore, another question occurs: what should the faithful [spouse] do when indeed cohabitation is not denied, but either hazard of life is incurred or something is either to be done or endured against the true religion. I respond that these two distinctions are to be observed. First, either the unfaithful [spouse], whether intentionally or unwittingly, persecutes the faithful spouse, or the persecution arises from some other direction. If the former, the faithful spouse really has a suitable excuse for shunning her domestic enemy for no other reason than that she should consider her life and conscience, and I would decide in this case nothing other than if the unfaithful spouse himself had departed for another. To depart from someone and to drive the other away by threats or force are the same thing. But if such persecution should assail [the faithful spouse] from some other direction, the faithful spouse should act at length more moderately than if she should cherish an enemy in her home and bosom. Nor is it to be doubted that if the unfaithful spouse should attend the faithful with conjugal love, should provide for her life in every way, in this case the faithful spouse rather should bear whatever you will than that is should be her duty to abandon the unfaithful spouse. But if the unfaithful spouse does not care as is right that the faithful spouse is in peril, no one does not see, I think, not only that he is a deserter, but also that he may be shunned with a good conscience as a traitor.' [pp. 96-97]³⁸

B. Samuel Maresius (1599-1673)

Samuel Maresius,³⁹ certainly a representative reformed divine from the general period of the Westminster Assembly, provides a summation which includes the broader construction of desertion and that without an; indication that this was particularly controversial.

'The legitimacy of divorce is established, such that the offended party acquires the right to make new [marriage] vows, for only two causes in the

³⁸ Bullinger speaks similarly in the final chapter of his *The Christian State of Matrimonye*, trans. Miles Coverdale, 1541. After speaking to the Lord's permission of divorce, of the duty of married persons to 'diligently eschew all occasions of divorce' and to 'know that they must prove a painful medicine if they will have divorce to be their comfort,' of the many cases which are no justification for divorce, of the importance of not leaving the issue to the private judgment of the individuals involved, of the importance of not acting quickly but of attempting 'all manner of reconciliation' and deferring the divorce' while there is hope of amendment and unity, and of the right of lawfully divorced people to remarry, he directs his attention to what constitutes a 'right occasion of divorce.' Regarding Christ's naming adultery he writes: 'With the which no doubt he hath not excepted like and greater occasions but understood and comprehended them therein. For the holy Apostle also did leave infidelity as an occasion of divorce.' Referring to the Roman emperors Constantine and Justinian, who allowed divorce for such things as murder and poisoning, he continues: 'Every reasonable man then confides that God did ordain wedlock for the honesty and wealth of man and not for his main and destruction.'

³⁹ *Systema Breve Universae Theologiae*, 1659, pp. 631-632.

new covenant, even if civil laws and some erudite today think it right to allow more, namely Adultery, as Christ says ... Matthew 5:32; 19:9 and Malitiosa Desertio ... (the brother or sister is not bound in such a case, viz. that he should remain unmarried) I Corinthians 7:15. But such desertion is taken to be not only a determined and permanent withdrawal from the marital home and companionship, but an obstinate denial of the obligations of marriage, by intolerable cruelty putting life at hazard for the present, or from either treacherous or naked force, by the acceptance of a mistress, and whatever, by analogy, is equivalent to or greater than this desertion. If, however, a spouse ... should only go over to the enemies (i.e. religious?) or desert the true religion, he is not by this to be considered guilty of this malicious desertion which severs the bond of marriage, if only the other spouse is able to cohabit with him with a clear conscience.'

VII. Conclusion

It is by no means an easy task to determine the extent to which these continental opinions would have been regarded as similar to or distinct from that of English Puritanism in general. Beza was widely read and appreciated in the period before the Westminster Assembly. Plainly, Beza and Maresius go beyond Gouge and perhaps somewhat beyond Perkins (cf. footnote 24). The extent to which, if any, their viewpoint differed from that of Ames is more difficult to determine.⁴⁰ There is certainly reason to believe that the divines at Westminster would not have been unappreciative of the reputation which the Genevan Consistory had gained in defense of betrothed and married women.⁴¹

⁴⁰ Geesink judges Ames' discussion to be in practical agreement with the Reformed consensus, *Gereformeerde Ethisiek*, vol. 2, p. 285.

⁴¹ G. Lewis, 'Calvinism in Geneva in the time of Calvin and of Beza (1541 - 1605),' ed. M. Prestwich *International Calvinism 1541 - 1715*, Oxford, 1986, p. 49. 'The Consistory dealt with . . . notorious drunkards, adulterers, and bullies, with guardians who had misappropriated the inheritance of their wards, with forced betrothals between grown men and girls under age, and with ill-treated and deserted wives. Not for nothing was it known (with approval or derision?) as "le paradis des femmes."'; The interesting case of Galeazzo Caraccioli provides some indication of the flexible way in which cases would be handled in Calvin's Geneva. Caraccioli, marquis of Vico, nephew of the head of the Roman inquisition and later Pope Paul IV, married to Victoria Caraffa, the daughter of a duke, and himself appointed chamberlain by Charles V, became interested in Protestantism through the preaching of Peter Martyr Vermigli and his witnessing of the persecution of Italians under the inquisition. Eventually, after an inward struggle, he converted. In peril of the inquisition he abandoned his estates and family and came to Geneva in June, 1551. There he won the respect of Calvin, who later dedicated his commentary on I Corinthians to him, and became a citizen. His wife remained behind in Italy and at a later meeting at Vico in 1558 he failed to persuade her to follow him, with their nine children, though there was deep affection on both sides. Calvin then attempted to arrange for their reunion in a place where both he and his wife could exercise their religion, but she declined. After this the Council pronounced the marriage dissolved and in 1560 Caraccioli remarried. J. T. McNeil, *The History and Character of Calvinism*, Oxford, 1954, p. 184. On the other hand, excommunications for domestic sins far outnumber divorces. See the appendix, pp. 2394 ff. An excellent example of the caution employed by the Genevan consistory in judging marital conditions to be intolerable and of their willingness to require victimized spouses to suffer greatly for the sake of the general inviolability of marriage is found in the correspondence between the consistory and a protestant woman married to an abusive catholic husband. P. E. Hughes (ed.), *The Register of the Company of Pastors of Geneva in The Time of Calvin*, ET: Grand Rapids, 1966, pp. 193-198.

In summary, it is difficult to state with absolute confidence the extent of the latitude which may have existed within the Puritan consensus on divorce and remarriage, the importance which may or may not have been attached to differences of interpretation such as in the application of the Pauline privilege to other cases, or the extent to which the Puritan position, in general, was different from that of continental divines such as Beza and Maresius. It is to be admitted that none of the Puritan works surveyed states the case for ‘desertion in the broader sense’ as bringing with it the right of divorce and remarriage in as summary a way as did the continental divines. Nevertheless, available evidence warrants caution in proposing a single interpretation or application of the Confession’s phrase “such wilful desertion as can no way be remedied.”

In a paper presented to the Philadelphia Presbytery and included as an appendix to this report, W. S. Barker draws the following conclusions.

“To a direct question of whether physical abuse could be a grounds for divorce, the Puritan tradition informing the Westminster Assembly would have answered, No, not *per se* or by itself. William Perkins and William Ames before the Westminster Assembly, William Gouge as a member of the Assembly, and Richard Baxter soon after the Assembly are all consistent with Calvin and Beza and the Genevan tradition in emphasizing adultery as the essential cause for divorce.

“This same Puritan tradition also saw that under certain circumstances desertion could be a grounds for divorce, and physical abuse could be the basis of a desertion, the spouse guilty of the abuse being reputed as the deserter even though the other may have departed. Before such a situation could be the grounds for a divorce, however, a sufficient time would have to expire for the efforts of both church and civil magistrate to seek to achieve a reconciliation.”

In any case, it is important to note both the broad agreement and the narrow scope both of identifiable disagreement and of remaining questions. The entire Reformed church held that marriage vows were generally indissoluble, that only a few vicious crimes against the marital covenant constituted grounds for divorce, that many alleged grounds lacked Biblical justification, that incompatibility was by no means a ground of divorce, that every effort was to be made to preserve a marriage and that divorce was always an unwelcome extremity, that adultery conferred upon the innocent party the right of divorce and remarriage, and, that, in certain extreme cases, the innocent victims of marital abandonment are released from their obligations to the marriage. Possible, though still strictly circumscribed, constructions of marital abandonment and whether in such cases a right of remarriage is conferred on the innocent spouse seem genuinely details of interpretation, differences which were insufficient to undermine the Reformed consensus on marriage and divorce.

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CHAPTER 2

SCRIPTURAL PERSPECTIVE ON DIVORCE AND REMARRIAGE

I. Issues Concerning Divorce and Remarriage

A. What our denominational heritage has said about marriage

There has been a general consensus among Reformed believers regarding the nature and purpose of marriage. It is reflected in this statement of the RPCES General Synod Minutes of May 18, 1973:

“Marriage is the unique one-flesh relationship of a man and woman joined together by God in a union that He wills to be both permanent and exclusive, binding the couple to each other in a life-long companionship of common life and conjugal love. (Gen. 2:23-24, Matt. 19:4-8, Rom. 7:2-3).”⁴²

Scripture uses covenantal language to describe marriage: “The Lord has been witness between you and the wife of your youth to whom you have been faithless, although she is your companion and your wife by covenant” (Mal. 2:14; cf. Prov. 2:17). When Scripture says that a man shall “cleave” to his wife (Gen. 2:24), it is using a covenantal term used elsewhere to express the way the Israelites were to cleave with affection and loyalty to the Lord (Deut. 10:20; 11:22; 13:4; 30:20; Josh. 22:5; 23:8). Marriage is often used as an analogy in the Old Testament of God's covenant relation with Israel and in the New Testament of Christ's relationship with the Church. This covenantal relation between man and woman was intended by God to be loving, loyal and permanent.

Consequently, according to those same General Synod minutes: “It is the duty of husband and wife to maintain the unity and integrity of their marriage of cohabitation and coition. (Cf. *Larger Catechism*, Q.138). Should separation occur, reconciliation is to be sought. (1 Cor. 7:10-11).”⁴³

B. What our denominational heritage has said about divorce and remarriage

In light of our view of marriage, it seems incongruous to talk about divorce and remarriage. Nevertheless, most of us would likely agree with most, if not all, of this statement of the General Synod Minutes:

“Divorce is therefore always an abnormality arising out of human sinfulness. It was tolerated in the civil legislation of the Old Testament, but the Mosaic provision was given only 'for the hardness of your hearts.' (Deut. 24:1-4, Matt. 19:3-8). The civil legislation took into account in this matter the insubordination to the will of God characteristic of unbelieving Israel.

⁴² “Report of Study Committee on Divorce and Remarriage,” Documents of Synod: Study Papers and Actions of the Reformed Presbyterian Church, Evangelical Synod - 1965-1982, Paul R. Gilchrist, ed., New Castle, 1982, p.200.

⁴³ *Ibid.*

"In the New Testament Jesus calls his people to faithfulness to the original will of God for marriage as expressed in the creation ordinance. (Matt. 5:31, 32, 19:3-8). The apostle Paul presses this teaching of our Lord upon the early Christian community, (1 Cor. 7:10-11). The original ideal of marriage is to be maintained by the people of God in this age of the fullness of God's saving blessing.

"This is not to say that divorce is never sanctioned in the New Testament. But it is only sanctioned in circumstances of grave infidelity — adultery and willful, irremediable desertion (Matt. 5:32, 19:9; 1 Cor. 7:15. Cf. *Confession of Faith*, XXIV, v-vi). These are definitive actions that strike the exclusiveness of the marriage bond, malicious desertion its permanence. Both radically affect the one-flesh union and so provide cause sufficient of dissolving the bond of marriage.

"The 'innocent party' [i.e., offended party] in such circumstances is free to remarry ... Scripture does not forbid the remarriage of the 'guilty party' in such cases. Where there is genuine conversion, evidenced by sincere and heart-felt repentance and faith in Christ, the church, after providing pastoral counseling and instruction in the biblical teaching concerning marriage, may approve remarriage in the Lord."⁴⁴

C. What views may be found today within the evangelical-reformed community regarding divorce and remarriage

The above paragraphs taken from the RPCES General Synod Minutes of 1973 represent the consensus of our tradition on the questions of divorce and remarriage. However, in our day a variety of views have presented themselves and may be grouped in the following way.

1. No divorce, no remarriage

Some believers argue that there are no legitimate divorces at all and only death dissolves the marriage bond. The exception clause in Matthew is characteristically interpreted in one of two ways.

View #1: It refers to premarital unchastity during betrothal. If the betrothed proved unfaithful during that period or was discovered on the first night of marriage not to be a virgin, then the contract could be broken. (Cf. J. Dwight Pentecost, J.M. Boice).⁴⁵

View #2: It refers to unlawful incestuous marriages, i.e., marriages within the prohibited degrees as proscribed in Leviticus 18:6-18. (Cf. Laney, C.C. Ryrie).⁴⁶

⁴⁴ *Ibid.*, pp. 200-201.

⁴⁵ J. Dwight Pentecost, *The Words and Works of Jesus Christ*, Grand Rapids, 1981, pp. 354-358. J.M. Boice, "The Biblical View of Divorce," *Eternity*, Dec. 1970, pp.19-21.

⁴⁶ J. Carl Laney, *The Divorce Myth: A Biblical Examination of Divorce and Remarriage*, Minneapolis, 1981, pp. 71-78. C. C. Ryrie, *The Place of Women in the Church*, New York, 1958, pp. 43-48. See also William A. Heth and Gordon J. Wenham, *Jesus and Divorce: The Problem with the Evangelical Consensus*, Nashville, 1984, pp. 154-160.

Gordon Wenham holds a slight variation of this view. Jesus' exception clause permitted divorce in the sense of separation, but marriage is a permanent relationship whether we get a divorce or not. In God's eyes a divorced person is still married to the former spouse. Thus remarriage following divorce for any reason constitutes adultery. The only option for a divorced person is to be reconciled or to remain single.⁴⁷ Common to all these views is the assumption that remarriage after divorce is not allowed.

2. Strictly limited grounds for divorce, and for remarriage

The general consensus among Reformed believers is the view that the Bible neither condones nor commands divorce, but rather permits and regulates divorce due to sin. However, a person can divorce only for adultery and separation of an unbelieving spouse. In the words of the Westminster Confession of Faith: "...nothing but adultery, or such wilful desertion as can no way be remedied by the church or civil magistrate, is cause sufficient of dissolving the bond of marriage" (WCF 24:6).⁴⁸

John Stott and John Murray are among those who insist that such permission is given only in negative and reluctant terms. According to Stott:

"Only if a person divorces his partner on the ground of marital unfaithfulness is his remarriage not adulterous. Only if the unbeliever insists on leaving is the believer not bound."⁴⁹

Common to all those who hold this view is the idea that these same limited grounds would be legitimate for remarriage too.

3. Broader grounds for divorce, and for remarriage

Still other believers hold the view that the major verses under question, Matthew 19 and I Corinthians 7, should be interpreted with more latitude.

- a. David Atkinson holds that there are sins other than fornication which may by their gross and persistent nature break the marriage covenant just as much as fornication, and are therefore grounds for divorce.⁵⁰
- b. Greg Bahnsen argues that *porneia* (fornication) in Matthew 19 involves more than sexual immorality; it should be interpreted as including any violations of the essential commitments of the marriage covenant, including spousal abuse or the refusal to provide protection and sustenance necessary for daily living.⁵¹
- c. David Clowney believes that the New Testament writers were not intending to give us an exhaustive list of exceptions for divorce; we should view the texts on divorce as examples of breaking the marriage covenant and seek to

⁴⁷ Gordon Wenham, The Biblical View of Marriage and Divorce, No. 3, New Testament Teaching, *Third Way*, London, Nov. 17, 1977, pp. 7-9.

⁴⁸ *The Confession of Faith*, Brevard, North Carolina, 1983, p. 69. (Chapter 24.6).

⁴⁹ John Stott, *Involvement, Vol. 2, Social and Sexual Relationships in the Modern World*, Old Tappan, NJ, 1985, p. 177. Cf. John Murray, *Divorce*, Philadelphia, 1961, pp. 20-21.

⁵⁰ David Atkinson, *To Have and To Hold*, Grand Rapids, 1979, Chapter 5, pp. 134 ff.

⁵¹ Greg Bahnsen, "Theses of Divorce and Spousal Abuse," Unpublished paper.

apply the examples to particular situations such as persistent physical abuse, attempts on the life of a spouse, and so forth.⁵²

These views differ from the liberal Protestant view of “no fault” divorce, or divorce on merely humanistic grounds such as “incompatibility.” As Clowney writes:

“To seek to multiply such exceptions would be perverse, and precisely contrary to the intention of the Lord and his apostles.”⁵³ Common to these views is the idea that appropriate grounds for divorce would allow for remarriage.

D. Are we to understand that Scripture indeed allows for divorce?

1. Divorce was permitted in Scripture

It must be conceded, writes John Murray, that divorce was practiced. Such practice is found in many passages of Scripture (Ex. 21:10-11; Lev. 21:7, 14; 22:13; Nu. 30:9(10); Deut. 22:19, 29; 24:1-4; cf. Ezra 9-10; Neh. 9:2, 13:23ff; Isa. 50:1; Jer. 3:1; Ez 44:22), and under certain circumstances proves to be “permanently valid and inviolable ... It is also conceded that divorce was permitted or tolerated” and “the penalty of civil or ecclesiastical ostracism was not attached to it.” But it is very necessary to distinguish, continues Murray, “between this sufferance or toleration, on the one hand and divine approval or sanction, on the other ... Permission, sufferance, toleration was granted. But underlying this very notion is the idea of wrong.”⁵⁴

To say that God intended for marriage never to be broken does not mean that the marriage union is unbreakable. In some instances, God breaks it by death. For Paul specifically says that the surviving spouse is free to remarry again (I Cor. 7:39, cf. Rom. 7:2f.). Moreover, younger widows are even encouraged to do so (I Tim. 5:14; cf. I Cor. 7:8-9).

2. Divorce dissolved a marriage in Scripture

That divorce was more than a separation in Scripture is noted by Charles Hodge: “Divorce is not a mere separation ... Divorce annuls the marriage contract so that the parties are no longer man and wife. They stand henceforth to each other in the same relation as they were before marriage.”⁵⁵

A study of the terms for divorce in Scripture support the view that divorce is not merely a separation. The Old Testament term for divorce which occurs in the phrase “bill of divorce” (Deut. 24; Isa. 50:1; Jer. 3:8) means “to cut off, to hew off” (*kerithuth*). Other Old Testament words are used which mean to “expel, put away” (*garash*) or to “dismiss, send away, let go, put away” (*shalach*). The New Testament has similar words in the Greek which mean the same thing: “to set free, release, dismiss, send away” (*apoluo*), “to separate, divide” (*chorizo*), and “to let go, send away” (*aphiemi*). The notion of

⁵² David Clowney, “An argument for the conclusion that abuse could provide biblically legitimate grounds for divorce,” Unpublished paper.

⁵³ *Ibid.*

⁵⁴ Murray, *Divorce*, pp. 8-9.

⁵⁵ Charles Hodge, *Systematic Theology*, Vol. III, London, 1961, p. 391.

severance or of being cut off is implied within the contextual use of these terms, and it would be difficult to argue that the terms do not connote a total break it marital obligations.

A strong argument may be made as well from customs in Jesus' day. Christ allowed for a bill of divorce to be given in the case of *porneia*. The essential text of such a bill of divorce recorded in the Mishnah is, "Lo, thou art free to marry any man." The Mishnah goes on to record the wording of Rabbi Judah: "Let this be from me thy writ of divorce and letter of dismissal and deed of liberation, that thou mayest marry whatsoever man thou wilt."⁵⁶ Whether or not this was the divorce bill text envisioned by Deuteronomy 24:1 is not germane. Christ was commenting on current custom and application of that law. In other words, in Jesus' day, divorce carried with it the right to remarriage, and that would have been understood in their discussions.

It is clearly God's will that marriage be permanent. But it is obviously possible that marriage can be broken. Loraine Boettner clarifies this for us by providing a delightful illustration apparently written by Dr. Geerhardus Vos:

"We may have on our parlor table a beautiful and costly vase. It ought to be handled carefully. It ought not to be broken. It was not made to be smashed; it was made to exist as a thing of beauty and grace. But it is not impossible to break it. And if a member of the family breaks it through carelessness, or in a fit of temper smashes it deliberately, there is nothing to do but sweep up the broken fragments and dispose of them. We will not say, 'This vase was not intended to be broken; therefore it is impossible to break it; the vase is unbreakable; therefore in spite of the fact that it lies in shattered fragments on the floor, we will not throw it away; we will keep it forever.' No one would say that about a broken vase; yet that is substantially the argument of those who say that the marriage bond is 'indissoluble' and unbreakable'"⁵⁷

E. Does the evidence that divorce ends marriage mean that God looks favorably at divorce?

Scripture speaks unmistakably about God's repugnance at divorce. One passage is quite clear about this.

"And this is another thing you do: you cover the altar of the LORD with tears, with weeping and with groaning, because He no longer regards the offering or accepts it with favor from your hand. Yet you say, 'For what reason?' Because the LORD has been a witness between you and the wife of your youth, against whom you have dealt treacherously, though she is your companion and your wife by covenant. But not one has done so who has a remnant of the Spirit. And what did that one do while he was seeking a godly offspring? Take heed then, to your spirit, and let no one

⁵⁶ Gittin 9:3.

⁵⁷ Loraine Boettner, *Divorce*, Nutley, NJ, 1972, p. 13.

deal treacherously against the wife of your youth. 16) ‘For I hate divorce,’ says the LORD, the God of Israel, ‘and him who covers his garment with wrong,’ says the LORD of hosts. ‘So take heed to your spirit, that you do not deal treacherously.’ ” (**Malachi 2:13-16**)

In this profound passage, Malachi is pointing out one of the reasons why God has withheld His blessing from Israel. Skillfully using a question-and-answer method, Malachi points out that the people were weeping and wailing at God's altar because He was no longer responding to them. Yet the people ask, “Why doesn't God respond?” Malachi is not afraid to point his finger at the cause: “Because the LORD has been a witness between you and the wife of your youth, against whom you have dealt treacherously...” (In verses 10-12, Malachi had just accused them of marrying foreign women. Apparently they were doing so by divorcing their wives, a practice not unknown to Christians today.)

Notice how God calls their divorces “dealing treacherously,” a verb which is repeated three times in these four verses. Twice he refers to the divorced woman as “the wife of thy youth,” appealing no doubt to the heart of the husbands. Malachi goes on to refer to the first wife as “your companion and your wife by covenant.” The term companion does not simply refer to a ‘partner’ or ‘associate,’ terms which denote a rather loose relationship. Rather, it is an intense term meaning ‘knit together’ and connotes an unusually close joining or bonding. It fits in beautifully with the picture of Genesis 2:24, and the term “Covenant of Companionship” describes perfectly the marriage covenant.

Malachi then reminds them that what they have done in putting away their wives is contrary to what would be done by the true Israelite who has the remnant of the Spirit. So, “take heed then, to your spirit, and let no one deal treacherously against the wife of your youth.”

Then come those powerful words, “For I hate divorce,” which is the translation of the NASV. There is no doubt that God hates divorce, for the entire context of this passage conveys the truth that the LORD views it as an act of treachery. But there is a major problem of translation with this verse, a problem the NASV is aware of, for a marginal note reads: “Lit., He hates.” A more straightforward translation of the Hebrew, confirmed by the LXX, reads:

“If [anyone] hating [his wife] divorces [her],
Says the LORD God of Israel,
Then violence covers his garment,
Says the LORD of hosts.”

Dr. David C. Jones makes a most compelling case for this translation, based on a careful analysis of both the Hebrew and the Greek LXX. Does this mean that God does not hate divorce? Not at all, for as Dr. Jones points out in his concluding paragraph:

“Finally, so far from weakening the Lord's protest against marital infidelity, the prophetic word against divorce is rendered more forceful by being more definite. Divorce for 'hatred' is a radical breach of fidelity; it is ‘violence’ against the companion to whom one has been joined in

marriage. It therefore stands condemned by the God of justice, mercy, and troth.”⁵⁸

II. Consideration of Major Scripture Passages

As we begin our exposition of Scripture, we should remember that every passage becomes a battle ground for every view. Our purpose will be in each passage first to provide a clear explanation of what the passage teaches, and second to show how different views interpret that passage.

A. Deuteronomy 24:1-4

“When a man takes a wife and marries her, and it happens that she finds no favor in his eyes because he has found some indecency in her, and he writes her a certificate of divorce and puts it in her hand and sends her out from his house, and she leaves his house and goes and becomes another man's wife, and if the latter husband turns against her and writes her a certificate of divorce and puts it in her hand and sends her out of his house, or if the latter husband dies who took her to be his wife, then her former husband who sent her away is not allowed to take her again to be his wife, since she has been defiled; for that is an abomination before the Lord, and you shall not bring sin on the land which the Lord your God gives you as an inheritance.”

1. Is Moses giving a command to divorce?

Many assume the KJV translation of verse 1, “When a man hath taken a wife, and married her, and it come to pass that she finds no favour in his eyes, because he hath found some uncleanness in her: **then** let him write her a bill of divorcement...” This translation makes it sound like Moses is commanding divorce.

However, that is not the best translation. A careful analysis of the intended structure of this lengthy sentence in Hebrew is crucial for a proper understanding. The first three verses are all part of a compound protasis (or conditional part of the sentence), while the fourth verse contains the apodosis (or consequence). In other words, we should understand the passage in this way: "If a man divorces his wife, and if he gives her a certificate, and if she leaves and remarries, and if her second husband divorces her or dies, **then** her first husband may not marry her again." Thus we learn:

Lesson #1: Moses is not instituting divorce in this passage. He deals only indirectly with divorce and remarriage, and his main purpose is to prohibit the reunion of partners after divorce and remarriage has taken place.

Lesson #2: Deuteronomy is in some sense trying to regulate divorce in what appears to be a situation which has gotten out of hand. Divorce appears as an established custom which is neither commanded nor condoned in this passage.

This is in agreement with the rest of Mosaic Law. Mosaic Law takes the custom of divorce for granted (Lev. 21:7, 14; 22:13; Nu. 30:9; Dt. 22:19, 29); it does not institute

⁵⁸ David C. Jones, "Malachi on Divorce," *Presbyterion: Covenant Seminary Review*, 15 (1989), pp.1-6.

divorce, but regulates it to limit and preclude its abuse. In two cases in Scripture, the right of divorce for the offended spouse is withheld, viz. where a man slanders his newly-married wife as unchaste, or seduces her before marriage (Dt. 22:19, 29).

2. What does the phrase “some indecency” mean?

Does “some indecency” refer merely to a personal dislike of the husband, or to a biblically shameful act justifying the permission for a divorce? Can a word study give us an exact nuance on which we can all agree?

The Hebrew words are *erwath dabar*. They are translated in the KJV as “some uncleanness,” and in the NIV as “something indecent.” *Erwath* is commonly translated “nakedness,” and is used in Old Testament contexts of shameful exposure, indecency, or improper behavior having to do with sex.⁵⁹ *Dabar* is simply translated as “something” or “thing” in this context. Hence, the literal translation would be “nakedness of the thing.”

The term *erwath* used alone clearly had a prominent sexual nuance. That illicit sexual sin is intimated in Deut. 24 seems probable due to two Old Testament passages which use Deut. 24:1-4 as a basis. The first passage is Jeremiah 3:1ff:

“God says, If a husband divorces his wife, and she goes from him, and belongs to another man, will he still return to her? Will not that land be completely polluted? But you are a harlot with many lovers; yet you turn to Me, declares the Lord... [Jeremiah 3:8-9 expands]...And I saw that for all the adulteries of faithless Israel, I had sent her away and given her a writ of divorce, yet her treacherous sister Judah did not fear; but she went and was a harlot also. And it came about because of the lightness of her harlotry, that she polluted the land and committed adultery with stones and trees.”

The second passage is Isaiah 50:1, where we read: “Thus says the Lord, Where is the certificate of divorce, by which I have sent your mother away? Or to whom of My creditors did I sell you? Behold, you were sold for your iniquities, and for your transgressions your mother was sent away.” Comparing these passages with Deut. 24, the “indecency” would appear to be a heinous sin, one which would involve sexual immorality.

