

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 Refusall 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 Ecclesiasticall 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 unbeliever, 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 releev 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 demanded, 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 beleiving 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 beleiving wife may flie in this case; and it is all one, as if the unbeleiving 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 unbeleiving 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 malicious or wilfull departing of the unbeleever, 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 unbeleever, 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 vaine, 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 married 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 reclaim the party so departed, yet nothing will prevaile, but obstinatly persisteth in renouncing all matrimonial fellowship.

This *Desertion* is in the case of marriage 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 *Theological 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 diametrically 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 showeth, 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*.<sup>87</sup> 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

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<sup>87</sup> 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 to be 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.*