

## REPORT ON POSSIBILITY OF REMARRIAGE OF GUILTY PARTY AFTER DIVORCE

Report accepted

by the Synod of the Free Reformed Churches of North America held in June 2009  
as an educational document that serves as a resource for consistories but is not binding.

### Preface

The consistory of Fenwick submitted the following overture to Synod 2008:

*Esteemed Brethren;*

*We, the consistory of Zion Free Reformed Church of Fenwick Ontario, by way of this overture, request that the following matter be considered:*

*Does Scripture permit a repentant "guilty party" of a biblical divorce to remarry in the Lord and that this is confirmed in the church?*

*Background:*

*a) We requested advice on this matter at Synod 2007 and received a brief summary, which we felt did not do adequate justice to importance of the matter at hand.*

*b) Church Order Article 70, Subsection D, point 2 states, "Divorce on the ground of adultery is allowable. A second marriage by the innocent party is allowable and may be confirmed in the church."*

*The question is how this Article relates to the matter, as it does not explicitly speak about the guilty party.*

*c) Our consistory has made the decision that Scripture does allow for this possibility, and limited this decision to one particular case until Synod, should it decide to accept this overture, has given its report on this weighty matter.*

*We therefore respectfully request that Synod create an Ad-hoc Committee to study this matter expediently and diligently looking at the historical, doctrinal, and theological aspects of this question.*

*This report would be useful for all the congregations in our denomination as some are dealing with similar spiritual concerns.*

Synod 2008 adopted this overture and assigned the Church Order Subcommittee to compose a study, see page 31 and 33 Acts Synod 2008.

Your Church Order Subcommittee recognizes the difficulties related to this issue and understands that it has been a sensitive matter throughout the history of the church and that it is now becoming increasingly an issue of concern within our congregations and consistories. The actual issue Synod 2008 assigned to the Church Order Subcommittee is the question: Is it lawful for the guilty party after a divorce to remarry in church?

In view of the complicated character of this question, the connections to other issues such as advisability or permissibility of divorce, and to gauge the weighty Scriptural ramifications of divorce and remarriage, the report has to be extended so as to include background information on these issues. The report also includes elements of previous reports submitted to synodical meetings of the FRCNA. Much excellent work has been done in the past. We respect that work. Instead of merely repeating and expanding what has been said in the past, your committee senses the need felt in the churches for a 'fresh' look at the pertinent issues regarding divorce and re-marriage.

Your subcommittee hereby submits the following report for your consideration:

### Report on Remarriage of Guilty Party

#### I. Previous Reports to Synod

1974, 1978, 1981, 1982, 1983, 1984, 2001, 2003, 2004, 2008

#### II. Scriptural Assessment

- a. Marriage is an institution of God
- b. Marriage is honourable and holy
- c. Marriage is a bond of love, trust and faithfulness
- d. Marriage is indissoluble

#### III. Relevant Scripture Texts

- a. Matthew 5: 31,32
- b. Deuteronomy 24:1 and Matthew 19: 1-12
- c. Mark 10:11
- d. Luke 16:18
- e. Romans 7: 1-3
- f. 1 Corinthians 7: 10,11
- g. 1 Corinthians 7: 15
- h. Conclusions

#### **IV. Historical Facts**

- a. The Early Church
- b. The Middle Ages
- c. The Reformation
- d. Reformed Synods
- e. Report Christelijke Gereformeerde Kerken in Nederland, Synod 1959
- f. Report on Divorce and Remarriage Liberated Churches Synod 2005
- g. Report Gereformeerde Gemeenten in Nederland en N.A. Synod 2007
- h. Conclusions

#### **V. Discussion: May the guilty party remarry in church?**

- a. The sanctity of marriage
- b. Who may officiate in solemnization of marriages?
- c. Discerning the guilty parties
- d. Remarriage
- e. May the guilty spouse remarry in church?

#### **VI. Conclusions**

## **I. PREVIOUS REPORTS TO SYNOD**

In the past various reports have been submitted to various synodical meetings of the FRCNA. The overall issue was to determine when divorce and re-marriage would be permissible and Biblical.

**Synod of 1974** adopted and modified the wording of Church Order Art. 70, stating that divorce on the grounds of adultery is allowable and under special circumstances for religious reasons (*religionis causa*):

“In the case that an unbeliever and believer are married, the believer may not seek divorce but if the unbelievers seeks divorce the believing party does not have to prevent this divorce at all costs. In this latter case it is not clear, according to the report, if the believer may remarry as long as the unbelieving party is alive and has not yet remarried. The church may never insist on divorce and if divorce takes place on unbiblical grounds, the church shall apply discipline and can not participate in a remarriage, as long as the previous spouse is still alive and is not remarried.”

**Synod 1978** requested the committee Ethical Matters to study the issues of divorce and remarriage. Because of other issues facing this committee this matter of divorce and remarriage was postponed until 1981.

**Synod of 1981** received a substantial report, basically under girded the existing formulation of Church Order Art. 70. The only legitimate ground for divorce is fornication.

Religious difference is not a ground for divorce. However desertion by the unbeliever appears to be tolerated as a ground for divorce. The report recognizes that ordinary desertion, mental or physical cruelty, non-support, drunkenness, sickness, etc although these have been accepted by the civil courts as ground for divorce, are no Scriptural ground for divorce. So the church reserves for itself the right not to recognize such divorces.

Regarding remarriage the report states that remarriage after death is not considered adulterous, but remarriage for reasons other than adultery is considered adulterous because the first marriage is not dissolved.

In the discussion Synod 1981 adopted the report but assigned the committee the task to give a clearer view of what adultery is, in view of other forms of unfaithfulness, and to reconsider whether divorce for religious reasons is permissible and Biblical.

**Synod 1982** received a minor report on the matter of divorce and remarriage. The important element in this report was that in the case of divorce *religionis causa*, the believing party would be free to remarry, and the implication being that this remarriage could take place with full ecclesiastical support. Discussion at the floor of synod led to the decision that the committee had to restudy this matter if the believing party would be free to remarry, seeing the Dutch sister churches had come to a different conclusion, that is was “not clear” if this remarriage could take place.

**Synod 1983** received again a minor report from the committee stating:

“If an unbelieving partner wishes to separate, the believing partner need not prevent this at the expense of Christian principles. The believing partner however, may not remarry unless there is clear and sufficient evidence that adulterous activity on the part of the deserting party has taken place.”

Again discussion took place and the result was that Synod 1983 decided to appoint an ad hoc committee to further study the possibility of remarriage of the believer who is deserted by an unbelieving partner and exegetically clarify and support the position taken (page 17 Acts Synod 1983).

**Synod 1984** received a 5 page report which provided much exegetical and historical background to this issue.

Synod 1984 accepted this report, disbanded the ad hoc committee and decided:

“Synod stresses that the believer, according to 1 Corinthians 7: 11 and 15, is called to do the utmost to reconcile and to restore the broken relationship. It must be emphasized that consistories approach these matters with much caution and stress that divorce is not an option for a marriage where difficulties have surfaced. Only if the unbeliever persists and obtains a divorce may the believer let him/her go.”

Upon recommendation of this report, Synod 1984 also decided to amend the Church Order Art. 70 D as follows:

“It cannot with certainty be determined from Scripture, whether or not the believing party, after such a divorce, may remarry as long as the other party lives and is not remarried. Because it cannot with sufficient certainty be determined whether a marriage may be dissolved through divorce for religious reasons and whether in that case the

innocent party may remarry, as long as the other party lives, it is advisable that the church be very cautious in judging and dealing with such cases.”

**Synod 2001.** The matter of divorce and remarriage was put to rest until Synod 2001, when as a result of discussion flowing forth from church visitation and Art. 41 reports, a need was felt for more guidance in this matter. Synod then adopted the following motion:

‘In view of the concerns expressed in connection with problems surrounding issues of marriage and divorce, Synod instruct the Publications Committee to determine if the commentary on, and explanation of Article 70 of the Church Order Dordt is still current and sufficient.”

**Synod 2003** was then presented with a report, (page 105-133 Acts Synod 2003). This report focused on two issues (page 107):

1. What constitutes fornication as grounds for divorce? The committee wished to define and limit the concept innocent as one who has not engaged in adulterous sexual behavior, although the committee recognizes that guilt can be in both sides. Adultery was defined as any sexual behavior which violates and therefore destroys the truth bond of that marriage.

2. What constitutes desertion as ground for divorce? The committee understood 1 Cor. 7:15, as referring to the believer/non believer conflict in marriage. “The believer need not, at all costs, maintain a relationship with the unbelieving marriage partner if such a one wants out.” (page 110 Acts 2003).

The committee, seeing charges can be very nebulous, other issues can play a role, like substance abuse, and that a church member can never be considered an unbeliever unless the various steps of discipline have taken place which lead to excommunication, concludes that spouses should support each other without condoning sinful behavior, but recognizing how difficult this can be, understands, that in practice often professional counseling will be required. Furthermore the committee deems the current wording and explanation of Article 70 COD to be sufficient and concludes by advising the consistories in dealing with these matters to proceed with caution, realizing there is no one template for each case (page 111, Acts 2003).

Synod 2003 accepted this report and suggested that it may be helpful to the churches to have this report published as a separate document. But prior to such a publication, Synod requested the Church Order Subcommittee to address the following situations (page 22 Acts 2003):

1. Advice on dealing with persons who are converted from the world but have previous divorces.
2. Advice on dealing with circumstances where a person remarries without the biblical basis for remarriage. Is this a one-time sin or is the person in an ongoing situation of adultery?
3. The report should expand its discussion of forgiveness and how this impacts on remarriage.

**Synod 2004** received a virtually identical report as had been submitted to Synod 2003, without the advice and expansion as requested. Synod decided to accept this appended report on divorce as fulfillment of the assignment of Synod 2003 (Page 42 Acts 2004). No separate publication was made.