However, the uses of *erwath* in Scripture are not limited to sexual immorality. It can also refer to perversity (I Sam. 20:30), to a dishonor for authority (Ezra 4:14), and to public shame (Isa. 20:4). The exact phrase *erwath dabar* occurs elsewhere only in Deut. 23:14 where it refers to human excrement left in Israel’s camp, an uncleanness that would repulse God.

This broader use of *erwath* introduces us to a major problem in the divorce and remarriage controversy. It is the same problem we face when we attempt to define the Greek term *porneia* in Jesus’ exception clause (Matt. 19:9). It is very difficult to come to a consensus on the precise distinction or subtlety of “some indecency.”

It was difficult in Jesus’ day. The school of Shammai regarded it as adultery, whereas the school of Hillel saw it as referring to anything that displeased the husband. Likewise,

⁵⁹ F. Brown, S. R. Driver, and C. A. Briggs, *Hebrew and English Lexicon of the Old Testament*, Oxford, 1962, p. 789.

today, some wish to attribute a narrower, and others a more broad, meaning to *erwath dabar*. This divergence of views may be seen by comparing prominent current interpretations of Deuteronomy 24:1-4.

3. Modern interpreters differ

William A. Heth and Gordon J. Wenham in their book, *Jesus and Divorce*, contend that the first three verses are really secondary to the main thrust of the passage which is verse four. Knowing the precise nuances of *erwath dabar* is not that important. The fact that the first husband legally divorced his wife is acknowledged and the second marriage is also considered legal. The crux of the law is that the wife's remarriage to her first husband is forbidden! Why? Because the "one-flesh" bond of their first marriage was never really dissolved by their legal divorce and remarriage. Consequently, were the wife to remarry her first husband, she would have committed a form of incest, which in Lev. 18 we are told is an abomination to the Lord and defiles the land. Therefore, conclude Heth and Wenham, Deut. 24 does not allow a "dissolution divorce" in which remarriage can take place.⁶⁰

Jay Adams in his book, *Marriage, Divorce, and Remarriage in the Bible*, holds that Deut. 24:1-3 (the protasis) tells of a wife who finds "no favor" in her husband's eyes because of "some indecency" he finds in her. So the husband hands her a bill of divorce, going through a genuine divorce proceeding which in effect annulled her marriage obligations to him and set her free to marry another man, which she does. Yet the text goes on to say that she cannot remarry her first husband because she has been "defiled" and it is an abomination to the Lord and would bring sin on the land. Clearly, the judgmental language, used elsewhere in such contexts as Lev. 18, supposes gross sexual sins among the people. She was "defiled" apparently due to her entrance into the second marriage, not wrong in itself, but wrong when following a bad divorce. Why was it a bad divorce? Because "some indecency" was interpreted broadly by the husband and the divorce was not biblically justified.⁶¹

John Murray in his book, *Divorce*, begins his discussion of the meaning of "some indecency" by saying: "It has to be admitted that it is exceedingly difficult if not precarious to be certain as to what the 'unseemly thing' really was." He concludes that there was no evidence to show that in Deut. 24 it refers to adultery or an act of sexual uncleanness. On the other hand, he is not willing to agree with Hillel's loose interpretation. Murray concludes that it refers to something very shameful: "While falling short of illicit sexual intercourse it may well be that the indecency consisted in some kind of shameful conduct connected with sex life. Or it may have been some other kind of impropriety worthy of censure on the part of the husband."⁶²

This variety of interpretation reminds us that precious little can be gained from a study of Deut. 24:1-4. It was precisely because of its vagueness that it was being debated in Jesus' day. In any case, what we have here is the regulation of divorce, not its

⁶⁰ Heth and Wenham, *Jesus and Divorce*, pp. 106-111.

⁶¹ Jay E. Adams, *Marriage, Divorce, and Remarriage in the Bible*, Grand Rapids, 1980, pp. 60-69.

⁶² John Murray, *Divorce*, pp. 9-16.

institution or encouragement. Moreover, the broad weight of the evidence seems to favor a generally sexual connotation for *erwath dabar*, although it is very difficult to conclude with any certainty. We can't imagine that anyone's view is going to rest on the interpretation of this particular passage. The real issue centers on an interpretation of the New Testament passages.

Three relevant principles *can* be derived from this passage however. First, it establishes the practice of making divorces official and legal instead of leaving them *de facto*. Second, it expresses God's desire that a woman be protected from being pulled back and forth by an impulsive husband. Third, it discourages divorce and especially the finalization of divorce *via* remarriage by making it unlawful to return to one's original spouse after remarriage.

4. Proceeding to the New Testament passages

All three synoptics provide us with Jesus' own teaching on marriage, divorce and remarriage. The passages vary in precise detail, but they do not present contradictory views of what Jesus taught. They complement each other, and provide a broader picture of what Jesus taught than if we had only one passage.

We will first examine Matthew 5:31-32, and then Luke 16:18. Matthew 19:3-5 and Mark 10:2-11 will be considered jointly. Once we have looked at all the passages in the Gospels, we will return to consider the exception clauses in Matthew and the meaning of *porneia* (sexual immorality). Then we will proceed on to consider 1 Corinthians 7.

B. Matthew 5:31-32

“And it was said, ‘whoever divorces his wife, let him give her a certificate of dismissal;’ but I say to you that everyone who divorces his wife except for the cause of unchastity, makes her commit adultery; and whoever marries a divorced woman commits adultery.”

1. The rabbinic perversion of Deuteronomy 24

Jesus is not quoting Deuteronomy 24 verbatim, but is stating a misleading abbreviation or distortion of that passage in the oral teaching of the Pharisees. This oral teaching gives the impression that divorce was readily permissible; all one had to do was to go through the formality of handing over a certificate of divorce. (Jewish sources confirm that divorce was relatively easy to obtain.)

It seems likely that Jesus is quoting the teaching of the school of Hillel, that school which taught a more lax view of divorce. For them, marriage was viewed as a contract that could be broken. By focusing on the steps taken in obtaining a divorce they had sidestepped the intent of the law, that divorce for unwarranted reasons is wrong.

2. Jesus' correction of the rabbinic perversion

Jesus responds to the distorted view of the rabbis by first saying that “*everyone who divorces his wife except for the cause of unchastity makes her commit adultery...*” Then he adds, “*and whoever marries a divorced woman commits adultery.*” Concerning his response, we make these observations.

First, there is the presence of an exception clause, “*except for the cause of unchastity.*” Because this clause is at the center of debate, we have reserved for a later section the discussion of what it means and how it is to be applied. However, at present we may point out the obvious, that if a man divorces his wife “for the cause of unchastity,” he is not thereby “making her commit adultery.” For she has already done so and he is free from that charge.

Second, because the verb “to commit adultery” is an aorist passive infinitive some scholars prefer to interpret the clause “stigmatizes her as an adulteress” (ever though it is not so).⁶³ But that view is to be rejected. The NIV “causes her to become an adulteress,” or the NASV “makes her commit adultery” (which we are using) provides a more natural translation. The aorist passive form serves simply to accent the fact that she is the victim.

Third, the question naturally arises, “How is the divorced wife caused to commit adultery?” By divorcing his wife, the man is virtually forcing her to be remarried. The plight of the divorced wife was often desperate in Jesus’ day, and divorce would inevitably lead to remarriage if there was any possibility. But how would that be called adultery? The clear implication is that the wife would be having sexual relations with a person other than the one with whom she ought to be having sex. It would constitute marital unfaithfulness. While the divorce from a human point of view did break the former marital obligations, from God’s point of view it never should have happened. In other words, when there is no biblical warrant to be in a divorced state, those who bring about that divorce are causing their partners to commit adultery.

Fourth, the emphasis of Jesus’ statement, therefore, is on the guilt of the husband who divorces his wife for an unbiblical reason. For he is being held responsible for creating a situation in which she cannot remarry without committing adultery. Some suppose that the real problem was not the divorce itself, but that to which the divorce led, the remarriage of the wife. But this text underlines the husband’s responsibility for the act. He victimizes her, and causes her to be an adulteress. The stigma she bears and the position into which she is placed have been imposed on her by the sin of the husband who initiates and executes the divorce. (Today, wives initiate divorces regularly, and the same principle applies to them as well.)

Fifth, Jesus goes on to say that “*whoever marries a divorced woman commits adultery.*” Jesus’ words indicate what happens when humans break up a marriage without the warrant of the exception clause. His words are related to that fact alone and do not deal with the status of the divorced woman when her previous husband remarries (see elsewhere in our study).

Sixth, we simply point out that the emphasis in this text should not be on the fact that there is an exception, but rather that there is only one exception. There is only one legitimate reason why the husband may be considered as not sinning by putting away his wife. As John Murray points out, “Preoccupation with the one exception should never be permitted to obscure the force of the negation of all others.”⁶⁴ Nor are we led to

⁶³ For example, R. C. H. Lenski, *Interpretation of St. Matthew’s Gospel*, Columbus, 1932, pp. 226 ff. For an extensive analysis of the use of the verb *moicheo* (to commit adultery) in this passage, see John Murray, *Divorce*, p. 21, n. 2.

⁶⁴ John Murray, *Divorce*, p. 21.

believe that a husband is “obliged” to divorce his wife in the case of sexual immorality. All that the text says is that if he does divorce her for that reason, he is not implicated in the sin of causing her to commit adultery.

3. Interpretations influenced by the context of Matthew 5, the Sermon on the Mount

Some have argued that, because of the immediate context of the Sermon on the Mount, our text is a “hard saying” of Jesus, and as such is to be understood as “haggadic argumentation” – a statement intended to shock Jews out of their complacency over divorce, and not as halakic, prescriptive instruction. For example, just prior to this passage in Matt. 5:29, Jesus talks about plucking out the right eye that causes one to sin. That was not meant to be taken as a literal legal prescription, they say, but as a deliberately shocking statement intended to challenge existing attitudes. Then they insist that the same is true of the divorce statement.⁶⁵

Our response is that although Jesus was concerned about the spirit of the law in Matthew 5, he clearly seems to be setting his own authoritative commentary and guidelines over against the legal prescription of the oral tradition. He obviously desire not just to affect their attitudes, but also to govern their external behavior. He was discouraging divorce in the strongest terms as a specific form of behavior.

Others hold that, since Jesus’ statement on divorce occurs in the Sermon on the Mount, we must interpret it as being more stringent than the views of the scribes and Pharisees. For Jesus had said, “... unless your righteousness surpasses that of the scribes and Pharisees, you shall not enter the kingdom of heaven” (Matt 5:20). They argue that if Jesus were allowing for remarriage after divorce for adultery, then Jesus “would be siding with the conservative school of Shammai which allowed divorce only in the case of adultery,” and, if so, then “Jesus’ teaching did not rise above that of Shammai and the Pharisees, contrary to His usual pattern ...[as] Christ customarily rebuked the superficiality of the Pharisees with His own more stringent interpretation of the Law.”⁶⁶ According to this point of view, therefore, Jesus’ teaching was more stringent by not allowing for remarriage.

In response, we would point out that Jesus' statement that their righteousness must exceed that of the scribes and Pharisees is not necessarily taken to mean that their standards must in every instance be more stringent. As David Jones notes:

“Jesus’ interpretation of the Law is not invariably more stringent than that of the Pharisees. Indeed, sometimes the opposite is the case. Responding to the Pharisees’ stringent interpretation of the fourth commandment, Jesus twice reproves them for failure to incorporate into their hermeneutic the principle of Hosea 6:6: ‘I desire mercy, not sacrifice’ (Mt. 9:13, 12:7)

⁶⁵ For example, M. J. Down, “The Sayings of Jesus About Marriage and Divorce,” *Expository Times*, 95.11 (1984), p. 333.

⁶⁶ Laney, *The Divorce Myth*, pp. 67-68.

... Rigorous standards are not necessarily righteous; it is not godly to be more strict than God.”⁶⁷

Moreover, in the Sermon on the Mount, Jesus is not saying that the great concern the Pharisees displayed for the details of observance was okay as far as it went, it just didn't go far enough; therefore they must supplement it by going further. Rather, as John Murray explains in his book *Principles of Conduct*:

“What Jesus is saying is that the righteousness of the scribes, notwithstanding its meticulous adherence to the minutiae, does not begin to qualify for the kingdom of heaven; it has no affinity with the demands of the kingdom of heaven. This is so not because the kingdom of heaven does not demand righteousness, not because it is indifferent to the minutiae of divine prescription, but because the demands of the kingdom of heaven are far greater than anything that ever enters into the conception of the scribes and Pharisees. They have not begun to reckon with the demands of the kingdom of heaven. Paradoxically, it was their concern for detail that led them to miss the whole genius of kingdom righteousness; the detail was not the detail of divine prescription. They made void the law of God by their own traditions.”⁶⁸

Murray concludes that “the righteousness that exceeds that of the scribes and Pharisees is therefore that of character and behavior,” not that of extending the details.⁶⁹

C. Luke 16:17-18

“But it is easier for heaven and earth to pass away than for one stroke of a letter of the Law to fail. Every one who divorces his wife and marries another commits adultery; and he who marries one who is divorced from a husband commits adultery.”

The context of Luke 16:18 is similar to that of Matthew 5:32. Jesus has just charged the Pharisees with hypocrisy, as those “who justify yourselves in the sight of men, but God knows your hearts...” (v. 15). He states that not even one stroke of the Law will fail (v.17), implying this to be the case in spite of their lax attitudes to the Law. Then he applies this to their view of divorce.

The divorce text of Luke 16:18 is quite similar to that of Matt. 5:32, except that whereas the latter passage reads “everyone who divorces his wife except for the cause of unchastity makes her commit adultery,” Luke reads “everyone who divorces his wife and marries another (*heteros*) commits adultery.” Matthew speaks only of a divorce which causes the wife to commit adultery, but Luke speaks of a man divorcing and remarrying thereby himself committing adultery. Also, Luke omits the exception clause.

⁶⁷ David C. Jones, in his paper submitted to the Eighteenth General Assembly of the Presbyterian Church in America as part of the Ad-Hoc Committee on Marriage, Divorce, and Remarriage, entitled, "The Westminster Confession on Divorce and Remarriage," p. 25.

⁶⁸ John Murray, *Principles of Conduct*, Grand Rapids, 1978, pp. 155.

⁶⁹ *Ibid.*, p. 156.

How do we understand the differences? First, we do not believe Jesus is contradicting himself. Luke 16:18 serves to clarify and reinforce Jesus' teaching in Matt. 5:32. According to Matt. 5:32, when a man divorces his wife but does not remarry, he is not committing adultery, but he is to be held accountable for causing his wife to commit adultery if she remarries. But in Luke 16:18, if a husband divorces his wife and then remarries, he is committing adultery.

Apparently divorce in Jesus' day was an act which frequently had as its object the removal of the wife to make room for another woman. This was the problem Moses was facing in Deut. 24 (cf. Ex. 34:11-16; Deut. 7:1-5), Ezra was facing in Ezra 9-10 (cf. Neh. 10:30; 13:23-30), and Malachi was facing in Mal. 2:10-17. It is at the heart of the problem we face today. In divorcing their wives to make room for others, they had made the Law of God void.

But how can Christ's teachings in Luke and in Matthew be reconciled when Matthew includes the exception clause but Luke does not? This should not be seen as a great difficulty. It is a regular feature of ethical commands or doctrinal pronouncements in the Scripture to be stated in a general form which sounds absolute, taken in and of itself, but which are modified or qualified in some way in another, more detailed, consideration of the same subject. For example, the sixth commandment, "Thou shalt not kill" is qualified in many ways in other places of the law (e.g. the commands concerning capital punishment and war); the fourth commandment prohibiting work on the Sabbath day is also qualified (see Mat. 12:1-5); Jesus' instruction concerning prayer, "Whatever you ask in My name, I will do it" (John 14:13-14) is qualified elsewhere in several ways (e.g. I John 5:14); Paul's command not to do anything that might make men stumble (I Cor. 10:32-33) is qualified by Jesus' example with the Pharisees (Mat. 12:1-14; Luke 13:10-17; 14:1-6); the commands to obey parents and civil authorities are qualified as well (Acts 5:29). Thus the fact that Jesus' command is absolute in Luke 16 should not prevent us from admitting the qualifications He places on His instructions when He gives them in Mat. 5 and 19."

D. Matthew 19:3-9 [Mark 10:2-11]

"And some Pharisees came to Him, testing Him, and saying, 'Is it lawful for a man to divorce his wife for any cause at all?' And He answered and said 'Have you not read, that He who created them from the beginning MADE THEM MALE AND FEMALE, and said FOR THIS CAUSE A MAN SHALL LEAVE HIS FATHER AND MOTHER, AND SHALL CLEAVE TO HIS WIFE; AND THE TWO SHALL BECOME ONE FLESH? Consequently they are no more two, but one flesh. What therefore God has joined together, let no man separate.' They said to Him, 'Why then did Moses command to give her a certificate and divorce her?' He said to them 'Because of your hardness of heart, Moses permitted you to divorce your wives; but from the beginning it has not been this way. And I say to you, whoever divorces his wife, except for immorality, and marries another commits adultery.' "

There is no need to consider Matthew 19 and Mark 10 separately. The primary phrase in question, "except for immorality," is found in Matt. 19:9 and is omitted in Mark. Other

differences between the two passages are secondary and do not demand separate analyses.⁷⁰ Therefore we have chosen simply to consider the exception clause in its Matthean context.

1. The context of Matthew 19:3-8

When the Pharisees asked Jesus, “*Is it lawful for a man to divorce his wife for any cause?*”, they were attempting to entrap him.⁷¹ In the process, however, they revealed some assumptions of their own. By beginning with “Is it lawful,” they revealed that they viewed marriage and divorce merely as a matter of legislation. By ending their question, “for any cause,” they betrayed a lax approach to divorce, an approach more in keeping with the school of Hillel. Josephus, himself a divorcee and a Pharisee, writes:

“He that desires to be divorced from his wife for any cause whatsoever, (**and many such causes happen among men,**) let him in writing give assurance that he never will use her as his wife any more, for this means she may be at liberty to marry another husband, although before this bill of deliverance be given she is not to be permitted to do so.”⁷² (Bold print, ours.)

These are the same assumptions we find so prevalent in today’s world.

Jesus responded by asking incredulously if they had not read Genesis 1:27 and 2:24. These verses, Jesus said, show that God joined (literally, “yoked together”) the two spouses, that they are now one flesh, and therefore no one should be party to their separation lest he be found guilty of rebelling against God.

The Pharisees then challenged him: “*Why then did Moses command to give her a certificate and divorce her?*” If God’s best is “no divorce,” why did Moses provide for divorce? And if Moses provided for divorce, does that not conflict with what Jesus had just said?

Jesus’ reply is of paramount importance as he explains the connection between Moses’ concession following the Fall and God’s intention for marriage in Creation. “*For the hardness of your heart Moses permitted you to divorce your wives, but from the beginning it was not so.*” Two contrasts of view may be discerned in this saying of Jesus.

First, whereas the Pharisees alleged that Moses commanded (*eneteilato*) divorce, Jesus said Moses permitted (*epetrepse*).⁷³ Permission denotes allowance or sufferance

⁷⁰ For a discussion of the differences, cf. David Atkinson, *To Have and To Hold*, pp. 110-111.

⁷¹ The question the Pharisees asked was a bit of rabbinic casuistry. If Jesus sided with Hillel, the Pharisees could charge Jesus with moral laxity. If he sided with Shammai, Jesus could be reproached for his own friendly treatment of sinners, it could be too strict for many of his followers, and his statement could be given to Herod who had imprisoned John the Baptist for the same views. If Jesus should reject both and declare himself as totally against divorce, they could charge him with contradicting the Law of Moses (i.e., Deut. 24).

⁷² Flavius Josephus, *Antiquities of the Jews*, Book 4, Chapter 8, as published in *The Works of Flavius Josephus*, trans. W. Whiston, Philadelphia, p. 141. For a discussion of the Jewish schools of thought as to what constituted proper grounds to divorce, see David Atkinson, *To Have and To Hold*, pp. 106-110.

⁷³ For an insightful discussion of the supposed discrepancy between Matthew 19:7-8 and Mark 10:3-4 concerning who used the word “permitted,” see John Murray, *Divorce*, pp. 43 ff.

without in the least implying approval or command. The Pharisees chose to view this divine concession as divine approval and a legal basis of divorce. It suited their purposes. But Jesus said, “from the beginning it was not so.”

Second, whereas the Pharisees spoke of grounds for divorce, Jesus said the real culprit was their “hardness of heart” (*sklerokardia*). This is a term often used of Israel’s stubbornness and rebellion against the will of God (Cf. Dt. 10:16; Jer. 4:40). Whenever Israel failed to believe and obey God, it was due to their hardness of heart. By implication, according to Jesus, this too is the cause behind divorce. When people fail to believe and obey what God has clearly communicated about marriage in Creation, it is their “hardness of heart” that is at fault.

2. Divorce and remarriage in Matthew 19:9

Jesus concludes by enjoining that whoever divorces his wife for any reason except for immorality and marries another, commits adultery. Setting aside for the moment the exception clause, if we pull together his teaching from Matthew 5:32; Luke 16:18; and Mark 10:11, we find “all the bases are covered”:

Mt. 5:32: a man who divorces his wife makes her to become an adulteress (when she marries again); a man who marries a woman who has been divorced commits adultery

Mt. 19:9: a man who divorces his wife and marries another commits adultery;

Mk. 10:11: a man who divorces his wife and marries another commits adultery against her; and a woman who divorces her husband and marries another commits adultery;

Lk. 16:18: a man who divorces his wife and marries another commits adultery; a man who marries a woman divorced from her husband commits adultery.

The point is, if a divorce takes place which has no sanction from God, then any new union which follows is an adulterous act, being unlawful. Not only is the act of divorce itself sinful, apart from remarriage, but the act of remarriage after an illegitimate divorce is judged contrary to the will of God. As we have stated above, the reason an unbiblical divorce can cause adultery is that God does not honor such a divorce. Following such a divorce, remarriage constitutes marital unfaithfulness. From God’s point of view, they should still be married to their original partner.

Concerning the adultery involved in remarriage following an unbiblical divorce, we understand that the consummation of the new union through intercourse is an adulterous act because it is God’s intention that the prior marriage not be broken. This adulterous act, while breaking the old union, establishes a new relationship which must now stand on its own.

3. The exception clause of Matthew 19:9

“And I say to you, whoever divorces his wife, except for immorality, and marries another commits adultery.”

The presence of the “exception clause” in Matthew 19:9 has caused endless debate among scholars. The discussion has generally centered around three major questions: the authenticity of the clause as the words of Jesus; the scope of the exception clause; and the meaning of the *porneia* (the Greek term translate “immorality” in the NASV). The first two questions can be handled quickly for our purposes, whereas the third question needs more careful consideration.

a. The authenticity of Jesus' words

Many commentators try to argue that the exception clause is not original with Jesus, and that Matthew or another editor of the Gospel inserted it at a later time. They contend that Jesus would not have allowed for exceptions and would have branded all divorces as contrary to the will of God. After all, they argue, look at the absolute form of Jesus’ statements in Mk. 10:11-12 and Lk. 16:18.

As a denomination that believes in the inerrancy of Scripture, we take the position that if the exception clause belongs to the genuine text of Matthew’s gospel (and our textual apparatus strongly confirms this fact),⁷⁴ then it is truly the *logion* of our Lord. Second, its omission by Mark and Luke is not sufficient ground for rejecting it as an authentic saying of Jesus. Their silence could be due to their taking the clause for granted. Both pagan and Jewish culture took adultery as a ground for divorce for granted. It was not in dispute. Third, we reject the notion that God’s Word presents us with conflicting views of what Jesus taught, which would be the case if Matthew 19 is set over against Mark 10 and Luke 16. Fourth, the Greek text includes the emphatic “I” (*ego*), “And *I* say unto you.” What follows would naturally all be attributed to Jesus. This was indeed Matthew’s intention, and Matthew was there as an eyewitness. For these reasons, the burden of proof rests on those who with critical presuppositions would take these words from Jesus’ lips. The exception clause cannot be sidestepped in this way as unimportant for one’s interpretation.

It is also interesting to recall in this connection Jeremiah 3:8, where Yahweh is said to divorce Israel for her spiritual adultery (idolatry): “I gave faithless Israel her certificate of divorce and sent her away because of all her adulteries.” If God himself can properly divorce his bride because of adultery, then, given Christ’s unqualified adherence to the authority of the Old Testament, it seems difficult to conclude that Jesus would not have had similar words on his own lips.

b. The scope of the exception clause

A major debate has revolved around the scope of the exception clause. Does “except for immorality” refer only to divorce, or to both divorce and remarriage in this passage? The Roman Catholic Church, and more recently Heth and Wenham, have held that the phrase refers only to divorce. According to Heth and Wenham:

“The construction of Matthew 19:9 basically indicates that we are dealing with two conditional statements, one that is qualified and one that is unqualified or absolute:

⁷⁴ John Murray, *Divorce*, pp. 47-51, deals in depth with the question of textual evidence for the authenticity of these words of Jesus.

1. A man may not put away his wife **unless** she is guilty of adultery.
2. Whoever marries another after putting away his wife commits adultery. Or, to paraphrase the idea in another way: ‘Putting away for reasons other than unchastity is forbidden; and remarriage after every divorce is adulterous.’⁷⁵

According to John Murray, the sentence cannot be subdivided in that way. There is only one subject (“whoever”), and one main verb (“commits adultery”), and the ruling thought is of the husband committing adultery because he both divorces and remarries another woman. So the unity and coordination of the entire sentence demands that the exception clause relate to both divorce and remarriage.⁷⁶

We agree with John Murray. It is difficult, and indeed strained, to restrict the exceptive clause to divorce (*apoluse*) and not extend it also to remarriage (*gemes alien*). It is questionable grammatically to interpret Matthew 19:9 as two conditional statements, as Wenham does. Moreover, the question is logical, not grammatical. Divorce by definition entailed the right to remarry, as we have noted previously; and Jesus is locating the committing of adultery not simply in the act of remarriage, but in the fact that someone has divorced his wife for an inadequate reason and has then remarried.

c. The meaning of *porneia*

The heart of the debate centers around the meaning of *porneia*, often translated fornication. Our first step must be to survey its uses in both the Old and New Testaments.

Porneia and its cognates serve to translate the Hebrew word *zahnah* and its cognates. According to the Arndt and Gingrich *Lexicon*, *porneia* may be translated “prostitution, unchastity, fornication,” and may be used “of every kind of unlawful sexual intercourse.” Examples include the harlotry of a married woman (Hos. 2:2), incest (1 Cor. 5:1), or even homosexuality (Jude 7).⁷⁷

Of particular importance is the fact that *porneia* (fornication) is on occasion used interchangeably with *moicheia* (adultery; its Hebrew equivalent is *nahaph*). Examples of this can be found in the Greek translation of the Old Testament in the parallel clauses of Hosea 2:2, and in Jeremiah 3:1, 2, 6, 8 where a married adulteress is divorced because of her fornication. In Ezekiel 23, God tells the story of two women who committed fornication both before and after marriage; in this extended passage fornication is clearly used to speak both of sexual sin leading to adultery, and of adultery as its effect. That *porneia* can refer to adultery on the part of a married spouse is best seen in a quotation from the apocryphal Sirach 23:22,23: “So it is with a woman who leaves her husband and provides an heir by a stranger (*porneia*).”

⁷⁵ Heth and Wenham, *Jesus and Divorce*, p. 117.

⁷⁶ John Murray, *Divorce*, p. 40. Thomas Edgar provides one of the strongest cases against this view of Heth and Wenham, arguing that their view is both grammatically and logically impossible. Edgar argues his case in his contribution to *Divorce and Remarriage: Four Christian Views*, ed. H. Wayne House, “Divorce and Remarriage for Adultery or Desertion,” Downers Grove, 1990, pp. 156-162.

⁷⁷ William F. Arndt and F. Wilbur Gingrich, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature*, Grand Rapids, 1957, pp. 699-700.

