

WCF 24: OF MARRIAGE AND DIVORCE

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Marriage is not a sacrament as taught by the Roman Catholic Church. However, it is an important creation ordinance instituted by the Lord, for which a proper understanding and use is essential for the spiritual well-being of believers and of the Church of Christ. For this reason, although Presbyterian and Reformed churches generally accept that the administration of marriage (i.e. the contractualisation and dissolution of marriage) is a civil rather than ecclesiastical prerogative, the church has the warrant to affirm or deny,—based on biblical reasons,—the moral legitimacy of every marriage and divorce, as well as to teach what God’s will is for every married couple. For this reason also, most Protestant churches would gladly accept the responsibly of administering the marriage covenants (but not divorce) of their members when the authority is vested upon them by the State.

This chapter is not about the administration of marriage covenant, which for many churches is conducted either as part of a special worship service or a ceremony before family and friends. Neither is this chapter about the biblical roles and responsibilities of husbands and wives.

This chapter pertains, rather, to the design and purpose of marriage, as well as the biblical criteria for legitimate marriage and divorce.

On the Monogamous Design of Marriage

24.1 Marriage is to be between one man and one woman: neither is it lawful for any man to have more than one wife, nor for any woman to have more than one husband, at the same time.¹

¹Gen 2:24; Mt 19:5–6; Prov 2:17.

That God has ordained that marriage should be monogamous is clear from:

a. The statement of the institution of marriage:

“Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh” (Gen 2:24).

b. The commentary on this statement by Malachi:

“And did not he make one? Yet had he the residue of the spirit. And wherefore one? That he might seek a godly seed. Therefore take heed to your spirit, and let none deal treacherously against the wife of his youth” (Mal 2:15).

We may paraphrase what Malachi is saying with: “Did not God make only one wife for Adam? Why did He make only one? Was it that He did not have any more spirit to constitute more wives for him? Of course not! It is by God’s design that Adam should only have one wife by which he may have godly descendants. Therefore take heed to your spirit that you do not deal treacherously with the wife that God has given you by marrying another.”

c. The theological design of marriage, namely to reflect the union between Christ and His Church:

“For this cause shall a man leave his father and mother, and shall be joined unto his wife, and they two shall be one flesh. This is a great mystery: but I speak concerning Christ and the church” (Eph 5:31–32).

On the Purposes of Marriage

24.2 Marriage was ordained for the mutual help of husband and wife,¹ for the increase of mankind with a legitimate issue, and of the Church with an holy seed;² and for preventing of uncleanness.³

¹Gen 2:18; ²Mal 2:15; ³1 Cor 7:2, 9.

Apart from the theological purpose of marriage, there are three other purposes as they relate to man:

- a. For the mutual help of husband and wife. This purpose was given as the reason for God’s creation of Eve:

“And the LORD God said, It is not good that the man should be alone; I will make him an help meet for him” (Gen 2:18).

- b. For the increase of mankind with a legitimate issue, and of the Church with an holy seed. The first part speaks about the purpose of marriage as a creation ordinance. God commanded Adam and Eve: “Be fruitful, and multiply” (Gen 1:28). The second part speaks particularly to Christian couples. The “holy seed” refers to covenant children (1 Cor 7:14) or more particularly children of the promise (Rom 9:8). This is again given in Malachi 2:15: “And wherefore one? That he might seek a godly seed.” Thus it may be said that the Reformed church propagates in two ways: evangelical and biological.¹ We are, of course, not speaking about the church invisible, which comprises the elect of God. We are referring rather to the church visible. Children born to believing parents are covenant children or members of the church visible, and for this reason are to be baptised to ratify their membership (see comments on *WCF* 28.4). We have good reasons to believe that such children, when brought up in the nurture and admonition of the Lord under the covenant, are rarely lost.

- c. For the prevention of uncleanness:

“Nevertheless, to avoid fornication, let every man have his own wife, and let every woman have her own husband.... But if they cannot contain, let them marry: for it is better to marry than to burn” (1 Cor 7:2, 9).

For this reason, a healthy conjugal relationship in marriage is imperative (1 Cor 7:3–5).

On the Criteria for Marriages

24.3 It is lawful for all sorts of people to marry who are able with judgment to give their consent:¹ yet is it the duty of Christians to marry only in the Lord.² And therefore such as profess the true reformed religion should not marry with infidels, papists, or other

¹ It is also for this reason that the Reformed Church in the beginning did not approve of contraception. Calvin, in his commentary on Genesis 38:10, suggests that by the use of contraception, “one quenches the hope of his family, and kills the son, which could be expected, before he is born... [and by doing so] destroy a part of the human race.” Other Protestant theologians such as Martin Luther, Ulrich Zwingli, John Wesley, A.W. Pink, Martyn Lloyd-Jones also condemned contraception. Indeed the Protestant Church before 1930 did not approve of the use of contraception. The Anglican Lambeth Conference of 1930 approved of the use of contraception in some circumstances, and soon almost all branches of Protestantism began to regard it as a matter of indifference.

