

Divorce and Remarriage

I. SYNOPSIS

Marriage is a sworn fidelity, a solemn covenant between a man and a woman, entered into before God, whereby He joins them in a life-long companionship of love for and commitment to each other.

While God intends the marriage covenant should never be broken, it is broken by the death of either partner, or in the case of adultery or such willful desertion as can no way be remedied by the Church or civil magistrates. Such marital unfaithfulness is the grounds for a biblical divorce.

God's call is to love and to forgive. Divorce is not necessitated in any event and Sessions should exhort couples considering such a step to actively pursue reconciliation.

Divorce under any circumstances should not preclude continued attempts to reconcile. Those who remarry after an improper divorce commit adultery and are subject to church discipline. As with all other transgressions, these too are covered by the blood of Christ and members may be restored to fellowship when guilt is acknowledged and true repentance for sin is expressed.

Church Sessions and Presbyteries must exercise diligent care in considering divorced persons as candidates for church office.

II. INTRODUCTION

The confessional statement of the Evangelical Presbyterian Church on the subject of "Divorce and Remarriage" is found in the Westminster Confession of Faith (24.5,6, & 7) and in the Book of Worship (§5-4) as follows:

It is the divine intention that persons entering the marriage covenant become inseparably united, thus allowing for no dissolution save that caused by the death of either husband or wife.

However, the weaknesses of one or both partners may lead to gross and persistent denial of the marriage vows; yet only in cases of extreme unfaithfulness (physical or spiritual), unfaithfulness for which there is no repentance and which is beyond remedy, should separation or divorce be considered. Such separation or divorce is accepted as permissible only because of the failure of one or both of the partners, and does not lessen in any way the divine intention for indissoluble union.

The remarriage of divorced persons may be sanctioned by the Church in keeping with the redemptive gospel of Christ, when sufficient penitence for sin and failure is evident, and a firm purpose of and endeavor after Christian marriage is manifested.

Divorced persons should give prayerful thought to discover if God's vocation for them is to remain unmarried, since one failure in this realm raises serious questions as to the rightness and wisdom of undertaking another union.

If the Minister has any questions about the readiness of a divorced person to remarry according to these principles, the Church Session should be consulted and its concurrence sought.

We affirm at the outset that any discussion of divorce and remarriage should be conducted in a spirit of genuine humility. Few experiences in life are more agonizing than the dissolution of a marriage. We realize that conclusions cannot be reached lightly, but only on the basis of a prayerful and diligent study of the teaching of God's Word. Difficult ethical problems arise in any divorce, and very few of these problems are so simple that right judgment can be easily made. Parties that are "innocent" are seldom to be found.

III. MARRIAGE

Before considering the breakup of a marriage, let us look at the biblical perspective concerning this relationship. In speaking of a husband and wife, Malachi says:

...the Lord is acting as the witness between you and the wife of your youth, because you have broken faith with her, though she is your partner, the wife of your marriage covenant. Has not the Lord made them one? ...So guard yourself in your spirit, and do not break faith with the wife of your youth. "I hate divorce," says the Lord God of Israel.
(*Mal. 2:14-16*)

The prophet here makes the important point that marriage is not primarily a mutual contract between two people; it is rather a sworn fidelity, a solemn covenant between a man and a woman, entered into before God, whereby He joins them in a life-long companionship of love for and commitment to each other.

Scripture tells us that marriage is God-instituted from the beginning of creation (*Gen. 2:18-24*) and that marriage, from both the wife's and the husband's perspectives, reflects the relationship between Christ and His Church (*Eph. 5:22-33*). While "this mystery is great" (*Eph. 5:32*), at the very least we see that God is intimately involved in the marriage covenant.

IV. DIVORCE IN THE SCRIPTURE

We believe that, according to the dictates of Scripture, marriage is for life. Clearly, God's standard is chastity before marriage and fidelity afterwards, and Scripture teaches that divorce is always an abnormality arising out of human sinfulness.

But to say that God intended the marriage covenant should never be broken does not mean that the marriage union is therefore unbreakable. For example, it is broken by the death of either partner. Moreover, in Old Testament times, divorce was tolerated although not divinely approved. We discover from Deuteronomy 24:1-4 that Moses was not instituting or encouraging divorce; he was simply attempting to regulate it in a culture whose practice of it was out of control. It is important to note that the word "adultery" does not appear in these verses for the very good reason that under the Mosaic Law, the punishment for adultery was death by stoning. Divorce was obviously an established custom which is neither commanded nor condoned in this passage.