However, even though these two terms may be used interchangeably, they are not to be equated. Otherwise, why the two terms, both in Hebrew and Greek? Why would they be carefully distinguished in verses such as Hebrews 13:4b (“...for fornicators and adulterers God will judge”) and Matthew 15:19 (“For out of the heart come evil thoughts, murders, adulteries, fornications...)? If the two terms are to be distinguished, how do they differ?

The answer is: whereas adultery refers to the marital unfaithfulness, fornication is broader and can encompass all sexual sin including adultery. As the logicians and linguists would say, ‘adultery’ is not part of the **intention** of *porneia*; it is part of its **extension**. *Porneia* is a class, and within the class you may have a number of specific sins which may be referred to like adultery or homosexuality or prostitution.⁷⁸

Some scholars hold that *porneia* is referring to incest. They argue that this is its meaning in 1 Corinthians 5:1 and in Acts 15:20.⁷⁹ First we should note that not that many commentators agree that Acts 15:20 is referring to incest.⁸⁰ In the particular case of I Cor. 5:1, it seems quite clear that *porneia* is used here as a class (sexual immorality) which includes incest as one of its referents (its extension). Note how the passage reads: “It is actually reported that there is sexual immorality (*porneia*) among you, and sexual immorality of such a kind as does not exist even among the Gentiles, that someone has his father's wife.”

The basic significance of *porneia* in the New Testament may be seen in I Cor 7:2, “But because of immoralities...” (*porneias*); the plural points to various immoral acts. The commands to “flee immorality” (I Cor. 6:18), and “abstain from immorality” (I Thess. 4:3), naturally refer to sexual sin in general. These are clear examples of its basic use. Thus we conclude that *porneia* is a term that refers to sexual immorality in general, and that within this general classification it may refer to a number of specific sins, depending on its context. Moreover, we choose to translate *porneia*, “sexual immorality,” since the term fornication in today's English may refer to sexual sins committed only by the unmarried, and since sexual immorality communicates better the broad nature of this sin.

d. Is *porneia* ever used with an even broader meaning?

We must note that *porneia* has a figurative use as well. In the Old Testament, there are several prophetic passages which use the analogy of *porneia* extensively to picture Israel's marital (or sexual) unfaithfulness to God. These passages picture Israel as Hosea clearly delineates it as an unfaithful wife wandering away from God her husband (cp. for example Hosea 1:2). Jeremiah 3 speaks of how treacherous Israel was in going up “on every high hill and under every green tree, and she played the harlot there” (*porneuo*). Ezekiel 16 and 23 speak of Israel “multiplying her harlotries” and even “paying her lovers” for fornication.

⁷⁸ In the words of David C. Jones (Op. Cit., p. 21), “*Porneia* is the general term for all illicit or immoral sexual intercourse. The specific form may sometimes be indicated by the context. If payment of wages is involved, it is *prostitution*. If it involves close relatives, it is *incest*. If it involves persons of the same sex, it is *homosexuality*. If it involves an unmarried couple, it is *unchastity*. If it involves a married person outside of marriage, it is *adultery*.”

⁷⁹ See above, note 5.

⁸⁰ For an excellent refutation of the view that Acts 15:20 is referring to incest, see Thomas Edgar, “Divorce and Remarriage for Adultery or Desertion,” pp. 177-187.

Because *porneia* is used to designate Israel's unfaithfulness to God her husband in acts of idolatry and other sins, therefore by extension other figurative use also designates other acts of sin and unfaithfulness to God (cf. Numbers 14:33; Isaiah 1:21; and Hebrews 12:16), since that covenanted relationship is still in view. Furthermore, this figurative use of *porneia* is extended even further in the New Testament to describe the rebellion of sinful humanity in the defilements and abominations represented by the “Great Harlot” (Rev. 17:4; 19:2).

e. What are the current interpretations of *porneia*?

From our prior discussion, it is clear that *porneia* has a very common literal meaning which is “sexual immorality.” This is its **intensive** sense, and its **extensive** sense can include such sexual sins as adultery, homosexuality, prostitution, and incest. It is also clear that *porneia* is used figuratively in Scripture of spiritual betrayal on the part of God’s people.

The issue is, what does *porneia* mean in Matthew 19:9? We may group current interpretations under three headings:

View #1: *porneia* refers to sexual unfaithfulness before marriage

Some scholars hold that *porneia* refers to a sexual sin separate from marital unfaithfulness. They prefer to view Jesus as totally against divorce and remarriage. Therefore, *porneia* in Matthew 19:9 could not refer to adultery or any kind of sexual sin within marriage. One such view identifies *porneia* with premarital unchastity during the Jewish engagement period. Thus Jesus would be allowing divorce if the bride was found unfaithful during that period, and they would never have entered into conjugal relations. Another such view is to identify *porneia* with incestuous marriages. In this case Jesus would merely be nullifying a marriage which was unlawful to begin with.

How are we to evaluate this view? A number of compelling reasons stand against our accepting this view. **First**, the context of Matthew 19:9 is about marriage and divorce, not about invalid unions. The Old Testament texts about which Jesus and the Pharisees were speaking (Genesis 1-2, Deut. 24) refer to marriage, not the engagement period. To suppose that Christ would have introduced matters having to do with the engagement period, matters governed by separate legislation and concerning which there was no controversy, when the issue being discussed was marriage and divorce, seems out of place.

Second, *porneia* is never specifically used in Scripture of unchastity during the betrothal period, and is used only once in a context clearly having to do with incest (1 Cor. 5:1). Although *porneia* could be referring to both of these sexual sins, it would not be understood as referring to either one of them unless the context encouraged such an interpretation. No encouragement is seen in the context by this committee.

Third, there are incidents in Scripture of *porneia* being used of adultery. To assume that *porneia* does not have to do with marital unfaithfulness in a passage discussing marriage and divorce is to assume too much.

Finally, the whole strength of this interpretation is drawn from the assumption that divorce with remarriage does not exist in the Bible. This is to beg the argument.

View #2: *porneia* refers to unfaithfulness in marriage, not restricted to sexual sin

This second understanding of *porneia* comes from those who wish to view the term in both its literal and figurative senses. They argue, since the use of *porneia* has not been restricted to sexual sins only, but has also been used in the figurative sense of covenant breaking, neither should the grounds for divorce be restricted to sexual sins alone. Hence, *porneia* may refer to all the ways in which profound unfaithfulness can destroy the covenant of marriage. They also may view "desertion" in I Cor. 7 as included in their definition of *porneia* in Matthew 19. These are sins which undermine the foundations of the marriage covenant.

How may we evaluate this view? It is undeniably true that *porneia* occurs in Scripture in a figurative sense. This view also has the apparent advantage of satisfying the supposed conflict with I Cor. 7:15 by seeing desertion as a subset of *porneia*.

In response, we may **first** observe that in a passage where *moicheia* (adultery) is used in a literal sense, it would be expected that its corresponding term *porneia* (sexual immorality) would also be used in the same literal way. There would need to be compelling contextual evidence to take it in its figurative use, particularly in a passage that is talking about the literal sexual dimension of being one flesh. Moreover, there is no explicit use of *porneia* in Scripture for sins within the human marriage relation other than sexual.

Second, in Matthew 19, Jesus is speaking against the backdrop of easy divorce. In doing so, he was trying to restrict divorce. That he was successful in being restrictive is clear in the amazement of the disciples to Jesus' words (19:10) and in Jesus' response to them that implies that they have understood his comments correctly (19:11-12). This context suggests a narrower use of *porneia*, that it should not be interpreted in a way that could open it up to all sorts of grounds for divorce.

Third, if desertion were a subset of *porneia*, then in 1 Corinthians 7:10-11 Paul would be denying to the divorced spouse what Jesus would be allowing, namely divorce on the grounds of *porneia*.

Fourth, we note that in Scripture Jesus only uses *porneia* in the literal sexual sense. This seems to be the most natural sense of the term in Matthew 19:9. The burden of proof rests clearly with those who would take *porneia* to include the figurative sense in this passage.

View #3: *porneia* refers to sexual unfaithfulness in marriage

The third understanding of *porneia* is the classical view, that it refers to sexual sins committed by one within the marriage relationship. Some prefer to interpret *porneia* as the equivalent of adultery. Others prefer to view it as encompassing any kind of sexual immorality while married. It could cover adultery, prostitution, incest, homosexuality, lesbianism and bestiality, all those vices which would have called for the death penalty in the Old Testament.

How are we to evaluate this view? One might object, "If Jesus meant adultery, why didn't he use the specific term for adultery?" But the strengths of this view vastly outweigh any difficulties that may be raised.

First, the literal sense of *porneia* seems to fit most naturally into the context (see above, first observation under View #2). No wonder this has been the classical interpretation for some 2000 years.

Second, the context of Matthew 19 is the breaking of the marriage covenant, divorce. Since sexual sins violate the “one flesh” principle of marriage, thereby radically breaking the unity and exclusivity of marriage, this understanding of *porneia* as “sexual immorality” fits with Jesus granting it as the one exception for breaking the marriage bond and being free to marry again.

Third, the fact that *porneia* was chosen, and not *moicheia*, suggests that it was meant to cover more than adultery alone in its strictest sense. Sexual sins of a married person such as having sex with an unmarried person, homosexuality, incest, and prostitution would be included.

f. Guidelines for applying the meaning of *porneia*

We agree that *porneia* refers to “sexual immorality.” But sexual immorality could be understood to include all kinds of sexual sins such as inordinate lust, pornography, or masturbation. To be sure, these are sins that impinge against the one-flesh relationship, but they do not necessarily break it.

We ask then, “What does Jesus mean by *porneia* in this passage as a grounds for divorce?” We believe Jesus intended *porneia* to be understood in a more limited way, as referring to those external sexual actions which would clearly break the one-flesh principle of marriage. The whole passage centers on a marriage relationship and the exception focuses on an act that may become the reason for a divorce. Therefore, we must distinguish between those sexual sins that clearly break the one-flesh union and those that don’t. Adultery, homosexuality, lesbianism, bestiality, and incest are examples of sexual immorality that break the one-flesh union precisely because they involve sexual union with a being other than one’s marriage partner, i.e., they amount to adultery.

Other acts of sexual immorality do not as clearly serve to break the one-flesh relationship. The committee would argue that masturbation and the destructive sin of pornography *per se* are not grounds for divorce, because they do not unmistakably break the one-flesh relationship; but if a person becomes 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. Other examples of habitual sexual sin could be cited. But all of these are unclear cases, and judgment will have to rest with the Session in their application of biblical principles.

The guiding principle should be whether the sexual sin does indeed break the one-flesh relationship. Some sexual sins may hurt the marriage union without necessarily breaking it. But when that sexual sin becomes externalized in such a way that it becomes a substitute for the one-flesh relation with one’s spouse, then the Session may judge it as being the equivalent of *porneia*.

E. 1 Corinthians 7:10-15

These verses are referring to two distinct groups of persons. Verses 10-11 presuppose both partners are believers, and Paul is applying a saying of Jesus which bears directly on

that situation. Verses 12-15 address a mixed marriage situation where one of the spouses has become a Christian, and Paul speaks to this issue himself.

1. Instruction to spouses both of whom are believers,

Verses 10-11:

"But to the married I give instructions, not I, but the Lord, that the wife should not leave her husband (but if she does leave, let her remain unmarried, or else be reconciled to her husband), and that the husband should not send his wife away."

Paul tells the Christian wife not to "leave" (*chorizo*) her Christian husband, and likewise tells the husband not to "send away" (*aphiemi*) his wife. The critical point here is that Paul is telling them not to "divorce" each other. He uses Greek words which in this context are referring to divorce, not separation as we know it. According to Gordon Fee in his carefully documented commentary:

"Much has been made of the use of the verb 'to separate oneself from' [*chorizo*], in distinction from the verb used in vv. 12-13, 'to divorce' [*aphiemi*]. But that probably reflects our own urgencies for greater precision. Divorce in Greco-Roman culture could be 'legalized' by means of documents; but more often it simply happened. In this culture divorce was divorce, whether established by a document or not. Either the man sent his wife away ('divorce' in the sense of v.12), or else either of them 'left' the other ('to separate') ... Ordinarily when the wife 'divorces' she simply leaves her husband ('is separated' from him); the same verb is used in v. 15 of a pagan partner of either sex who leaves, and occurs regularly in the papyri for mutual divorce (agreeing to 'separate from each other'). On the other hand, a man ordinarily 'divorced' his wife ('sent her away'); nonetheless in v.13 the wife can do the same."⁸¹

We tend to interpret verses 10-11 in terms of modern day separation rather than divorce. But the Bible does not deal with the idea of separation as a "half-way house" step as we know it. Perhaps the Biblical writers were so committed to the permanence of marriage that they did not want to study ways to effect temporary separation. But more likely, it was the fact that separation in first century society was *de facto* divorce. That these verses are clearly referring to divorce is evidenced by the fact that the believing wife is called "unmarried" (*agamos*) in verse 11.

Paul goes on to say that for the two Christian spouses who divorce, there are only two options. They are to remain unmarried, or better still, be reconciled. (This is consistent with Jesus' prohibition against remarriage within the church [Mt. 5:31, Lk. 16:18].) The change of verb tenses emphasizes the direction of Paul's thinking. The wife is to remain unmarried (present tense, continuous action), or she is to be reconciled (aorist tense, accomplished action) to her husband. The believer must always remain in a position to

⁸¹ Gordon D. Fee, *The First Epistle to the Corinthians*, Grand Rapids, 1984, pp. 193-194.

be reconciled. Marriage to another would preclude reconciliation. Paul then goes on in verse 1 lb to say what is true of the wife is also true of the husband.

2. Important insights into verses 10-11

Three important points should be noted. **First**, Paul presents this instruction in the form of a command (*paraggello*) and appeals to the authoritative teaching of Jesus. This is one of the rare instances in Paul's writings where he appeals directly to Jesus. We should not suppose that Paul lacks authority, but rather that Paul is seeking to add as much force as possible to his admonition. In other words, this instruction is not just good advice. Married believers should not divorce.

Second, Paul is acknowledging that improper divorces may in fact occur. This is the burden of the Greek construction which may be interpreted, "if for any reason this condition may possibly occur." Paul is not giving a right to divorce. He is recognizing that divorce may happen, and says that in such cases the wife may not use her present unmarried condition as an opportunity to marry someone else. This is the penalty for a sinful divorce. If she has the desire to get married, it must be to her former husband. It is striking that Paul didn't say, "you have to get back together again." Paul clearly recognizes that in certain cases the marriage will not be restored.

Third, it is remarkable that Paul should focus on the wife seeking a divorce; his remarks about the husband almost seem like an afterthought. In Jewish culture a woman was generally not allowed to divorce her husband, although in Greek culture women could do so. Why would women believers in Paul's day be seeking divorce from believing husbands? Perhaps it was due to misguided beliefs that ascetic practices or the refusal of sexual relations in those "last days" was a righteous response (cf. 7:1ff, 29ff, etc.). We are not sure of the exact reasons. But whatever the background, the reasons appear to be opposite those given in our own culture. Today women and men often divorce for the express purpose of marrying someone else. But Paul does not allow remarriage in this instance, because this would in effect be adultery, and because the norm of Christians is to be reconciled.

3. Instruction to a spouse married to an unbeliever,

Verses 12-15

"But to the rest I say, not the Lord, that if any brother has a wife who is an unbeliever, and she consents to live with him, let him not send her away. And a woman who has an unbelieving husband, and he consents to live with her, let her not send her husband away. For the unbelieving husband is sanctified through his wife, and the unbelieving wife is sanctified through her believing husband; for otherwise your children are unclean, but now they are holy. Yet if the unbelieving one leaves, let him leave; the brother or the sister is not under bondage in such cases, but God has called us to peace."

These verses presuppose a mixed marriage. Although Paul would not allow an already-professing Christian to marry an unbeliever (7:39; 2 Cor. 6:14-7:1; cf. Ezra 10:10), in these verses he forbids a Christian to initiate a divorce with an unbeliever. The present tense prohibition, *me aphieto*, seems to suggest that some were in the process of doing so,

and he wanted it stopped. Perhaps believers were using their spouse's unbelief as an excuse for getting a divorce, or perhaps believers thought that marriage with an unbeliever somehow contaminated them. But Paul argues the opposite here. It is not the believer who is defiled, but the unbeliever who is sanctified, as well as the children of that union. Therefore, if the unbelieving spouse "is well-pleased to dwell together with" the believing spouse, then the believer must not resort to divorce.

The church needs to face squarely the implications of this. Paul does not make self-fulfillment the law of marriage, and is perfectly willing to require someone to remain in a marriage that will be painfully difficult. Here is a woman going to heaven, married to a man going to hell. Here is a woman who prizes above all things the Word and the ways of the kingdom of God, and here is a man who considers those things to be irrelevant, uninteresting, and unimportant. He cannot satisfy or encourage her in any of those areas. In the dimensions of her life which are most precious to her and are most profoundly important to her, her husband is not only positively no help, but very often is an interference, a frustration. And yet, Paul says she must stay.

This accent on "no divorce" is consistent with verses 10-11. However, Paul introduces an exception: "if the unbelieving one leaves." In that case the believer is to "let him leave." The verb is a third person present imperative, which carries with it a certain ambiguity. Paul may be viewed here as giving the unbeliever permission to leave, while at the same time confirming to the believer that that course of action is proper. We should note that Paul immediately proceeds to say, "the brother or sister is not bound" and "God has called us to peace." These three ingredients indicate that Paul is allowing, if not ordering, such a separation.

Again, the verb "leaves" (*chorizo*) is referring to divorce. Herein lies an interesting point. Paul is referring to a situation in which the deserted spouse is the passive victim of the unrighteous termination of a marriage. This suggests that what we have here is not another ground for divorce, but from the perspective of the offended spouse, a *fait accompli*. We are reminded that there are various views attempting to reconcile the desertion of 1 Corinthians 7 with the *porneia* (sexual immorality) of Matthew 19. Some hold that desertion is simply an additional ground for divorce; Jesus was not giving us an exhaustive list. Others hold that desertion is simply a subset of *porneia*, *porneia* being a term which has broader connotations than illicit sexual sins. But it seems reasonable to argue that Paul views desertion as the destruction of the marriage which the Christian spouse was unable to prevent. The question Paul raises is, what should a Christian do if an unbelieving spouse leaves the marriage?

Paul says the believer "is not bound" in such a case. What this means has been disputed. Some think that Paul simply means that the believer is not bound to maintain the marriage if the partner opts out.⁸² Others maintain that all the bonds of marriage have been removed; the person has been released entirely from every obligation of the former

⁸² A. Robertson and A. Plummer, *A Critical and Exegetical Commentary on the First Epistle of St. Peter to the Corinthians*, Edinburgh, 1911, p. 143. Heth and Wenham, *Jesus and Divorce*, pp. 94-96, 140-144.

marriage and is free to marry again.⁸³ Support is found in 7:39: “A wife is bound as long as her husband lives; but if her husband is dead, she is free to be married...” To be bound is to remain married to your husband. Not to be bound is to be free to marry (cf. Romans 7:2f.).

This question is made more difficult by the fact that two different Greek verbs are translated “bound” in 7:15 and 7:39. In 7:39 (as in Romans 7:2), the verb *deo* is used. In the context of marriage, it refers to being bound by law and by duty to one's spouse as long as they live. In 7:15, *douleuo* is used in the perfect tense and means “is no longer in a state of bondage.” Some think that since *deo* is not used in 7:15, Paul is not saying that a believer is free to remarry.⁸⁴ Others maintain that *douleuo* is a synonym for *deo* and is a stronger term, and therefore Paul is saying that a believer is clearly no longer bound to the unbeliever by law and is hence free to remarry.⁸⁵ It seems to us that the burden of proof rests firmly on the former interpretation. It is not easy to demonstrate that Paul's language in 7:15 means something less than his language in 7:39.

We conclude that when Paul says, “let him depart, the brother or sister is not bound,” the strong presumption is that he is saying that the believer is not obliged to prevent the divorce and is also free to remarry. In the circumstances of our culture, Paul would say that the believer is not obliged to go to court to attempt to stop the divorce, and may in fact undertake to make *de jure* what is already *de facto* by initiating the legal process of divorce.

Finally, Paul states that “God has called you to peace.” Does he mean, (1) God has called you to peace, so you must now be tranquil in the midst of a bad marital situation; or (2) God has called you to peace, so be at peace as you find yourself free from your former marital obligations? Coming as it does at the end of verse 15, these words appear to wrap up the significance of “not being bound.” Indeed, peace would be impossible if the unbelieving spouse were compelled against his will to live with the believer, or if the believer somehow perpetuated the marriage *de jure* when it no longer existed *de facto*.

4. Applying Paul's instruction about desertion today

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

⁸³ R. H. Charles, *The Teaching of the New Testament on Divorce*, London, 1921, p. 58. H. Ridderbos, *Paul: An Outline of His Theology*, Translated by J. R. DeWitt, Grand Rapids, 1975, pp. 308-309, n. 139.

⁸⁴ Heth and Wenham, *Jesus and Divorce*, pp. 94-95, 141-142.

⁸⁵ John Murray, *Divorce*, pp. 74-75. David Atkinson, *To Have and To Hold*, p. 132, n. 18.

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 of 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, 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 the liberty of a battered spouse.

5. Some concluding thoughts about remarriage, 1 Corinthians 7:39:

“A wife is bound as long as her husband lives; but if her husband is dead, she is free to be married to whom she wishes, only in the Lord.”

This verse reminds us that Scripture provides us with guidelines for remarriage. These guidelines begin with the principle given in this verse, though they do not stop there. We may sum up the Scriptural guidelines as follows.

First, Scripture allows for remarriage after the death of one's spouse as seen in this passage (cf. also Romans 7:3b). Remarriage is commended for widows who have difficulty restraining their sexual desire as a means of dealing with that need (1 Cor. 7:8, 9). Scripture even encourages younger widows to remarry due to the temptations and position they could be in were they not to do so (1 Tim. 5:14).

Second, we have observed that a person divorced in accordance with the exception stated in Matthew 19:9 is free to remarry, because the exception relates to the sentence as a whole including both the verb “divorces” and also the verb “marries.”

Third, we have seen in 1 Corinthians 7:10-11, if two believing spouses divorce, they are to remain unmarried, or else be reconciled. No remarriage to a third party is envisioned in this case. However, in a mixed marriage, according to 1 Cor. 7:12-15, the believing spouse is released (“is not bound”) from the marital obligation to the unbelieving spouse when he divorces the believer and the believer is therefore free to remarry.

“But can those involved in an unbiblical divorce ever remarry? Or can the guilty spouse in a Biblical divorce remarry? Jesus was quite clear in saying that those who are involved in a remarriage after an improper divorce commit adultery. By this we understand not that they are in a continual state of adultery, but that they have committed an adulterous act by which they have entered into a new marriage relationship. It is a sinful act and should not be entertained as good or godly. Furthermore, the idea of seeking a divorce with the intention of remarrying someone else is clearly sinful. However, when one of the spouses in the former marriage remarries, we may conclude that the other is freed to remarry, because the former marriage relationship has been permanently broken by that remarriage.”

The Church should be careful not to go beyond the Word of God in this matter. Quite often, persons who have been divorced for unbiblical reasons come to the Church with the desire to remarry, declaring they are repentant and desirous of living for God. They want their new union to be sanctified by the Word of God and prayer in a Christian ceremony. The Church must be careful not to sanction unbiblical remarriages. If a

person is truly repentant, he or she will have a genuine desire to be reconciled with the estranged spouse. There are circumstances, however, where that has become impossible, for example where the former spouse has already remarried, or where the former spouse refuses reconciliation in such a way that he manifests himself to be an unbeliever. In such cases, remarriage to another person becomes a possibility.

Moreover, the committee believes that in the providence of God, in due time, such matters will resolve themselves. In the meantime, those divorced for unbiblical reasons should find love and counsel in the Church of Jesus Christ. If they are truly repentant, they should find the same treatment the woman taken in adultery received from Jesus.

But what about those cases where people have been in an unbiblical divorce and have already remarried? What should be the Church's response to them? The gentle use of pastoral oversight will ask parties to seek God's gracious forgiveness by repenting of their past sins in marriage and by rededicating their lives to Christ in the confidence of His forgiveness and His acceptance of their present marriage. That assumes, of course, genuine repentance on their part. We must remember that adultery and divorce are not the unforgivable sin, but that they along with other ungodly sins are covered by the blood of Christ.

CHAPTER 3

PASTORAL PERSPECTIVE ON DIVORCE AND REMARRIAGE⁸⁶

I. PREVENTION OF MARITAL PROBLEMS

A. Statement of prevention rationale

The proper nurturing of the couple in the life of the congregation before and during marriage is a part of supporting biblical faithfulness in marriage. The prevention of divorce is not only possible, but probable when the problems which lead to divorce are addressed and resolved in a biblical manner at early stages of development. Since it is the developed problem that does severe damage to the marriage, prevention of problem development is essential. Putting out the spark before it becomes a forest fire is both achievable and wise. Therefore, it is incumbent upon the church to do all it can to nurture marriages. For this purpose, we are providing the following guidelines and resources.

B. Guidelines for prevention

This list of guidelines is not exhaustive, but is intended simply to remind us of ways we can encourage and build up marriages and help prevent divorces from occurring.

1. Pastors may pursue continuing education in pre-marital and marital counseling.
2. Pastors and officers should seek assessment and enrichment of their own marriage and family.
3. Pastors and their wives are encouraged to establish a relationship with another, preferably older, pastor or elder (and his wife) who has a healthy marriage and is a man of wisdom.
4. Churches should provide pre-marital counseling for couples whether previously married or not (minimum of six sessions).
5. Pastors are urged to train other mature couples with strong marriages to do premarital counseling.
6. Churches should expand their educational programs to include classes for marriage enhancement and marital preparation.
7. Churches should promote books, conferences and seminars on biblical marriage and family development for the congregation.
8. Pastors are encouraged to preach sermons on topics which will strengthen families in the church.
9. The church leadership should train small group leaders in the detecting and handling of a couple's troubled marriage.

⁸⁶ The Committee encourages a Biblical approach to counseling. The following listing of resources is not intended to be an endorsement by the PCA. Certain of the resources may have statements of doctrine which are not in conformity with the Reformed position. These resources are provided, however, as aids in ministry (i.e., not as doctrinal treatises or positions). The reader should apply Biblical discernment and evaluation while using them. Also, the Committee affirms that no one person's method of counseling is being promoted through these guidelines and resources.

10. Pastors should train Ruling Elders in proper church discipline which seeks to restore those who have been caught in a sin.

C. Suggested outline for pre-marital counseling

This outline, provided by an experienced pastoral counselor, will help us reflect on the depth and breadth of our present efforts at pre-marital counseling. It is not meant to be definitive.

1. SESSION 1: Gathering general information

- a. Determining their spiritual condition
 - 1) If Christian, have each given his testimony
 - 2) If non-Christian, present the gospel
- b. Learning their background
 - 1) How they met
 - 2) Their interests and habits
 - 3) Their immediate families
 - 4) Their church experiences and personal beliefs
- c. Determining their eligibility for marriage
 - 1) Would they be equally or unequally yoked?
 - 2) Are they presently living together or sexually involved?
 - 3) Are there detrimental health conditions?
 - 4) Inform them if there are reasons you cannot marry them.

NOTE: Much of the data can be gathered in a Data-Intake Form developed by the pastor in a Pre-Marital Inventory, a copy of which can be found in the A.P.P.L.E. (Active People Preparing to Love and Encourage) Training Manual referred to in the Resource section.)