*idolaters: neither should such as are godly be unequally yoked, by marrying with such as are notoriously wicked in their life, or maintain damnable heresies.*³

¹Heb 13:4; 1 Tim 4:3; 1 Cor 7:36–38; Gen 24:57–58; ²1 Cor 7:39; ³Gen 34:14; Ex 34:16; Deut 7:3–4; 1 Kgs 11:4; Neh 13:25–27; Mal 2:11–12; 2 Cor 6:14.

- a. Marriage is “lawful for all sorts of people to marry who are able with judgment to give their consent.” This means:
 - (1) Marriage is not to be forbidden to any class of persons—rich, poor, laypersons, clergymen, young, old, Christian and non-Christian.
 - (2) The persons marrying must be “able with judgment to give their consent.” In other words, they must be mature and of sound mind, enough to make a rational decision to marry someone.
- b. Christians must only marry “in the Lord” (1 Cor 7:39). This is taught in many passages of Scripture, for examples:
 - “Neither shalt thou make marriages with them; thy daughter thou shalt not give unto his son, nor his daughter shalt thou take unto thy son. For they will turn away thy son from following me, that they may serve other gods: so will the anger of the LORD be kindled against you, and destroy thee suddenly” (Deut 7:3–4).
 - “Judah hath dealt treacherously, and an abomination is committed in Israel and in Jerusalem; for Judah hath profaned the holiness of the LORD which he loved, and hath married the daughter of a strange god. The LORD will cut off the man that doeth this, the master and the scholar, out of the tabernacles of Jacob, and him that offereth an offering unto the LORD of hosts” (Mal 2:11–12).
 - “Be ye not unequally yoked together with unbelievers: for what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness?” (2 Cor 6:14).

Practically, this means:

- (a) Christians may not marry non-Christians;
- (b) Christians of Reformed persuasion should not marry infidels (i.e., unbelievers), papists (i.e., Roman Catholics), or other idolaters (e.g., Eastern Orthodox and perhaps even Lutherans);
- (c) Godly Christians should not marry anyone who is notoriously wicked in their life or who “maintain damnable heresies” (i.e., belongs to a cult group, is a liberal, or a Pelagian, etc.).

24.4 Marriage ought not to be within the degrees of consanguinity or affinity forbidden by the Word;¹ nor can such incestuous marriages ever be made lawful by any law of man or consent of parties, so as those persons may live together as man and wife.² The man may not marry any of his wife’s kindred, nearer in blood than he may of his own, nor the woman of her husband’s kindred, nearer in blood than of her own.³

¹Lev 18; 1 Cor 5:1; Amos 2:7; ²Mk 6:18; Lev 18:24–28; ³Lev 20:19–21.

- a. The Word of God forbids marriage between persons of near relation. Such marriage is considered incestuous and always unlawful in our Confession. How near is a near

relative before the marriage is considered unlawful? Leviticus 18 gives us the guideline. Basically there are three groups:

- (a) First degree blood relatives, e.g., brother and sister, father and daughter; including half-brothers, half-sisters, step-mothers or step-fathers.
- (b) Second degree blood relatives, e.g., father and granddaughter, nephew and aunt.
- (c) By-law relation of the first and second degrees, e.g., brother and sister-in-law, father and daughter-in-law, father and grand-daughter-in-law, nephew and father's sister-in-law, etc.

- b. The third category, which is reflected in the last sentence of this *WCF* paragraph is particularly difficult to prove, and as such has been deleted from most of the American editions of the Confession. It is, however, taught in Leviticus 20:20–21:

“And if a man shall lie with his uncle’s wife, he hath uncovered his uncle’s nakedness: they shall bear their sin; they shall die childless. And if a man shall take his brother’s wife, it is an unclean thing: he hath uncovered his brother’s nakedness; they shall be childless.” And it reflects the fact that when a man and woman marries, they become “one flesh” (Gen 2:24).

But the Levirate marriage law appears to require the brother of a deceased man to marry his brother’s wife if she has no child:

“If brethren dwell together, and one of them die, and have no child, the wife of the dead shall not marry without unto a stranger: her husband’s brother shall go in unto her, and take her to him to wife, and perform the duty of an husband’s brother unto her” (Deut 25:5).

