

I CORINTHIANS 7:10-16 AND MALICIOUS DESERTION

An Exegetical & Practical Study

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I. Introduction

When the Pharisees and the Sadducees wanted to put our Lord to the test, they chose questions of casuistry about marriage and divorce as their chosen instruments of torture. For instance, in Matthew 19:1-9, when the Pharisees want to catch Him in a dilemma, they bring a question about no-fault divorce. In Matthew 22:23-33, the Sadducees attempt to catch Him out with the kind of brain-teaser question that certain kinds of mischievous catechumens like to pose – seven brothers, one wife; whose wife is she in the resurrection? In both cases, even though their motives were spurious and their interpretation faulty, it did not matter to them. They simply were looking for a (metaphorical) stick with which to beat our Lord.

It makes sense that the Lord's opponents would gravitate towards questions of marriage and divorce when they wanted to cause difficulties for Him. It can be fiendishly difficult to know what to do, and when, in cases of strained marriages and divorce. "What is the pastor's responsibility? Is it to save every marriage? To force people to remain in punishing relationships? To threaten damaged people for their inadequacies? To free people through 'official forgiveness' to do what they're going to do anyway?" (*Pastoral Theology*) Wisdom, patience, and compassion are called for, but the proportions will never be the same from case to case.

For those reasons, it makes sense that the Corinthian Christians would consult via letter with the Apostle Paul. Their congregation was a farrago of different backgrounds, different upbringings, different attitudes towards marriage and divorce, and differing levels of sanctification. One could encounter the Greek, the Roman, and the Jewish worldviews, maybe even the barbarian as well, for Corinth was a cosmopolitan and diverse city. Even in our relatively ethnically and culturally homogenous congregations, we often encounter a surprisingly wide range of attitudes and experiences. It is reasonable to expect that in Corinth, their background would have been at least as diverse, if not more so. Naturally they would have had questions and wanted to know what the Lord's will is – just as we often field questions on particular topics of practical importance in our members' lives.

For over four decades, Wisconsin Synod pastors have been aided in their application of Scripture to these and related questions by *The Shepherd Under Christ*. Professors Armin Schuetze and Irwin Habeck authored this 1974 work with the goal of providing Scripturally grounded practical guidelines on a variety of topics that pastors encounter. This volume has served admirably, but as times have changed, new questions have arisen that have made

additional guidance or fresh applications of Scripture desirable. Practical help for our changing times arrived in 2017 in the form of *Doctor of Souls*, a new pastoral theology text from Prof. John Schuetze. In this paper, as we reflect on 1 Corinthians 7:10-16 and apply its teaching to the topic of malicious desertion, we will see what *Doctor of Souls* has to say on the topic, and how it stacks up with historical expressions of this particular teaching.

The Greek presented will be that of Nestle-Aland's 27th edition (UBS 4), although reference may be made on occasion to variants shown in other texts. NIV refers to NIV 2011. KWH below refers to this author's own translation.

II. Exegesis of I Corinthians 7:10-16

10 Τοῖς δὲ γεγαμηκόσιν παραγγέλλω, οὐκ ἐγὼ ἀλλὰ ὁ κύριος, γυναῖκα ἀπὸ ἀνδρὸς μὴ χωρισθῆναι,

NIV: To the married I give this command (not I, but the Lord): A wife must not separate from her husband.

ESV: To the married I give this charge (not I, but the Lord): the wife should not separate from her husband

KWH: To those who have been married and still are, I am giving instructions, not I but rather the Lord: a wife from her husband is not to be separated

Variants – Byzantine reads ἀλλ' ; UBS, THGNT¹ read ἀλλά. Nothing of significance here.

Comments: Gordon Fee reminds us, "One must remember that the original intent of the passage was not to establish canon law but to address a specific situation in Corinth – their apparent rejection of marriage on ascetic grounds. The text needs to be heard in its own historical context before it is applied to broader contexts" (291).

In the classical period, γαμέω in the active meant "I marry", and was often used of the man. In the middle, it meant "I marry, am given in marriage" and tended to be used of the woman. In the Koine period this distinction often was blurred (e.g. Mark 10:12, 1 Tim 4:3, et al.) (Wallace

¹ The Tyndale House Greek New Testament is a new edition of the Greek New Testament published by Crossway in connection with Tyndale House of Cambridge University. It boasts "a rigorously philological approach to reevaluating the standard text—reexamining spelling and paragraph decisions as well as allowing more recent discoveries related to scribal habits to inform editorial decisions" (http://www.tyndale.cam.ac.uk/thgnt_blog/about/, accessed 2/2/2018). Sometimes it offers a different reading than UBS or Byz. It might not replace your UBS for regular study, but it is a new resource with a fresh approach, and its layout, formatting, and textual philosophy make it an intriguing volume to consult.

415). Thus the middle is not as exegetically significant in this verse as it might seem at first glance.

παραγγέλλω is “used in almost all cases in the NT with regard to the Christian walk.” (Fee 291). In wider usage it is often employed of a military commander giving orders to the troops. It refers to duties arising from the speaker’s office as such, rather than from the will of a superior. The instructions given are more often fixed and abiding, rather than instructions brought on by a particular set of circumstances. Thus, these words from the Apostle are to be considered generally in force, and applying in a broad and overarching way. Exceptions or departures from this principle will be discussed later on.