2. SESSION 2: Dealing with finances (could use Larry Burkett tapes)

- a. Looking at their financial history
 - 1) Their families' financial attitude; note patterns
 - 2) Whether they are in debt or debt free
 - 3) The dangers of credit card living
 - b. Helping them draw up a budget for common household expenses
 - 1) Include house, insurance (life and health), automobile, food, savings, medical needs, etc.
 - 2) Include tithes and other contributions
 - 3) Consider where the money will be coming from, and how it is shared
 - c. Discussing a new will
3. SESSION 3: Discussing the family

- a. Reviewing their family histories
 - 1) Whether traditional or single parent households have affected family beliefs
 - 2) Whether major unresolved family problems or estranged relationships exist
 - 3) Whether attitudes toward prospective in-laws are detrimental
 - 4) Whether there was a history of family violence or child abuse (emotional, physical, sexual) and how these issues were resolved.
 - b. Discussing Biblical concepts of the family
 - 1) The Biblical foundation of marriage
 - 2) Sexual intimacy
 - 3) The role of the husband as the head of the marriage
 - 4) The role of the wife as his helper
 - 5) The role of parenting children
 - c. Considering their future family
 - 1) Discussing their ideas of family size
 - 2) Discussing their ideas of contraceptives; discussion of various means, and referring to a physician if appropriate
 - 3) Discussing generally any sexual inhibitions or misconceptions
 - d. Exploring past sexual activity, if any
 - 1) Whether immorality needs to be confessed
 - 2) Whether repentance needs to be demonstrated
 - 3) Whether forgiveness needs to be extended
 - 4) Whether there was any previous victimization of sexual abuse towards them in the past and how this issue was resolved (professional counseling, etc.)
4. SESSION 4: Dealing with sexual intimacy (could use Ed Wheat tapes)
- a. What were their parental husband/wife models?
 - 1) Were there warm or cold relationships?
 - 2) Were they dominating or subjugating?
 - b. What is the Biblical model?
 - 1) The husband: loving leader, protector, provider
 - 2) The wife: loving helpmate, companion, under his leadership
 - c. Are there any sexual fears?
 - 1) Possibly having physical pain
 - 2) Physically satisfying each other

- 3) Communicating likes and dislikes
- 4) Holding strictly to fidelity
- 5) Issues surrounding previous victimization that should be dealt with professionally
5. SESSION 5: Looking at common interests
 - a. Their friends
 - b. Their hobbies and recreation
 - c. Their educational backgrounds
 - d. And how disinterests may affect their relationships

NOTE: The pastor or counselor may want to give personality and temperament tests to the couple in order to help them understand each other and better minister to each other as future husband and wife.

6. SESSION 6: Wrapping up the sessions
 - a. Discussing perspectives that have been discovered
 - b. Discussing behavior they have discovered about themselves and each other during the course of the counseling
 - c. Discussing implementation of necessary changes in perspectives and behavior discovered during the course of the counseling
 - d. Discussing wedding arrangements; it would probably be helpful to set aside a separate time to go through the entire wedding service
 - e. Setting up a future session three to six months after the wedding to deal with challenges faced by the couple and specifically with communication and conflict resolution.
7. POST-WEDDING SESSIONS
 - a. Having check-ups at three months, six months, and a year
 - b. Asking whether any issues have arisen
 - c. Discussing progress on necessary changes which were identified in premarital counseling sessions
 - d. Dealing specifically with conflict resolution and communication techniques; blending family backgrounds and roles over lifetime.
 - e. Encouraging them to make themselves available to marriage and family seminars

D. Resources

1. Personnel

For the personal growth and assessment of pastors and Christian leaders

- a. Other pastors or local counselors
- b. PCA conferences

- c. World Harvest Mission, PO Box 2175, Jenkintown, PA., 19046.
- d. (CCEF) Christian Counseling and Educational Foundation, 1790 East Willow Grove Ave., Laverock, PA., 19118
- e. Wes Roberts, *Life Enrichment for Christian Leaders*, Christian Marriage Enrichment, 8000 East Girard, Suite 601, Denver, CO., 80231.
- f. Diane Langberg, Ph. D., Psychologist and counselor for pastors and wives, 8206 High School Road, Elkins Park, PA., 19117.
- g. Louis McBurney, M.D., Marble Retreat, 139 Bannock Burn, Marble, CO., 81623, 303-963-2499.
- h. Joseph Wolstencroft, Ph.D., Counselor for pastors, pastor's wives, and Christian workers; Christian inpatient adult program; OASIS Christian Treatment Programs, Suite 201, 964 Georgia Avenue, Macon, Georgia, 31201 (800-926-2747).

2. Seminars, Videos

For aid in marital counseling

- a. Larry Crabb, Dan Allender, and Tom Varney IBC (Institute of Biblical Counseling), 16075 W. Belview Avenue, Morrison, CO., 80465 Includes seminars such as *Basic Counseling*, *Sexual Abuse*, *Parenting Adolescents*, *Next Step Seminars*. Also includes videos on counseling.
- b. Wayne Mack (CCEF), a correspondence course entitled *Marriage and Family Counseling*, 1790 East Willow Grove Ave., Laverock, PA., 19118.
- c. Wes Roberts, of Life Enrichment (ministry to hurting pastors), 14581 E. Tufts Ave., Denver, CO., 80015.

For marriage enhancement

- a. Ed Wheat, Scriptural Counsel Inc., 130 North Spring St., Springdale, AR., 72764 *Love Life Seminar*.
- b. James Dobson, Focus on the Family, 4800 West Waco Drive, Waco, TX., 76796 Various series including *Turn Your Heart Toward Home*, *Communication in the Home*, *To Spark or Not To Spark*, *As For Me and My House*, *Busy Husbands*, *Lonely Wives*, *The Intimate Marriage*, *The Wife's and Husband's View of Submission*.
- c. Gary Smalley, Relationship Today Inc., Paoli Corporate Center, 16 Industrial Blvd., Paoli, PA., 19301, 800-232-3232. *Hidden Keys to Loving Relationships* (video with guide book), and *Love Is A Decision*.
- d. Howard Eyrich, 21203 Saddlemaker Dr., St. Charles, MO., 63303, 314-441-8821. *Family Life Seminar: Destroyers and Builders*.
- e. Bob and Rosemary Barnes, Sheridan House, Word Inc. - Videos. *Marriage: Making The Spark A Flame* (4 video series)
- f. Howard Hendricks, Dallas Theological Seminary, Attn. Distribution Center, 3909 Swiss Ave., Dallas, TX., 75204. *The Role and Responsibility of the Husband*, *The Role and Responsibility of the Wife*.

- g. Joseph Wolstencroft, The Institute for Family Strength (IFS), 682 Mulberry Street, Macon, GA 31201, 912-742-6940. *The Building Blocks of Family Strength Seminar.*

For help in pre-marital counseling

- a. Some of the video series above.
- b. Ed Wheat and Gloria Oaks Perkins, (address above) *Before the Wedding Night.*
- c. Larry Burkett, Evangelical Films Inc., 1750 NW Hwy., Suite 250, Garland, TX., 75041, 800-527-4014. *How To Manage Your Money* (3 videos)
- d. Howard Hendricks, (address above), *Preparing Young People for Marriage.*

3. Books

For the personal growth and assessment of pastors

Hybels, Bill, *Honest To God*, Zondervan.

Morley, Patrick, *Man in the Mirror*, Wolgemuth and Hyatt.

For aid in marital counseling

Rekers, George, *Counseling Families: Resources for Christian Counseling*, Word.
Stuart, Robert, *A.P.P.L.E. Training (Active People Preparing to Love and Encourage)*, available by writing to Dr. Stuart, 7433 NW 4th St., Plantation, FL., 33317-2204.

Wheat, Ed, *Love Life for Every Marriage Couple*, Zondervan.
Worthington, Everett, *Marriage Counseling*, Intervarsity Press.

For marriage enhancement

Barnes, Robert and Rosemary, *Marriage: Keeping the Spark a Flame*, Banner.
Blitchington, W. Peter, *Sex Roles and the Christian Family*, Tyndale House.
Crabb, Larry, *The Marriage Builder*, and *Men and Women: Enjoying the Difference*, Zondervan.
Dad's Only, a magazine with creative ideas for dads, 15110 Ave. of Science, San Diego, CA., 92128, 619-487-7099.
Deal, William, *God's Answer for the Unequally Yoked*, Crossway.
Harley, Willard, *His Needs / Her Needs*, Fleming H. Revell Co.
Mack, Wayne, *Strengthening Your Marriage*, P&R Publishing Co.
Mason, Mike, *Mystery of Marriage*, Multnomah.
Palmer, B. M., and J. W. Alexander, *The Family*, Sprinkle.
Piper, John, and Wayne Grudem, eds., *Recovering Biblical Manhood & Womanhood*, Crossway.
Sproul, R. C., *Discovering the Intimate Marriage*, Bethany House. Wheat, Ed, *Love Life for Every Marriage Couple*, Zondervan.

Wright, H. Norman, *Understanding the Man in Your Life*, Word Incorporated.

For pre-marital counseling

- Barnes, Bob and Rosemary, *Positive Parenting*, Banner.
- Elliot, Elisabeth, *The Mark of a Man*, Fleming H. Revell Co.
- Eyrich, Howard, *Three To Get Ready*, Baker.
- Lewis, Kay Oliver, *The Christian Wedding Handbook*, Fleming H. Revell Co.
- Mack, Wayne, *Preparing for Marriage God's Way*, Virgil W. Hensley, Inc. (6116 E. 32nd St., Tulsa, OK., 74315.
- McDowell, Josh and Lewis, Paul, *Givers, Takers, and Other Kinds of Lovers*, Tyndale Publishers.
- Wheat, Ed, *Intended for Pleasure, and Love Life for Every Married Couple*, Zondervan.
- Smalley, Gary, *For Better, For Best* (for women), *If Only He Knew* (for men), *How To Become Your Husband's Best Friend*, Zondervan.
- Sproul, R. C., *Discovering the Intimate Marriage*, Bethany House.
- Wright, Norman, *Premarital Counseling*, Moody Press.

For an overview of marriage, divorce, and remarriage

- Adams, Jay, *Marriage, Divorce, and Remarriage in the Bible*, Baker.
- Atkinson, David, *To Have and To Hold*, Eerdmans.
- House, Wayne, ed., *Divorce and Remarriage: Four Christian Views*, IVP.
- Hurley, James B., *Man and Woman in Biblical Perspective*, Zondervan.
- Murray, John, *Divorce*, Presbyterian and Reformed Publishing Co.

II. PASTORAL CARE AND COUNSEL OF COUPLES WITH MARITAL DIFFICULTIES

A. Understanding the couple

1. Know the times

Marriage difficulties are a given. There is no way to escape them. Whenever two people (both having fallen natures) co-habit for any length of time, the negatives in each other's character will rise to the surface and cause conflict in the relationship. In fact, a primary factor in the decay of major civilizations has been the deterioration of the family unit. That deterioration starts with the couple. If left unchecked, divorce will occur at the rate of 50% in all marriages contracted in the United States.

2. Know the people

Most people marry for wrong reasons. They may think it to be God's will, but when the reasons are analyzed and compared with the biblical reasons for marriage, selfishness normally surfaces. Most people marry not to glorify God or emulate the marriage of Christ to His Church, but to have their own needs met. A bride or groom do not normally

look at marriage as a ministry to which they have been called by God. As a result, within two years of saying "I do", when the emotional and sexual part of love has waned, conflicts surface and character flaws are clearly seen.

If the conflicts are not recognized, confronted, and resolved, divorce becomes imminent. According to the American Academy of Matrimonial Lawyers, the following are the major causes of divorce:

- a. Lack of communication
- b. Divergent personal growth patterns (i.e. selfishness)
- c. Sex, adultery, or lack of affection (i.e. sexual sin or failure to understand each other's sexuality)
- d. Money
- e. Lack of understanding

These and other issues must be addressed during marital counseling.

Complaints by husbands and wives against the other are universal. It doesn't matter whether the couples are from the north or the south, the east or the west. The complaints are common. When each sex is asked what grates them most about the opposite sex, the following complaints surface over and over again.

- a. Women's gripes against men
 - (1) Lack of leadership
 - (2) No sensitivity
 - (3) No understanding of who we are
 - (4) Doesn't listen
 - (5) Takes me for granted
 - (6) Thinks he knows it all
 - (7) Not affectionate (only wants sex)
- b. Men's gripes against women
 - (1) Seeks to control relationship (manipulation)
 - (2) Nags
 - (3) No understanding of who we are
 - (4) Lack of respect
 - (5) Demands too much
 - (6) Doesn't like sex

If these concerns are left unresolved, they fester into greater conflicts resulting in a deeply strained relationship which in most cases leads to divorce. In comparing the gripes with the causes of divorce, one can easily see the similarities.

3. Know the ministry

In over 50% of the marriages which are experiencing marital problems, one or more of the spouses will approach his or her local clergyman. The pastor, therefore, has to be

willing and able to help his congregants work through the issues or conflicts in the marriage. Since most couples seek help at a crisis point, it will be rare that the marriage problems can be resolved in three or four sessions. The pastor must be prepared for three or four months of weekly counseling if both parties are sincerely trying to work through the difficulties. If one spouse is not genuinely concerned about resolving the problems, the time frame will be much longer.

The pastor will have to decide whether he can continue to counsel after four sessions, bring in a lay person to help, or refer to another counselor. Pastors do need to recognize their limitations so that counseling doesn't overwhelm their other pastoral responsibilities.

B. Guidelines for marital counseling.

1. Recognize the danger zones

Most pastors who fall into sexual sin become involved as a result of counseling a female member of the church. Take the following precautions:

a. Never counsel a female alone.

Have someone nearby, in the outer office, or preferably in the session with you. If possible, have another female who will disciple, encourage, and hold the female counselee accountable during the week. Never counsel after hours or on weekends without your wife being present with you.

b. Do not ride alone or eat in a restaurant with another female who is not a member of your family.

Gossip spreads rapidly and your reputation can be quickly ruined.

c. In counseling with a female under proper circumstances beware of the emotional pull involved.

You may find yourself becoming emotionally attracted to the counselee. Or you may discover she is becoming emotionally attracted to you. This is a sign to break off counseling and refer her (or the couple) to another for continued counseling.

d. Understand your own hurts

If you are struggling with emotional hurts or relational difficulties yourself, you are vulnerable to an emotional attachment which can lead to sinful activity.

2. Know when to refer

a. Pastors have a primary responsibility to care for and counsel those whom the Lord has put under their charge.

b. If both parties are cooperating, it still will take three or four months of intensive counseling to work through the issues.

c. Decide after four sessions whether you will continue to counsel with the couple or whether to refer.

d. Refer:

(1) If issues are beyond your capabilities, or

(2) If you are not able to do lengthy counseling with the couple.

3. Develop a referral list

- a. Meet with counselors in your community and determine if they are competent, biblical, and available for referrals.
- b. Determine the specialties or areas of interest of the counselors.
- c. Gather information from other pastors regarding counselors in your area.
- d. Train lay people to help counsel those struggling in marriages.
4. Have readily available a list of hotlines and crisis intervention centers.
 - a. Know the procedures for involving the social service or abuse prevention people in your area.
 - b. Understand the state law for reporting domestic or child abuse cases.
5. In a crisis situation, if possible, bring another person with you when you attempt to minister.
6. Establish rules of the office
 - a. Have regular times for counseling each week.
 - b. If counseling at night or on a weekend, have your wife with you.
 - c. Never counsel a female alone.
 - d. Develop data in-take forms.
 - (1) Have couples fill out this inventory
 - (2) Make it extensive enough to gather good information and to weed out people who are not really interested in counseling.
 - e. Supervise your lay counselors.
7. Involve your counselees in the church activities, especially a small group Bible study.

C. Practical considerations

1. Monitor your own marriage
 - a. Continue dating your wife.
 - b. Spend time in meaningful communication.
 - c. Take overnight trips together.
 - d. Receive criticism and change your negative habits.
 - e. Seek counseling if wife says it is needed.
2. Develop a lay counseling program.
 - a. Have interested people watch and discuss videos, i.e., on encouragement, sharing, etc.
 - b. Offer a counseling class each year.
 - c. Occasionally offer seminars that deal with helping those hurting marriage.
 - d. Have men disciple men and women disciple women.
3. Follow up those you have counseled or referred with cards, phone calls, visits, or consultations.
 - a. Once a church member has been referred, the church's ministry to that person does not cease.
 - b. There needs to be continuing contact by the pastor, one or two elders, and some supportive lay people.

4. Start formal discipline when appropriate
 - a. First write to the uncooperative spouse and express disappointment for not counseling and request him or her to become involved in the counseling process.
 - b. If one spouse remains uncooperative or refuses to counsel, have the cooperating spouse in writing request Session intervention.
 - c. Have the Session appoint a commission of two or three elders to meet with the parties, to strongly recommend counseling, and to order counseling if the parties are members of the church. If a spouse refuses and continues with contumacious and unrepentant behavior, then the commission is to commence with formal discipline according to the *Book of Church Order*.
5. Institute family ministries.
 - a. Have yearly couples' retreats.
 - b. Have family retreats and campouts.
 - c. Sponsor family seminars and marriage workshops.
 - d. Have Sunday school class on marriage and the roles of husband wife.
 - e. Develop a pre-marital counseling program.

D. Resources

1. Personnel
 - a. Local counselors
 - b. Experts to help train the pastor and lay people to do counseling
 - c. Wes Roberts of Life Enrichment (ministry to hurting pastors), 14581 East Tufts Avenue, Denver, CO 80015.
2. Seminars
 - a. IBC (Institute of Biblical Counseling)
Dr. Larry Crabb and Dr. Dan Allender
16075 W. Bellevue Avenue Morrison, CO 80465
(303) 697-5425
 - b. A.P.P.L.E. (Active People Preparing to Love and Encourage)
Dr. Robert D. Stuart
7433 NW Fourth Street
Plantation, FL 33317-2204 (305)
581-5910
 - c. Love is a Decision
Gary Smalley and Dr. John Trent
Today's Family
Box 22111 Phoenix, AZ 85028
 - d. Family Life Conference, A Weekend to Remember
A Ministry of Campus Crusade for Christ International
Family Ministry
P.O. Box 23840

- Little Rock, AR 72221-3840
(501) 223-8663
- e. IFS (Institute for Family Strength)
Building Blocks of Family Strength Conference
Breaking Free: Principles of Life Management
Dr. Joseph Wolstencroft
682 Mulberry Street, Macon, Georgia, 31201
(912) 742-6940
- f. DVP Learning Center, Inc.
P.O. Box 31227
Aurora, CO 80041-1227

3. Books

To have a better understanding of biblical anthropology.

- Adams, Jay, *Theology of Counseling*, Zondervan.
- Crabb, Lawrence, *Understanding People*, Ministry Resource Library, a division of Zondervan Publishing House.
- Crabb, Lawrence, *Inside Out*, Nav Press.
- McGee, Robert H., *The Search for Significance*, Rapha.
- Piper, John, and Grudem, Wayne, *Recovering Biblical Manhood & Womanhood*, Crossway.
- Seamands, David, *Healing for Damaged Emotions*, Victor Books.

To build a biblical marriage.

- Crabb, Lawrence, *The Marriage Builder*, Zondervan.
- Dobson, James C, *Straight Talk to Men and Their Wives*, Word Books.
- Groom, Nancy, *Married Without Masks*, Nav Press.
- Smalley, Gary, *If Only He Knew*, Zondervan.
- Wilson, P. B., *Liberated Through Submission: The Ultimate Paradox*, Harvest House.
- Wheat, Ed, *Love Life for Every Married Couple*, Zondervan.
- Wright, H. Norman, *Communication: Keys to Your Marriage*, Regal Books.
- Mayhall, Jack and Carole, *Opposites Attack*, Nav Press.

To understand one's sexuality.

- Dillow, Joseph C., *Solomon on Sex*, Thomas Nelson Publishers. 1977.
- Dobson, James, *What Wives Wish Their Husbands Knew About Women*, Tyndale.
- Hocking, David and Carole, *Romantic Lovers: The Intimate Marriage*, Harvest House Publishers.
- Wheat, Ed, *Intended for Pleasure*, Fleming H. Revell Co.
- Wheat, Ed, *Love Live for Every Married Couple*, Zondervan.
- Unger, Ken, *True Sexuality*, Tyndale House Publisher.

III. DISCIPLINE AS IT PERTAINS TO COUPLES CONSIDERING DIVORCE

A. Guidelines for discipline issues

1. The local church's responsibility to become involved.

Maintaining the life-directing truth of Scripture is the church's responsibility to her members. In dealing with couples considering divorce or involved in the divorce process, the church must compassionately maintain the Bible's lifestyle standards. But elders must be careful not to regard discipline and compassion as competing truths of Scripture; they cannot exercise Biblical discipline apart from Biblical compassion.

The Westminster Confession states that the church must not leave persons considering divorce "to their own wills, and discretion, in their own case". Such a charge is startling to many in our society. "Mind your own business" is often the response to elders approaching a couple in trouble. Couples may call upon the church to marry them and baptize their children. But problems between a husband and wife are often viewed as a private matter and not the elders' concern.

Such a charge will less likely be laid at the feet of properly trained elders who have been shepherds to their flock. This should begin with education in new members classes. Teach prospective members that their vow to "submit ...to the government and discipline of the church" means that the elders will be active shepherds, caring for them, even to the point of embracing the fearful responsibility of stepping into problems between husband and wife. Often elders do not want to raise such issues in a new members class for fear of turning inquirers away, or giving them too much "hard doctrine". On the contrary, inquirers should know that they are considering membership in a church where the elders will love them enough to shepherd them in crisis. It is recommended that each church prepare a written membership covenant for new members describing, among other things, Biblical discipline as reflected in the *Book of Church Order*.

Biblical discipline, especially in matters of family strife, must be preceded by time spent with the family in "good" times, praying for them in their homes and sharing time and meals with them. An elder whose first visit to the family's home is to discuss marital strife will be severely hamstrung, if he is allowed to enter the home at all.

Active elder involvement with a family will also increase the likelihood of early elder involvement with problems. Too often the church faces a *fait accompli* by members who have made the decision to dissolve the marriage. Arriving late, the elder must try to get the member to reconsider his or her decision, rather than discussing the problems of the marriage.

Understanding that discipline in the narrow sense of seeking restoration of the marriage must be based upon discipline in the broad sense of compassionate involvement with members' lives, we are now prepared to consider what the church can do when a couple has such marital strife.

2. How does the local church become involved?

How does the couple, or one of them, come to the Session with their marriage problem? Perhaps both spouses will come to an elder and ask for help. If only one spouse comes to the church for help, ask the one seeking help to encourage their spouse to come for help

also. But often only one spouse is willing to come to an elder. In such a case, the elder should ask the one seeking help to write a letter to the Session to request pastoral care and that the elders become involved in the attempts at reconciliation. The Session may then meet with the spouse or spouses willing to meet. Or, the Session may choose to appoint a commission of a teaching elder and one or two ruling elders to work with the family and report to the Session, rather than leaving the shepherding to one elder. But, the spouses should not be left to their own wills. If an elder becomes aware that a couple is having marital problems, it is that elder's responsibility to use appropriate, loving means to help the couple.

3. What if both spouses will talk with an elder?

This is, of course, the best case scenario. If both members are willing to discuss their problems with a teaching or ruling elder, the church can appeal to each with the Word of God. It is not likely, however, that a few meetings with an elder will effectively deal with problems in the relationship. If Elders should refer people to another counselor, they are obliged to insure that a Biblical faith is inextricably woven into his or her counseling practices. Elders, especially teaching elders, should become familiar with local counselors and spend time with them to understand their approach to dealing with marital problems.

The elder should instruct the couple that, excepting sexual immorality, divorce is not an option for two people professing Christ. While Scripture allows divorce for sexual immorality, it does not command it, nor encourage it. The first priority is to seek forgiveness and reconciliation. Jesus is in the "business" of reconciling people and the church should be about her Savior's business. Husband and wife have the same Lord and have received forgiveness from Christ. How then can one deny the other forgiveness when it is sincerely sought?

The church must proclaim Christ and counsel each spouse regarding his or her sin against God. Forgiveness should start with repentance of the sin precipitating the crisis. Too often the church is willing to deal with the immediate sin (e.g. adultery, wife-beating) without asking God to expose other sins in the relationship. Such matters are hard to consider and require time and prayer by elders and counselors. But unless the couple recognizes and repents of sin in the relationship, the problems will reoccur.

The church should stand ready to assist the couple in other ways. The elders should guard against the couple withdrawing from fellowship in the church. Their friends may need to encourage them and make special efforts to include the couple in fellowship. If the church refers to another counselor, but money is scarce, the referring church should consider helping the couple to pay. If the problem is physical abuse, a temporary home may be needed for one of the spouses.

4. What if one spouse refuses to talk with an elder?

This is a common situation. One spouse makes his decision apart from, or in spite of, elder involvement and separates and files for divorce. There are concurrent steps the church should take with each spouse.

a. For the spouse who will talk with an elder

First, the elders must counsel patience. Too often a spouse is willing to initiate legal process when one can and should wait.

Second, the elders must carefully approach the question of delving beneath the precipitating cause of the divorce to the underlying issues. The elders cannot allow themselves to be used by one spouse seeking the condemnation of the other's sin, while refusing to acknowledge, in most cases, some responsibility for the crisis. The elders may face a member whose conduct evidences relief that the other spouse has committed a sin that allows the member to initiate divorce proceedings without guilt. The elders must exercise discretion and not allow themselves to be manipulated.

If the wife is the spouse willing to meet with the elders, she may feel intimidated as the only woman in the meeting. A godly woman friend or, if applicable, her counselor could be encouraged to attend the meeting with the wife, or the elders can encourage her to bring her counselor to the meetings for support and assistance.

Third, the Session must make a judgment as to each spouse's willingness to seek reconciliation and which spouse, if any, has Biblical grounds to initiate dissolution of the marriage. If the Session determines that formal discipline is mandated, the *Book of Church Order* must be followed closely. Also, the church must make clear to the offended spouse and *to the rest of the church* that that spouse is a member in good standing and should be supported by the church.

Fourth, the church should be ready to recommend legal counsel to the spouse. When one spouse leaves, the other one should be able to talk to a lawyer to be sure the demands and limits of divorce laws are understood. Godly legal counsel can help avoid steps that make reconciliation more difficult. But the elders should understand that the courts will grant a spouse's request to dissolve the marriage; present law in the various states requires scant, if any, ground for divorce. "Contesting a divorce" actually means contesting the arrangements regarding the children or finances, not whether the court will grant a divorce.

Fifth, diaconal ministry may be needed. Often a wife begins legal process for the very practical reason that her husband refuses financial support while they are living apart. Family members should be encouraged to help. If family assistance is insufficient, the church should consider whether financial assistance for living expenses can be provided to allow the wife to avoid initiating legal process during the period when attempts are being made by the church to reclaim her husband. Other appropriate assistance may include finding a home for a battered wife, assisting with child care and finding employment. Above all, elders should encourage church members to reach out to, not withdraw from, those facing divorce.

b. For the spouse who will not talk with an elder

First, every effort must be made to reclaim the offending spouse. The elders must try to get the member to talk with them following Jesus' guidance of Matthew 18 in resolving disputes within the church if the member is contumacious. The same approach can be made with a non-member. The Session may want to appoint a commission to attempt to talk with the member and report to the Session and to institute formal disciplinary procedures as necessary.

There may be other church members whose aid can be enlisted by the elders. Let the member know that the elders want to hear both sides of the problem and that underlying issues will be explored. This can be done without excusing sin. If the elders are perceived by the member to have "taken sides" with the other spouse, communication will be impossible. The member may refuse the first attempt to talk, but the elders must not be satisfied with an "obligatory" attempt. Be persistent.

If the spouse refuses any communication with the elders, then the church should write to the unwilling spouse of their concerns. Tell the spouse that the elders want to help the couple explore the problems of the marriage and recommend a counselor, if needed. Offer, if appropriate and the church is capable, to pay for counseling. Admonish the spouse that divorce will lead to grievous consequences for the couple, their children and even their children's children. Straight talk about sin and the reality of divorce is called for. Explain the financial hardship of running two homes on an income probably stretched to run one, the effects on the children and parents of weekend visitation, and the loneliness of holidays without the children. Advise the unwilling member of possible formal disciplinary actions if the healing of the marital difficulties is not sought.

