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PRINCIPLES AND GUIDELINES
REGARDING DIVORCE AND REMARRIAGE

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Each divorce and remarriage case must be evaluated individually and a judgment made based on the facts presented. If an absolute decision cannot be made for any reason, we must say that the individuals involved are not free to marry.

There are specific Biblical principles which should be considered in each case. Basic guidelines should be followed by each of God's ministers in counseling with the individuals involved in divorce and remarriage situations. There are two areas to consider: (1) A judgment to be made regarding past actions made by individuals in ignorance of God's laws and (2) Advice given to an individual wanting to obey God's laws in the present. (Remember, the individual is responsible for his own actions. The only responsibility the minister has is to (1) make the judgment and (2) give the advice.)

Basic Guidelines

Marriage is a natural union, but a divine institution ordained of God. A marriage is binding when a couple -- who are unmarried and free to be married -- intentionally take each other as husband and wife. And, what God has bound for life, let not man put asunder! Therefore, divorce and remarriage is absolutely forbidden by God under any circumstances.

The only question to consider in divorce and remarriage cases is -- did God bind the couple? The only reason God would not bind an unmarried couple who agree to be husband and wife is if there was fraud involved.

So, the basic question to consider is -- what is fraud? Simply defined, it is deliberate deception, which misleads the other into doing something they wouldn't have done.

What types of fraud are there? How do you determine if fraud is involved in each case? These are the issues we need to consider.

The following principles are presented as guidelines that should be followed when considering divorce and remarriage cases:

I. Fornication (Sexual Fraud)

Christ said in Matthew 5:32, "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."

In this Scripture Christ is giving a basic principle involving sexual fraud or deception. There are several variations that fall within the guidelines of this principle. The main principle involves fraud by fornication -- that is, sexual intercourse by one mate before marriage, the knowledge of which was deliberately withheld with the intent to deceive. Furthermore, it was withheld because it would have made a difference with regard to the marriage.

In today's society this principle is important because most people would not consider fornication an issue which would be serious enough to have prevented the marriage from taking place.

There are three questions to consider with regard to fornication:

1) How important an issue was made of this factor before marriage? In other words, if a man was concerned about marrying a virgin, did he ask her if she was a virgin before they were married? If he was not concerned enough to ask, it is obvious that it was not that big an issue with him and therefore was not fraud.

Today, where sexual looseness is prevalent, it is incumbent upon a man to ask a girl point-blank, "Are you a virgin?" If he assumes she is a virgin without asking, he takes his own chances. The same applies to a woman with regard to a man's virginity. The minister involved in counseling a person about their marriage should be sure to ask, "Was a point made of it?" I.e., how big an issue was it before the marriage took place?

2) What action was taken at the time the knowledge came to light? If a man thought he married a virgin, but found out later he did not, did he put her away immediately? If not, then he accepted her and they were bound at that time.

3) How long did the marriage last? The following is a case in point.

It involves a woman who was married five different times. She met her first husband when she was sixteen and he was eighteen. They began dating on the sly regularly because her parents were somewhat strict. She wanted to get away from home, so she asked him to marry her.

She made it a point to tell him she was a virgin and that she also wanted to marry a virgin. She specifically asked him if he was -- he said yes. She specifically told him if he was not a virgin, she would not marry him.

They married, lived together several years, had three children and divorced. She subsequently married four more times, after which she came

into the church. Upon going through her divorce case, it was discovered that she put great emphasis on her first husband's virginity at the time of their marriage.

After counsel from God's ministers, she contacted her husband and learned that he was not a virgin at the time of the marriage, and that he deliberately withheld this information from her.

Question: Would this be a binding marriage even though this information came to her several years later?

Answer: Yes, this is a binding marriage. She didn't leave because of the fornication. The marriage broke up for other reasons. They had lived together many years, had three children and took each other to be husband and wife during this time. It would be too late to take advantage of fraud. *

The element of time, therefore, is an important factor in determining whether God has bound a marriage. It is conceivable that in certain cases -- such as the one above -- God did not bind the marriage at the time of the ceremony, but later did bind the marriage. This has to be determined by the individual circumstances.

Another example: A man is married to a woman for five years. Only then does he find out that his wife wasn't a virgin at the time of this marriage. Can he put her away? Although each case must be considered individually, the factor of time is very important and would tend to indicate a binding marriage. If she started "running around" or having affairs after marriage; if this was an obvious continuation of her sexual looseness before marriage even though the man didn't discover this looseness until years later, THEN a case of fraud might be proved to exist. But if the fornication had no discernible effect on the woman's conduct as a wife, and if this fornication and/or resultant sexual looseness was NOT a major factor in any separation or divorce, then fraud cannot be rightfully claimed.