However, the Mosaic Law in general assumed the practice of divorce (*Lev. 21:7,14,22:13; Num. 30:9; Deut. 22:19,29*). Divorces were even required when the post-exilic people of God who had married foreign women were commanded to "put them away" (*Ezra 9-11; Neh. 9:2*). Nevertheless, the Old Testament makes it very clear that God does not look favorably on divorce. Jesus said that "Moses permitted you to divorce your wives because your hearts were hard. But it was not this way from the beginning." (*Matt. 19:8-9*)

When Scripture says that a man shall "cleave to his wife" (*Gen. 2:24*), this is a covenantal term used elsewhere when the Israelites were challenged to "cleave" to the Lord with affection and loyalty" (*Joshua 22:5*). The prophet Malachi affirms (*Mal. 2:14-16*) that it was because of the multiple divorces in Israel that God was withholding His blessing and no longer hearing their prayers.

In the New Testament, Jesus calls His people to be faithful to the clearly defined will of God as expressed primordially in *Gen. 2:24*, and quoted and enlarged upon by our Lord in *Matt. 19:4-6*:

"Haven't you read," He replied, "that the Creator made them male and female and said, 'For this reason a man shall leave his father and mother and be united to his wife, and the two shall become one flesh'? So they are no longer two but one. Therefore, what God has joined together, let man not separate."

One renowned theologian shows the extreme importance of these words of our Lord when he says,

Now it was of course precisely the order of creation that Christ came to restore; therefore, the restoration of the order of creation should manifestly be taking place in His body the church, which is composed of new creatures, or renewed creations in Christ. The Christian Church, accordingly, has a special responsibility to bear witness in its practice as well as in its doctrine to the sanctity of the marriage bond. Of all the spheres of human society it least of all should show that ungodly hard-heartedness which requires the divine standard to be accommodated to the debased level of man's fallen state.

V. BIBLICAL & UNBIBLICAL DIVORCE

As noted above, marriage is a sworn fidelity, whereby God joins a man and a woman in life-long companionship. Nevertheless, divorce is permitted only in circumstances of grave repudiation of the marriage covenant, namely adultery and willful, irremediable desertion. The original text of the Westminster Confession, as approved by the General Assembly of the Church of Scotland in 1647, is very emphatic when it states, "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 offended party in such circumstances is free to remarry, as if the offending party were dead.

In Matt. 5:31-32 and 19:3-9 Jesus cites 'marital unfaithfulness' as the sole grounds for biblical divorce and remarriage. This word, *porneia*, is usually understood as sexual sin. However, a better translation would follow the New American Standard Version in rendering it "immorality." In contrast to *moicheia*, which is always translated "adultery," *porneia* refers to all kinds of sexual immorality which breaks the one-flesh principle.

Jesus emphasized the sanctity of marriage: "What God has joined together, let man not separate." (*Matt. 19:6*) While the Pharisees and scribes said that the Law demanded divorce under certain circumstances, Jesus said,

It has been said, 'Anyone who divorces his wife must give her a certificate of divorce.' But I tell you that anyone who divorces his wife, except for 'marital unfaithfulness' causes her to become an adulteress, and anyone who marries the divorced woman commits adultery. -Matt. 5:31-32

The Law indeed commanded that a certificate of divorce be written, if there were to be a valid divorce. But that is a very different thing from saying that they must divorce. God's call to us is to love and to forgive. Therefore, divorce is not necessitated even by adultery. There must always be the possibility of forgiveness and reconciliation and this should be seriously pursued--indeed married couples who have experienced a break in covenant faithfulness should strive to repair their relationship through forgiveness, reconciliation and personal transformation before divorce proceedings are initiated. The story of Hosea illustrates God's active role in the marriage covenant and reflects God's covenant love for His people. In obedience to God's command, Hosea pursued Gomer and accepted her as God restored the covenant relationship. Likewise, the Session should encourage the offended spouse to offer forgiveness and reconciliation with the hope of drawing the offending spouse back to right relationship in the marriage.

Pastors who become aware of potential divorce situations within the church, either through the parties involved or from outside sources, should encourage both partners to seek Christian marriage counseling, either from the church staff or from other qualified counselors. God's love, forgiveness, and healing power should be emphasized, especially where the offending spouse (*who committed the marital unfaithfulness*) is repentant and the offended spouse is reluctant to forgive and unwilling to continue in the marriage.

Christ's teaching is that if a divorce takes place on any other grounds than that of marital unfaithfulness, it can have no sanction from God, and any new marriage which follows is an adulterous act, since from God's standpoint the original couple is still married to each other. Matthew 19:9 indicates that a valid divorce (*on the grounds of marital unfaithfulness*) entails the right to remarry.