**Synod 2008** adopted the Fenwick overture and assigned it to the Church Order Sub Committee, requesting advice as to the possibility of remarriage in church by the guilty party.

## **II. SCRIPTURAL ASSESSMENT**

Marriage is an **institution of God**.<sup>1</sup> God created man in His own image, Gen 1:27. At creation God said in Genesis 2:18 “It is not good that the man should be alone; I will make him an help meet for him.”

God created Adam and Eve male and female. “Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh” (Genesis 2:24). In His adorable wisdom the Lord made man and woman fitting for marriage. God created male and female with a desire for one another. Marriage was instituted before the fall in Paradise.

The marriage state is **honourable and holy**. In Ephesians 5 Paul compares the marriage state to the relationship between Christ and His church. In the Old Testament we read repeatedly how God compared His

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<sup>1</sup> Compare: *De Heilige Huwelijke Staat, Rapport betreffende huwelijk en echtscheiding 2007*. This report was submitted to and adopted by Synod 2007 of the Gereformeerde Gemeenten van Nederland en Noord Amerika.

relationship to the people of Israel to a bond of marriage. The Lord Jesus honoured the institution of marriage by being present at the wedding of Cana in John 2.

Sexual intercourse between husband and wife was instituted before man's fall in sin (Gen. 1:28) and therefore may not be considered as something violating the sanctity of marriage. This intercourse is only allowed within the bond of marriage. Proverbs 5 warns a young man not to go to the harlot. Proverbs 6 and 7 also give direction in this regard. The events of Dina in Shechem described in Genesis 34 shows the shame of having intercourse outside of marriage. Hebr. 13:4 says: "Marriage is honourable in all, and the bed undefiled: but whoremongers and adulterers God will judge."

Marriage is to be a bond of **love, trust and faithfulness**. In our secular society marriage is increasingly seen as a contract made before the civil authorities, which can be easily broken. Sexual intercourse outside of marriage is considered quite normal by many. We see similarities with the ancient Roman pagan society, in which the same trends were present. Marriage infidelity was common and divorces were easily arranged.

In that secular pagan society the apostle Paul preached marriage as an institution of God as a covenant between one man and one woman. He proclaimed marriage as a God given ordinance and compared it to Christ and His relationship to the church: Ephes. 5:24,25 "Therefore as the church is subject unto Christ, so let the wives be to their own husbands in every thing. Husbands, love your wives, even as Christ also loved the church, and gave himself for it."

This bond of marriage was in principle **indissoluble**: 1 Corinth. 7:39 "The wife is bound by the law as long as her husband liveth; but if her husband be dead, she is at liberty to be married to whom she will; only in the Lord." The same we find in the Old Testament.

One of the crying sins of Israel was their marital unfaithfulness: Malachi 2:14 "the LORD hath been witness between thee and the wife of thy youth, against whom thou hast dealt treacherously: yet is she thy companion, and the wife of thy covenant."

We are to view marriage as a bond of love, self denying love (1 Corinth. 13; Ephes. 5). Christ gave Himself for the church and so ought the husband to love his wife and the wife ought to be faithful and caring to her husband. That is the Biblical setting of marriage: To have love and fidelity to one another. These aspects are being undermined by our sensual and ego-centric culture. In the biblical pattern of love the whole issue of divorce and remarriage should be virtually non-existent.

### **III. RELEVANT SCRIPTURE TEXTS**

Considering the questions of divorce and re-marriage various Scripture passages are of great importance:

### a. Matthew 5: 31,32

Here the Lord Jesus is rebuking the lax regulations among the Jews regarding divorce. Jewish rabbis taught that marriage could be dissolved if the husband would write her a letter of divorcement. The Lord responds that adultery is the only lawful reason for divorce: "It hath been said, Whosoever shall put away his wife, let him give her a writing of divorcement. But I say unto you, That whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery: and whosoever shall marry her that is divorced committeth adultery. (Matthew 5:31,32)"

Here the Lord Jesus traces the original meaning of God's law, which was to protect marriage as a holy covenant of faithfulness and love. Fornication is a direct attack upon the sanctity of marriage. This is further explained in similar texts from Matthew 19.

The only lawful ground the Lord Jesus offers for divorce is adultery (*porneias*). This is conform the laws of Moses (Lev. 20:10). The breaking of the marriage relationship is a fact when adultery has been committed. The pertinent issue here is that by joining oneself to another, one becomes one flesh with this other person (1 Cor 6: 15-18). Similar terminology is used to describe the bond of marriage (Gen 2:24, "they shall be one flesh") and therefore committing adultery is joining oneself to another and thereby a breaking of the marital bonds. The exclusive and intimate bond of marriage is by virtue of this act of adultery broken. This is important for the consideration of lawful reasons for divorce as we can deduce from Matthew 5: 31,32.

We can have two situations:

1. Someone has been forsaken by his or her spouse because the latter committed adultery. Is the partner who has been forsaken allowed to remarry? The answer seems to be positive, for Matthew 5: 31 ("causeth her to commit adultery") is not applicable here. The adultery was already committed and therefore the marriage bond dissolved. That means re-marriage is permitted by the one who is forsaken. The one who forsook and committed adultery is under God's disfavour (1 Cor 6:9; Hebr. 13:4). His or her calling is therefore to repent and to confess these sins.

2. Someone has been forsaken by his or her spouse for another reason than adultery. The couple divorced for ulterior motives. May the one who is forsaken remarry? In this case Matthew 5: 31 ("causeth her to commit adultery") would be applicable here. That means re-marriage would not be permitted, not by either party.

The conclusion of Matthew 5: 31,32 is that if there is no adultery involved, the husband cannot divorce his wife (or vice versa) and is not free to marry another. If adultery has taken place, then the husband may divorce his wife (or vice versa) and is free to marry another.

### b. Deuteronomy 24:1 and Matthew 19: 1-12.

The setting in Matthew 19 is that the Pharisees come to the Lord Jesus to tempt Him. They know He upholds marital faithfulness and is opposed to divorce. Now they wish to corner Him by implicitly referring to Deut. 24:1 and try to portray Him as violating the laws of Moses. In this way they wish to discredit Him before the people.

Deuteronomy 24:1 reads: "When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house." In Matthew 19:3 we read: "The Pharisees also came unto him, tempting him, and saying unto him, Is it lawful for a man to put away his wife for every cause?"

The issue here is, what is meant by the words of Deut 24: 1: "some uncleanness in her." The original meaning of the Hebrew words *erwat dabar* is nakedness, or something dishonourable or shameful. There is among Jewish schools of thought a difference in interpreting this verse. The two main schools of thought, the school of Hillel and the school of Schammai, differed considerably in this matter. The school of Schammai understood this reference from Deut. 24 to refer to adultery, but Hillel being more 'liberal' claimed that for the flimsiest reasons a husband could divorce his wife, for instance serving food that had been slightly burned, or loud talking at home, so that the neighbours could hear her.<sup>2</sup> The Pharisees apparently belonged to the school of Hillel.<sup>3</sup>

The Lord Jesus responds by saying: "Have ye not read, that he which made them at the beginning made them male and female, and said, For this cause shall a man leave father and mother, and shall cleave to his wife: and they

<sup>2</sup> William Hendriksen, *The Gospel of Matthew*, Banner of Truth Trust, Edinburgh 1976, page 714.

<sup>3</sup> Hermann L. Strack und Paul Billerbeck, *Das Evangelium nach Matthäus, erläutert aus Talmud and Midrasch*, C.H. Bech'sche Verlagsbuchhandlung Oskar Beck, München 1922, seite 801, 804.

twain shall be one flesh? Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder" (Matthew 9: 4-6).

The principle matter the Lord Jesus establishes is, that divorce is a clear violation of the ordinance of marriage given at creation: Genesis 2:24 "Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh." The Lord Jesus teaches that marriage is indissoluble as is clear from the words: "What therefore God hath joined together, let not man put asunder."

The Pharisees, being accustomed to speaking in terms of divorce, refer again to Deut. 24: 1-4 where Moses allowed the men of Israel to give their wives a letter of divorcement. The issue here is that Moses had done all in his power to discourage divorces and it was only finally due to the hardness of the hearts of the Israelite men that, to protect the status of the wife, Moses allowed the men to write a bill of divorcement, an official declaration that she was declared free of her marital obligations. This is nothing more than a concession Moses made, but "in this concession of Deut. 24 the Pharisees are far more interested than in the *institution* of Gen 1:27; 2:24."<sup>4</sup>

The Lord Jesus draws the conclusion in Matthew 19:9 "And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery." Divorcing a faithful wife is sin and marrying another, thereby rendering reconciliation with the lawful wife virtually impossible, is an additional sin. This is nothing less than adultery.

The Lord Jesus recognizes adultery as a lawful reason for divorce. Marital unfaithfulness is a direct assault upon the very essence of the marriage bond. Just as in Matthew 5:31,32 the Lord Jesus allows here for divorce. The marriage had been annulled and by virtue of sending the unfaithful woman away, the marriage ceases to exist. Due to the sin of adultery the status quo is that the two partners are not married. This gives the right to the husband who divorced his unfaithful wife to marry another woman.

Verse 10 gives the typical 'secular' view of marriage that is current in our days as well, and is the cause of much marital tension. That is the idea: "What can I get out of marriage *for myself*?" This view comes from the disciples, who being infected by the lax ideas of the Pharisees regarding divorce, having now seen how the Pharisees were defeated, respond in verse 10 "If the case of the man be so with his wife, it is not good to marry." Their question should not have been focused on themselves but on what benefit can a husband provide for his spouse and his children in this bond of marriage. Marriage is ultimately not about receiving but about giving. The disciples did not yet fully understand that the spirit of love, service, and sacrifice, the very attitude of their Master, must be applied to every relationship of life, also to that of marriage.<sup>5</sup>

This question of the disciples also reflects the teaching of Christ that divorce is only an option in the case of adultery. In other cases it is not permitted. Verse 9: "And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery." The disciples wonder whether it is wise to marry, if divorce would not be possible in any case except adultery. If men are so bound to their wives that they cannot divorce them except for the reason of fornication, it may be better not to marry at all.