You cannot seize on past circumstances that were not important enough to have been made an issue of at the time. The length of the marriage must be considered carefully in each case.

II. Character Defects

A. Sexual Fraud

Basic character defects are other examples of fraud. The principles outlined above with regard to fornication apply equally to other types of sexual fraud.

The Greek word "pornea" used in Matthew 5:32 can mean general sexual looseness, including perversion. The principle is: Whatever constitutes a permanent perversion could be fraud. It must be serious enough to substantially hinder the marriage.

For example, if a man is a transvestite and he deliberately withholds this information from his wife, it is grounds for fraud. When she learns about the basic character defect, she may put him away. The following is a case in point.

This case involves a transvestite who married when he was approximately 24 years old. He married a girl who was near his age. They fully intended to live together as husband and wife. They did so for over a year and all seemed well.

One day he was arrested for indecent and lewd behavior. He was picked up in a public park dressed like a woman.

This was the first time his wife had any knowledge of his problem. He told her that he was mother-dominated as a child because his father had died when he was very young. In addition, he explained that he had a hernia at a very young age which caused him a certain amount of discomfort. His mother made him wear a woman's girdle, rather than obtaining the regular support (i. e., a truss). He explained to his wife that his transvestite inclination was a weakness which he had virtually overcome. She accepted this and the marriage continued for a few weeks or months. Then, one day he again dressed up like a woman, including underwear, silk hose, dress, purse and wig. He again was arrested in these clothes in a major shopping center.

It was at this time that the woman realized the man she married had a profound character defect. She had no idea that this serious and continuing problem existed prior to their marriage. Had she known, she would never have married him. He deliberately withheld this information because he thought she might refuse to marry him. Furthermore, she never accepted this idea. She continued to live as a wife only because she expected the problem to be fully resolved. When it became apparent that the problem would not be resolved, she decided to put him away.

This is a case of fraud. It is interesting to note that in the actual case the woman put him away. But, after a six-month absence, she returned to him with full knowledge of his character defect, even though she was free to marry someone else. Once this decision was made, they were bound for life and there is no possible grounds for fraud with regard to this character defect. (The latest information regarding this case is very encouraging -- everything is going fine.)

B. Other Types of Fraud

The principle of Matthew 5:32 also applies in other types of fraud. For example, criminal weaknesses or chronic alcoholism. The following is a case in point:

It involves a man who married an alcoholic, left her and remarried another woman. Later this man came into the church. He did not know his first wife was an alcoholic until after they were married approximately two weeks. One day he came home and found her drunk. She made some kind of excuse, which he accepted. This happened repeatedly over a period of time until he realized it was a serious problem.

He began to ask her about the problem and learned that she had been drinking excessively for some time, but she felt it wasn't anything serious. She assured him she could overcome it if he would be patient. He decided he would try to help her overcome the problem. However, after about six months of working with her, he began to realize the seriousness of the problem. About that time he learned she had been committed to a sanitarium for alcoholism. She had never told him this before and had never drunk heavily in his presence.

He finally concluded that this was a serious case of alcoholism and there was nothing he could do to change it. When he realized the depth of the character defect, he decided to put her away. He said that if he had known about this defect, he would never have married her in the first place. She had deliberately withheld the information from him because she felt certain he would not have married her had he known.

Even though he lived with her for a period of time knowing she had a drinking problem, it was determined that it was fraud, and this marriage was not binding. The reason for fraud is that he did not realize the seriousness of the problem -- that is, that she was a genuine alcoholic and that he was not able to help her. When he realized this fact, he put her away immediately.

C. Spiritual or Religious Fraud

A person's religious convictions can be, under some circumstances, an important factor in a divorce and remarriage case, based on the principle in II Corinthians 6:14. It is incumbent upon an individual considering marriage to tell his or her mate about his or her religious convictions. If this is not done, it can be fraud. If and when a man or woman comes to the knowledge of his or her mate's religious background (including the Truth), the non-believer has a right to put the other away under certain circumstances.

If a man or woman deliberately withholds personal religious convictions from his or her prospective mate until after the marriage, because he or she is afraid the marriage would be called off, it could be fraud. Each case must be considered individually.