Paul, in 1 Cor. 7:12-15, cites the case of a man who becomes a Christian after marriage. His wife, however,

remains an unbeliever but is willing to continue living with him. The injunction is that he is not to divorce her. But if she were to leave him, she is to be allowed to do so. Desertion is the destruction of the marriage which the Christian spouse was unable to prevent. The believer in such a case is not bound (*that is, he or she is free to divorce and remarry*); for Paul says, "God has called us to live in peace." (*1 Cor. 7:15*)

This implies that in the case of a serious breakdown of a marriage--even when both parties are believers and peace has given way to open warfare, as in the case of extreme incompatibility. It may be better for the couple to separate, temporarily at least, rather than to continue in a relationship that has become intolerable. But in such a circumstance, there should be no resort to divorce, let alone any intention of entering into a second marriage. In the case of such a separation, they are either to remain single, or earnestly work toward effecting a reconciliation (*1 Cor. 7:10-11*).

Some would understand Matt. 19:9 to restrict biblical divorce only to cases of physical adultery. However, we agree with John Murray that the issue addressed there is what constitutes legitimate remarriage.² In other words, Jesus' point is if one remarries without a biblical divorce, he or she is committing adultery. Further, such a restrictive understanding of Matt. 19:9 cannot account for Paul's grounds of desertion in *1 Cor. 7:12-15*. To reconcile these passages we must search out the overriding principle from which they both derive, the one-flesh principle of the marriage mandate (*Gen. 2:24; cf. Matt. 19:5; 1 Cor. 6:16; Eph. 5:28-29*). Both adultery and desertion break the one-flesh relationship.

Why is adultery...cause sufficient for dissolving the bond of marriage? Because it is a radical breach of marital fidelity, violating the commitment of exclusive conjugal love. Why does the departure of an unbeliever in a mixed marriage leave the believer free to remarry? (*1 Cor. 7: 15-16*). Because it is a radical breach of marital fidelity, violating the commitment of lifelong companionship. The exceptional circumstance common to both instances is willful repudiation of the marriage covenant.³

Ongoing physical abuse and attempted murder may be examples of actions which the Session may determine breaks the one-flesh principle.

If there is "hardness of heart" and the parties are unable to reconcile and so proceed to divorce, the Session must indicate that it strongly disagrees with that action, while maintaining lines of communication and love to both husband and wife. Even divorce should not preclude continued attempts at reconciliation, until one spouse remarries or refuses reconciliation in such a way as to reveal himself or herself to be, in effect, an unbeliever. Attempts to reconcile are mandatory after an unbiblical divorce--the Session should exhort the spouse(s) under its jurisdiction to continue as long as reconciliation is possible. Reconciliation should be encouraged in the case of biblical divorce as well, that God may be glorified in the healing of relationships among his people.

In light of Scripture's clear teaching on the sanctity of marriage and God's strong opposition to and restrictions on divorce, surely Christians cannot condone the easy accessibility to divorce in our contemporary society. Increasingly we must emphasize the lifelong commitment implicit in the marriage covenant, and especially in Christian marriage which should be a constant witness to God's order of creation and to the new order of recreation in Christ.

WHAT ABOUT REMARRIAGE?

May those involved in a divorce without biblical grounds ever remarry? Or can the offending spouse in a biblical divorce ever remarry? Jesus explicitly teaches that those who are involved in a remarriage after an improper divorce commit adultery. Although members may come under discipline for remarrying after an unbiblical divorce, there is always the prospect of restoration of that member if he or she demonstrates true repentance. The blood of Christ is sufficient for the sins of all true believers. The Session should actively work towards this end.

However, when one of the spouses in a former union remarries, we may conclude that the other is free to remarry because the former marriage relationship has been permanently broken by the remarriage. The Church must be careful not to sanction unbiblical marriages; but, as noted above, when a former spouse has remarried, or refuses reconciliation in such a way as to reveal himself or herself to be, in effect, an

unbeliever, remarriage to another person becomes a valid option for the other party in the light of 1 Cor. 7. Before anyone remarries, even under these conditions, that person should demonstrate "sufficient penitence for sin and failure," and manifest "a firm purpose of an endeavor after Christian marriage."

The Session should encourage anyone considering remarriage to participate in counseling to ascertain their penitence and desire for a Christian marriage. In addition, they should be encouraged to prayerfully consider if God may be calling them to remain unmarried, as Paul encourages in 1 Cor. 7:8, and in view of that fact that "one failure in this realm raises serious questions as to the rightness and wisdom of undertaking another union" (*WCF 24.7*).