5. What if the elders pursue formal discipline?

Elders should be familiar with the provisions in the *Book of Church Order* regarding discipline and they should be aware of actions which could invite a lawsuit. If the Session determines that formal discipline is required, the *Book of Church Order* must be followed closely. This committee commends to each Session for careful consideration the following advice given by James E. Ostenson:

- "1. Of the numerous lawsuits that have been filed by disciplined church members and church staff, there have been four primary causes:
 - a. Inconsistency by a church in exercising discipline -- disciplining some, while ignoring the discipline of others.
 - b. Abuses by churches of the discipline process -- spreading gossip, failing to follow established procedures, etc.
 - c. Failure by churches to communicate with members about the role of discipline in the life of the church, so that members do not know in advance that they may be subject to discipline.
 - d. Society's emphasis on the rights of the individual.
2. There is no guaranteed method of avoiding a lawsuit, but the following are recommendations for churches in practicing church discipline:
 - a. Give notice that the church practices discipline
 - (1) In church bylaws
 - (2) In formal written membership covenants
 - (3) As part of church membership training - provide a written Biblical statement as part of membership materials
 - (4) As a subject of preaching and teaching
 - b. Make sure the church is consistent in its practice of discipline, even' when a potential case is particularly awkward.
 - c. Determine the church's disciplinary procedures in advance of needing to use them. In the Presbyterian Church in America, the *Book of Church*

Order covers all essential procedures. Be sure officers are familiar with the steps outlined there, and that they study them thoroughly before beginning a disciplinary matter.

- d. In handling a disciplinary case, stress accuracy. Basing actions on assumptions and impressions will lead to trouble.
- e. If legal action is threatened by the member charged consult a Christian attorney to review the procedures the church is following before proceeding.
- f. Limit the “audience” to the “community of interest”. Unnecessary publication of the disciplinary matter is unethical and can lead to lawsuits. The *Book of Church Order* gives church courts discretion as to public announcements of church discipline. If the court decides to announce the discipline to the membership, the following are recommended guidelines:
 - (1) Hold a closed congregational meeting. Ask all visitors to leave.
 - (2) Read a brief statement from the Session which has been written ahead of time and deals with the case only generally, not in specific detail. Do not mention other individuals, who, while perhaps involved in the matter, were not members of the church subject to discipline.
 - (3) Discreetly tape record the meeting so there is a record of what was said. Also keep a copy of the written statement that was read.
 - (4) After reading a brief statement which focuses on Biblical reasons for the discipline, lead the congregation in prayer for the individual(s) involved and the church as a whole. Be sure that the scope of information disclosed is limited. It is not necessary to identify the specific sin involved -- a reference to “unrepentant sin” might suffice.
- g. Any written announcements made should usually be sent only to the congregational membership, and no more should be said than is necessary to inform the congregation of the Session’s compliance with biblical teaching in dealing with the problem, and to inform the members of the repentance expected of them by the Scriptures (cf., Paul’s correspondence about discipline, 1 Cor. 5:1-13; 2 Cor. 2:1-11; 7:8-13).
- h. Maintain an attitude of planning your procedures in advance rather than just reacting to problems that develop. In the care of Christ’s Church, there will inevitably be difficulties, but He will honor efforts to maintain the purity of His Bride.
- i. More than anything else, do church discipline “by the Book”. Follow Scripture and the *Book of Church Order* meticulously. Many problems in discipline cases can be traced to church officers getting creative and ignoring established procedures.”

Proceed slowly. No deadline need be immediately imposed and, although the uncertainty and pain of separation for the remaining spouse is great, the church must counsel patience. Allow time for the Holy Spirit to work in both spouses.

B. Resources.

1. Books

Baker, Don, *Beyond Forgiveness - The Healing Touch of Church Discipline*, Multnomah Press.

Buzzard, Lynn and Lawrence Eck, *Tell It To The Church*, David C. Cook Publishing Company.

Elliott, Elizabeth, *Discipline, The Glad Surrender*, Revell.

Gage, Joy P. & Kenneth G., *Restoring Fellowship*, Moody Press.

MacNair, Donald J., *Restoration God's Way*, Great Commission Publications.

Schaeffer, Francis A., *The Church Before the Watching World*, Inter Varsity.

White, John and Blue, Ken, *Healing the Wounds, The Costly Love of Church Discipline*, IVP.

Wray, Daniel E., *Biblical Church Discipline*, The Banner of Truth Trust.

2. Pamphlets

Buzzard, Lynn, "Readiness For Reconciliation, A Biblical Guide", published by the Christian Conciliation Service, a ministry of the Christian Legal Society, P.O. Box 2059, Oak Park, IL 60303.

Cassity, C. Fred, Chairman of Mediation/Arbitration Subcommittee, Christian Legal Society, "The Resolution Of Disputes Between Christians", published by the Christian Legal Society, P.O. Box 2069, Oak Park, IL 60303.

Gilchrist, Paul, editor, *Divorce And Remarriage*, Documents of Synod, RPCES, p. 199.

IV. PASTORAL CARE AND COUNSEL OF THOSE SEEKING REMARRIAGE

A. Understanding the person seeking remarriage

1. Know the times

Scripture tells us to know the times. We are to understand our culture, the change, and the people who respond to those factors. With first-time marriages ending in divorce at a fifty percent (50%) rate and second marriages failing at a much higher rate, the church cannot avoid the resulting issues and problems. One issue is the fact that people will seek remarriage. These couples will approach the church, will seek counsel of the pastor, and will ask to be married.

The church will have to give spiritual direction to these people, minister to the families of the divorced, and make biblical decisions concerning the remarriage of a growing number of people. It is, therefore, incumbent upon the church and the local pastor to be aware of the times, to seek knowledge of the issues involved, and to make the Bible relevant to the life and struggle of the divorced.

2. Know the people

When one or more of the parties seeking to be remarried approaches the church to perform the ceremony, the pastor or counselor should be aware of the tensions, struggles, anxieties, and euphoria that may be taking place in the once-married party.

a. The emotional state

Depending upon the person and the length of time he or she has been divorced, the party desiring remarriage may be experiencing the following emotions which the pastor must somehow help the party work through, come to acceptance of, and apply biblical solutions to.

(1) Euphoria

The party may be on an emotional high. He or she may see the future spouse as God's special gift to him or her and an answer to prayer and to the frustrations of single life. Elated with the prospect of remarriage, the person may become blinded to issues he or she never dealt with in the previous marriage. The party may become numb to his or her own faults and the faults of his potential partner. Such numbness is a failure to realize that marriage is to be a reflection of Christ's marriage to His church. As a reflection, earthly marriage is to become a Christ-centered institution with each party seeking to love the Savior more by ministering his love to the other.

(2) Anxiety

The once married person may be experiencing anxiety. He or she was emotionally hurt in the first marriage and is a bit ambivalent to proceed with another. This person may feel pressured into this marriage by the future spouse who has dreamed of a blessed relationship for some time. Anxiety may indicate that the person has not completely worked through the process of loss (divorce being a loss), has not adequately "deconstructed" his prior marriage to come face to face with his own faults, has entered his present relationship too quickly after divorce, or is not entirely convinced he or she should be remarried. Sufficient time should be taken (some studies suggest two years) to insure that a new marriage rests on a solid foundation.

(3) Fear

The formerly married party may be experiencing fear which makes it hard for us to take the next step. He or she may fear falling into the old patterns of the past that contributed to the prior divorce. Or the fear may be directed at the future spouse becoming like the former. Or the fear may have to do with being a step-parent, an absentee parent, or a parent of a blended family. These are normal fears that need to be resolved, faced, or accepted.

(4) Anger

Anger is a common emotion seen in the formerly married. This emotion may be overt or held inside. If inside, bitterness may take root, and bitterness is like an acid that eats the container (the person) from the inside out. The anger or bitterness may be directed at the former spouse or in-laws because of a hotly contested divorce, disagreement over parental right and responsibilities, or personally inflicted innuendos and emotional pain. It is important for the formerly married to attempt at least a reconciliation of friendship. If bitterness is involved, the party should ask for forgiveness of the bitterness even if it is provoked by the former spouse.

(5) Guilt

The formerly married may still be carrying guilt from the former marriage. Now walking more closely with the Lord, he or she may have been convicted of past sins, faults, and unkindnesses. He or she may see remarriage as the opportunity to make amends for past sins. But this is not a reason for marriage. The person needs to confess the sins causing the guilt, seek forgiveness from the party he hurt, and attempt at least a reconciliation of friendship.

(6) Stubbornness

This is more of an attitude than a feeling, but the pastor should be aware that some formerly married people will not care what the church says. He or she is here to be remarried, the church has no business in his or her former life, and no one can require him or her to submit to counseling. This person is basically present in the church or in the pastor's office by the request of the future spouse. A contumacious behavior is sinful and must be confronted with loving discipline if the person is a member of the church. If not, the church should counsel the future spouse, who is a member, about its concerns and beliefs that marriage is not appropriate at this time.

b. The cognitive state

The tendency of the formerly married will be to make decisions based upon one or more of the above emotional states. Good cognitive judgment based upon scriptural principles gets clouded by the emotions. God created mankind to emote, to experience the entire range of emotions. If man has been created with emotions, emotions are, therefore, good. But one definition of evil is the abuse, misuse, or perversion of anything good. In man's fallen state emotions are easily abused and misused. And because people feel intensely and desire to feel good, they will tend to make choices based upon how they feel or what they desire to feel.

The pastoral counselor should recognize the tendency, point out areas where choices were made based on feelings, and direct his counselees to Scripture in order to think God's thoughts and make choices based on God's will.

c. The relational state

All human beings were created to relate to God and to each other. Their motivational thirsts for security and significance were to be satisfied in God and his design for His creation. Man and woman were created to complete and complement each other - to give each other a soul oneness. Since the Fall, this oneness has been disrupted. The thirst for security and significance became misdirected. Sin entered the world and self-centeredness became the norm. Men and women still want security and significance, but sin causes them to seek it by illegitimate means, i.e., not through God's constructed order.

A formerly married person may see the future spouse as filling the void which he or she has been experiencing. A man may see his future wife as providing the significance he needs. Or a woman may view her future husband as satisfying the security she desires. Now, there is nothing wrong with having security and significance in a marriage, but if these thirsts are sought to be satisfied outside of the Main Thirst Quencher, God, they will never be fully satisfied.

Relationship, therefore, has to be first established with the One who is the fountain of living waters and secondly, with people who are at times God's vessels to carry His thirst-quenching water to those seeking the oasis of life in a second marriage. The

formerly married (as well as all of us) may have the tendency to be focused more on the human relationship and not on his or her relationship with Christ Jesus.

3. Know the ministry

When a formerly married person approaches the pastor in order to be remarried, the pastor is encouraged to seek understanding of the emotional state of such a person, how he or she may come to the decision of remarriage and how the pull to relate with another may cloud his or her relationship with the Savior. The pastor is the shepherd of his people and must know his sheep. As difficult as it may seem, the shepherd is to have an understanding of counseling his sheep. If he doesn't, he must seek training, have others in his congregation aid in the shepherding (and train them), or refer to people skilled in the field of counseling.

The pastor is a busy man. His job is to equip the saints for ministry, but he can't equip if he has never been equipped himself. More and more people will seek to be remarried. The pastor is the first person to whom they will come. If he is not equipped to minister to them, to make the Bible relevant to the issues they face, he must seek to be equipped by reading various resources, attending appropriate seminars, or bringing in an expert to teach him and his congregation.

B. Guidelines for remarriage

The local Session should establish its guidelines for remarriage. The position the church takes will clear up much confusion about the possibility of remarriage. The couple approaching the pastor for marriage can be handed a set of guidelines. The pastor can explain that the Session has made this a policy of the church. This will take pressure off him if there is a question about marrying the couple. The pastor should not be left in a position where he is the sole determinant in the remarriage of a couple. The following are suggested guidelines for remarriage which a local Session may adopt, modify, or just use as a reference.

1. Where the former spouse is deceased, remarriage is permitted. *Romans 7:2 "For the married woman is bound by law to her husband while he is living; but if her husband dies, she is released from the law concerning the husband."*

1 Corinthians 7:39 "A wife is bound as long as her husband lives; but if her husband is dead, she is free to be married to whom she wishes, but only in the Lord."

2. Where divorce occurred prior to one's conversion, it is unclear whether the believer may remarry.

Note:

The Committee was divided in its opinion regarding related questions. A majority maintained, for example, that a Christian who was divorced during the time of his or her unbelief was obligated to seek reconciliation with the former spouse even though still an unbeliever. In their view, some of the Lord's statements in Matthew 19 and Paul's in 1 Corinthians 7 are based on the binding obligation of the original marriage. The minority felt, contrarily, that the requirement to marry only in the Lord took precedence. Again, the majority, by

a similar principle, held that two divorced unbelievers, upon their conversion, are obligated to remarry one another. The minority, believing such a marriage to be, in fact, a new marriage, did not admit that obligation.

In the case of those who hold that the believer may remarry, but only in the Lord, the reasoning is followed:

- (1) 2 Corinthians 5:17 "*Therefore, if any man is in Christ, he is a new creation; the old things passed away; behold, new things have come.*"
 - (a) When a person has experienced the new birth, all sin is forgiven and all condemnation removed (Romans 8:1).
 - (b) Therefore, divorce prior to conversion doesn't preclude a remarriage to a Christian mate.
 - (c) Similarly, conversion does not necessarily require remarriage to a former spouse.
 - (2) The Point: Jesus is in the ministry of reconciliation. We, his disciples, should reflect his ministry. Furthermore, repentance ('shuv') has the element of returning and going back in the opposite direction. This direction is back toward relationship with the offended party, vertically with God and horizontally with people. The church, therefore, should strongly encourage a healing of any difficulties with a former spouse.
 3. Where the Session or its representatives has determined that the divorce had occurred on Scriptural grounds, remarriage is permitted for the party sinned against.

Matthew 19:9 "*And I say to you, whoever divorces his wife, except for immorality, and marries another commits adultery.*"

1 Corinthians 7:15 "*Yet if the unbelieving one leaves, let him leave; and brother or sister is not under bondage in such cases; but God has called us to peace.*"
 4. Where a former spouse has remarried and the Session or its representatives is convinced that the parties seeking remarriage are born-again, remarriage is permitted.
- Reasoning:** Regardless of the reasons for the divorce or who was the offending party, if remarriage has occurred, the marital union is permanently broken. Marriage could never occur between the parties (Deuteronomy 24:1-4). Reconciliation is, therefore, impossible and the remaining former partner is eligible to remarry.
5. Where a Christian causes his or her marriage to end in divorce on non-biblical grounds, remarriage may be permitted only if the former spouse has remarried or has died, and the future spouse is born-again.

Note:

See Note above in B.2.

6. Where a “professing Christian” spouse has left his or her spouse, the offended party may seek a divorce and remarry only after discipline under the guidelines of Matthew 18 and the *Book of Church Order* has been prosecuted to its conclusion; and the Session has ecclesiastically decided to treat the offending spouse as an unbeliever (Matthew 18:17).

C. Concerns of those in the congregation who have been divorced

1. Will a divorced person be allowed to participate in various activities and service opportunities in the church?

Answer: Divorce in and of itself need not preclude opportunities to be involved in the church, except insofar as it may preclude a man holding a church office or other leadership position. As far as service opportunities are concerned, spiritual, psychological and relational maturity as well as giftedness are the primary requisites. The Session will have to make the evaluations on a case by case basis. A person’s divorce may be considered as only one part of the evaluation process. The primary consideration should be the person’s reputation in the church and the local community, not his or her divorce.

2. Will there be a stigma placed upon a divorced person?

Answer: Stigmas are the result of individual biases. The Session should do all it can to remove any stigma. It should attempt to assimilate divorced people into its membership by involvement on Sunday morning, explaining who they are, the difficulties they have and the need for the church to accept them openly and warmly into the fellowship.

D. Practical considerations for ministering to those contemplating remarriage

1. Require the couple to submit to pre-marital counseling which should cover the following subjects:

- a. A frank discussion of the prior marriage and pitfalls.

Reasoning: Before a new marriage is attempted, the person seeking remarriage should “deconstruct” his prior marriage. He or she needs to break it apart, face the old issues and patterns, and confront the person he or she was and may still be. This is a painful process, but if a new relationship is to last, the former married must analyze his or her former way of thinking and responding to an unpleasant situation. Such an activity and process will also help the person work through any grief process not yet completed. Divorce is a loss. It is a heart-wrenching experience that needs a time of healing in order to bring one to acceptance of the divorce, of the finalization of a relationship, and of oneself as being okay in the economy of God (if God’s forgiveness is obtained).

- b. An honest discussion on sexuality

Reasoning: Often men and women don’t really understand each other. A couple should seek to understand how each sex views the other, and how to be sensitive to each other’s needs. A study of the Song of Solomon would be very beneficial.

c. A look at personalities and temperaments

Reasoning: Personality testing (like the Myers/Briggs Test) may be given with proper and adequate explanation to follow. God has created us all differently. If we are to minister properly to our spouse, we need to know his or her personality. We are commanded by Scripture to understand our spouse. Testing is a tool which aids us in this endeavor.

Temperament testing (like the Taylor/Johnson Temperament Analysis) may help the couple to see areas of weakness, compatibility and potential problems in dispute resolution.

Either a pastor will have to be trained to give and interpret these tests or he will have to ask a local counselor to perform the task.

d. An in-depth look at biblical responsibilities

Reasoning: It is astonishing how little married couples know about their biblical responsibilities and their roles as husband or wife. It is the responsibility of the church to teach each party what their biblical job description is and how to accomplish it. For instance, what does it mean for a husband to love his wife as Christ loved the church? Or what is the meaning of biblical submission?

e. A teaching on the different kinds of love that must be practiced in marriage

Reasoning: If you were to ask the average person to give you a definition of love, he or she would invariably describe something that had the concept of caring for another. Well, that is partially correct, but when we read the Scripture in its original languages, we discover many words for love, each having a different meaning. How do these words relate to marriage? If a marriage is to last, the parties need to be loving in a number of different ways.

f. A teaching of vows

Reasoning: People in this society have not taken commitments seriously. A broken promise is not a big thing to people. But it is to God. People who are seeking remarriage have taken vows before, but the everlasting nature of them was not fulfilled. What makes this “go-round” any different? The seriousness of taking a vow before God must be stressed.

g. A discussion, teaching, and practice of communication

Reasoning: The biggest complaint of spouses is a lack of communication. “My husband just doesn’t listen to me”, complains the wife. “Oh, yeah,” responds the husband, “She doesn’t understand me”. Pastors and counselors must teach the skills of communication as well as establish for his counselees ground rules for good healthy arguments.

h. An honest discussion of the problems that normally occur in blended families

Reasoning: Remarriage often brings two families together. One spouse becomes the step-parent to the other's children. Occasionally, there is a

mixture of children from both parents living under the same roof. Such a situation produces a new dynamic and creates additional tensions and problems.

- i. Encouragement to reconcile a friendship with the former spouse when possible

Reasoning: Although remarriage to a former spouse may be impossible, the party seeking remarriage needs to attempt a reconciliation of friendship with the former spouse. Friendship may never be attained, but the attempt should be made. The purpose for such an act is to complete the process of healing the loss occurred in divorce, to complete any process of forgiveness still needed, and to benefit the children if there are any.

NOTE: There are other subjects which undoubtedly should be covered. However, the process of preparing a person for remarriage is not a quick and easy one. A pastor may develop his own methodology, train lay people to help, or add to the subjects to be discussed.

2. Encourage the parties to discover and use their spiritual gifts.

Reasoning: This helps them to see in what way God has graced them, and gives them direction in the areas of their use to the church. Once tested, plug them into the appropriate ministry in your church.

3. Place them in a small group (preferably a group with the same or similar affinities).

Reasoning: This helps to assimilate them into the church and fosters acceptance within the church community.

4. Encourage them to participate in Sunday School and various church functions.

Reasoning: This helps them to feel part of the church body and aids in removing any stigma they may feel as being formerly married.

5. Once the person is remarried, introduce the person and the new spouse one Sunday morning as newly married.

Reasoning: It helps complete the process of assimilation into the church membership. It shows the members that the leadership supports the couple. It aids in the removal of stigma caused by the prior divorce. It enhances the couple's acceptance by the local church body.

E. Resources

1. Personnel

- a. While the Elders may never abrogate their primary responsibility to the flock, they may for reasons sufficient to themselves refer them to a local counselor to do the counseling and/or administer the testing required. Prior to use of or referral to any counselor, determine the counselor's approach to therapy. Find out where and how the Bible fits into the counselor's philosophy of therapy. If you disagree or have reservations, do not refer to that counselor.

- b. Pastors may seek help from those who are more experienced in counseling.

2. Seminars (See II.D.2., p. 2361)

3. Books

To have a better understanding of biblical anthropology: (See II. D. 3., p. 2362)

To gain, insight in counseling couples for marriage and remarriage: Stohman, Robert F. and Hiebert, William J., *Premarital Counseling*, Lexington Books, D. C. Heath and Company.

Wright, H. Norman, *Premarital Counseling*, Moody Press.

To help determine if a person has Bone through steps of reconciliation:

Jones, John Edward. *Reconciliation*, Bethany House Publishers.

Talley, Jim. *Reconciliation Differences*, Thomas Nelson Publishers.

To build a biblical marriage: (See II. D. 3., p. 2362)

To understand one's sexuality: (See II. D. 3., p. 2362)

To understand the single parent:

Barnes, Robert G. Jr., *Single Parenting*, Tyndale House.

Smoke, Jim, *Living Beyond Divorce, The Possibilities of Remarriage*, Harvest House.

Mowday, Lois, *The Snare*, Nav Press.

Brown, Michael A., *Second Class Christians? A New Approach to the Dilemma of Divorced People in the Church*, IVP.

V. PASTORAL CARE AND COUNSEL OF THE CHILDREN OF DIVORCED PARENTS

A. Understanding the child of divorced parents

1. Know the times

The single-parent family is the most rapidly growing family form in America. Since 1960 the female-headed family has doubled and is outgrowing the typical husband-wife family at a rate of two and a half times faster. One out of every five school age children lives in a single parent household. Furthermore, it has been estimated that as many as fifty percent (50%) of all children born in the next ten years will experience the loss of a parent (mostly the father) through divorce. For most of the affected children, divorce will be experienced as a personal, familial, and social loss.

Since remarriage is quite common within a few years, these children will be faced with still more emotional struggles - the remarriage of a parent, the living with a stepparent, and/or the living in a blended family (i.e., a family with children from two or more different families).

Pre-marital counseling of those seeking remarriage should, therefore, include frank discussions of the potential or present problems that children will or may be

experiencing. Most remarriages have not given adequate consideration to the psychological, social, or familial effects upon the children. Since most pastors are not and will never be experts in the counseling of children, it is recommended that a child psychologist or similar expert be solicited to help counsel children and instruct the couple seeking remarriage of the present or potential problems that such a remarriage may expect.

2. Know the People

It is not the intent of this committee's report to make pastors experts on children of divorced parents. A pastor is wise to seek aid and assistance from those whose ministries are directed toward children and adolescents. What the pastor should understand is the various emotional states that such children may experience in order to properly counsel the parent and to determine if the child needs help.

Children have little or no say in the divorce of their parents. Yet the hurt they must endure is enormous. They are not as resilient as the modern-day libertines would have us believe. Studies are showing that the emotional scars from the trauma still remain years later. The following are some reactions and feelings by children to the divorce of their parents.

a. Resentment

Since they feel the tension and experience the turmoil of divorce, children tend to become resentful toward one or more parents and/or toward God. They may think, "Why did they bring me into the world? I didn't ask to be born? Why didn't God do something to bring my Daddy back? It isn't fair". Or they resent the new step-parent who tries to fill the shoes of the lost parent. They may think, "Look, I didn't ask for him to be my father. You picked him out. I don't have to like him or even cooperate with him".

b. Anger

Anger is a little stronger than resentment. Bitterness could be taking root. Older children may experience this more deeply and act it out with behavior that is obnoxious, unkind, inconsiderate, stubborn, and at times violent.

c. Guilt

Some children tend to blame themselves for their parents' failure. They may have heard their name called out in an argument or felt the angered look of a parent and took it personally. They may have thought it was their stubborn or disobedient behavior that caused a fight which eventually ended in divorce. Small children are especially tender and susceptible to taking the heavy burden of the marriage failure on their own shoulders.

d. Fear

A child's emotional and economic security is shattered by the breakup of his parents. He becomes fearful of the future. "Will I see Daddy anymore? Will I be loved? Where will we live? What about my friends?" are all questions that may arise. The best security a child has are two loving parents who nurture him to the point of facing the world alone. Divorce fractures this and thrusts the child into a cold and cruel world before he is ready. One parent can never give the total security a child needs. And so fear can easily enter the child's psyche.

e. Depression

Experiencing the collapse of his familial world, the child can sink into depression. If his own little world (the family system) couldn't protect him, what can? The child may look at himself as worthless. "If I were a better or different kid, Dad would have stayed", he may think. His self-worth is lowered, and positive reinforcement can't come from the parent from whom he needs it most -- the parent who isn't there. Fear may also contribute to the depression. Older children may develop a fear of commitment (They saw betrayal.) or fear of falling in love (They saw a bad result.) or a fear of making decisions (They saw wrong ones made.). All these emotions add to the withdrawal of the child into himself, and then he becomes a prime candidate for depression which may even lead to suicide.

f. Lack of love

Children almost always feel the loss of love when their parents divorce, even when one parent is showering them with affection and consoling them with the loss of the other parent. Children innately know that love does not walk away from personal responsibility. When the leaving parent says, "I love you and always will," the affected child sees these words as hollow. What he is thinking is, "Oh yeah, if you really loved me, you would work this out with mommy." Love seeks answers, not excuses, and either parent usually comes up with excuses.

In the same manner, when a parent wants to remarry, the child could be thinking, "If she really loved me, she wouldn't marry him, or she would ask Daddy back, or she wouldn't want to bring him into our little nest."

g. Loss

Children of divorced parents may feel cheated. They experience loss – of companionship of a parent, of celebrating holidays together, of establishing family traditions, of family structure, of economic stability, of normal existence. One teenager asked her mother a hundred times why she and her father divorced. The answer she kept hearing was, "Everybody is happier this way." Well, this teen wasn't happier. She missed her dad's hugs, the walks in the park with him, the fun times together. Divorce is usually the result of selfishness, and so, because of the self-centeredness of one or more parent, the children suffer loss.

h. Confusion

Divorce abruptly changes life which causes children to experience confusion and conflict. Not knowing what caused the divorce or what was going on, children are suddenly put in a quandary. This confusion stays with them for a long period of time.

And if a new marriage brings in children from the step-parent, conflict usually results. Children invariably think the step-parent favors his or her own children. They, therefore, feel less love and complain to their natural parent who usually takes their side and speaks to the step-parent, who disagrees. Before you know it, there is turmoil between the parents and the children.

Discipline is another problem area in blended families. One parent has normally not disciplined his or her children as sternly as the other. In fact, he or she may have been

quite lax. Now, when the step-dad disciplines his step-children who were not used to the method nor the intensity, the natural mom may complain, demand he not discipline "her" kids, or defend "her" children.

A problem in discipline problem leads to a problem with authority. A problem with authority leads to confusion and problems in relationships.

i. Being different

Some children feel that they are not like the other kids anymore. They can't do what they used to do. The school may have a "Dad's Day" and Dad isn't there to participate. There may not be any money to participate in a favorite sport or buy the dress for the prom. Older children may have to baby-sit younger ones and, therefore, can't linger with friends after school.

Not only may they feel different, they may feel isolated because of their difference. Because they can't linger with friends, they may not get invited to the special parties or outings or social events. It is not uncommon for these children to feel lonely and helpless.

3. Know the ministry

To help single-parents and their children cope with their situation and to foster a better relationship for families of the remarried, the church must provide services and programs that meet the special needs of the children and the parents. Possible programs are single-parent support groups, children's peer support groups, parenting classes, latch-key programs after-school teen activities, counseling referrals, counseling programs, divorce recovery workshops, Pioneer or Awana programs, adult home Bible groups, and service-oriented projects.

Parents have to be encouraged to pursue social and physical activities, especially those that involve peers. The tendency of a single parent is to withdraw because of lack of energy, low motivation, or smothering of the child. Once remarried, the couple needs to be continually active, particularly with other couples.

B. Practical considerations for ministering to those contemplating remarriage when children are involved.

1. Require the person with children to make a list of the problems he or she thinks each child is having at present as a result of the prior divorce or loss of a parent.
 - a. Have the fiancé make a separate list based on his or her observations.
 - b. Compare these lists and bring up other areas of possibilities such as various emotional states of children of divorce.
 - c. Be frank in your discussions because the children are an integral part to remarriage. Remind the future step-parent that when he or she marries the parent, the children are part of the package.
 - d. Suggest methods to overcome some of the problem areas – which should include the seeking of family counseling.