The Lord responds in verse 12: "For there are some eunuchs, which were so born from their mother's womb: and there are some eunuchs, which were made eunuchs of men: and there be eunuchs, which have made themselves eunuchs for the kingdom of heaven's sake."

This is a difficult text to fathom. That is why the Lord Jesus introduces this saying with the words: "All men cannot receive this saying, save they to whom it is given" and the Lord Jesus ends this text by saying: "He that is able to receive it, let him receive it." The issue here is that there are those who for the sake of the Kingdom of Heaven remain unmarried. Three groups of people are mentioned here: The first kind are men who are born with deformities that make them physically unable to be married; the second group are men who by others have been made unable to function in marriage; and the third group are men who are fully able to be married and to have normal sexual intercourse, but who voluntarily abstain from this for the sake of the Kingdom of Heaven. They abstain from marriage or from re-marriage for the sake of the progress of God's Kingdom.<sup>6</sup>

<sup>4</sup> William Hendriksen, *The Gospel of Matthew*, Banner of Truth Trust, Edinburgh 1976, page 716.

<sup>5</sup> William Hendriksen, *The Gospel of Matthew*, Banner of Truth Trust, Edinburgh 1976, page 717

<sup>6</sup> Dr. J. Douma, *Echtscheiding*, Ethisch kommentaar, Ton Bolland, Amsterdam 1982, Page 30,31.

This latter point is important for the situation in which a couple has divorced for another reason than adultery, and that therefore in the sight of God their marriage bond is still intact. They, living separately, do not have the freedom to remarry. In reality however, they can very well have the desire to remarry. Is it not too heavy a burden to forbid such people to remarry? The common question is then heard: Must such a person remain unmarried?

It is in this setting that the Lord responds with speaking of those who abstain from marriage “for the kingdom of heaven’s sake.” Must we understand this, as out of obedience to the Lord’s command abstaining from marriage for the Kingdom of Heaven’s sake, so as to not make ourselves unworthy of it through the sin of adultery? Such a decision can be a cross for people, but over against that the Lord gives the Kingdom of Heaven.

### **c. Mark 10:11**

“And he saith unto them, Whosoever shall put away his wife, and marry another, committeth adultery against her.” Here we find a repetition of the same issue earlier discussed. He who forsakes his wife and marries another commits adultery against her.

### **d. Luke 16:18**

“Whosoever putteth away his wife, and marrieth another, committeth adultery: and whosoever marrieth her that is put away from her husband committeth adultery.” Here is another occurrence of the same rule, that one may not put away his wife and marry another. To do this would be committing adultery. Here we find the extension that if any would marry the wife who has been put away for unlawful reasons, would also commit adultery, for she is in the sight of God still married.

### **e. Romans 7: 1-3**

How long is a wife united to her husband? As long as he is alive. That is the standard golden rule. If her husband dies, then God Himself has made an end to this marriage relationship and she is free to remarry. However if she marries another man while her first husband is still alive she is an adulteress.

### **f. 1 Corinthians 7:10,11**

“Let not the wife depart from her husband: But and if she depart, let her remain unmarried, or be reconciled to her husband: and let not the husband put away his wife.”

Here Paul is not opening the door wide for all kinds of divorces as being a possibility (“if she depart”), but is simply stating the will of the Lord that married couples may not divorce and if they divorce, or if they have already separated (as probably would be the case of several ones in the church of Corinth, seeing the heathen background of its members with promiscuous ethical standards for marriage), they should remain unmarried or reconcile themselves to one another and continue as married persons.

### **g. 1 Corinthians 7:15**

“But if the unbelieving depart, let him depart. A brother or a sister is not under bondage in such cases: but God hath called us to peace.”

The issue is here that if one of the partners of a heathen marriage comes to faith, he or she should not seek divorce if his/her spouse is willing to live with him/her. But if the unbelieving party sues for divorce, then the believing spouse is not obliged to maintain the marriage communion. A divorce for the sake of religion which is initiated by the unbelieving party may be tacitly surrendered to by the believing party.

The tension here is between following Christ or remaining faithful to the sinful lifestyle of the pagan spouse. In that setting faithfulness to Christ is essential. If the unbelieving spouse then wishes to divorce, then the believing spouse is allowed to accede. A brother or sister is not bound under such cases. He or she is allowed to acquiesce in the divorce initiated by the unbelieving party.<sup>7</sup>

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<sup>7</sup> The aforementioned study report of the *Gereformeerde Gemeenten* at their *Synode 2007*, draw the conclusion that remarriage is not allowed and may not be deduced from 1 Cor 7:15, see blz. 20 of the report. A similar conclusion is drawn by the Chr. Geref. Kerk Synod 1959 report. See Acta, 1959, blz. 203. On the other hand, one can ask whether the fact that the believing spouse is not “under bondage” implies the marriage bond is lawfully annulled and therefore the believing spouse may lawfully remarry.



## **h. Conclusions:**

Marriage is an institution of God and is covenant between one man and a woman for life. It can only be annulled by death (1 Cor 7:39).

Seeing that adultery (*porneia*) is such a radical breach of the trust and faithfulness required in marriage, it is in reality an annulling of the marriage bond and can, but does not have to be, a Scriptural reason to dissolve the marriage. In such cases the 'innocent' party is as if he or she were unmarried and is free to remarry. The 'guilty' party is called to repentance, for adulterers God shall judge.

In the case of an unlawful divorce, there is no Biblical warrant to remarry. Such cases are called to remain single. There is such a thing as remaining single for sake of the Kingdom of God.

For the sake of religion (*religionis causa*) the believing spouse is not allowed to seek divorce. If the unbelieving spouse files for divorce, the believing spouse is allowed to acquiesce in such breaking of the marriage bonds. She is not bound to his/her spouse.

## **IV. HISTORICAL FACTS.**

### **a. The Early Church**

The early church strongly advocated absolute monogamy. These proponents would allow only one marriage in the life of people regardless even if one's spouse died or not. In the case of death various theologians of the early church taught the remaining partner was not permitted to remarry.

**Tertullian**, died around 230, taught that according to him there is only one marriage allowed in the lives of God's people. Reference is made to Adam who had one wife and she was made of one rib of Adam.

**Jerome**, died around 420, taught the same matter, that when Christ spoke of a man and a wife, He did not say wives, but wife in the singular form, and therefore Jerome concluded that a man may only have one wife and when the wife dies, he is to remain single. He argued that texts like 1 Tim 3:2, and Titus 1:6 where a qualification of the office bearers is, that they have to be men of one wife, show that a man may only be married once.

The ancient writing from 145 A.D., *The Pastor of Hermas*, states that even after adultery the innocent party may not remarry, but remain single in the hope that his/her spouse may repent, in which case they can live together again.<sup>8</sup>

**Augustine** (354-430) had a different opinion, which would be widely adopted in church life in ages to come. His principle was that marriage is good, but for a widow or widower a second or subsequent marriage is also good, but one is happier if he or she remains unmarried. This is the same as what Paul writes in 1 Corinth. 7.

**The early church** was quite uniform in its view that upon adultery the sinful spouse had to be sent away, for further continuation of the bond of marriage would make one an accomplice of adultery.<sup>9</sup> The early church was also confronted with the reality of sexual desires. Jerome gives the example of a certain young woman, called Fabiola, who divorced her adulterous husband and subsequently remarried. Jerome comments that this was wrong, but concludes that because of her strong desires it was better that she remarried than to give herself up to immorality. Jerome also refers to the Pauline injunction that it is better to marry than to burn (1 Corinth.7:9) and also to 1 Tim 5:14 that younger widows should remarry instead of being turned aside after satan.<sup>10</sup>

### **b. The Middle Ages**

The Middle Ages led to a shift that no longer the government but ecclesiastical courts would decide the lawfulness of marriages. The church of the Middle Ages emphasized that marriage was a sacrament and therefore indissoluble. Schillebeeckx states that according to the early church, marriage was not allowed to be broken, but according to the church of the Middle Ages marriage could not be broken.<sup>11</sup>

### **c. The Reformation**

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<sup>8</sup> Douma, *Echtscheiding*, blz. 45,46.

<sup>9</sup> Douma, *Echtscheiding*, blz. 48.

<sup>10</sup> Douma, *Echtscheiding*, blz. 53.

<sup>11</sup> Douma, *Echtscheiding*, blz. 61.

**Martin Luther** maintained that marriage is in principle indissoluble, but allowed for divorce in the case of adultery and willful desertion, which was not only to be understood *religionis causa* but also for all kinds of reasons. In these situations the marriage bond has been broken and a new marriage may take place. Luther loosened the bond between the church and marriage, and promoted governmental supervision upon marriages.

**John Calvin** agrees with Luther that willful desertion as well as adultery are sufficient grounds for divorce. In these cases the innocent party is free to engage in a new marriage. These matters were arranged in his *Ordonnances ecclesiastiques*, from 1561.

In general in dealing with marital problems, Calvin refers to the assistance of the Holy Spirit and warns against divorce. He allows more grounds for divorce, as for instance the woman not being a virgin, or one spouse has a contagious disease, or impotence.