What about those cases in which people have been involved in an unbiblical divorce before becoming believers and have since remarried? Wise and loving pastoral oversight should encourage such individuals to seek God's gracious forgiveness, in the assurance that He will forgive them and accept their present marriage. Does this mean that in this case God has changed or lowered His standards? Not at all. But it does mean that even divorce and remarriage under such circumstances, serious though they are, are not unforgivable sins, but with all other transgressions, are covered by the blood of Christ.

AFFIRMATIONS AND CONCLUSIONS

We feel that further affirmations are relevant to this discussion:

1. Paul reminds us in 2 Cor. 6:14-15, "Do not be yoked together with unbelievers.... What does a believer have in common with an unbeliever?" Such teaching clearly implies that it is not only unwise but indeed sinful for a Christian to enter into a marriage with a person who is not a Christian. It is incumbent upon churches to apprise our young people of the dangers inherent in being "unequally yoked," and to encourage them to seek only Christians as potential spouses.
2. While all Christians are admonished to conduct themselves in a manner worthy of the Gospel of Christ (*Phil. 1:27*), those persons who are called to positions of leadership in the church have an especially solemn responsibility to behave in an exemplary manner in every area of their lives, including their sexuality. It is particularly incumbent upon teaching and ruling elders to set a godly example. St. Paul insists that the elder "must be above reproach, the husband of one wife" (*1 Tim. 3:4-5*), which implies that he must be faithful to the "one flesh" marriage covenant. A similar requirement is made for deacons (*1 Tim. 3:12*).

We concur at this point with the position of the Presbyterian Church in America that anyone "who is divorced in accord with biblical principles, whether remaining single or having remarried, may serve as a church officer."⁴

Church Sessions and Presbyteries must exercise special care in the case of persons considered for church office who have divorced or remarried on unbiblical grounds. In such situations, guilt must be acknowledged and repentance for sin expressed. The persons concerned 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.

Sessions should consider that even when such care is exercised, there may be circumstances in which it would be inadvisable, even though technically permissible, for such divorced or remarried persons to serve as church officers. It should be noted that serving as an officer of the church is a privilege, not a right. Community awareness of the situation might also be considered so that not even apparent scandal be attached to the church. Above all, Sessions should follow scriptural guidelines carefully in dealing with present or prospective church officers who have been divorced, keeping foremost in mind that the honor of Christ be made manifest in the church and the community.

We believe that congregations within the Evangelical Presbyterian Church can take many helpful steps to minister the redemptive love of Christ to their members who go through the tragedy of divorce, and to reach out to those outside the Church who are suffering the aftermath of divorce. Some effective steps to be considered are:

1. Pastors preaching sermons regularly on topics which will strengthen family life within the church.
2. Churches expanding their educational and fellowship programs to include:
 - a. regular Bible studies on Christian marriage and the roles and
 - b. responsibilities of husband and wife;
 - c. family seminars and marriage enrichment workshops;
 - d. regular couples retreats;
 - e. making available books on biblical marriage and family development.
3. Pastors undertaking continuing education in premarital and marital counseling.
4. Congregations requiring effective premarital counseling for all couples.
5. Special counsel being given to those who have been divorced and are contemplating remarriage. In the light of our church's doctrinal standards:
 - a. Is God's vocation for them that they remain unmarried "since one failure in this realm raises serious question as to the rightness and wisdom of undertaking another union?" This question should be explored with sensitivity and an earnest desire to help them work through the implication of such a possibility.
 - b. Assurance should be received that these persons have come, or desire to come, to genuine faith in Christ, in order that they may demonstrate "sufficient penitence for sin and failure" and manifest "a firm purpose of and endeavor after Christian marriage." (*WCF 24:6*)
 - c. If the Church is satisfied that remarriage is justifiable, the candidates should be offered participation in a divorce recovery program in which past failure in marital relationships is honestly confronted, so that such realities as guilt, resentment, frustration, fear and anger resulting from the first marriage are not carried over as a time bomb to destroy the second marriage.
6. Pastors training mature Christian couples with strong marriages to assist in pre-marital counseling.
7. Congregations having a support group for those who have gone through a divorce and are seeking to redefine and reestablish their life within the fellowship of the church.

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- David Clyde Jones, "The Westminster Confession on Divorce and Remarriage," pp. 30-31 (emphasis added).
- Paul R. Gilchrist, ed., "Divorce and Remarriage" in PCA Digest: Part V, Position Papers, 1973-1993 (Atlanta: Presbyterian Church in America, 1993) 293. The following two paragraphs rely heavily upon this paper.

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