2. Require the person with children to make a list of potential problems or foreseeable conflicts as a result of this remarriage.
 - a. Have the fiancé do the same.
 - b. Compare lists and see how realistic they are.
 - c. Discuss openly the potential problem areas and formulate a plan to prevent them from occurring or to overcome them if they do occur.
3. Require that the children visit with the pastor.
 - a. Explore their feelings about the divorce, about their future step-parent, and about their relationship with both natural parents.
 - b. Determine if they need professional counseling.
4. Encourage the parent to have his or her children involved with the church youth programs, including Sunday Schools.
 - a. Have the youth leaders monitor their participation and social adaptation.
 - b. Have youth leaders encourage other children to socialize with them.
 - c. Consider establishing a peer counseling program at your church since kids will more readily talk with peers than with adults.
 - d. Encourage your youth leaders to:
 - (1) Visit the child at his or her home.
 - (2) Call the child and let him know he is missed when he is sick or could not attend a youth function. Or send the child a "We missed you" postcard from the youth group.
 - (3) Assure the child that the youth leader is always available to talk.
 - (4) Attend athletic events, special activities, and/or school plays in which the child is involved.
 - (5) Send birthday cards.
 - (6) Demonstrate unconditional love at all times especially when the child is frustrating.
 - (7) Pray daily for the specific needs of the child and ask God for wisdom to touch the life of this child in a unique way.
 - (8) Give the child personal attention outside the normal youth activities. Take him to a ballgame. Go out for ice cream.
 - e. Have the church sponsor after-school programs.
5. Encourage the parent and potential step-parent to participate with the children in various church activities.
6. Encourage the parent to maintain social friendships and participate in fellowship activities without the children.

7. If remarriage is decided upon, have a ceremony which recognizes and includes the step-children. (See suggested Ceremony below.)

C. Resources

1. Personnel

- a. A local counselor could be of great help. Prior to any referral or request for aid, determine the counselor's relationship with Christ, his or her approach to therapy, and how the Bible fits into this approach.
- b. A trained lay person who loves kids, has had experience in ministering to them, and is willing to help them overcome the difficulties in divorce and remarriage should be sought, encouraged, and used in the church's ministry.

2. Ministries

- a. Fresh Start Seminars, Inc.
751 North Wayne Avenue
Wayne, PA 19087
800-882-2799
- b. Dad, The Family Shepherd
P.O. Box 21445
Little Rock, AR 72221
- c. Rainbows for All God's Children
1111 Tower Road
Schaumburg, IL 60173

3. Books

To help understand children of divorce:

Barr, Debbie, *Caught in the Crossfire*, Pyranee Books.

Hart, Archibald, *Children and Divorce*, Word Publishing.

Johnson, Laurence and Rosenfeld, Georglyn, *Divorced Kids*, Thomas Nelson Pub.

Wallenstein, Judith and Blakeslee, *Second Chance*, Ticknor & Fields.

To help understand the changed family dynamic:

Nordtvedt, Matilda, *Daddy Isn't Coming Home*, Zondervan.

Spilke, Francine Susan, *The Family That Changed: A Child's Book About Divorce*, Crown.

Phillips, Carolyn E., *Our Family Got Divorced*, Regal Books.

Danziger, Paula, *The Divorce Express*, Delacorte Publishing Co.

To help children cope:

Stein, Sarah Bonnett, *On Divorce: An Open Family Book for Parents and Children Together*, Walker and Co.

Berger, Terry, *A Friend Can Help*, Advanced Learning concepts.

Rofes, Eric E., Editor, *The Kids' Book of Divorce*, Lewis Publishing Co.

Berger, Terry, *How Does It Feel When Your Parents Get Divorced?* Julian Messner/Simon and Schuster Publishing Co.

D. Addendum:

Ceremony For Recognition Of Children At Remarriage

This part of a remarriage ceremony may be inserted after the prayer for blessing the covenantal union and before the lighting of the unity candle. In any event, it should be inserted prior to the declaration of marriage.

RECOGNITION OF CHILDREN

Minister: The ring(s) that you have exchanged symbolizes the bond and commitment that you _____(groom)_____ and you _____(bride)_____ have just made. As we bring praise for the bringing of you two together, we also give thanks for the merging of families. As a result of your union, you _____(whichever party is becoming a step-parent to live-in children)_____ have committed yourself to rearing _____ (children's name)_____ in the nurture and admonition of the Lord. As an Israelite was to take in his deceased brother's family and raise the children within his own family environment, so, too, have you agreed to take in as your own the child of _____(groom or bride)_____.

BRING CHILDREN FORWARD (Young ones may be carried by grandparents or close friends.)

Minister: As part of the family which the bonds of matrimony have united, we recognize _____(children)_____ and the significant role he/she/they play(s) in this marriage today celebrated. The love and the hope which God sends to you through the gift of children find expression in Psalm 127:3-5.

Behold, children are a gift of the Lord;
The fruit of the womb is a reward.
Like arrows in the hand of a warrior,
So are the children on one's youth.
How blessed is the man whose quiver is full of them;
They shall not be ashamed,
When they speak with their enemies in the gate.

EXPLANATION OF THE MEDALLION*

Minister: I understand you, _____(groom)_____ and you, _____(bride)_____ have a medallion to present to _____(children)_____. The medallion has engraved upon it three intertwined circles which represent the linkage of all members of this family into a bond of love. It also depicts the way in which children are a part of the family unit -- not alone or separated from their parent and step-parent, but an integral part of a relationship which begins today. Each time (children) look(s) upon the medallion, he/she could be reminded of the love both parents have for him/her.

PRESENTATION OF THE FAMILY MEDALLION (OR NECKLACE)

Minister: Do you _____ (groom) _____ and you _____ (bride) _____ now wish to present a family medallion (or necklace) to _____ (children) _____ as a symbol for family unity and (children's name) love?

Bride and Groom: "We do."

Minister: Take the medallion(s) [or necklace(s)] from the Best Man and place it (them) upon each child repeating after me these words in unison:

Bride and Groom: (repeat after minister):

"We pledge our continuing love for you _____ (name) _____, _____ (name) _____, and we promise to cherish you/ and to hold you close to our hearts./ We promise to raise you/ in the nurture and admonition of the Lord/ and to give you the security/ of a family in Christ."

PRAYER FOR THE FAMILY

(Have children remain standing -- some with the Best Man and some with Bridesmaids. When the couple is presented and they leave to proceed from the church, have the children follow after them and the wedding party after the children.)

SPECIAL MUSIC (optional)

NOTE: Proceed to part of service that has the lighting of the Unity Candle.

* Medallion information: Rev. Roger Coleman, % The Westport Allen Center, 706 West 42nd Street, Kansas City, MO 64111, (816) 753-3886

VI. The Church's Ministry to the Separated and Divorced

A. Understanding the separated and divorced

1. Know the times

The single parent family is the fastest growing in the United States. During the past two decades, the single parent household, i.e., the separated or divorced has increased at a rate 2 1/2 times that of a two-parent family. Along with the rapid growth has come an awareness that single mothers are experiencing a considerable amount of emotional and psychological stress. Added to these stresses are the anxieties felt from rejection in the churches. The separated and divorced have complained about being treated as second class citizens in the family of God.

The church will have to give both spiritual direction to these people, minister to them and their children, and give practical wisdom to them for coping with life's struggles.

2. Know the people

a. The emotional state

The separated and divorced person experiences many varied emotions, some of which are similar in description as those listed in Section IV. A. 2. a. (Pastoral Care and Counsel of Those Seeking Remarriage), but different in intensity. For example, fear and anxiety are quite prevalent and attack the single parent in an acute way. Fear of the future, what will

happen next, whether happiness will ever occur are haunting thoughts which can paralyze the individual. Fear of loneliness and not being accepted by former friends or church members may preoccupy the separated. The tendency will be to make choices based upon these fears and not upon good cognitive judgment. Wanting to feel secure and significant will lead them to wrong decisions and inappropriate friendships.

b. The cognitive state

See IV. A. 2. b. Two possibilities could occur in the exercise of the cognitive functions. The separated may make decisions based on his or her will to please, for the desire to overcome loneliness and make friendships is a strong survival instinct. The wrong friendships, or a quick marriage could result.

On the other hand, the separated or divorced may make decisions based on the hurt or guilt he or she may feel. This will normally catapult them into depression or isolation. They don't want to be around people; so they take themselves out of the mainstream to avoid further hurt.

The pastoral counselor should recognize the tendencies, encourage proper choices, and bring them to a point where they can risk further hurt.

c. The relational state

See IV. A. 2. c. Separated and divorced people still need to relate. Since God created them as relational beings they must continue to exercise this capacity and become involved with others. Withdrawal from relationships is a strong possibility. The church must prevent this.

3. Know the ministry

The pastor as the shepherd of his flock should realize that the separated and divorced feel estranged from the church and its members. They may think they have been stigmatized or branded as second class citizens. In fact, there are church members who are predisposed against them. The pastor needs to root out the bias and plug the separated and divorced into the ministries of the church. He should solicit session members to aid him in the assimilation of the separated and divorced into the membership of the church as well as the appropriate ministries of the church.

Of course, the session will have to make evaluations on a case by case basis whether a separated person may undertake a ministry. For instance, if reconciliation to a spouse or former spouse has been proposed, then the person should be working on the matters that would heal the marriage. Involvement in a ministry may hinder the process.

Furthermore, a person may be in an unrepentant state of sin. If so, then participation in a church ministry or program would be inappropriate. In fact, the process of discipline should have commenced.

B. Guidelines for ministry

1. Converse with the separated and divorced.

Many people who have become or who are in the process of divorce have felt themselves unseen, unknown, and untouched by the church. Even though most churches benignly neglect these people, neglect is still painful.

It is wrong to assume that the separated or divorced prefer silence on the subject of their marriage or the position in which they find themselves. Talking to them shows concern, and concern care. They already are treated like lepers by some friends. They surely don't want to be lepers in the church.

Conversing with them doesn't mean to force yourself on them. Pray for opportunities to speak, but in any event show cordiality and sincerity in greeting them if only in passing.

Do not worry what to say to them. Even if your words are "I just didn't know what to say", they convey concern. And remember, divorced people really don't need your guidance and wisdom nearly so much as the warmth of your smile and the sincerity of your words.

2. Act on their behalf.

If you sincerely care for the separated and divorced person, you will act on his or her behalf. If he or she needs a place to live, help him or her find it. If a shoulder is needed to cry on, give him or her yours. Introduce him or her to people who could help meet a need.

3. Include them in activities and ministries.

The reason why most separated and divorced people feel like they don't fit in is because in many churches they don't. Most church ministries focus on families, not the divorced or single parent. Most church functions are designed around family activities.

It is not specialized programs, as helpful as they are, that these people need. Rather a genuine awareness of their existence among the congregation is needed more. They need love and the feeling of belonging. So encourage congregants to include them in special activities, to invite them to special events and programs, and to ask them to their homes.

As a church, include them in ministry opportunities. They want to feel part of the team, contribute to the goals of the team, and make themselves useful to the team. Let them serve in some capacity, for serving is conforming to the image of Christ. And the job of the pastor is to disciple his sheep so that they do mature in Christ.

4. Reach out and touch them.

The separated and divorced have been deeply hurt and in some cases greatly traumatized by their divorce and the splitting of families. They need people to acknowledge their hurt, give them a hug, and to extend warmth and acceptance. These brothers and sisters more than others need to be physically touched. Yet when a godly brother or sister hugs a person of the opposite sex, sexual innuendos rush to the surface and rumors fly about.

Divorced people often feel they have become a threat to other marriages. Those who are insecure and have rocky marriages are the ones who fan the gossip fires. This is a shame, for the body of Christ is to hurt with each other and rejoice with each other. When the arm suffers, the whole body hurts. What often happens in churches is that the arm is hurting and the rest of the body wants to amputate it for fear of contamination.

The separated and divorced will always be part of the church. They will be a fast growing part of the church. In fact, most of the church families have been or will be touched by divorce in one way or another, whether it be through direct family split or a child of a

member gets divorced. The church has the job of recognizing these people, ministering to them, and encouraging others to fellowship with them.

C. Resources

1. Personnel

- a. Local counselors may be able to give insight on ministering to the separated and divorced.
- b. Experts in the field may come to train pastors and lay people to do counseling and sponsor programs for the separated and divorced.

2. Seminars

- a. Fresh Start Seminars, Inc.
751 North Wayne Avenue
Wayne, PA 19087

- b. Fresh Start is one of several ministries that offers a three-day divorce recovery program. It is founded by Rev. Bob Burns, now on staff at Covenant Seminary, St. Louis.

3. Books

To have a better understanding of biblical anthropology: (See II. D. 3., p. 2362)

To understand the separated and divorced:

Smoke, Jim, *Suddenly Single*, Fleming H. Revell.

To help determine if a person has gone through steps of reconciliation: (See IV. E. 3., p. 2377)

To help in recovering from divorce:

Augsburger, David, *Caring Enough to Forgive; Caring Enough Not to Forgive*, Regal.

Burns, Bob, *Through The Whirlwind: A Proven Path to Recovery From the Devastation of Divorce*, Oliver Nelson. (Bob is the founder and Board Chairman of Fresh Start Seminars, Inc.)

Smoke, Jim, *Growing Through Divorce*, Harvest House.

To understand the single parent: (See IV. E. 3., p. 2377)

To look at sex from the single perspective:

Jones, Tom, *Sex and Love When You're Single Again*, Oliver Nelson. (Tom is the former pastor of Immanuel Presbyterian Church, Belleville, Illinois, and is Associate Director of Fresh Start Seminars, Inc.)

White, John, *Eros Defiled*, IVP.

APPENDIX I

THE WESTMINSTER DIVINES ON DIVORCE FOR PHYSICAL ABUSE

by the Ad Hoc Committee of Philadelphia Presbytery
RE: Westminster Assembly's View of Divorce for Physical Abuse
Dr. William S. Barker, Chairman

Introduction

The mandate of Philadelphia Presbytery's committee was very narrow: to seek to know whether physical abuse of a spouse might have been in the thinking of the Westminster Assembly as it formulated its position: "...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...." (*Westminster Confession of Faith*, XXIV, 6).

Of particular help in this study have been the article by David C. Jones, "The Westminster Confession on Divorce and Remarriage," *Presbyterion* XVI, 1 (Spring 1990), 17-40 (see also Minutes of the 18th General Assembly of the PCA, 1990, pp. 139-162) and the book by Roderick Phillips, *Putting Asunder: A History of Divorce in Western Society* (Cambridge U. Press, 1988), although the reader of this 640-page book should be forewarned that the index is not complete (William Ames, Robert Cleaver, John Dod, William Gouge, Herbert Palmer, and William Perkins are not included in the index but are referred to in the text at least on pages 111-112, 118, 126, 309, and 326-328).

The Problem. The problem confronting a study of what may have been in the thinking of the Westminster Assembly is that the whole question of divorce was in flux in the Reformation era, particularly and prolongedly so in England, and the most highly regarded guides on such ethical questions could be understood as ambivalent.

For example, William Ames (1576-1633) probably the most respected Protestant casuist of the time (see Richard Baxter, "Advertisement" and Part II, Chapter IX, Question VII of *A Christian Directory*, pp. 3-4 and 444 in Volume I of *The Practical Works of Richard Baxter*, London, 1838) wrote as follows in his *Conscience and the Cases Thereof* (1639 and 1643) concerning "Whether or no, and how Marriage may bee dissolved?":

A.4. There is not any just cause of making, a divorce approved in Scripture, besides adultery and the like horrid impurities, whereby it comes to passe, that two remaine no longer one flesh but divided; and so the faith of Wedlock, is directly violated; Matthew 5.32. and 19.9.

A.6. An obstinate desertion, although in the party deserting, it containeth no just cause of making a divorce, yet it makes a faire cause for the party deserted, after the triall of all other meanes in vain, to suffer a divorce, 1 Cor. 7:15....

A.8. The great danger, which one party may bee in by the cruelty of the other, or by any other manifest meanes of cohabitation, may bee just cause of retiring for a time, so to provide for his owne safety and security, but not for an absolute desertion, unlesse first hee bee deserted. For if one party drive away the other with great fiercenesse and cruelty, there is cause of desertion, and hee is to be reputed the deserter. But if hee

obstinately neglect, that necessary departure of the other avoyding the eminent danger, hee himselfe in that playeth the deserter.

Thus adultery is seen as the primary Scriptural grounds for divorce; however, prolonged willful desertion is also seen as a Scriptural occasion for dissolution of a marriage, and in the case of necessary separation because of physical danger the spouse guilty of cruelty is regarded as the deserter.

Ames's teacher, William Perkins (1558-1602), can likewise be understood as ambivalent on this question. On the one hand, in *An Exposition of Christ's Sermon on the Mount*, Perkins comments on 1 Corinthians 7:15:

The malicious or wilful departing of the unbeliever, doth dissolve the marriage; but that is no cause of having a bill of divorce: only adultery causeth that. Here the believer is a mere patient, and the divorce is made by the unbeliever, who unjustly forsaketh, and so puts away the other. (*Works*, 1612-13, III, 69)

He here disallows divorce for physical abuse:

5. Object. But maried persons may seek to spill the blood one of another, and therefore it is good to give a bil of divorce, to prevent that evill. Answer. Such enmitie may cause a separation for a time, till reconciliation be made, but the bond of mariage must not therefore be broken. (*Ibid.*)

Commenting on 1 Corinthians 7:10, 11, he adds:

Here (say they) is a plaine place against manage after divorcement. Answ. The Apostle speaketh of departure, and putting away, for other causes than adulterie; as for hatred, dislike, &c. which indeede are no sufficient causes of divorce, and therefore they that separate thereupon, ought not to marrie. (*Ibid.*, III, 70-71)

On the other hand, in his *Christian Oeconomie* Perkins appears to validate a dissolution of a marriage on the basis of desertion caused by physical cruelty. In the case of a mixed marriage:

Suppose that an husband which is an unbeliever or a heretic in the foundation, of his own accord, upon detestation of true religion, quite forsakes the believing wife, and denies any more to dwell with her: what is to be done?

All good means must be used to bring the infected party to repentance; and when none will succeed, but the case remaineth desperate, then marriage is dissolved on his part, and the believing wife is free to marry another. (*Works*, III, 687)

In the case of two believers:

The faulty person, who is the cause of this desertion, is to be forced by course of civil, and ecclesiastical censure to perform his, or her duty. Upon which proceeding if he remain obstinate and perverse in will; the other must in patience, and earnest prayer unto God, wait the time, until

his mind may be changed, and he be made to relent by the order of the Magistrate. But if one of them, by just occasion of fear, be compelled to depart from the other: and cannot return again without apparent danger of life; in this case they are not bound to return; but the delinquent party is to remain solitary, till they be instructed and made willing to do their duties: and in the mean while, the party innocent must be resolved that God hath call him or her to a single life.

Again, be it that the one is resolutely unwilling to dwell with the other, and thereupon flies away without any fault of the other: if the thing after a long space be sufficiently known beforehand, and all probable means have been used, to reclaim the guilty person; yea, being called he doth not personally appear before the judge, to yield a reason of the fact; after public and solemn declarations made, the Minister upon such desertion may pronounce the marriage to be dissolved. For he that upon malice flieth away from his mate, is to be holden in the same terms as with an unbeliever, who departs upon detestation of religion, and the service of God, I Tim. 5.8. (*Ibid.*, III, 687-688).

Perkins goes on to discuss “malicious and spiteful dealing of married folks one with the other”:

Malicious dealing is, when dwelling together, they require each of other intollerable conditions; and when the one doth not regard nor relieve the other, being in danger or extremity as it is meet. For this is as much as to betray one another's estate and life to their utter enemies. Here it may be demanded, what a believer should do, who is in certain and imminent danger, either of loss of life, or breach of conscience, if they both abide together.

... If [this danger is] from a stranger, then the husband either takes upon him the defence of his believing wife, or not; if he doth, then she ought to abide with him. If not, she may depart and provide for her own safety. Again, if the husband threateneth hurt, the believing wife may flie in this case; and it is all one, as if the unbelieving man should depart. For to depart from one, and drive one away by threats, are equipollent. (*Ibid.*, III, 688)

Historical Context.

Resolution of the seeming ambiguities in the resources most likely relied upon by the Westminster divines is helped by an understanding of the historical context. In the medieval Roman Catholic church “‘divorce’ was understood to be the separation of the adulterous spouse from the bed and table of the innocent spouse, not a definitive dissolution of their marriage bond and the right of each to remarry” (Steven Ozment; *When Fathers Ruled: Family Life in Reformation Europe*, Harvard U. Press, 1983, p. 80). Although annulments could be obtained, sometimes after years of marriage producing several children, the difficulties surrounding divorce and the prevention of marriages between parties deemed of too close a relationship (even descendants of godparents) caused a host of problems in the area of sexual immorality. The Protestant reformers, in

addition to doing away with the exaltation of celibacy, and with the concept of marriage as a sacrament, contributed to a healthier state of marriage and family life by seeking to restore a biblical understanding of marriage and divorce. In Zwingli's Switzerland the pendulum swung far in an opposite direction from the Roman Catholic practices: "The Zurich court recognized six basic grounds for divorce – adultery, impotence, willful desertion, grave incompatibility, sexually incapacitating illness, and deception. The court in Basel recognized adultery, impotence, willful desertion, capital crimes, leprosy, and a serious threat to life" (Ozment, p. 93).

The Zurich court refused to grant divorce for what it interpreted to be bearable transient incompatibility. ... However, the court did recognize three instances of grave, life-threatening incompatibility that justified separation and divorce. These were if a husband beat a wife to the point of endangering her life; if proven *impotentia superveniens* resulted from physical injuries inflicted by marital fighting; and if an older spouse became ill and his or her mate refused to provide the necessary care because of enmity between them.

The Basel court was even more reluctant to grant a full divorce for alleged threats to life ..., although it recognized such threats as a legitimate ground. It preferred to dismiss hateful spouses and wife-beaters with warnings. Men who persisted in beating their wives eventually received short prison sentences to encourage them to reform, and recurrent hostility between spouses did bring about separation from bed and table and a division of property, but these solutions still fell short of divorce. Even in cases of "furious and insane" threats to life, the Basel court would tell the couple to separate for a time before granting an actual divorce, clinging as long as possible to the slimmest hope of reconciliation. (Ozment, p. 96)

The church in Geneva was more cautious. Calvin held strictly to the divorce text in Matthew and would not allow divorce on account of leprosy or impotence. He did allow for divorce for desertion in certain circumstances, sometimes with the implication that adultery would be involved:

With respect to Calvin's divorce doctrine, then, we may choose between thinking of it as allowing a single ground for the dissolution of marriage (that is, adultery, with desertion constituting an offense giving rise to a presumption of adultery) or the same two principal grounds as Luther: adultery and desertion. Calvin excluded other grounds not only as justifying divorce but even as justifying *de facto* separation. In his letters to noblewomen, Calvin insisted that even if a Protestant wife were cruelly beaten by her Catholic husband, she should not leave him unless she were convinced that her life was actually in danger. (Roderick Phillips, *Putting Asunder*, p. 55. An example of such correspondence is to be found in *The Register of the Company of Pastors of Geneva in the Time of Calvin*, ed. and trans. Philip E. Hughes, 1966, pp. 193-198.)

Theodore Beza, whose *Tractatio De Repudiis et Divortiis* (1573, 1591) would have an influence upon English Puritan thinking, continued Calvin's position. The Consistory of

Geneva resorted to excommunication far more often than to divorce in cases of marital quarrels and disputes. In the period from 1564 to 1569 there were 302 Genevans excommunicated for domestic quarrels (15.8% of the total excommunicated; sixty-one husbands and two wives excommunicated for *mauvais menage* were accused of beating their spouses), whereas divorces probably averaged no more than one per year. (Phillips, *Putting Asunder*, p. 58; E. William Monter, "The Consistory of Geneva, 1559-1569" in Peter DeKlerk, ed., *Renaissance, Reformation, Resurgence*, 1976, pp. 72-73).

The Situation in England.

In England the foundation of the state-established Reformation lay in a divorce, or more technically an annulment, -- that of King Henry VIII from Catherine of Aragon. Yet, somewhat ironically, the English Reformed church remained the most conservative of all the Protestant churches on the issue of divorce, no legislation on divorce being passed in England until the mid-19th century (Phillips, *Putting Asunder*, p. 77). Martin Bucer, who came from Strassburg to England in 1549, dedicated to King Edward VI his *De Regno Christi*, substantial portions of which dealt with the subject of marriage. John Milton in the period of the Puritan Rebellion translated these portions as part of his argument for divorce for incompatibility. Bucer was probably the most liberal of the Protestant Reformers in this regard although his views did not go quite so far as Milton's (Phillips, *Putting Asunder*, pp. 123-125; cf. pp. 69-71).

Beginning in 1543 there was an effort to revise English canon law. In the 1550s a commission, apparently influenced mainly by Archbishop Thomas Cranmer and Peter Martyr, produced the desired *Reformatio Legum Ecclesiastiarum*. The death of Edward VI and the subsequent reaction of Mary Tudor, along with the later disapproval of Elizabeth I and her Parliaments, prevented this revision of church law from ever being adopted, but it reflects the thought of leading English reformers of the time:

It specified that when one spouse was guilty of adultery the innocent party should be allowed to divorce and remarry, but only after a six-month period had elapsed so as to give the couple an opportunity for reconciliation. The adulterous spouse would not be permitted to remarry. Divorce would also be justified for reason of desertion or absence without news, with the qualification that the deserted partner could not remarry for two or three years. If a remarriage did take place but the absent spouse subsequently returned, then the first (dissolved) marriage was to take precedence and the second would be declared null. It is not clear whether this provision would operate in all cases, for the *Reformatio Legum* also prescribed life imprisonment for desertion and for prolonged absences that could not be satisfactorily explained.

These grounds for divorce – adultery and desertion – were a Protestant orthodoxy, as we have seen, so it is interesting to note that the *Reformatio Legum* went even further and permitted divorce where one spouse was the victim of deadly hostility or violent treatment on the part of the other. "Deadly hostility" referred to attempted murder: "If deadly hostility should arise between husband and wife, and become inflamed to such an intensity that one attack the other, either by treacherous means or by

poison, and should wish to take his life in some way, either by open violence or by hidden malice, we ordain that, as soon as so horrible a crime can be proved, such persons should be by law separated by divorce in the courts." As for ill-treatment, the *Reformatio Legum* specified that "should a man be violent to his wife and display excessive harshness of word and deed in dealing towards her," he should be admonished and cautioned to "treat her as the intimate union of marriage requires." If the husband failed to improve his behavior, the wife should be able to obtain a divorce. This revision did not abrogate the legal authority vested in husbands to administer "moderate correction" to their wives who were "rebellious, obstinate, petulant, scolds and of evil behaviour" (Phillips, *Putting Asunder*, pp. 83-84).

These proposals, though supported by such as John Foxe, did not meet with official approval in Elizabeth's reign (1558-1603). The views of Zurich, however, were entertained when Heinrich Bullinger's *Decades* were given official endorsement for ministerial training in 1587. Concerning divorce Bullinger wrote:

Divorcements and separations were permitted by the law in the twenty-fourth of Deuteronomy, for nothing else but for the hardness of the Jewish people's hearts, and for the avoiding of some greater inconvenience; to wit, lest peradventure any man should poison, strangle, or otherwise kill the woman, his wife, which he hated, when he could by none other means rid his hands of her. And they that were in that manner divorced might at their pleasures be married to others (3rd Decade, Sermon VII, Parker Society edition, II, 228).

But if for adultery, or some other matter more heinous than that, necessity forceth to break wedlock, yet in this case the church will do nothing unadvisedly. For she hath her judges who will judge in matters and causes of matrimony according to right and equity, or rather according to God's laws and the rule of honesty (5th Decade, Sermon X, Parker Society, IV, 511).