An example of Calvin's pastoral practice in this regard is the case of the Italian nobleman Galeasus Caraccioli, who had forsaken all to be able to adhere to the Reformed faith in freedom. His goods had been confiscated, his wife and six children remained behind in Italy. Caraccioli as well as his wife attempted to bridge the distance between them. He refused to adhere to Roman Catholicism and his wife refused to be married to a 'heretic.' Their farewell was heart rending. When after some time Caraccioli suggested to Calvin that he wished to remarry, Calvin, after having gained the approval of the Swiss theologians, agreed.<sup>12</sup>

The general principle Calvin follows is, that the church should lead and do all possible to reconcile two sides of a broken marriage, but if this all fails then the guilty party must be punished and the innocent party must be given allowance to remarry.<sup>13</sup>

**Martin Bucer** (1491-1551) offered sharp criticism against the Roman Catholic view that a second marriage, even after the death of the spouse, is neither desirable, nor allowed. Also after adultery and subsequent divorce, according to Rome a second marriage was simply forbidden. Bucer criticized these ordinances, for people who wish to live in a virtuous manner, need marriage and by forbidding this they are driven into an immoral life. Bucer argues that it is contrary to Scripture and the law of love to disallow the innocent party to remarry.

But Bucer is of the opinion that the guilty party should also be allowed to remarry, but only after he has repented and done confession of guilt. "For God does not desire, that any, because of his own fault - let alone by the fault of another - would be forced to live in such a way, that he would be continually threatened by sin."

The Gospel opens the way to a second marriage in the way of forgiveness of sins and deliverance from the power of sin. But even if the guilty party does not show true repentance, then still it is better to allow him to remarry. "Here there is no middle way at all; you have to either eliminate him, or allow him to have a wife, even if he shows no remorse for the evil that has been done, thereby demonstrating that he is a hopeless case. For society (*res publica*) it is better that the wicked are married, that that they remain unmarried, unless if they are physically unsuitable for marriage. For who doubts that they would give more problems to society if they are single, than being married?"<sup>14</sup>

In this opinion Bucer distinguishes himself from most other reformers who would not grant a second marriage to a guilty party. Bucer is of the opinion that when a lawful divorce has taken place, this signals the end of the marriage state, and both husband and wife have the liberty to remarry. Bucer bases his views on the principle that God instituted marriage to the well-being of man and that we do not have the right to withhold this privilege from him to his detriment. Sin is avoided when permission is given to those who need (re)marriage.<sup>15</sup>

**Theodorus Beza** (1509-1605) explained in a treatise "*De repudis et divortis*" the two reasons that allowed divorce: adultery and willful desertion. Beza links willful desertion to hatred against religion. Following 1 Cor. 7:11, he maintains, that two believing spouses cannot be divorced, except when one spouse leaves to live in a foreign

<sup>12</sup> Douma, *Echtscheiding*, blz. 70,71. Calvin devoted a second epistle dedicatory to Caraccioli of his commentary to 1 and 2 Corinthians.

<sup>13</sup> Douma, *Echtscheiding*, blz. 74.

<sup>14</sup> H.J. Selderhuis, *Huwelijk en Echtscheiding bij Martin Bucer*, Uitgeverij Groen, Leiden, 1994, blz 354, 355.

<sup>15</sup> H.J. Selderhuis, *Huwelijk en Echtscheiding bij Martin Bucer*, Uitgeverij Groen, Leiden, 1994, blz 362, 364.

country. In that case Beza agrees that divorce should be allowed. The reasoning then is that the spouse who leaves can be considered as an unbeliever, for he removes himself or herself from the oversight of the church.<sup>16</sup>

**The Westminster Confession** stated the same two principles as a reason to allow divorce. “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. 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.”

**Gisbertus Voetius** (1589-1676) also sees these two reasons as sufficient grounds for divorce: Adultery and willful desertion. Remarriage should be allowed for otherwise the absurd result would be that an innocent party is held hostage by the guilty party. Voetius also saw as a reason for divorce if one of the spouses refused sexual intercourse. Then one can still live together but in reality this is nothing less than co-habitation as brothers and sisters do together and therefore this is not to be considered a marriage.

Voetius reasons along the lines of *analogy*. He says that if one is forsaken because of adultery and is subsequently dismissed from his marital obligations, then by *analogy* the same privileges count for all others who have been forsaken but for other reasons than adultery. They too need to be granted a divorce and should have the right to remarry. This reasoning by analogy has led to a wider acceptance of divorce. Throughout the centuries others have followed the reasoning of Voetius even during meetings of synods.

The issue remained how to define willful desertion. Voetius was willing even to consider<sup>17</sup> physical abuse a form of willful desertion.

#### d. Reformed Synods

Various Reformed synods have studied the issue of divorce and re-marriage.

**The Synod of Dordrecht 1574** decided that the innocent party in the case of adultery was permitted to request the magistrate to grant a divorce. If the magistrate would deny the request then the person could appeal to his own local consistory to gain such a dissolution of his marriage. If the consistory would reject this appeal, then the person in question should move to another area where the local magistrate would grant him his request.<sup>18</sup>

The same synod also considered the request regarding a crippled man who 20 years earlier was forsaken by his wife, of whom it is not known whether she was at the time of synod, alive or dead. This man in the mean time had lived in common law with another woman, and now desired to be united to her in marriage. The synod judged that the man should first ask the local magistrate to grant a lawful divorce and then he would be allowed to marry in the consistory room, after his sins had first been sharply laid out before him.<sup>19</sup>

**The Synod of Dordrecht 1578** advised the ministers that when dealing with cases of adultery, they should urge both sides to reconciliation, and if these remain unwilling, then they may divorce, ‘according to the divine laws.’ But the parties are instructed that they would not be allowed to be remarried unless the government would grant them this permission.<sup>20</sup>

**The Synod of Middelburg, 1581** decreed that if someone had left his wife because of her adultery and after a number of years requested to have permission to remarry, was told that such will be allowed.<sup>21</sup>

<sup>16</sup> Douma, *Echtscheiding*, blz. 74.

<sup>17</sup> Chr. Geref. Synode rapport 1959, Acta blz. 206.

<sup>18</sup> Art 89, *Acta van de Nederlandsche Synoden der zestiende eeuw*, verzameld door F.L. Rutgers, Uitgeverij J.P. van den Tol, Dordrecht, 1980, blz. 157.

<sup>19</sup> *Acta van de Nederlandsche Synoden der zestiende eeuw*, verzameld door F.L. Rutgers, Uitgeverij J.P. van den Tol, Dordrecht, 1980, blz. 164.

<sup>20</sup> Chapter V, Art.13 in *Acta van de Nederlandsche Synoden der zestiende eeuw*, verzameld door F.L. Rutgers, Uitgeverij J.P. van den Tol, Dordrecht, 1980, blz 256.

<sup>21</sup> Chapter IV/V of the Acts art. 57 in *Acta van de Nederlandsche Synoden der zestiende eeuw*, verzameld door F.L. Rutgers, Uitgeverij J.P. van den Tol, Dordrecht, 1980, blz 396.

**The Friesian Synod of Franeker, 1589**, declared that Rev. Hero Frisius of the church at Tjummarum, whose wife had left him and who was not to be moved to return to him, was granted permission to remarry. This decision was made 'in agreement with the Word of God and the advice of the theological professors of Franeker.'

**The Synod of the Christelijke Gereformeerde Kerken in Nederland 1907** discussed a report regarding how to deal with members of the church whose marriage had been dissolved by the civil courts because of wilful desertion. This report was adopted unanimously. Synod decided that: "When Scripture only says that divorce is allowed in the case of adultery, and is permitted when the unbelieving spouse refuses to live together with the believing spouse, and the initiative to divorce rested with the first party, then we have to condemn divorce on the basis of wilful desertion as sin against God and His Word."

The synod did state that churches, although condemning these actions, will have to honour and live with the decisions of the judge. Church discipline will be applied against members who are unlawfully divorced. After clear repentance and confession of sins the persons in question will be re-instated into the communion of the church. The church will not judge regarding the level of sincerity and uprightness of this confession of sin. Neither will it be possible to undo the consequences of the evil that has taken place.<sup>22</sup>

### **The Christian Reformed Church of America 1952**

For many years the CRC had adopted the rule that divorce is only possible in the case of adultery. This formed the only legitimate reason to sue for divorce. Only those people who were divorced on this ground of adultery, could in the case of re-marriage receive the full support of the church and share in all the rights of full church membership.

Those persons who had been divorced on other grounds and remarried, could no longer remain or become members of the church, as long as the previous spouse was still alive, unless confession of guilt was made, one's walk was beyond reproof and the promise was given to refrain from normal marital intercourse. Synod based this decision on the view, that these people were living in 'continual adultery' when an unlawful marriage would be continued. In this demand this church was unique. No other denomination made such a stipulation. In 1956 this view was changed.<sup>23</sup>

### **The Christian Reformed Church of America 1956**

In 1956 synod adopted the ruling that no convincing evidence can be given from Scripture to show that people who remarried after divorce instigated by their own adultery or on unbiblical grounds, were living in continual sin. Therefore no obligation can be laid upon such people to terminate such marriage communion. Such obligation was not found in Scripture and was also unattainable in daily life.

### **The Reformed Ecumenical Synod of Potchefstroom, 1958.**

At this ecumenical reformed synod a report was adopted stating that adultery was an intrusion in the sanctity of marriage, but does not necessarily need to lead to divorce. The church is called to urge reconciliation but the innocent party is allowed to file for divorce.

Regarding wilful desertion the synod stated that 1 Cor. 7: 15 dealt with a special case, that of *religionis causa*, and that on exegetical grounds synod did not dare state that such a marriage was lawfully dissolved, nor whether a second marriage would be allowed.

Finally the member churches are warned not to undermine the sanctity of marriage, which happens when solemnization would be allowed of marriages of which the lawfulness in the light of Scripture must be negated.<sup>24</sup>

### **The Synod of the Gereformeerde Kerken in Nederland of Sneek 1969/1970.**

This synod of the sister churches of the CRC in N.A. also studied the matter of divorce and relating matters. These churches adopted a more 'open' policy regarding permissibility of divorce. Following the laws of the land these churches decided:<sup>25</sup>

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<sup>22</sup> Chr. Geref. Synode rapport 1959, Acta blz. 207,208

<sup>23</sup> Chr. Geref. Synode rapport 1959, Acta blz. 210.