This seeming inconsistency may perhaps be understood as an exceptional provision to preserve the family inheritance and to perpetuate the family line (cf. Num 27:1–11). But it does suggest to us that this category of marriage may not be immoral *per se*, but is, as a rule, forbidden except in extraordinary circumstance. Thus John the Baptist charged King Herod: “It is not lawful for thee to have thy brother’s wife” (Mk 6:18).

On the Dissolution of Marriage

24.5 Adultery or fornication committed after a contract, being detected before marriage, giveth just occasion to the innocent party to dissolve that contract.¹ In the case of adultery after marriage, it is lawful for the innocent party to sue out a divorce,² and, after the divorce, to marry another, as if the offending party were dead.³

¹Mt 1:18–20; ²Mt 5:31–32; ³Mt 19:9; Rom 7:2–3.

- a. Marriage ought to be permanent: “Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder” (Mt 19:6). However, the corruption of nature and sin sometimes make divorce necessary. This section lays down the *only* two lawful grounds for divorce, namely,

- (1) Adultery, since the Lord clearly gave this reason as a lawful ground for divorce: “He saith unto them, Moses because of the hardness of your hearts suffered you to put away your wives: but from the beginning it was not so. 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” (Mt 19:8–9; cf. Mt 5:32).

(2) Wilful and irreconcilable desertion, since the Apostle Paul instructs: “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” (1 Cor 7:15). Notice that our Confession makes no mention of the fact that the deserting party must be an unbeliever, unlike Paul. This is because a party who deserts his or her spouse wilfully and refuses to heed the call of the church to reconcile to his or her spouse will come under Church discipline, and if unrepentant will be excommunicated and considered an unbeliever (cf. Mt 18:17).

- b. According to our Confession, when either of these conditions happens, the aggrieved party may sue for a divorce. Note carefully that neither adultery nor wilful desertion automatically dissolves the marriage,—indeed the marriage bond would still be in force, and reconciliation should be sought,—but it does give the aggrieved party a right to sue for a divorce. Our Confession also teaches that the innocent party, after he/she is lawfully divorced may treat his/her former spouse as if she/he were dead and so remarry legally.

This is the position of Calvin, and has been the majority view of the Reformed church historically. It appears to be supported by 1 Corinthians 7:27–28a:

“Art thou bound unto a wife? seek not to be loosed. Art thou loosed from a wife? seek not a wife. But and if thou marry, thou hast not sinned....”

(But note that “innocent party,” does *not* include one who is divorced by his/her spouse unjustly. Matthew 5:32 and 19:9 suggest that innocent party in an illegitimate divorce would commit adultery if he/she remarries).

- c. Some Reformed theologians, however, believe that only death dissolves the marriage bond, and that although the Scripture allows for divorce in the sense of rightful or legal separation, it does not follow that the bond is therefore broken and so, even the innocent party may not remarry without committing adultery.

The reasons given are:

- (1) Marriage between man and woman symbolises the union between Christ and His Church which cannot be broken.
- (2) If the marriage bond can be broken by divorce, then the guilty party would also be free to remarry. What is there to stop a guilty party from expressing repentance, and then seeking re-admittance to church membership and then marrying the person he or she was having an adulterous affair with?
- (3) The warrant for divorce does not imply a warrant for remarriage.
- (4) Matthew 5:32b and 19:9 do not say, “Whosoever shall marry her that is divorced *unlawfully* committeth adultery.” Indeed Mark 10:11–12 suggests that remarriage in any circumstance will involve adultery: “And he saith unto them, Whosoever shall put away his wife, and marry another, committeth adultery against her. And if a woman shall put away her husband, and be married to another, she committeth adultery.” Neither is there any indication in these verses that an aggrieved or innocent wife may remarry.