For the laws of God and men admit a divorcement betwixt a man and his adulterous wife. And yet let not any less or lighter cause dissolve this knot betwixt man and wife, than fornication is. Otherwise God, which in the gospel hath permitted the less, doth not forbid the greater, to be causes of divorcement (2nd Decade, Sermon X, Parker Society, I, 403).

Bullinger's *The Christian State of Matrimonye* had been translated into English by Miles Coverdale earlier, in 1541, and said:

Fifthly: What the right occasion of divorce is hath Christ mentioned in the gospel and named whoredom or adultery. With the which no doubt, he hath not excepted like and greater occasions, but understood and comprehended them therein. For the holy Apostle also did leave infidelity as an occasion of divorce. 1 Cor. vii. Manifest it is also, that wedlock was partly instituted for the eschewing of adultery. Wherefore when the guilty party is divorced, the unguilty is at liberty to marry again, if he or she

cannot live sole, according to Paul, if thou canst not be chaste, marry, for better it is to marry than to burn in concupiscence (leaf lxxvii).

Moreover the faithful and virtuous Emperors, holy Constantine, Theodosius, Valentinus, Anastasius and Justinian decreed other things also to be lawful occasions of divorce as murder, poisoning, and such like as it is evident in God. Lib. v. Tit. xvii *De repudiis*. Every reasonable man then consider, that God did ordain wedlock for the honesty and wealth of man, and not for his shame and destruction. They therefore that in no case will help the oppressed person, nor in any wise permit divorce to be made, do even as the Pharisees, which by reason of the commandment of the Sabbath after the letter, suffered men to be destroyed and perish (facing leaf lxxviii).

Bullinger thus saw adultery as inclusive of other violations of the marriage bond which were either equal or greater and hence sufficient basis for divorce. The revised English church law of 1604, however, while allowing separation from bed and board, prohibited divorce entirely (Phillips, *Putting Asunder*, p. 107).

In the early 17th century there are a few other clues to Puritan thought on divorce leading up to the time of the Westminster Assembly. In addition to Perkins and Ames, already discussed, William Whately (1583-1639) published two works on marriage. In *A Bride-Bush, or a Wedding Sermon: Compendiously describing the duties of Married Persons: By performing whereof, Marriage shall be to them a great Helpe, which now finde it a little Hell* (London, 1617), he commented on 1 Corinthians 7:15:

In which words, he permits not to the unbelievever such separations as lawfull, but casts the fault upon him alone, and after frees the other party from the band by which he or shee was formerly tied: as if hee had saide; If he will needes be gone, let him; and trouble not your selves about it, the sin lyes wholly upon his owne soule. A Christian man or woman, when cases of this nature fall out, is no longer tied to the former covenant, nor to the former partie, which hath himselfe first broken it. Neither is this any whit contrary to that of our Saviour, who forbids a man to put away his wife & marry another, unlesse it be for adultery. For we allow not to him or her, any such liberty of putting away, but upon that only cause. Yet if he or she be wrongfully put away (the yoke-fellow withdrawing him or herselfe out of the way, so that there be no hope to recall them, or else not returning upon good persuasion or meanes used) we yelde with the Apostle, a freedome to the party so wronged. And these things you see may well stand together. No man may lawfully forsake his wife, nor the wife the husband (but in case of adultery) to marry another; and yet any man or woman, being wrongfully forsaken by his or her yoke-fellow, may lawfully then marry another, as being disburdened of the former yoke, without any sinne, on their parts, in that thing, procuring it. Onely we professe, that in cases of this nature, a just and orderly course must bee taken (pp. 4-5).

Whately's *Bride-Bush* was reprinted in 1619, and he was subsequently summoned to appear before the Court of High Commission to explain himself. He retracted his position on divorce in 1621, and when a second edition of *A Bride-Bush* was published in 1623, he admitted the error of his divorce doctrine, but primarily acknowledged that an adulterous partner could be received back and hence adultery did not automatically dissolve a marriage. In his other work on marriage, *A Care-Cloth: or a Treatise of the Cumbers and troubles of marriage: Intended to advise them that may, to shun them; that may not, well and patiently to bear them* (London, 1624), is mainly a warning against the difficulties of marriage, perhaps because the strictness of English divorce law constrained Whately to counsel in this direction (cf. Phillips, *Putting Asunder*, pp. 112-115).

Among the Westminster divines themselves at least two had published works on marriage, Thomas Gataker (1574-1654) and William Gouge (1575-1653). Gataker's works, being wedding sermons, do not shed direct light on the question of divorce (*Marriage Duties Briefly Couched Together; out of Colossians 3.18,19* [London, 1620] and *A Wife in Deed. A Sermon concerning the Matter of Marriage* [London, 1624]). Gouge, however, does take an explicit position on divorce in his *Of Domestical Duties*, published in 1622 with second and third editions in 1626 and 1634:

Concerning adultery, we deny not, but that it giveth just cause of divorce: but withall we say (as we have good warrant from Christ's words) that it is the only cause of just divorce (3rd ed., 1634, II, ii, 16).

Gouge does also discuss desertion:

The vice contrary to matrimonial unity is desertion, when one of the married couple through indignation of the true religion, and utter detestation thereof, or some other like cause, shall apparently renounce all matrimonial unity, and withdraw him or her self from all society with the other, and live among infidels, idolaters, heretics, or other such persecutors, as a faithful Christian with safety of life, or a good conscience, cannot abide among, and though all good means that can be thought of be used to reclaim the party so departed, yet nothing will prevail, but obstinately persisteth in renouncing all matrimonial fellowship (II, ii 3).

Referring to 1 Corinthians 7:15, Gouge says:

That desertion therefore on the delinquent's part is such a dissolution of marriage, as freeth the innocent party from the bondage thereof. By bondage he meaneth matrimonial subjection (by reason whereof neither of the married persons have power of their own body, but one of the others) (II, ii, 3).

Gouge does not see desertion as a total dissolution of the marriage such that the innocent party is free to remarry. He distances himself from Reformed churches like those of Zurich in this regard:

In many reformed Churches beyond the seas desertion is accounted so far to dissolve the very bond of marriage, as liberty is given to the party

forsaken to marry another; and it is also applied to other cases than that which is above mentioned: as when an infidel, idolater, or heretic shall depart from one of the true religion for other causes than hatred of religion: or when both man and wife having lived as idolaters among idolaters, one of them being converted to the true faith, leaveth his abode among idolaters, and goeth to the professors of the true faith, but can by no means get the other party to remove: or where one of the true religion shall depart from another of the same profession, and will by no means be brought to live with the party so left, but openly manifesteth peremptory obstancy; the matter being heard and adjudged by the magistrate, the marriage bond may be broken; and liberty given to the party forsaken to marry another. But because our church hath no such customs, nor our law determined such cases, I leave them to the custom of other churches (II, ii 3).

Gouge was a highly respected and very active member of the Westminster Assembly, sometimes filling the moderator's chair in his absence. "For many years he was esteemed the father of the London ministers" (Daniel Neal, *The History of the Puritans*, London, 1837, II, 611). Since he served as chairman of the subcommittee on divorce (Alexander F. Mitchell and John Struthers, *Minutes of the Sessions of the Westminster Assembly of Divines While Engaged in Preparing Their Directory for Church Government, Confession of Faith, and Catechisms [November 1644 to March 1649]*, Edinburgh and London, 1874, p. 266; cf. pp. lxxxvii, 91 and 190), it appears remarkable that the Assembly came to adopt its position concerning desertion as a grounds for divorce. Dr. David Jones comments, "One could wish that Gouge had published a post-Assembly volume on *How My Mind Has Changed*" ("The Westminster Confession on Divorce and Remarriage," *Presbyterian XVI*, 26). As Dr. Jones surmises, this was very likely because of the influence of the delegates from Scotland, where since 1573 divorce had been allowed by law for willful desertion for four years or more as well as for adultery:

The deserted spouse had to raise an action of adherence (a demand that the deserter return) as early as a year after the actual desertion, and the guilty spouse was warned by the court and the church to return. If he or she refused to return, the deserting spouse was denounced and excommunicated and if he or she had not returned at the end of four years' absence, the abandoned spouse was permitted to apply to the Commissary court for a divorce (Phillips, *Putting Asunder*, p. 61).

Even with the Scottish influence, therefore, the English Puritan position on divorce would be relatively cautious and conservative, more like that of Geneva than that of Zurich.

The comparatively conservative stance of the Westminster divines in the context of debate over divorce in their time is reflected also in another key member of the Assembly, Herbert Palmer. When the English Civil War was beginning, royalists argued for loyalty to the King on the basis of analogy between the people's relation to their monarch and a marriage which could not be dissolved. Palmer, as a good Puritan, sought to defend Parliament's action short of making it like a divorce:

A wife is tyed to her Husband by the Covenant of God (so called, Prov. 2.) and by the Ordinance of God more ancient, and no lesse strong than that of Politick Government. She cannot recall wholly her Husbands Authority over her.... Yet for her necessity, she may by the Law of God and conscience ... secure her Person from his violence by absence (though that ordinarily be against the Law of Marriage, and the end of it) or any other means of necessary defence (*Scripture and Reason Pleaded for Defensive Armes*, London, 1643, pp. 35-36, quoted in Phillips, *Putting Asunder*, p. 118).

On the other hand, when Milton was republishing Martin Bucer to support his broader approach to divorce, Palmer responded with a sermon before Parliament and the Assembly which Scottish commissioner Robert Baillie called one “of the most Scottish and free sermons that ever I heard any where” (Baillie, *Letters and Journals*, Edinburgh, 1841, II, 220). Arguing against toleration, Palmer cites Milton's writing on divorce as one example of pernicious opinions that are abroad:

If any plead Conscience ... for divorce for other causes then Christ and His Apostles mention; Of which a wicked booke is abroad and uncensured, though deserving to be burnt, whose Author hath been so impudent as to set his Name to it, and dedicate it to your selves ... will you grant a Toleration for all this? (*The Glasse of God's Providence Towards His Faithfull Ones*, 1644, p. 54; quoted in Ernest Sirluck, “Introduction,” *Complete Prose Works of John Milton*, New Haven: Yale U. Press, 1959, II, 103).

A further bit of evidence for the Westminster divines' understanding of ground for divorce is to be found in the *Westminster Assembly Annotations upon all the books of the Old and New Testament* (1st ed. 1645, 2nd ed. 1651, 3rd ed. 1657), a work done under the auspices of the Assembly but without its official approval (cf. Mitchell and Struthers, *Minutes of the Westminster Assembly*, p. 132 for an instance of apparent disapproval of a portion). In the *Westminster Annotations*, produced in large part by members of the Assembly, including Gataker and Gouge, comments on such passages as Mark 10:5 (in the 3rd edition), Malachi 2:16 (3rd ed.), and Deuteronomy 24:1 (1st ed.) reveal a tendency to uphold the ideal of no divorce while recognizing the necessity of the civil magistrate's dealing with the reality of human hardness of heart:

For Moses commanded not dismission of the wife; but (as a civil Magistrate) permitted it, to avoid murder and cruelty ... (on Mark 10:5).

And thus divorce was, if not permitted, yet not punished under the Law: As the Magistrate sometimes suffers what he allows and approves not (on Mal. 2:16). Hereby God approveth not the fickleness of men's affections, in a light, or causelesse leaving of their wives, Mal. 2:16. but permitteth a parting, for preventing of danger through dislike, Matthew 19:6, 7, 8, 9 (on Deut. 24:1).

One further reflection of the thinking of the Westminster divines can be seen in *A Christian Directory*, by Richard Baxter (1615-91), which was written in 1664 and 1665, almost twenty years after the Westminster Confession was produced. In Part II, Chapter

IX of his *Christian Economics*, (or *Family Duties*) Baxter answers several questions relating to desertion:

Q. XV. Doth not the desertion of one party disoblige the other?

A. ... It is sometimes easy, and sometimes hard to discern which is the deserting party. If the wife go away from the husband unwarrantably, though she require him to follow her, and say that she doth not desert him, yet it may be taken for a desertion, because it is the man who is to rule and choose the habitation. But if the man go away, and the woman refuse to follow him, it is not he that is therefore the deserter (*Practical Works*, London, 1838,1,445).

Q. XVI. What if a man or wife know that the other in hatred doth really intend by poison, or other murder to take away their life? May they not depart?

A. They may not do it upon a groundless or rash surmise; nor upon a danger which by other lawful means may be avoided (as by vigilancy, or the magistrate, or especially by love or duty). But in plain danger, which is not otherwise like to be avoided, I doubt not, but it may be done, and ought. For it is a duty to preserve our own lives as well as our neighbours). And when marriage is contracted for mutual help, it is naturally implied, that they shall have no power to deprive one another of life (however some barbarous nations have given men power of the lives of their wives). And killing is the grossest kind of desertion, and a greater injury and violation of the marriage covenant than adultery; and may be prevented by avoiding the murderer's presence, if that way be necessary. None of the ends of marriage can be attained, where the hatred is so great.

Q. XVII. If there be but a fixed hatred of each other, is it inconsistent with the ends of marriage? And is parting lawful in such a case?

A. The injuring party is bound to love, and not to separate; and can have no liberty by his or her sin. ... But the innocent party's case is harder (though commonly both parties are faulty, and therefore both are obliged to return to love, and not to separate). But if hatred proceed not to adultery, or murder, or intolerable injuries, you must remember that marriage is not a contract for years, but for life, and that it is possible that hatred may be cured (how unlikely soever it may be). And therefore you must do your duty, and wait, and pray, and strive by love and goodness to recover love, and then stay to see what God will do; for mistakes in your choice will not warrant a separation.

Q. XVIII. What if a woman have a husband that will not suffer her to read the Scriptures, nor go to God's worship public or private, or that so beateth or abuseth her, as that it cannot be expected that human nature should be in such a case kept fit for any holy action, or if a man have a wife that will scold at him when he is praying or instructing his family, and make it impossible to him to serve God with freedom, or peace and comfort.

A. The woman must (at necessary seasons, though not when she would) both read the Scriptures, and worship God, and suffer patiently what is inflicted on her. Martyrdom may be as comfortably suffered from a husband, as from a prince. But yet if neither her own love, and duty, and patience, nor friends' persuasion, nor the magistrate's justice, can free her from such inhuman cruelty, as quite disableth her for her duty to God and man, I see not but she may depart from such a tyrant. But the man hath more means to restrain his wife from beating him, or doing such intolerable things; either by the magistrate, or

by denying her what else she might have, or by his own violent restraining her, as belongeth to a conjugal ruler, and as circumstances shall direct a prudent man. But yet in case that unsuitableness or sin be so great, that after long trial there is no likelihood of any other cohabitation, but what will tend to their spiritual hurt and calamity, it is their lesser sin to live asunder by mutual consent (I, 446).

Baxter also has remarks concerning wife-beating:

Divines used to say, that it is unlawful for a man to beat his wife: but the reason is not, that he wanteth authority to do it; but, 1. Because he is by his relation obliged to a life of love with her; and therefore must so rule, as tendeth not to destroy love: and, 2. Because it may often do otherwise more hurt to herself and the family, than good. It may make her furious and desperate, and make her contemptible in the family, and diminish the reverence of inferiors, both to wife and husband, for living so uncomely a life (I, 447).

Baxter's counsel in this regard is similar to that of William Ames prior to the Westminster Assembly:

Q. 5. Whether or no, and how farre it is lawfull for a Man to reprove his Wife being faulty.

14. A. He may and ought to restraine her by such meanes as are not repugnan to conjugall society, as by admonitions, reprehensions, and the deniall of some priviledges which are due to a godly and obedient Wife. But it is by no meanes the part of any Husband, to correct his Wife with blowes:

Because **first**, It proceedeth from an unwarranted bitterness and cruelty.

Secondly, It is repugnant to the ingenuous, quiet and peaceable society of Wedlock.

Thirdly, It destroyeth conjugall affection, as well in the Husband, while hee useth his Wife as his Servant, as in the Wife while shee seeth herselfe contemned and tyrannically dealt with.

Fourthly, Experience teacheth, that this is not the way, either to the amending of the Wife, or the peace of the Family.

Fifthly, It is not allowed by any law, nor practised by any, but furious or drunken men (Ames, *Conscience and the Cases Thereof*, Book V, Chapter XXXVII, pp.207, 208).

William Perkins had earlier taken a similar position:

Here question is moved, whether the husband may correct the wife?

A. Though the husband be the wives head, yet it seemeth he hath no power nor libertie granted him in this regard. For we read not in the Scriptures, any precept or example to warrant such practise of his authoritie. He may reprove and admonish her in a word onely, if he seeth her in a fault. For, thus we read, that Jacob censured his wife, beeing impatient, even in anger. Gen 30.2 ... And Iob reprooved his wife, Iob 2:10 ... But he may not chastise her either with stripes, or stroakes. The reason is plaine. Wives are their husbands mates; and they two be one flesh. And no man will hate, much lesse beat his

owne flesh, but nourisheth and cherisheth it, Eph. 5.29 .. Againe, it is the commandement of God, that man should not trespass against the wife of his youth, Malac. 2.15

Nevertheless; if she grow to extremities, and be desperately perverse, so as there be no hope of amendment: then the Magistrate may be informed; who to prevent scandals, and to provide for publicke peace, both ought and may assigne unto her necessarie correction, and punishment according to her desert. Now the husband that hath a wife so stubborne and peevish, must beare it, if it may be borne, as the portion of his crosse laid upon him by God. And in this case if he bee impatient, he may in some sort be pardoned and pitied, but he is not wholy to be excused (Perkins, *Christian Oeconomie*, in *Works*, III, 691, 692).

The Puritan attitude of Perkins, Ames, and Baxter must be understood in the context of their times:

Wife beating, which was doubtless the most widespread form of marital ill-treatment, was rarely condemned, either explicitly or implicitly. Even the *Reformatio Legum Ecclesiasticarum* was careful to specify that the ability of women to divorce would not imply a reduction of men's power of "moderate correction" over their wives. Such neglect of cruelty as a matrimonial offense was quite consistent with the prevailing social attitudes toward the relationship of husband and wife, which specified the latter's inferiority and her duty of obedience (Phillips, *Putting Asunder*, p. 89).

As another scholar has commented: "Much more than the Anglicans, the Puritans developed marriage as a partnership and simultaneously made the strongest objections to wife-beating" (Richard L. Greaves, *Society and Religion in Elizabethan England*, Minneapolis: U. of Minnesota Press, 1981, p. 739).

Conclusions

The Puritan movement, with the Westminster Assembly coming at its culmination, manifested both a masterful knowledge of Scriptural teaching and also a pastoral sensitivity to the needs and tendencies of the human soul. This combination is apparent in the materials that would have been available to the Westminster divines as they dealt with the subject of divorce and whether physical abuse could be regarded as a grounds for dissolution of a marriage.

1. To a direct question of whether physical abuse could be a grounds for divorce, the Puritan tradition informing the Westminster Assembly would have answered, No, not per se or by itself. William Perkins and William Ames before the Westminster Assembly, William Gouge as a member of the Assembly, and Richard Baxter soon after the Assembly are all consistent with Calvin and Beza and the Genevan tradition in emphasizing adultery as the essential cause for divorce.
2. This same Puritan tradition also saw that under certain circumstances desertion could be a grounds for divorce, and physical abuse could be the basis of a desertion, the spouse guilty of the abuse being reputed as the deserter even though the other one may have departed. Before such a situation could be the grounds for a divorce, however, a

sufficient time would have to expire for the efforts of both church and civil magistrate to seek to achieve a reconciliation.

What do such findings indicate for our contemporary setting? First of all, in the Reformation era settings of Geneva, Scotland, and England the civil magistrate could be expected, to a greater degree than in late-20th-century America, to be mindful of and respectful toward Scriptural principles. With regard to a matter like divorce, while we must be respectful toward the secular courts, we cannot rely on contemporary judicial principles to determine what is right.

Secondly, this means that we must rely even more than did the Reformation era, on the constructive discipline of the church. When physical abuse is occurring in a marriage, the church must deal with a situation which, as the Puritans saw, is contrary to God's purpose for marriage. A temporary separation may be necessary for safety, which the church may need to facilitate, and the abusing partner should be disciplined, with helpful counsel but eventually to the point of excommunication if there is no repentance in deed as well as in word. The situation is complicated in our cultural setting when the marriage partner is not a member of a church, or is a member of some other church; nevertheless, discipline must be attempted. Only after a suitable length of time and a sufficient process of church discipline should a divorce be granted for such a desertion of one's marriage partner and the marriage covenant. (This is essentially the conclusion reached by David D. Prescott in *The Problem of Wife Abuse: Wife Abuse and Pastoral Counseling*, Westminster Theological Seminary D.Min. project, 1991; cf. pp. 212-221 on "Divorce: Is It a Possibility?")

In its understanding of the Bible's teaching on divorce as "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," the Westminster Assembly was seeking to steer the Scriptural path between two demonstrable extremes and in the process uphold God's high ideal for marriage. On the one hand, this ruled out the Roman Catholic concept of no divorce, allowing divorce for adultery and under certain circumstances desertion. On the other hand, it ruled out divorce for incompatibility as some such as Milton were advocating. Physical abuse of a spouse was seen as contrary to the biblical purpose for marriage and would thus be grounds for church discipline and could, if it led to prolonged separation without remedy, become a cause for dissolution of a marriage. Such circumstantial details can be handled only by a body of elders cognizant of and close to the situation. Whereas proven adultery would be readily acknowledged as grounds for a divorce, desertion on the basis of physical abuse as a cause for dissolution of a marriage should be determined from the circumstances by the local session or in the case of a minister by the presbytery.

TE David Brewer

TE William S. Barker, Chairman

APPENDIX II
DIVORCE RECONSIDERED
by RE David C. Lachman

The Ad Interim Committee on Marriage, Divorce, and Remarriage is submitting a lengthy report to the Nineteenth General Assembly of the Presbyterian Church in America. The committee was requested to “ask whether the Westminster Confession Chapter 24.6 is more lax or more restrictive than Scripture” and to “suggest any revisions to that article of the Confession it deems appropriate,” particularly addressing the question “whether a Christian may have other legitimate grounds for divorce, besides desertion by an unbelieving spouse, or adultery (for example, inveterate physical abuse, marital rape or other sexual abuse, attempted murder, or equally serious violations of the marriage covenant).” It was also asked to “Recommend guidelines and resources for pastoral care and counsel of couples with marital difficulties,...” [etc.] The committee’s proposed report considers the Confession historically, discusses Scriptural perspectives and suggests guidelines and resources for pastoral care and counsel.

Taken as a whole, the report can be characterized as a significant departure from previous Reformed teaching, both in suggesting that “wilful desertion in the Westminster Confession can be more broadly interpreted than has previously been believed (p. 2319) and in maintaining that, in Scripture, abandonment by an unbeliever can mean more than simple physical departure. (pp. 2345-6) It even maintains “that the believing spouse may initiate legal action to make her biblical divorce legal in the eyes of the state,” explaining that an abuser can be held to have deserted the spouse, declared an unbeliever and then treated accordingly. (pp. 2381-1) The practical section of the report reflects this deviation.

It should be clearly understood that this report, for all its language of restraint, is a substantial departure from what has hitherto been believed to be the Reformed and Biblical teaching. Historically, opinion has been divided, but between those who denied the possibility of divorce entirely, those who believed divorce permissible on the ground of adultery (both with and without the possibility of remarriage), and those who added desertion to adultery. It is only recently that grounds of divorce have been substantially expanded, first by liberals and then by various others. Though conservatively worded, this is the position taken by the Committee’s report.

This article will focus on the historical part of the report, both because the material presented is less familiar and less accessible and an erroneous interpretation can thus more readily be imposed on even the careful reader and because what is new in the report is the claim that modern ‘Reformed’ expansion of Biblical grounds for divorce has historical Reformed precedent. The Biblical material, with the various arguments respecting its interpretation, is readily available and does not need to be duplicated here.

I. Historical

The Committee’s report claims that there is no need to revise the Confession, since the Confession reflects a range of beliefs which would allow the position the Committee

recommends. But its historical paper, though presented with an impressive scholarly apparatus, completely fails to sustain the position taken.

- V. Adultery or fornication committed after a contract, being detected before marriage, giveth just occasion to the innocent party to dissolve that contract. In the case of adultery after marriage, it is lawful for the innocent party to sue out a divorce: and, after the divorce, to marry another, as if the offending party were dead.
- VI. 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 wilful 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. (*Westminster Confession of Faith*, XXIV, 5 & 6)

According to the *Westminster Confession of Faith* only “adultery, or such wilful desertion” as can not be remedied dissolves “the bond of marriage.” Historically, the WCF has been interpreted as meaning such physical abandonment as removes the deserting party deserting both from the discipline of the church, which would lead to repentance and restoration, and from the coercion of the state, with punishment appropriate to the crime. The assumption has been understood to be that the guilty party is no longer resident in the bounds of the state and therefore cannot be brought to justice, either ecclesiastical or civil.

Since a confession consists of necessity of brief, pithy statements, in the absence of an accompanying commentary or detailed report of any discussion or debate which led to the final draft of a statement (*The Minutes of the Sessions of the Westminster Assembly of Divines*, ed. A.F. Mitchell and J. Struthers, Edinburgh, 1874, pp. 279-80 & 299-300 are brief and informative), further inquiry into their meaning must of necessity resort to contemporary works on the subject. To this end a brief study will be made of the opinions of several influential English Puritan divines, particularly those writing prior to the Westminster Assembly. Reference will also be made to the influential *Christian Directory* of Richard Baxter, composed not long after the Assembly, and to Continental Reformed thought as well.

The great sixteenth century Puritan William Perkins has been quoted at length in the Committee’s report, though without drawing any explicit conclusion. It correctly cites J. I. Packer as judging Perkins “to have permitted divorce and remarriage to the innocent spouse in the case of desertion and that desertion was understood by him ‘to cover all behavior that nullified the matrimonial relationship in practice,’ such as the imposition of intolerable conditions.” (p. 2313, footnote 24) Packer himself goes so far as to say that Perkins regarded “desertion, broadly interpreted to cover all behaviour that nullified the matrimonial relationship in practice – ‘malicious desertion’, when ‘they require of each other intolerable conditions’, ‘long absence’, cruelty, diseased conditions, and insanity are specified – as ground for the same grant” of divorce. (*A Quest for Godliness*, Wheaton, 1990, p. 269; without substantiation he claims the Puritans followed Perkins in

this.) But Packer's claim is without foundation in Perkins. (It is questionable if he has even bothered to consult Perkins at all. He appears to have read and followed M. M. Knapper's *Tudor Puritanism*, Chicago, 1939, uncritically, even to the point of citing page references in Perkins back to front). For Perkins allows the dissolution of a marriage contract for such reasons as the discovery of an incurable disease, such as would be an impediment to performance of marital duties, and in the case of insanity. But when he passes on from the chapter dealing with 'Of Rejection, or Refusal of the Contract' to 'Of Marriage', he expressly denies them to be reason for divorce. (*The Workes*, Cambridge, 1618, compare pages 682-4 with 687-8).

What, then, did Perkins teach? In addition to divorce for adultery, Perkins clearly allows the believing wife (or husband) to remarry when the unbelieving or heretical husband (or wife) forsakes her and will no longer dwell with her, though only after "all good means" have been used to bring him to repentance. He cites I Cor. 7:15 as the basis for teaching that such behavior is that which dissolves a marriage. But when there is desertion between two believers,

The faulty person, who is the cause of this desertion, is to be forced by course of Civill, and Ecclesiastical censure, to performe his, or her duty. Upon which proceeding, if he remain obstinate, & perverse in will; the other must in patience, and earnest prayer unto God, wait the time, until his mind may be changed, and he made to relent by the order of the Magistrate. But if the one of them, by just occasion of feare, be compelled to depart from the other: and cannot returne againe without apparent danger of life; in this case they are not bound to return; but the delinquent party is to remain solitary, till they be instructed & made willing to doe their duties: and in the meane while, the party innocent must be resolved that God hath called him or her to single life.