<sup>24</sup> Chr. Geref. Synode rapport 1959, Acta blz. 211.

<sup>25</sup> Douma, *Echtscheiding*, blz. 98.

“Scripture in its instruction, shows that because of our sinfulness, a situation can arise in which divorce is unavoidable. Characteristic for such a situation is that because of a continual overall malfunctioning (*algehele duurzame ontwrichting*) of marriage the continuation thereof has become impossible.”

Here we see that the allowance for divorce has been made much broader than for instance in the Westminster Confession of Faith. The latter speaks of adultery and willful desertion, while the former refers to “continual overall malfunctioning” of marriage as a sufficient ground for divorce. The strong principle of ‘no unless’ that had been upheld in previous generations, has been exchanged by a more complacent acceptance of an ‘unavoidable’ (*onontkoombaar*) situation.

#### **e. Report of the Christelijke Gereformeerde Kerken in Nederland adopted by Synod 1959.**

An ad hoc committee was formed consisting of Prof. J. Hovius, Prof. Dr. J. van Genderen, Ds. L.S. den Boer and Ds. D. Biesma jr. This committee reported to Synod 1959, of which report we have already given some quotes. It is useful to provide their guidelines (*richtlijnen*):<sup>26</sup>

1. Marriage is an institution of God, wherein according to the creation order one man and one woman are united together in the totality of their existence
  2. Because marriage is a creation order, it belongs to the task of the government to decree proper laws regarding marriage, divorce, and the family. It is its task to do this, being the ‘minister’ of God.
  3. The church shall summon the government to decree in its legislation and judicial pronouncements, what God has revealed concerning the proper order of marriage.
  4. As a rule the church shall abide by the decision of the government in cases of divorce, certainly as to the judicial consequences of these decisions.
  5. Yet the church allows itself to have its own judgment concerning such a divorce.
  6. Divorce on the grounds of adultery is, although not required, yet allowed; a second marriage by or with the innocent party is allowed and can be solemnized in church without any objections.
  7. Dissolution of the marriage *religionis causa* may not be sought after by the believing party; if the unbelieving party pursues such dissolution, then the believing party does not have to try to avoid this at all costs.
  8. Regarding the question if after such a marriage dissolution (point 7), the believing party may initiate a new marriage, as long as the other party is still alive and not remarried, cannot be answered positively with sufficient certainty.
  9. Regarding the question if a marriage may be dissolved after willful desertion, and whether the innocent party may remarry, your committee was divided, so that it advises that when dealing with and judging of such cases great caution be made.
  10. The church may never encourage nor advise a divorce. On the contrary it must point out the necessity of repentance concerning that which has or threatens to dissolve the marriage bond so that reconciliation would take place. The church is called to be the messenger of the forgiving love of God in and through Jesus Christ, and to proclaim the possibility of restoration of marriage by the renewing power of God's Spirit and grace. Under God's blessing, pastoral work and advice can lead to restoration of broken relationships.
  11. When divorce takes place on according to the church unlawful grounds, then church discipline will be applied to the guilty parties.
  12. When after an according to the church unlawful divorce, a new marriage takes place, then the church will not grant any participation, as long as the previous spouse is still alive or has not yet remarried.
  13. Although restoration of the damage because of sin, will often be impossible, members of the church upon whom church discipline was applied, in the situations described in point 11 and or 12, can be re-instated in full church membership after sincere sorrow, proven Christian walk and confession of guilt.
  14. Regarding persons, mentioned in point 11 and 12, who have resigned as members of the church during the ecclesiastical procedures, or who for the first time desire to be admitted to the fellowship of the church, the point is made, that this shall not be able to take place until after a sufficient probation period, to be determined by the consistory after having received advice from the classis, and the conditions described in point 13 have been met.
- The committee points out that by adopting these guidelines synod will give a public proclamation of:

<sup>26</sup> Chr. Geref. Synode rapport 1959, Acta blz. 212, 213.

- the principle indissoluble character of the marriage bond
- the understanding the church shows towards the brokenness, especially in marriage life, caused by sin
- the loving attempts of the church to heal that which is broken by the great and redeeming power of Christ's blood
- the authority given to the church to proclaim forgiveness of sins to those, who in this respect know themselves as deeply guilty before God and man, and to show Christian love to them by receiving them back into the communion of the saints.

#### **f. Report on Divorce and Remarriage to the General Synod of Amersfoort-Centrum 2005 of the Liberated Gereformeerde Kerken in Nederland (*vrijgemaakt*).**

The sister churches in The Netherlands of the Canadian Reformed Churches requested their deputies at their General Synod of Leusden 1999 to undertake a study of the matter of divorce and remarriage. In this study, the central question concerned an understanding of the totality of the Scriptural message regarding marriage and divorce. In addition, Deputies were asked to study questions relating to existing practice within the churches, measures of discipline, and the confirmation of marriages after divorce. In their report to the General Synod of Zuidhorn 2002-2003, Deputies presented the outcomes of this study mandate. A second phase of reflection within the churches followed this Synod. Deputies were mandated to carry on discussions with the churches, and to take the churches' responses to their work into account.

Deputies facilitated this process of broad reflection within the churches through the presentation of a popular version of their report, nation-wide meetings with office-bearers, local information events, and articles within the church press. The final report was presented to their Synod of 2005 convened in Amersfoort-Centrum.<sup>27</sup>

Several decisions are important. Especially mention must be made of Decision 3:

To declare that in the *Gereformeerde Kerken*, as a rule, second marriages after divorce are not to be confirmed ecclesiastically.<sup>28</sup>

The reasons for this decision are:

1. Holy Scripture lays all emphasis on the indissolubility of marriage (Matt 19:6).
2. It is in keeping with the style of the Kingdom, as taught to us by our Lord Jesus, to place strong emphasis on the "I do", when it is given. A promise once made remains in force, and still resounds, even after a divorce.
3. It is often impossible for church councils to rightly evaluate a situation of divorce, especially if (part of) the history has taken place outside the same congregation.
4. Church councils retain their own responsibility in relation to the question whether remarriage after divorce is to be allowed and may be confirmed ecclesiastically.

The underlying principles of this decision are as follows:

1. Marriage has been instituted by the Lord. This firm bond between husband and wife may not be undone by man (Gen 2:24; Mal 2:14-16; Matt 19:3-9; I Cor 7:10-11). Divorce is a serious evil, which must, as much as possible, be prevented and resisted. Living in the style of the kingdom of Christ means that in all marriage difficulties we make every effort towards reconciliation and restoration of the relationship.
2. When a marriage is harmed because of sin, or because of the effects of the fall into sin, it is required, in the footsteps of Christ, by means of repentance, forgiveness and reconciliation, to strive for the restoration of the bond of marriage, and/or to maintain the bond of marriage as much as possible in the way of self-denial.
3. In the event that a *de facto* ending of the bond of marriage takes place, it is most in keeping with the style of the kingdom of Christ that the marriage remains formally in existence, and that a resolution is found in which the partners make whatever mutual agreements are necessary, perhaps by way of a legal separation.
4. In situations referred to in point 2, the marriage promises, once made, remain in force as long as both partners are alive. Remarriage after divorce is therefore, in principle, not in keeping with the style of the kingdom of Christ.

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<sup>27</sup> Art. 57 *Report Deputies Marriage and Divorce*. Quotes are taken from the Authorized translation of the GS Amersfoort-Centrum of the GKN(v) as appeared in the Magazine BBK, published by their deputies for maintaining relations with foreign churches.

<sup>28</sup> Art. 57 *Report Deputies Marriage and Divorce*. Page 5.

5. Where a previous marriage has been dissolved through divorce, the ecclesiastical confirmation of a subsequent marriage is, as a rule, not possible.<sup>29</sup>

Deputies indicate that a second marriage cannot be confirmed in church, and state that where there are difficulties in marriage the royal way of repentance, forgiveness, reconciliation and self-denial is to be followed, as Scripture teaches, and that the indissolubility of marriage is also emphasized. It is also worthy of recommendation that more attention be paid to the prevention of broken marriages by making provision for a sound preparation for marriage.<sup>30</sup> The report speaks several times of a proper arrangement of marriage catechism classes.

#### **g. Report of the Gereformeerde Gemeenten adopted by Synod 2007 regarding marriage (*de heilige huwelijke staat*).**

We have already considered some quotes of this report. It is interesting to consider some of their conclusions:

1. Divorce is allowed after adultery has been proven, but it is not obligatory. In this setting we interpret adultery as sexual (perverse) physical intimacy.
2. Although some of our Reformed fathers considered *causa religionis* as a reason for lawful divorce, still on exegetical grounds the dissolution of marriage in this situation should not be sought. If the unbeliever wishes still to leave the other, then the believer does not have to avoid this at all costs.
3. The church should as a rule never encourage or urge for a divorce. On the contrary, it shall have to point to the necessity of reconciliation. Pointing to the forgiving love of God in and through Jesus Christ by the renewing power of the Holy Ghost, the church must do all it can, to seek under God's blessing a restoration of broken relationships.
4. A second marriage is only possible and can only be solemnized in church services, if:
  - a. one of the spouses has died: death makes a factual separation;
  - b. the previous marriage is annulled because of adultery; adultery, fornication is of such an incisive and exceptional situation, causing thereby the bond of marriage to be broken in its deepest existence; the one who wishes to remarry will have to be able to demonstrate that the previous marriage was annulled after evidence was given of adultery.
5. In all other situations on biblical grounds a second marriage is not allowed.
6. Based on the Scriptural responsible thought that for office bearers there are no other rules than for members of the congregation, who are non-office bearers, remarriage for an office bearer, who after proven adultery of his previous wife is divorced, can not be simply forbidden. However listening to Scripture, to the prerequisites stated for office bearers and considering the example function they have, the way to open a second marriage for office bearers is very narrow.
7. When an office bearer desires to be remarried, the consideration whether his functioning as a role model would be compromised, lies with the consistory, who will consult the counselor. It is advisable that the counselor consult another minister in this matter.  
Obviously no one may be his own judge. Therefore in the case that the office bearer who wishes to be remarried would be the minister of the congregation, the consistory shall seek the input of the counselor as well as of another minister. It should be obvious that those who are called to assess the situation should not have been personally involved in the matter at hand.