Once both parties involved in a marriage come to the realization of the full extent of the effects the religious convictions have on the marriage -- and they continue to live together -- there is no fraud. The marriage is bound.

If a mate is called and converted after the marriage, there is no fraud.

III. Marriage Ceremony

A. Vows

God's Church insists that a marriage ceremony be performed in accordance with God's Law. A problem arises when a couple involved in a common-law marriage comes into the Church.

The question is -- does God bind such a marriage? (Since God is the One who binds a man and woman, and they become one flesh, it is not mandatory that a couple appear before a minister, Justice of the Peace, etc., in a formal ceremony for them to be bound.)

The principle is: A couple is bound when they seriously take each other as husband and wife -- irrespective of any ceremony. However, this is no small matter, but very serious. Each case should be considered very carefully before such a judgment can be made.

B. Attitude and Intent at the Time of Marriage

We must take into consideration the couple's concept of marriage at the time of the marriage ceremony. Did they both agree to take one another as husband and wife? If so, it is binding.

Ignorance is no excuse. The lack of knowledge of Biblical principles regarding marriage cannot be used to substantiate fraud. For example, a man marries a woman and later finds out that she was not a virgin at the time of their marriage. He accepts this, in ignorance of the Biblical principle that he could put her away under such circumstances. Then, some time later, he finds out that he could have put her away. But it is now too late -- because he did accept her, even though in ignorance. Ignorance is no excuse.

The major consideration in binding a marriage, again, is the fact that a couple intentionally accept each other as husband and wife. This is true

regardless of why they did so -- for example, social and parental pressure resulting in the proverbial "shot-gun marriage" (when premarital pregnancy is involved). Remember, under the Old Covenant even GOD commanded "shot-gun" marriages when a man would seduce a maiden (Deut. 22:28-29). Only the girl's father had the right to refuse the marriage -- apparently if he realized that the man who seduced his daughter was totally unfit to be a husband (Ex. 22:16-17).

Another question to consider is the age of accountability. If juveniles voluntarily marry, the marriage is definitely binding if the parents agree. But if the husband and/or wife marry at a very young age, if the parents do not agree, one of them could annul the marriage.

If the parents of a juvenile pressure the marriage against the will of the couple involved, it could be nullified if an obviously wrong decision was made by the parents -- and if it can be determined that one or both of the young people did NOT "accept" the other in this forced marriage and proved this by separating at the earliest possible time. But if the young couple "give in," grow to love each other and/or sincerely work at building a marriage, then they are bound just as surely as hundreds of millions of couples in India, China, Japan and elsewhere have had strong parental direction in marriage for centuries. A judgment should be made in each case based on these guidelines.

IV. When to Reopen and Review a Divorce and Remarriage Case

It should be very rare for a decided divorce and remarriage case to be reopened. There must be definite additional information not considered originally.

But, if the additional information is only "opinions and attitudes" of the one who wants to reopen the case -- information supposedly withheld from the original decision -- we should be very slow to act on it. On the other hand, when substantial evidence from other sources suggests the reopening, we would be inclined to move faster. Under our new D & R procedures, however, this should VERY RARELY happen.

Here are some general guidelines: To avoid this syndrome of continually reopening cases, it is critical that each new case should be very carefully and thoroughly reviewed prior to the final decision. Make sure the participants tell everything -- no matter how bad or embarrassing the facts might be. Make them meditate on what they have said -- in order that any withheld information can be brought up. At least one or two weeks should pass. At the end of that time, review in detail the entire case. Make the parties involved consciously aware of everything they have stated. Finally, ask them once again: "Is this everything?" Only then should a decision be reached.

V. Miscellaneous Principles

A. "Confusion in Israel"

When a person has become so involved with many members of the opposite sex -- in and out of marriage -- that a normal marriage relationship would be severely hindered, that person should be advised not to marry. This would no doubt be a rare occurrence -- and, of course, a judgment must be determined in each individual case.

B. Returning to an Unconverted Mate

It is permissible for a Christian to return to his or her unconverted mate to whom he or she is bound. We do not necessarily advise this to be done -- but, it certainly is not prohibited, and under certain circumstances (e. g., involving children) might, in fact, be preferable. Under the Old Covenant, this was not permitted (Deut. 24:4). But now that we have available the Holy Spirit to soften our hearts, help us forgive past mistakes, and even help change basic attitudes, God does permit a "reconciliation" when a couple has been separated or divorced (I Cor. 7:11). For, in truth, the original couple were bound all the time anyway according to the spiritual intent of God's Law (Matt. 19:6-9).