Againe, be it that the one is resolutely unwilling to dwell with the other, and thereupon flies away without any fault of the other: if the thing after a long space be sufficiently knowne before-hand, and all possible meanes have been used, to reclaime the guilty person; yea being called, he doth not personally appeare before the Judge, to yeeld a reason of the fact; after publike and solemne declaration made, the Minister upon such desertion, may pronounce the marriage to be dissolved. For he that upon malice flieth away from his mate, is to beholden in the same tearms with an unbeleever, who departs upon detestation of religion, and the service of God, I Tim. 5.8 (pp. 687-8)

Having considered 'Desertion', Perkins goes on to consider the "malicious and spitefull dealing of married folkes one with the other."

Malicious dealing is, when dwelling together, they require each of other intollerable conditions: & when the one doth not regard nor releeve the other, beeing in danger or extremity, as is meete. For this is as much as to betray one anothers estate and life to their utter enemies.

Here it may be demaunded, what a beleever should doe, who is in certaine and imminent danger, either of losse of life, or breach of conscience, if they both abide together.

Ans. I. This certaine danger hath his originall, either from one that is a stranger, or from one of the parties: If from a stranger, then the husband either takes upon him the defence of his beleeving wife, or not; if he doth, then she ought to abide with him. If not, she may depart and provide for her own safety. II. Againe, if the husband threateneth hurt, the beleeving wife may flie in this case; and it is all one, as if the unbelieveing man should depart. For to depart from one, and drive away by threats, are equipollent. (p. 688)

That this is the case should not seem strange, for if the believer has a choice of denying Christ or continuing with the unbelieving partner, separation from the unbeliever must be the choice. But, in answer to the allegation that this makes the believing wife to forsake “the unbelieveing husband, which she may not doe,” Perkins answers that “She forsakes him not finally, but leaves him for a time.” (p. 688)

This is consonant with what Perkins says in his ‘A Godly and Learned Exposition of Christ’s Sermon in the Mount’. In commenting on Matthew 5: 31-2, he poses the objection based on 1 Corinthians 7: 15,

Here (say they) is another cause of divorce.

Ans. The malitious or wilfull departing of the unbelievever, doth dissolve the manage; but that is no cause of giving a bill of divorce: onely adulterie causeth that. Here the beleever is a meere patient, and the divorce is made by the unbelievever, who unjustly forsaketh, and so puts away the other. (Workes, 1618, III, p. 69)

After denying that “a contagious and incurable disease” is grounds for divorce, he even denies that physical cruelty which goes the length of attempted murder is sufficient cause for divorce:

Object. But married persons may seeke to spill the blood one of another, and therefore it is good to give a bil of divorce, to prevent that evill. Ans. Such enmitie may cause a separation for a time, til reconciliation be made, but the bond of manage must not therefore be broken.(p.69)

He also denies that other similar causes are grounds for divorce. Speaking of 1 Cor. 7:10-1, Perkins comments:

Here (say they) is a plaine place against marriage after divorcement. Answ. The Apostle speaketh of departure, and putting away, for other causes then adulterie; as for hatred, dislike, &c. which indeed are no sufficient causes of divorce, and therefore they that separate thereupon, ought not to marrie. (pp. 70-1)

We may conclude, therefore, that Perkins is consistent both with himself and with what has hitherto been considered the Reformed teaching. He allows divorce for adultery and

irremediable physical abandonment, but not for any other cause, including disease, hatred and even attempted murder.

William Ames, a highly esteemed early seventeenth century Puritan, in a passage not quite clear either in the English translation or the Latin original, seems to follow Perkins. In addition to adultery, he clearly allows divorce in the case of desertion:

An obstinate desertion, although in the party deserting, it containeth no just cause of making a divorce, yet it makes a faire cause for the party deserted, after the triall of all other meanes in vain, to suffer a divorce, 1 Cor. 7:15.

He goes on to say:

The great danger, which one party may bee in by the cruelty of the other, or by any other manifest meanes of cohabitation, may bee just cause of retiring for a time, so to provide for his owne safety and security, but not for an absolute desertion, unlesse first hee bee deserted. For if one party drive away the other with great fierceness and cruelty, there is cause of desertion, and hee is to be reputed the deserter. But if hee obstinately neglect, that necessary departure of the other avoyding the eminent danger, he himselfe in that playeth the deserter. (*Conscience with the Power and Cases Thereof*, London, 1643, pp. 108-9)

In the case of physical cruelty, Ames asserts that the deserter is the party driving the other away. But he does not go on to reflect on this as a cause for divorce and thus can not be cited in support of making the desertion resulting from physical abuse a ground of divorce.

William Gouge, the only Westminster divine to publish on the subject, is particularly important to the purpose at hand, both in that he was a highly respected member of the Assembly and in that he wrote particularly to the point in question. Gouge acknowledges adultery as grounds for divorce: “Concerning Adultery, we deny not, but that it giveth just cause of divorce: but withal) we say (as wee have good warrant from Christs words) that it is the only cause of just divorce.” ‘Of Domestic Duties’ in *The Workes*, London, 1627, pp. 136-7, II, ii, 16)

Gouge speaks at some length about desertion:

The vice contrary to matrimonial unity is *Desertion*, when one of the maried couple through indignation of the true religion, and utter detestation thereof, or some other like cause, shall apparently renounce all matrimonial unity, & withdraw him or her selfe from all society with the other, and live among Infidels, Idolaters, heretiques, or other such persecutors, as a faithfull Christian with safety of life, or a good conscience, cannot abide among: and though all good meanes that can be thought of be used to reclaime the party so departed, yet nothing will prevaile, but obstinatly persisteth in renouncing all matrimoniall fellowship.

This **Desertion** is in the case of mariage so capitall, as it freeth the innocent party from any further seeking after the other. ... That *Desertion* therefore on the delinquents part is such a dissolution of manage, as freeth

the innocent party from the bondage thereof. In many reformed Churches beyond the seas Desertion is accounted so farre to dissolve the very bond of manage, as liberty is given to the party forsaken to mary another; and it is also applied to other cases then that which is above mentioned: as when an Infidel, Idolater, or Heretique shall depart from one of the true religion for other causes then hatred of religion: or when both man and wife having lived as Idolaters among Idolaters, one of them being converted to the true faith, leaveth his abode among Idolaters, and goeth to the professors of the true faith, but can by no meanes get the other party to remove: or when one of the true religion shall depart from another of the same profession, and will by no meanes bee brought to live with the party so left, but openly manifesteth peremptory obstinacy, the matter being heard and adjudged by the magistrate, the manage-bond may be broken: and liberty given to the party forsaken to mary another. But because our Church hath no such custome, nor our law determined such cases, I leave them to the custome of other Churches. (*Ibid.*, 125-6; II, ii, 3)

While Gouge does not go so far as to adopt the position taken by “many reformed Churches beyond the seas,” neither does he oppose it. Thus, while it may be true that other commissioners, and perhaps the Scots in particular, influenced the Assembly to recognize irremediable desertion as a ground for divorce, Gouge did not necessarily change his mind. Even if he had no private inclination to the position, he could have been in the minority when the report was drawn up and may well have acquiesced for the sake of peace. Surely granted the tone of his discussion this would not have been difficult.

But Gouge is also important in that his position indicates the state of the question as it was then discussed. It was not a matter of how expansively “desertion” should be interpreted, but rather if the person deserted could be considered divorced and thus free to remarry. Gouge was among those inclined, in harmony with English law, to think not.

Two further early seventeenth English divines help to clarify and delineate the state of the discussion at the time of the Westminster Assembly. Andrew Willet, in his massive *Synopsis Papismi, that is, A General) View of Papistrie* (5th edition, London, 1634), devotes thirty-five large folio pages to the question of divorce. He recognizes “another cause whereby the marriage knot may bee dissolved, though not for fornication: as when one of the parties doth wilfully renounce, leave and forsake the other person upon no just cause, but either of lightness or for divers religion, as when an Infidel) forsaketh a Christian;...” Citing the plain words of the Apostle in 1 Cor. 7:15, Willett says that the innocent Christian brother or sister “is freed from the yoke or bond of marriage.” (pp. 778-9)

He goes on to describe the desertion “that causeth a dissolution of a marriage” as first being “*malitioua desertio*, a malicious departure without any just cause;” second, “the innocent partie must use all meanes to reconcile, reclaime, and bring home againe the wilfull and obstinate partie so departing, if possible;” and third, “if hee continue in his obstinacie, and depart, having no purpose to returne, the matter must be brought before the Judge or Magistrate in such cases: who after publike citation of the obstinate partie, and certaine knowledge that hee refuseth wilfully to appeare being cited, and is not otherwise letted to come, may with mature deliberation pronounce the innocent partie

free and at libertie to marrie, according to S. Pauls rule,....." (p. 779) In the whole of his discussion, Willet does not so much as mention the possibility of physical cruelty as grounds for desertion or divorce.

Another extended discussion of divorce is found in Richard Ward's *Theologicall Questions, Dogmaticall Observations, And Evangelicall Essays, Upon ... Matthew* (London, 1640). Commenting on Matthew 5: 31-2, Ward says that adultery is cause for a "clean dissolution of marriage by way of divorce:...for that cause our Saviour hath granted liberty, both to dissolve matrimonie, and to marry againe." (pp. 230-1) Of 1 Cor. 7:10-1, in answer to the Roman Catholic objection that "it is not lawful after divorce, to marry so long as both parties live," he says "The Apostle speakes not there of a lawfull departure or separation, to wit, by reason of fornication and adultery (for then he should diametricall have opposed his Master Christ saying here, for adultery there may be a divorce, and departure; Paul there, I command, *ne discedat*, let not the wife depart from her husband) but of a separation for Religion's sake, or for afflictions, or for the cares of those times." (p. 231) In this he does not even appear to recognize a divorce for desertion, much less does he address the issue of physical cruelty.

George Petter in his massive commentary on Mark (*A Learned, Pious, and Practical Commentary Upon-Mark*. London, 1661) is somewhere between the positions taken by Perkins and Goude. He interprets I Cor. 7:15 to mean a "case of, malicious and willfull desertion; when one of the married couple, being an unbeliever, that is, a Pagan, or Gentile, and the other a Believer, being after marriage converted to the Christian Religion; the unbeliever doth forsake the believer by departing from him or her, and obstinately refusing to dwell or live with the party forsaken, and that out of a hatred of the true Christian Religion: in this case, the Apostle sheweth, that the Believer is not in subjection, but at liberty to marry with another." (pp. 715-6) Beyond this very narrow ground he says (repeatedly) that "No sin but this of adultery, can, or doth dissolve the marriage bond." (p. 710)

None of the divines discussed above, from Perkins on, gives the least ground for thinking that the Westminster Assembly divines intended to include physical cruelty, whether immediately considered and of itself or secondarily as forcing the other to flee, as something which would constitute grounds for divorce. None gives any indication that the temporary separation (which only some spoke of as following such abuse), the case of religious persecution excepted, could lead to divorce. And most do not even mention this as a possibility.

Richard Baxter, in his great work on cases of conscience, *A Christian Directory: or, a Summ of Practical Theologie, and Cases of Conscience* (2nd edition, London, 1678), is in essential harmony with his predecessors. Fully accepting divorce in the case of adultery, Baxter considers the question, "Doth not the desertion of one party, disoblige the other?" He begins his answer by considering which of the two is the deserting party, it being sometimes hard to discern. He declines absolutely to determine if a wife should follow her husband from a place where "Gods publick Ordinances" are rightly administered to go among "ignorant, prophane, heretical persons, or Infidels" where they are not, there being so many considerations to take into account and the inconveniences being great whatever way is taken. ("Cases of Divorce", p. 55; II, 9, Q. 15)

He also considers such questions as departure in the cases of attempted murder and fixed hatred. In the case of “a man or wife know[ing] that the other in hatred doth really intend by poyson or other murder, to take away their life,” he answers that “in plain danger... it may be done and ought.” But in the case of a “fixed hatred” he concludes that even so wicked a heart as can not be brought to do its duty to love the other is capable of cure and that “if hatred proceed not to adultery, or murder, or intolerable injuries, you must remember that Marriage is not a Contract for years but for life....” He concludes that “therefore you must do your duty, and wait, and pray, and strive by Love and Goodness to recover Love, and then stay to see what God will do; For mistakes in your choice [in marriage] will not warrant a separation.” (p.56)

He continues:

Quest. 18. What if a Woman have a Husband that will not suffer her to read the Scriptures, nor to go to God's Worship publick or private, or that so beateth or abuseth her, as that it cannot be expected that humane nature should be in such a case kept fit for any holy action; or if a man have a Wife that will scold at him when he is praying or instructing his family, and make it impossible to him to serve God with freedom, or peace and comfort?

Answ. The Woman must (at necessary seasons, though not when she would) both read the Scriptures, and Worship God, and suffer patiently what is inflicted on her: Martyrdome may be as comfortably suffered from a Husband, as from a Prince. But yet if neither her own Love, and duty, and patience, nor friends perswasion, nor the Magistrates justice, can free her from such inhumane cruelty, as quite disableth her for her duty to God and man, I see not but that she may depart from such a Tyrant. But the man hath more means to restrain his Wife from beating him, or doing such intolerable things: Either by the Magistrate, or by denying her what else she might have, or by his own violent restraining her, as belongeth to a Conjugal Ruler, and as circumstances shall direct a prudent man. But yet in case that unsuitableness or sin be so great, that after long tryal, there is no likelihood of any other co-habitation, but what will tend to their spiritual hurt and calamity, it is their lesser sin to live asunder by mutual consent. (p. 56)

He concludes by answering the question, “Who be they that may or may not marry again when they are parted?,” first by allowing those released by adultery to remarry and then by considering the rest:

The case of all the rest is harder. They that part by consent, to avoid mutual hurt, may not marry again; Nor the party that departeth for self-preservation, or for the preservation of estate, or children, or comforts, or for liberty of Worship, as aforesaid: Because it is but an intermission of Conjugal fruition, and not a total dissolution of the Relation: And the innocent party must wait to see whether there be any hope of a return.

He recognizes a difficulty in this: “A short desertion must be endured in hope: But in the case of a very long, or total desertion or rejection, if the injured party should have an

untameable lust, the case is difficult.... I dare not say that Marriage in that case is unlawful to the innocent." (p. 56) Baxter does not say to whom he means to apply this and it is not clear if he intends it liberally of very long and total desertions and rejections or if he intends it to apply to those he has just said may not marry again. In any case Baxter is *sui generis* and ultimately his views can not be taken as representative of anyone but himself.

The Committee's report makes reference to sixteenth and seventeenth century Continental Reformed theology. While it is apparent that in the early sixteenth century both in Zurich and Basel a variety of grounds for divorce were recognized as valid, including not only adultery and desertion, but disease, life-threatening incompatibility, impotence, and the like, — and while influential Reformers such as Martin Bucer and Heinrich Bullinger can readily be quoted to that effect —, there is no evidence that such views had any lasting influence, particularly in England and Scotland. Although they represent an attempt to address a real problem, one which needed a solution other than the recently abandoned Roman Catholic teaching, after mature consideration the Reformed community as a whole rejected their thinking. It is to Geneva that we should rather look if we are to seek the historical roots of the views expressed in the Westminster Confession of Faith. John Calvin's views are well-known and need no exposition here, allowing only adultery and desertion as grounds of divorce, and expressly permitting a Protestant wife to flee for safety only if in actual danger of her life and not simply for cruel beatings. Theodore Beza followed Calvin in this and such views, fully compatible with Lutheran doctrine, became normative in Reformed thought.

In defining desertion as it is ground for divorce, Continental Reformed divines came to speak of a *malitiosa desertio* (see Willet's use of the term above), a desertion which is either a deliberate and permanent removal from the marriage union (such as the magistrate cannot rectify) or a forced removal caused by such cruelty as puts the partner's life at hazard. This was particularly spoken of in the context of the spouse tenaciously adhering to Romanism; in the case of the husband this often meant physical prohibition of the wife's exercise of her faith in public or private, such as led to Calvin's advice mentioned above. In the case of the wife, Roman Catholic persecution being what it was, it meant a refusal to accompany her husband to a place where he could worship without fear of the Inquisition. In such cases they believed that the worship of God took priority over marriage vows and, when there was obstinate continued refusal by the marriage partner to continue the marital union in circumstances which allowed the other the exercise of the true religion, they believed divorce justified, though only after a considerable period of time and as a last resort. They did not, however, consider simple physical cruelty cause of any more than temporary separation. (See, for example, Samuel Maresius, *Collegium Theologicum, sive Systema Breve Universae Theologiae*, Groningae, 1659, p 230, as quoted in the General Assembly Committee's report; see also the more extended discussions in Frideric Spanheim, *Dubiorum Evangelicorum Pars Tertia*, Genevae, 1639, pp.- 603-614 and 886-976 and Gisbertus Voetius, *Politicae Ecclesiasticae*, partis primae, Libri duo Posteriores, Amsterdam, 1666, pp. 170-215.)

English and Scottish divines, not having the practical pressure of living on the continent in close proximity to Roman Catholic countries, often felt no need to address this question. The assumption apparently was that any physical cruelty or danger was not in a

religious context and could therefore be addressed by the proper exercise of discipline, both ecclesiastical and civil. Although they recognized that temporary separation might be necessary while the discipline did its work, such separation was not thought to be anything but temporary (e.g. Perkins, above). It was not considered preparatory to divorce.

It may be concluded that there is nothing in Puritan thought which would allow the suggested re-interpretation of the Westminster Confession. The debate then was between those who would allow divorce for irremediable physical abandonment and those who would not. None prior to the Westminster Assembly so much as hints at interpreting desertion in such a way as to include physical abuse — or other violations of the marriage contract — as grounds for more than a temporary separation.

II. Biblical

Although for reasons of space and the relative familiarity of most with the Scriptural data particular attention will not be given to the exegetical considerations, it should be recognized that the Committee's recommendations are opposed to all but a few, contemporary, revisionist interpreters. This is quite evident from careful reading of the Committee's report. And its conclusions in regard to desertion are based on an extension of 1 Cor. 7:12-5, recommending careful examination of intent to see if the spouse judged to be unbelieving has deserted the marriage (pp. 2344-6). This the Westminster divines almost certainly would have characterized as studying "arguments unduly to put asunder those whom God hath joined together in marriage."

III. Practical

It should be observed that virtually no one holds that a believer must remain in a situation which is genuinely life-threatening; but any such separation, of however indefinite duration, must be viewed as temporary and never as a step toward divorce. In such a situation, as Perkins said, the innocent party must conclude that God has called him or her to a single life.

The Committee has recommended that the General Assembly receive its report "as a reliable summary of the Historical and Biblical Data and as drawing from that data valid conclusions" and to adopt its conclusion "That under extreme circumstances, a Session may properly judge that such desertion (separation) has occurred, even though the offending spouse is still physically present in the home" and that the believer is then free to sue for legal divorce. (pp. 2382-3) If the church endorses such a report, it will not only have affirmed that which is historically erroneous, but will have abandoned both in principle and practice, the historic position of the Christian church.

CONCLUSION

I. A SUMMARY OF THE FINDINGS OF THE COMMITTEE

The Committee was asked to consider:

A. Whether the *Westminster Confession of Faith*, Chapter 24.6, is more lax or more restrictive than Scripture, and whether the committee would suggest any revisions to that article of confession.

In answer to the first part of this request, the Committee finds the *Westminster Confession of Faith* is neither more lax nor more restrictive than Scripture if its statement about desertion is understood to apply only when a believer is deserted by an unbeliever as is the case of the Pauline teaching in 1 Cor. 7:15. If this be the case, then the Confession contains Jesus' concern for the permanence of marriage, and would be understood to indicate that only Jesus' statement about adultery and Paul's about the desertion of a believer by an unbeliever are causes sufficient for dissolving a marriage and giving freedom to remarry, and would therefore faithfully reflect the Scripture's teaching about marriage, divorce and remarriage. If however the church, its elders and members understand that the confession's statement on desertion is intended also to apply to a believer separating from a believer, then the confession would be too lax at this point because it would be permitting what Paul denies when he says to two believers when they separate that they "must remain unmarried, or else be reconciled" (1 Cor. 7:11).

Thus in answer to the second part of this request, the Committee would recommend for clarity's sake and to provide a more explicit statement on the question of desertion and separation reflecting the two different approaches which Paul commands (on the one hand for an unbeliever deserting a believer and on the other hand for two believers that separate) an amendment to Chapter 24.6 of the *Confession*.⁸⁷ The Committee would serve the church by suggesting the following wording for an amendment to that section. After the word "desertion" add the words "of a believer by an unbeliever" so that the relevant clause in the section would read as follows: "yet, nothing but adultery, or such wilful desertion of a believer by an unbeliever as can no way be remedied by the Church, or civil magistrate, is cause sufficient of dissolving the bond of marriage". And add as a new sentence at the end of the entire section the words "Believers who separate for reasons other than adultery must remain unmarried, or else be reconciled."

B. Whether a Christian may have other legitimate grounds for divorce, besides desertion by an unbelieving spouse, or adultery (for example, inveterate physical abuse, marital rape or other sexual abuse, attempted murder, or equally serious violations of the marriage covenant).

We find that Scripture teaches there is only one biblical justification for a divorce, namely, "sexual immorality" which breaks the one-flesh relationship. Jesus did not intend by the exception clause to open wide the door for divorce. *Porneia* is used by Jesus to refer only to those sexual sins that clearly destroy the marital union.

In 1 Corinthians 7:10-15, Paul is not giving a second ground for divorce. He is responding to those real life situations where divorce has become a *fait accompli*. According to verses 10-11, if two believers divorce, they are to remain single or be reconciled. According to verses 12-15, if an unbelieving spouse divorces a believing

⁸⁷ Compare John Murray who concluded an analysis of the *Confession's* statement on desertion in light of Scripture with the carefully worded evaluation that "the proposition respecting wilful desertion in the Confession is not sufficiently guarded and delimited so as to confine itself to the teaching of the apostle in this passage" (i.e., 1 Cor. 7:15), *Divorce*, Philadelphia, 1953, pp. 76-77.

spouse, the believer is not bound as he or she would be if the deserting spouse had been a believer.

In Paul's day, the separation spoken of in 1 Corinthians 7:10-15 was itself an act of divorce. In our day such separation is not regarded as such. Therefore, the believing spouse whose unbelieving spouse separates from him or her is left in an anomaly, i.e., divorced and free to remarry in the eyes of God (and His Word), but not divorced in the eyes of the State. To resolve this anomaly the Committee holds that the believing spouse may initiate legal action to make her biblical divorce legal in the eyes of the State.

The Committee believes that when there are words and actions on the part of one spouse that threatens the life of the other spouse and/or children, that the one(s) threatened should be counseled by the Session, or representative thereof, to remove themselves from the threatening situation and the abuser should be urged to seek counsel. Such a procedure will protect those threatened. When the abuser does not cease these words and actions, the Session should investigate whether these words and actions are in effect breaking the one-flesh relationship by "hating" the abused spouse and not "nourishing and cherishing" this one (Eph. 5:28-29). In counseling the abuser, the reality of his Christian faith should be ascertained. When it is determined by the Session that the abuser does not appear to them to be Christian and the abuse continues, the Pauline teaching about an unbeliever leaving a believer should be applied.

We realize that there are some who will see our viewpoint on desertion as a relaxing of standards, as an opening of the door to all sorts of reasons for divorce. As a Committee, we repudiate such an inference for our viewpoint remains solidly within the Reformed consensus. We believe this less wooden construction of desertion is a more faithful representation of Scripture.

C. Whether there are recommended guidelines and resources for pastoral care and counsel of couples with marital difficulties, persons considering divorce or remarriage after divorce, divorced persons, and children and other family members affected by divorce.

There are recommended guidelines and resources the Committee has sought to provide the Church. Ruling and teaching elders are encouraged to review these guidelines and practical considerations that have been presented in Chapter 3 of the report, and to use them as appropriate.

The recommended resources include books, videos and seminars to help elders shepherd their flock. Though not necessarily agreeing with all aspects of these resources, we do recommend that they be reviewed and used insofar as they are consistent with biblical principles.

II. RECOMMENDATIONS TO THE 20TH GENERAL ASSEMBLY OF THE PCA

1. That the General Assembly receive the report of the Ad-Interim Committee on Divorce and Remarriage. Adopted.
2. That the General Assembly adopt the following conclusions regarding divorce and remarriage:

- a. That according to both the institution of marriage and its regulation in Scripture, marital vows are to be kept until death. *Adopted.*
 - b. That nevertheless, Scripture does provide for the dissolution of marriage under certain circumstances. *Adopted.*
 - c. That the innocent spouse is free to divorce and remarry when the other spouse commits sexual immorality (*porneia*, Mt. 19:9), in the sense understood in the Committee report (Chapter 2, Section II.D.3.f).
 - d. *Adopted.*
 - e. That while divorce is permitted to the innocent spouse, divorce is not mandated in the case of *porneia*, however, and forgiveness is always offered to the one who has sinned (cf., e.g., Mt. 6:12, 14, 15). *Adopted.*
 - f. That when believers divorce for other than Biblical grounds, they should remain unmarried or else be reconciled (1 Cor. 7:11). *Adopted.*
 - g. That when an unbeliever separates from the marriage relationship with a believer, the believer is free from that marriage and free to remarry but only in the Lord (1 Cor. 7:15, 39). *Adopted.*
 - h. That under extreme circumstances, a Session following the *BCO* may properly judge (see i below) that such desertion (separation) has occurred, even though the deserting spouse is still physically present in the home (“desertion” being viewed in the sense understood in the Committee report, Chapter 2, Section II.E.4.). *Adopted.*
 - i. That the believer in the aforementioned cases (f, g) is free to make the Biblical divorce a legal divorce in the eyes of the State. *Adopted.*
 - j. That in matters pertaining to sexual immorality and desertion, the pastor and Ruling Elders are responsible for providing counsel, direction and judgment, according to the Scriptures and the Constitution of the Presbyterian Church in America. *Adopted.*
3. That the General Assembly present to ruling and teaching elders for their careful consideration the guidelines and resources provided in Chapter 3, “Pastoral Perspective on Divorce and Remarriage.” *Adopted.*

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QUALIFICATIONS FOR OFFICE OF A DIVORCED PERSON

Recommendations of the Ad Interim Theological Committee on Divorce:

1. That the General Assembly reaffirm its commitment to the Biblical position as summarized in the *Westminster Confession of Faith*, Chapter XXIV, regarding the integrity of marriage according to the Divine ideal as being for life.
2. That the General Assembly affirm that the integrity of marriage is founded upon God's Word, which declares that marriage is God's institution and should be God-centered, not man-centered. Both husband and wife are the Lord's servants and submit one to the other in terms of the Lord's purposes. They are, together, the Lord's creatures, called to serve Him, with one, the husband, exercising loving headship in that calling.
3. That the General Assembly declare that the Biblical idea for church office is exemplary conduct to the highest degree possible with regard to all of the qualifications set forth by the Apostle Paul in I Timothy and Titus 1.
4. That the General Assembly affirm that the Bible teaches that divorce is permissible in the case of sexual immorality (Deuteronomy 24:1-4; Matthew 19:9) or willful desertion of a believer by an unbeliever (I Corinthians 7:15). The innocent party is therefore free to remarry, since he is no longer "under bondage" once properly divorced. (See *Westminster Confession of Faith*, XXIV-5). Any man who is divorced in accord with Biblical principles, whether remaining single or having remarried, may serve as a church officer.
5. That the General Assembly urge church courts to exercise special care in the cases of divorced/remarried persons who are considered for ordination, that where there has been divorce and remarriage on other than Scriptural grounds guilt must be acknowledged and repentance for sin expressed.
6. That the General Assembly remind the Church that in order to be considered for church office the parties concerned in such cases must have been rehabilitated sufficiently in the confidence and respect of other Christians as to be able to fulfill in an exemplary way the requirements of church office with regard to marital and family relationships. The General Assembly reminds the Church and its courts that even when such care is exercised as is urged in this and the foregoing recommendation, there may be circumstances in which it would be inadvisable, even though technically permissible, for divorce/remarried persons to serve as church officers.
7. That the General Assembly exhort sessions and presbyteries to follow Scriptural guidelines carefully in dealing with present or prospective church officers who have been divorced.

8. That the General Assembly answer Overture 12 from the Presbytery of North Georgia to the Fifth General Assembly, with regard to divorce and remarriage, by reference to the *Westminster Confession of Faith*, Chapter XXIV.

NOTE: See also Judicial Case #51, in *PCA Digest*, PART III.