The report concludes with some statements regarding church discipline:

1. When divorce has taken place on unscriptural grounds censure needs to be applied on the guilty parties.
2. When after a divorce on unscriptural grounds, remarriage takes place, no church involvement will be allowed, as long as the previous spouse is still alive.
3. Although restoration after sin will no longer be possible, members of the church, who are under discipline, may be restored in full church membership, after shown sorrow for their sins, evidence is demonstrated of a Christian walk, and confession of guilt has taken place.

The report ends with a comment that the churches are instructed to pay more attention to the institution of marriage and matters relating to the 7<sup>th</sup> commandment in preaching and catechetical instruction.

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<sup>29</sup> Art. 57 Report Deputies Marriage and Divorce. Page 9.

<sup>30</sup> Art. 57 Report Deputies Marriage and Divorce. Page 9.

## **h. Conclusions:**

Initially the early church promoted a form of absolute monogamy. Augustine wished to allow for remarriage in certain cases.

Regarding allowing divorce on the grounds of adultery, the churches of the Reformation have never had any debate. Adultery is a lawful reason for divorce. This implies that a church solemnization of such a re-marriage may take place.

Historically, the Reformed churches have allowed willful desertion, not only *religionis causa*, but in all cases as a sufficient ground for divorce. Various Reformed theologians have interpreted this rather widely and have at times even equated domestic violence to willful desertion (Luther, Calvin, Bucer, Voetius). Some theologians rejected the lawfulness of willful desertion as a ground for divorce.

The Chr. Geref. Kerken at their synod of 1914 decided that willful desertion is not a lawful reason for divorce, as long as the spouse is still alive.

The RES of 1958 summoned the churches not to undermine the sanctity of marriage by allowing solemnization of marriages which are biblically speaking untenable in the light of Scripture.

Although in the past, Reformed churches only allowed divorce on the basis of either adultery or willful desertion, certain denominations have allowed for divorce on the grounds of continual overall malfunctioning of the marriage. In this way divorces are easily legitimized in churches.

Both the Synod of the Christelijke Gereformeerde Kerken in Nederland of 1958 and the Synod of the Gereformeerde Gemeenten of 2007 confirmed the view that divorce is not mandatory but permissible after adultery has been proven. The innocent party is then free to remarry. Regarding willful desertion neither synod could come to a positive assessment of allowing remarriage after such events, as long as the spouse is still alive. Both synods emphasize the sanctity of marriage.

The Gereformeerde Kerken Liberated have adopted as their position at their general Synod of 2005 that as a rule, second marriages after divorce are not to be confirmed ecclesiastically. Basis for this is the indissolubility of marriage. Local consistories have the freedom to deviate from this general rule.

## **V. DISCUSSION: MAY THE GUILTY PARTY REMARRY IN CHURCH?**

### **a. The sanctity of marriage**

Starting point in this discussion must be the sanctity of marriage. God hates divorce (Malachi 2: 16). Biblically speaking we must understand the intrinsic continuity of marriage. It is a reflection of the love of Christ to His church (Ephes. 5). The principle thought here is, that just as Christ will never divorce His church, likewise a husband may never divorce his wife. That there are exceptions to this rule as pointed out in Scripture, is only because of the brokenness of the situation between human beings. An exception is made for the case of adultery. These are indeed exceptions. The rule is the continuity of marriage.

We can defend the axiom: *"The ultimate meaning of marriage is the representation of the covenant keeping love between Christ and his church."*

To live this truth and to show this truth is what it means, most deeply, to be married. This is the ultimate reason why marriage exists. There are other reasons, but this is the main one. Therefore, if Christ ever abandons and discards his church, then a man may divorce his wife. And if the blood-bought church, under the new covenant, ever ceases to be the bride of Christ, then a wife may legitimately divorce her husband. But as long as Christ keeps his covenant with His bride, the church, and as long as the church, by the sustaining grace of God, remains the chosen people of Jesus Christ, then the very meaning of marriage will include: *What God has joined, only God can separate, not man.*<sup>31</sup>

In Matthew 19 we saw the Lord Jesus emphasizing the sanctity of marriage. In verse 5 we read that the two of them shall be one flesh. That is a God given characterization. Thereby the unity and sanctity of marriage are stated. This is confirmed by what is said in verse 6: "Wherefore they are no more twain, but one flesh. What therefore God

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<sup>31</sup> John Piper, [http://www.desiringgod.org/ResourceLibrary/TopicIndex/135\\_Divorce\\_and\\_Remarriage](http://www.desiringgod.org/ResourceLibrary/TopicIndex/135_Divorce_and_Remarriage). See also: John Piper, *This Momentary Marriage, A Parable of Performance*, Crossway Books, Wheaton, Illinois, 2009.



hath joined together, let not man put asunder.” The married couple is one and are to remain one. God united them together.

Therefore consistories should have a high view of marriage and transfer this view to couples who wish to be married. It is a contract for life. Our society views marriage as a simple contract which can be broken by either party. But that view is in blatant contrast to Scripture. Marriage is sacred above what most people imagine. “It is a unique creation of God, a dramatic portrayal of God’s relation to his people, and a display of the glory of God’s covenant keeping love. Against all the diminished attitudes about marriage in the world—Jesus’ world and our world—Jesus’ words about marriage are breathtaking. This is the work of God, not man, and it does not lie in man’s prerogative to end it.”<sup>32</sup>

In Matthew 19: 6 we read: “What therefore God hath joined together, let not man put asunder.” In other words: What God has joined together, man should not separate. The contrast here is man in the sense of human over against God’s divine work. If God joined a man and woman together in marriage, then mere human beings do not have the right to separate what God has joined together. God is the only One who can break the marriage and He does so in the way of death. When one of the spouses dies, the marriage bond has been dissolved and the remaining spouse is free to remarry. Therefore the marriage vows include the phrase “till death do us part.”

This all should lead us to have a high view of the sanctity of marriage. Therefore consistories should never encourage divorce, but seek to repair broken relationships in the way of repentance and receiving forgiveness of sins and newness of life. Consistories should also consider this high view of marriage when evaluating the possibility of remarriage by the guilty party after divorce.

Never may consistories infringe upon the high view of the sanctity of marriage, as laid out in Scripture. It is a holy institution of God and may never be dealt with lightly.

A further consequence of the sanctity of marriage is that consistories have the right to ascertain that decency and holiness are maintained during the ceremony in which the marriage is to be solemnized, as well as during the wedding reception. In this regard marriage guidelines form a necessity.

Already in the early church, marriages were solemnized in the Christian church in official gatherings of the congregation. The Synod of Laodicea 363, expressly forbade marriages to take place in private homes.<sup>33</sup> Historically the church has taken its own responsibility for marriages and considered such solemnizations as official God given functions to be carried out under consistorial oversight in official congregational services.

## **b. Who may officiate in solemnization of marriages?**

That Christian marriages are to be solemnized in the gathering of the Christian church is evident by the fact that Reformed church order views the solemnization of marriages as administration of the Word of God and therefore to be the prerogative of the ministers of the Word.<sup>34</sup>

No other office bearers are allowed to solemnize marriages in church, because it is administration of the Word, which is a prerogative to the officially installed ministers of the Word. A consequence of this is that the proclamation of the Word of God should have a prominent place in wedding services. Also the wording of the classic Reformed liturgical form for the solemnization of marriages presumes that marriages are to be solemnized in official worship services.<sup>35</sup>

In this setting H. Bouman is very pointed in placing the link between solemnization of marriage and the covenant of grace as a further impetus to solemnize marriages in official gatherings of the congregation, worship services:

“But the solemnization of marriage is not only asking a blessing by the newly wed couple, but it is an action of the church, in which it confirms in church before its members what has already taken place in the family and before

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<sup>32</sup> John Piper, [http://www.desiringgod.org/ResourceLibrary/TopicIndex/135\\_Divorce\\_and\\_Remarriage](http://www.desiringgod.org/ResourceLibrary/TopicIndex/135_Divorce_and_Remarriage)

<sup>33</sup> H. Bouwman, *Gereformeerd Kerkrecht*, Kok, Kampen, Deel 2, uitgave 1970, blz. 513.

<sup>34</sup> H. Bouwman, *Gereformeerd Kerkrecht*, Kok, Kampen, Deel 2, uitgave 1970, blz. 517.

<sup>35</sup> “Whereas married persons are generally, by reason of sin, subject to many troubles and afflictions; to the end that you N. and N. who desire to have your marriage bond publicly confirmed, here in the name of God, before this Church, may also be assured in your hearts of the certain assistance of God in your afflictions, hear therefore from the Word of God, how honourable the marriage state is, and that it is an institution of God, which is pleasing to him.” Also the first question placed before the couple, who having heard what marriage entails are then asked: “are you willing thus to behave yourselves in this holy state, as you here do confess before this christian assembly..”

the government. The church has the right to ask its members to have their marriage solemnized. For those who engage in marriage, are not only citizens of the land, but also citizens of a higher society, the church of the Lord. The newly weds enter the covenant congregation as a married couple and should also promise that they will live together according to the demands of the Word of God, and that if they receive children, that they will raise these children in the fear of the Lord. That is why they should request the solemnization of their marriage by the church. And the church must discern, before solemnization takes place, if the marriage has taken place according to God's Word, and has the task to instruct the married couple at their solemnization and to question them regarding the privileges and obligations of marriage, to ask God's blessings, and to give them God's promises along on their way."<sup>36</sup>

That the rule in North America is that the minister assumes the role of civil servant and as such also functions during the worship service, has no bearing on the understanding that the solemnization of marriage is an official act of the church in which administration of the Word of God takes place and should therefore take place under proper consistorial oversight.