- (5) Paul says: “And unto the married I command, yet not I, but the Lord, 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” (1 Cor 7:10–11). This verse seems to be an interpretation of the Lord’s statement in Matthew 5:32 and 19:9, and would include the case of a wife suing for divorce on account of her husband’s unfaithfulness.
 - (6) 1 Corinthians 7:27–28 has to do with a marriage bond being broken by death (v. 39; cf. Rom 7:1-3).
 - (7) 1 Corinthians 7:15 does not say that the marriage bond is broken by wilful desertion of the unbelieving party. ‘Bondage’ here translates the Greek *doulovw* (*douloō*), meaning slavish-bondage whereas ‘bound’ in verse 27 is *devšw* (*deō*), meaning union or matrimonial commitment.
- c. These arguments are very compelling and seem to be a clean-cut solution to the problem of remarriage of guilty parties in today’s churches. However:
- (1) Matthew 5:32 and 19:9 do suggest that a husband who divorces his wife, for any reason other than marital unfaithfulness, causes her to commit adultery if she should marry again, seeing that the marriage bond is still in force; which also implies that a divorce on account of marital unfaithfulness breaks the marriage bond; which then would allow the innocent party to pursue remarriage if she so desire.
 - (2) 1 Corinthians 7:10–11 must be read in a cultural context in which in general only husbands ‘put away’ their wives (Mt 5:31, 32; 19:3, 8, 9; Mk 10:2, 11; Lk 16:18). Wives did put away their husbands (see Mk 10:12), but only very rarely done. So when Paul speaks about the wife departing from her husband, it is unlikely that he is speaking about divorcing, but simply leaving the husband. To ‘remain unmarried’ in this context is not to seek marriage to another because she is still married to her husband.
 - (3) Mark 10:11-12 must be read together with Matthew 19:9 as they are said on the same occasion (c. Mt 19:3-12; Mk 10:2-12).
 - (4) The bill of divorcement which Moses commanded the husband to give to his wife if he should divorce her allows her to be remarried: “And when she is departed out of his house, she may go and be another man’s wife” (Deut 24:2).
- d. The difficulties attending to using Deuteronomy 24:2 are:
- (a) In the case that the man divorces his wife for reasons other than marital unfaithfulness, the divorce according to the Lord is not legal;
 - (b) in the case that the man divorces his wife because he found her to be unfaithful, then she is the guilty party and no provision is given in our Confession for her to remarry.

The solution lies in the fact that even in the Old Covenant, the only acceptable ground of divorce was adultery, thus Moses said: “[if] she find no favour in his eyes, *because he hath found some uncleanness in her*: then let him write her a bill of divorcement...” (Deut 24:1). In other words, the Lord was not teaching anything new in Matthew 5 and 19. It is true that the Civil Law of Israel required stoning for adultery (Lev 20:10); but Deuteronomy 24:1 and the Lord’s treatment of the woman caught in adultery, suggest that it is not mandatory to bring the sin of adultery to the

civil court for civil punishment. Now, what Deuteronomy 24:2 suggests is that it is possible for (legitimate) divorce to dissolve the marriage bond, which would imply that both parties in a legitimately divorced couple may remarry without committing adultery.

But note carefully that our Confession sanctions on the remarriage of the innocent party (see above for definition). This is because the guilty party should be excommunicated from the church if he remains unrepentant, and I may add that, for the sake of peace, he/she should not be restored into the particular communion,—even if he/she expresses repentance,—if the marriage bond is not restored. But in the case of the innocent party, I believe our Confession is right not to penalise him/her any further by disallowing from remarriage. Paul asserts: “Art thou loosed from a wife? ... if thou marry, thou hast not sinned...” (1 Cor 7:27–28a). This verse cannot refer to being loosed from marriage by death because Paul says “seek not to be loosed” (v. 27b).

24.6 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.¹ wherein, a public and orderly course of proceeding is to be observed, and the persons concerned in it not left to their own wills and discretion, in their own case.²

¹Mt 19:8–9; 1 Cor 7:15; Mt 19:6; ²Deut 24:1–4.

- a. This paragraph is added in the recognition that when a married couple want to part company, they will be apt to put up many persuasive arguments such as irreconcilable differences, physical or emotion abuse, inability to consummate the marriage, lost of affection, etc. Some of these are accepted as legitimate reasons for divorce in many modern society. But the Word of God is clear. God will only recognise a divorce on grounds of adultery or irremediable wilful desertion. The church, the civil magistrate or anyone else who recognises divorce on any other grounds, acts in sin. Therefore even if the civil magistrate recognises a divorce, though it is unlawful in God’s eyes, the church and every believer should continue to recognise that couple as being still husband and wife.
- b. May the Lord deliver our church from ever having to deal with the crime of adultery and the complicity of divorce suits. But should any member in the church be faced with such a trial, the member must not presume to solve the problem himself or herself. It is a matter for the church to assist, to counsel and to ensure that ‘*a public and orderly course of proceeding... be observed; and the persons concerned in it not left to their own wills and discretion, in their own case.*’

/JJ

“And whosoever shall marry her that is divorced. This clause has been very ill explained by many commentators; for they have thought that generally, and without exception, celibacy is enjoined in all cases when a divorce has taken place; and, therefore, if a husband should put away an adulteress, both would be laid under the necessity of remaining unmarried. As if this liberty of divorce meant only not to lie with his wife; and as if Christ did not evidently grant permission in this case to do what the Jews were wont indiscriminately to do at their pleasure. It was therefore a gross error; for, though Christ condemns as an adulterer the man

who shall marry a wife that has been divorced, this is undoubtedly restricted to unlawful and frivolous divorces" (*Calvin's Commentary on Matthew 19:9*)