Interesting in this setting is the fact whether Reformed church order would deem it permissible to allow candidates or students in theology to officiate in the administration of the Word during solemnization of marriages. The answer must be negative.

"Due to misunderstandings of the significance of official solemnization of marriages, many consistories have no objection that a candidate in theology solemnizes a marriage. many do not discern sufficiently between the ecclesiastical position of a minister and a candidate. The view is taken, that one who has received the right to speak an edifying word in the congregation, is now also authorized to perform the work of a minister. But with some reflection, one must realize that this is not the case."<sup>37</sup>

Consistories may be faced with the request from the family, if a candidate may officiate in the wedding service. Such request is understandable when one views the marriage service as a more or less private undertaking. "But when one realizes that the solemnization of marriages is an official action by the church, for which purpose the church has instituted an official marriage form, then one shall also understand, that only ministers of the Word may officiate at the solemnization of a wedding."<sup>38</sup>

Consistories have the task to teach the couples who wish to be married to have a high regard for the sanctity of marriage and to prepare them for their married life. Pre-marital counseling or separate catechetical marriage instruction is here very applicable. All this will promote the awareness of the high view Scripture has of the sanctity of marriage.

### c. Discerning the guilty parties

Repeatedly in matters relating to marital infidelity and considering tensions around marriage, the issue is raised as to determine the 'guilty' as well as the 'innocent' party. The 'innocent' party still would have more rights and privileges than the 'guilty' party. In the case of adultery the 'innocent' party is allowed to remarry in church while the 'guilty' party will be placed under church discipline. Therefore the discerning of guilt in these matters is crucial.

Dr. G.P. Hoefnagels, criminologist writes that the question as to guilt in the matter of divorce is unnecessary and indefinable ("*dat de schuldvraag bij de echtscheiding onoplosbaar, onwezenlijk en onnuttig is*").<sup>39</sup> In modern divorce legislation the issue of guilt has even become a mute issue. This view gains entrance in churches where the continual overall malfunctioning of a marriage is sufficient reason for divorce. Then often the view is that where there is a clash, both sides are at fault; or the statement is made that all people are sinful and therefore no special investigation needs to be made as to ascertain the guilt in this divorce.

J. Douma points out that generally in divorces determining the guilty party is very complicated. One spouse may have committed adultery, while the other is morally the cause of this adultery.<sup>40</sup> Douma points out that already Calvin was aware of the fact that adultery could happen because of misconduct of the other spouse. Those who have to live

<sup>36</sup> H. Bouwman, Gereformeerd Kerkrecht, Kok, Kampen, Deel 2, uitgave 1970, blz. 517.

<sup>37</sup> H. Bouwman, Gereformeerd Kerkrecht, Kok, Kampen, Deel 2, uitgave 1970, blz. 518.

<sup>38</sup> Ibid.

<sup>39</sup> Douma, *Echtscheiding*, blz. 99.

<sup>40</sup> Douma, *Echtscheiding*, blz. 100.

at home in a cold atmosphere will easily seek warmth outside of the home. There can also be a growing process of alienation within a marriage so that discerning guilt is impossible.

In all these cases Douma can not see how divorce would be legitimate in the sight of God. Calvin already stated that when one spouse has committed adultery, the other does not have the right to sue for divorce. One can be driven into the bed of one's neighbour, just as one can be driven to leave the home and then be branded as having willfully deserted one's spouse. Discerning guilt is difficult and problematic.

The 'innocent' party also has to examine his/her heart as to where he/she has failed as spouse in this broken marriage. There will often be guilt and shortcomings on both sides. Although there will be cases of an evident innocent, and a guilty spouse, nevertheless, often it will not be easy to have a clear cut case of an innocent party over against a guilty party. And although one spouse may be neglected that still does not give him or her the right to commit adultery, or to forsake the other. He or she is still sinning, regardless what kind of excuses he/she may bring forward.

#### **d. Re-marriage**

The issue is to discern the lawfulness of re-marriage upon divorce. In the cases mentioned of adultery the innocent party is allowed to remarry. But what about the guilty party, is he/she allowed to remarry? The previous marriage has been dissolved. Assuming that he/she remains a member of the church, he/she will be placed under discipline. Upon confession of guilt and proven sincerity this discipline may be lifted and then is such a one allowed to remarry and receive full church co-operation also in the solemnizing of his marriage in a worship service?

John Murray points out that in cases where there is no legitimate reason for divorce the couple may receive no co-operation from the church when they seek another marriage, for according to God the previous marriage is still in tact. Their divorce was unbiblical and therefore in the sight of God they are still husband and wife.

But what about the guilty party after having gone through a legitimate divorce? Can he/she remarry? John Murray answers the question:<sup>41</sup>

"In the event of divorce for adultery the marriage has been dissolved. It is for that reason that the innocent spouse may remarry. But of the marriage has been dissolved, it is difficult to see on what ground the contracting of another marriage on the part of the guilty divorcee could be considered adultery. What constituted the prior act of infidelity an act of adultery was the fact that the marriage was still inviolate. But once the marriage has been dissolved there is a very different relationship. And we must remember that in the case of divorce for adultery it is by divine warrant that the marriage is dissolved. The parties are no longer man and wife. If so, it is difficult to discover any biblical ground on the basis of which to conclude that the remarriage of the guilty divorcee is to be considered in itself an act of adultery and as constituting an adulterous relation."

Murray also recognizes the dangers that this could easily open the door to gross license. For example a man who wants another woman than his own wife can commit adultery in order to be released from the existing marital bond, and on being legitimately divorced, marries this other woman. "This would seem to place a premium upon adultery as the convenient means of securing the dissolution of one marriage and of contracting another. Whereas, if the position were taken that the remarriage of the guilty party to a divorce for adultery is illegitimate and adulterous, this would serve as one of the most effective deterrents of license and would bring one of the strongest inducements to fidelity to bear upon those tempted to conjugal unfaithfulness."<sup>42</sup>

Murray urges churches to recognize the anomaly of the second marriage and the shame attaching to the sin that made it possible to remarry. The honour of Christ and the purity of the church must be preserved. But the church in exercising discipline may not go beyond the warrant of Scripture. It would be outside of this warrant to categorize such a second marriage as an act of adultery.<sup>43</sup>

Murray reasons further and says that although we cannot characterize this second marriage as illegitimate, it does not follow to say that the church has sufficient warrant to pronounce it to be legitimate. "It is one thing to say that we do not have the warrant for declaring it to be illegitimate. It is another thing to pronounce it to be legitimate."<sup>44</sup>

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<sup>41</sup> John Murray, *Divorce*, Baker Book House, Grand Rapids Michigan, 1961, page 100.

<sup>42</sup> John Murray, *Divorce*, Baker Book House, Grand Rapids Michigan, 1961, page 101.

<sup>43</sup> John Murray, *Divorce*, Baker Book House, Grand Rapids Michigan, 1961, page 102.

<sup>44</sup> John Murray, *Ibid*.

So, Murray concludes that we must be humble enough to recognize the limitations of our knowledge and abilities to discern rightly.

Due to lax legislation regarding divorce, many government issued divorces can not be recognized by the church as legitimate divorces. This can lead to all kinds of perplexities and difficulties for which the churches are placed. In most cases of divorce the church simply will have to determine whether the divorce granted by the government is proper and then decide if discipline will have to be applied.

### **e. May the guilty spouse remarry in church?**

We now come to the actual issue of this report. The preceding information provides a background and a setting in which we may consider this delicate issue.

Foremost we must maintain that the holy God hates divorce: Malachi 2:14-16 “the LORD hath been witness between thee and the wife of thy youth, against whom thou hast dealt treacherously: yet is she thy companion, and the wife of thy covenant. And did not he make one? ...Therefore take heed to your spirit, and let none deal treacherously against the wife of his youth. For the LORD, the God of Israel, saith that he hateth putting away:”

The main rule in Scripture is that only death can dissolve a marriage bond. Upon death of one spouse the remaining spouse is allowed to remarry. Scripture upholds the sanctity of marriage and the church must speak and govern and teach in the same way. Marriage must be honourable among all.

When Scripture does speak about the possibility of divorce than this is clearly seen as an exception. In particular Matthew 19:9 and 1 Corinth. 7:15 allow the exception of divorce in the case of respectively adultery or willful desertion. The latter is then taken *religionis causa* but has been broadened by the church to all kinds of willful desertion. One can differ on this latter issue. We wish to define adultery as physical contact with a person, other than one's spouse to gain sexual satisfaction.

Regarding the question if someone would be allowed to remarry assuming, that the previous marriage was dissolved due to adultery or willful desertion, the prevailing view is that the innocent party is allowed to do so. But how must we view the guilty party?

In history various answers have been given. Since the 17<sup>th</sup> century the Reformed have allowed this to take place. Douma refers to the work of Danaeus who wrote his *Ethices christianaes*, Geneva 1577 and allowed such remarriages to take place.<sup>45</sup> The issue in all this is that the previous marriage has been dissolved and is non existent. When proper confession of guilt has taken place, also the guilty party should be allowed to remarry. But is it advisable to marry an adulterer? Douma points out that although no one may marry and adulterous person, yet one may marry a penitent adulterous person.<sup>46</sup>

There are various elements involved in this issue:

- the need to determine what is a lawful divorce
- the need to determine when is someone innocent or guilty
- to assess the ability to determine the guilty or innocent party
- to realize if a marriage is annulled or not
- the need for the church to be a witness of the sanctity of marriage
- to avoid giving people a license to sin
- the inability to judge the uprightness of one's repentance
- the precedent set by the church making certain decisions

Having stated these issues and answering the question if a local congregation may solemnize a marriage of the 'guilty' party in a worship service, we may consider the following:

In theory, a church could solemnize a second marriage, after proper evidence of repentance is given by the guilty party. However inevitably questions will arise regarding this decision: What message would this convey to third parties? Would others be tempted to make the observation, that divorce and re-marriage in church is rather 'easy' to obtain? What signals does such an action convey regarding the sanctity of marriage and the seriousness of the marriage bond? Is it God honouring to allow confirmation of such marriages? Are we catering to man's desires? Are

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<sup>45</sup> Douma, *Echtscheiding*, blz. 120

<sup>46</sup> Douma, *Echtscheiding*, blz. 121

we marginalizing the honour of God and the principle of the sanctity of marriage, as being a bond between one man and one woman for the duration of life?

In this matter of solemnization of second marriages of 'guilty' parties, one must also consider the issue, whether there is a difference, if this divorce took place in a 'previous' life of being unregenerate, or that one committed these sins after having confessed Christ? Think of many who were delivered from a vain walk and from a promiscuous life but who now walk in Christ. Are such people excluded from aspects of Christian life? Are they excluded from Christian marriage or from fulfilling an office in the church? Would Saul of Tarsus be excluded from such a privilege after his conversion? Surely God appointed him not only as minister, but even as apostle, although he was guilty of extreme persecution against God's children. He was a blasphemer and persecutor, but did this 'ignorantly in unbelief' (1 Tim. 1:13).

In Ephesians 5: 8 Paul says that some of these Ephesians were 'sometimes darkness', but these same Ephesians he summons to live in Christian marriages. They used to be 'darkness' but now they 'are light in the Lord' (Ephes. 5:8). The apostle speaks literally of those who once were adulterers, but have now been renewed and converted and have now been fully incorporated in Christian life: 1 Cor. 6:9-11 "Know ye not that the unrighteous shall not inherit the kingdom of God? Be not deceived: neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind, nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners, shall inherit the kingdom of God. And such were some of you: but ye are washed, but ye are sanctified, but ye are justified in the name of the Lord Jesus, and by the Spirit of our God."

Now their bodies are members of Christ. Now they are washed and cleansed. They belong to Christ and walk in a new and godly life, forsaking the world, crucifying the flesh. These people share in all the privileges of Christian life, including, if they would now be single, the solemnization of a marriage in the Lord.

But what if such sins took place by those who were born and raised in the covenant of God, and can therefore not claim ignorance? If such people commit adultery and then after confession of guilt have their marriage solemnized in church, would that be God honouring or would that be sacrilege?

The issues at stake are on the one hand, the honour of God and sanctifying of His ordinances, and on the other hand, demonstrating the forgiving love and renewing grace of God restoring sinners in the totality of their existences.

In the case of the conversion of a heathen both issues are honoured when such a one after conversion engages in a Christian marriage. Over against that, one can argue, that when a covenant child, who is fully aware of the wickedness of fornication, chooses that path, subsequently repents, and then wishes to have his new marriage solemnized in church, would be dishonouring the sanctity of marriage if such solemnization would take place. One would give cause for the Name of God to be blasphemed, for this person knew better but still violated God's command. In such a case license would be give for immoral conduct, which can be rather 'easily' corrected by a confession.

The church has the calling to uphold the sanctity of God's Name and of His ordinances, especially that of marriage, and to promote the restoration and salvation of the sinner. The church also has to give a clear message to its members as well as to the world.

Maybe one could refer to what Paul immediately after this section in 1 Corinthians 6, writes about one's conduct in verse 12 "All things are lawful unto me, but all things are not expedient." The meaning here is that although in theory remarriage in church may be an option, one must ask himself what the consequences would be of such an event. The consequences may not be up building, or edifying. The Greek has *sumferei*, meaning useful or expedient. Paul supplies here the church with a general rule of conduct and it is noteworthy that he gives this rule in the setting of adultery.<sup>47</sup>

Paul realizes that the Christian has an authority and freedom above all things in this life, but this authority does still not allow him to do as he pleases. In Corinth anti-nomian forces were at work leading members of Christ to live in sins. Paul calls them back to a proper Christian life saying that our authority may not be a cause, that we be brought under the dominion (*exousia*) of sin. A Christian can not do as he pleases. He must do that which is up building. One must assess what the consequences would be of a certain action or decision.

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<sup>47</sup> F.W. Grosheide, *De Eerste Brief van den Apostel Paulus aan de kerk te Korinthe*, Bottenburg Kommentaar, herdruk J. Wisters, Utrecht 1983, blz. 211.

In the case of a church member (either a baptized or confessing member) being a guilty party in a divorce, who wishes after some time to have a new marriage solemnized in church, what would the consequences be? It may be lawful, but is such permission also expedient? Consider the grieved members of the congregation because of the previous actions of this person. Realize the ill-feelings that would arise, when the guilty party, after having done confession of guilt, remarries in church. Consider whether the Name of God would be blasphemed or dishonoured. One must draw the conclusion that such permission would not be expedient. While on the other side the church would recognize such marriage and not take any steps of discipline and would welcome the new spouse of this person in its midst, on the other hand the church would not co-operate in the solemnization of this marriage.

Seeing that it is difficult to ascertain the level of 'innocence' in the so called 'innocent' party, it can even be advisable not to solemnize second marriages even of 'innocent' parties. Some churches, to uphold the sanctity of marriage, and realizing the absence of the positive exhortation to remarry in texts as 1 Cor 7:15 and Matthew 19:9, as well as the biblical institution of marriage as being a life-long covenant between one man and one woman, have made policies that they would abstain from solemnization of second marriages except in the case of dissolving of marriage by death.

At same token the re-married persons will suffer no loss by such an injunction, for their wedding will be accepted and their position in church will be honoured. What they forfeit is a church wedding. But such a service does not automatically imply receiving God's blessing and neither is the absence of such service an indication of the forfeiting of God's blessing.

On the contrary, when a couple wishing to remarry, decides in humility to abstain from a church wedding, because of the seriousness of what has transpired in their previous marriages, regardless if they are considered innocent or not, and seeking to promote the sanctity of God's Name and ordinances, may have every hope that God will bless them, "for them that honour me I will honour" (1 Samuel 2:30). When however on the other hand, a couple desiring to be remarried, at all costs strive to have a full church wedding, but show little concern for the holiness of God's Name and ordinances, may ask themselves whether they are acting in the right spirit.

Moreover when the church increasingly is confronted with divorces on dubious grounds and in correlation to that is also confronted with an increase in requests for second marriages, considering how the New Testament is virtually silent about that, would it not be better to refrain from solemnization of such remarriages in church? Allowing for solemnization of second marriages in church will generally lead to discussions, and a process of infringing upon the local policy. The church will often become increasingly tolerant thereby compromising the honour of God's Name and ordinances.

Surely it would be better for the church to err more to the side of restraint whereby a clear message is sent forth of upholding the sanctity of God's Name and ordinances, instead of becoming more lax and complying to the wishes of man. When the church adheres to increasing tolerance, one may very well ask the question at which point is the Holy Spirit grieved.

## VI. CONCLUSIONS

Conclusions are very difficult to draw and there will be difference of opinion on these matters.

1. Your sub-committee wishes to recognize the church's responsibility in the solemnization of marriages and to focus in such proceedings on the proclamation of the Word of God. To that end, the appropriate synodical approved marriage forms are to be used in a service of Word and prayer, being under consistorial supervision, to be conducted in an official worship service. The historical Reformed view was that marriages were to be conducted in worship services, in which the congregation was called to be present, because solemnization of marriages is nothing less than administration of the Word of God.  
Allowance should be made for ministers to function as a 'civil servant' officiating in marriages without the church's official involvement. In all these cases however, the minister is still accountable to the consistory and needs to consult with his consistory.
2. Solemnization of marriage of an 'innocent' party. The church in general has allowed this. We wish to question this practice, allowing the local consistories freedom in this matter, taking note of the following matters:  
The difficulty in ascertaining the degree of innocence, the church's duty to uphold the sanctity of marriage, and the positive command or allowance for this is lacking in the New Testament. Therefore one can defend the decision not to solemnize second marriages of the innocent party.

3. Solemnization of marriage of a 'guilty' party. Realizing also here the difficulties in ascertaining the degree of guilt, and seeing that the consequences of previous sins can often not be undone, but recognizing the reality of genuine repentance and restoration in full church membership, the church has still in general been silent about this matter. A positive allowance for this practice is not found in the New Testament. We beg leave to offer you the caution that due to the danger of infringing upon the holiness of God's Name and ordinances, such solemnizations should not take place.

In this setting we refer to the apostolic admonitions: "All things are lawful unto me, but all things are not expedient" (1 Corinthians 6:12); "Let all things be done unto edifying." (1 Corinthians 14:26); and "do all to the glory of God" (1 Corinthians 10:31).

4. Solemnization of marriage of a 'guilty' party who lived in the world in sin, was married, subsequently divorced, and after that came to conversion, repudiated his former life and gives every evidence of a godly life style. In such cases when the former spouse is no longer alive, or is remarried, church solemnization of marriage would be permissible, based on the New Testament injunctions of 1 Cor 6:9-11 and Ephesians 5:8. In all these matters the church should take due care that the Name of God would in no way be dishonoured or blasphemed by such a solemnization.

Respectfully submitted by your sub-committee