St. Paul’s “not I, but rather the Lord” can be confusing, especially for lay people. Here the Apostle is not saying that he has a different theology than Jesus, nor he took Jesus’ doctrine and added his own distinctive, Pauline stamp to it by adding ideas he thought worthwhile. We do not encounter competing theologies in Scripture, nor was there any disagreement between Jesus and Paul. The thought is simply that the Lord’s original statements on marriage and divorce recorded in Matthew 5:32 and 19:9, Mark 10:11-12, and Luke 16:18 were spoken in response to a very specific question and very specific setting. Beyond affirming the divine institution of marriage and prohibition against divorce – upholding the Sixth Commandment, in other words -- Jesus did not address the kinds of questions that St. Paul’s flock now asked him, regarding mixed marriages, remarriage, and children. Both Jesus and St. Paul spoke by divine authority, one innate – “I say unto you” – and one bestowed through his apostolic call. St. Paul’s teaching is Scripture no less than the words of the Lord.

χωρισθῆναι is an aorist passive infinitive, thus, “to be separated.” Breiling notes that χωρίζω is used sometimes for a physical separation (e.g. get up and leave the room), but that,

χωρίζω is also used in other places where a physical separation is not meant. In Romans 8:35 it appears as Paul says: ‘Who shall *separate* us from the love of God?’ This is obviously not a physical separation. Also in Hebrews 7:26 χωρίζω appears when it tells us Christ is *separate* from sinners. Neither can this mean a local or physical separation, because He was in contact with sinners during all His physical life on earth. Here χωρίζω means that in His whole person and character He was separate (different) from sinners. Since χωρίζω goes beyond local and physical separation, it is separation in whatever way or form it might take place. (8-9, italics original)

In connection with this verse and vv.11-13, Craig Keener points out, “Where Paul refers to Jesus’ teaching, it may be significant that a wife in Jewish Palestine could only “leave,” not

“divorce”; in Roman society, either partner could divorce the other...Under Palestinian Jewish law, women could be divorced by a unilateral act of the husband; under Roman law, either party could divorce the other.” Thus St. Paul is speaking according to his hearers’ accustomed mode of thought, so that he will not be misunderstood. He relies on the categories and terms they know and habitually think in, so as to bring the teaching out clearly for his hearers. We do well when we consider how our words and phrases communicate Biblical truth, and tailor them accordingly (provided we do not infringe on any long-established theological terminology, which would confuse our hearers.)

The anarthrous nouns (i.e. lacking articles) in the last phrase, coupled with the articularized infinitive, carry an axiomatic force – this is the foundational teaching, this is the basic situation, this is the way things should normally be done. The phrase is very clipped and forceful.

11 — ἐὰν δὲ καὶ χωρισθῆ, μενέτω ἄγαμος ἢ τῷ ἀνδρὶ καταλλαγῆτω, — καὶ ἄνδρα γυναικὰ μὴ ἀφιέναι.

NIV: But if she does, she must remain unmarried or else be reconciled to her husband. And a husband must not divorce his wife.

ESV: (but if she does, she should remain unmarried or else be reconciled to her husband), and the husband should not divorce his wife.

KWH: and if indeed she might be separated, let her be unmarried or to the husband be reconciled – and a husband is not to leave a wife.

Variants: Byz, THGNT, UBS all read the same.

Comments: Fee points out that the phrase ἐὰν δὲ καὶ “occurs elsewhere in this same pattern, where it repeats but qualifies a previous verb or idea...In each case it merely emphasizes the repeated verb.” He cites 4:7, 7:28, 2 Cor 4:3, 7:9 as further examples. The present general condition here is qualifying the ideal state of affairs by following it up with a situation that is permissible but not ideal – namely, being divorced (295).

μένω can be used as an equative verb, that is, a verb that links or equates a subject and predicate nominative. Wallace notes, “When it does so, it does not bear its normal intransitive force.” Cf. also Acts 24:41, 2 Tim 2:13, Heb 7:3 (414). Other common verbs used in this way include ὑπάρχω, εἰμί, and γίνομαι.

καταλλαγῆτω, from καταλλάσσω, is an aorist passive singular imperative. BDAG notes that this word denotes the exchanging of hostility for a friendly relationship, or re-establishing a

broken or interrupted relationship. Among other uses, 2 Corinthians 5:18-20 features this word twice for God's activity and once for us being reconciled to God through the death and resurrection of Christ. Romans 5:10 uses the vocable in a similar way. In this verse, the reconciliation highlighted is between people.

ἀφιέναι, a present active infinitive, comes from ἀφήμι, a familiar word in our New Testament periscopes for its meaning "forgive, cancel, remit, pardon." Here, that meaning does not fit the context and it is properly rendered "send away." Its position in the sentence is emphatic.

This is in accord with Jesus' words in Matthew 19:9. One wonders how widely or vigorously this teaching is applied in our circles nowadays. Do we risk alienating someone, or being told that the matter is "none of our business", to make sure that God's people know of this teaching and live according to it? Do we hold the line with God's Word here, or is this an area where it is all too easy to slip into an attitude that makes friends with the world and accommodates the world's wishes and attitudes? This is especially a danger because silence conveniently relieves us of the burden of bearing the cross on this particular issue. How faithful are we being in speaking up about this spiritual issue in the lives of the people we deal with?

12 Τοῖς δὲ λοιποῖς λέγω ἐγὼ οὐχ ὁ κύριος· εἴ τις ἀδελφὸς γυναῖκα ἔχει ἄπιστον καὶ αὕτη συνευδοκεῖ οἰκεῖν μετ' αὐτοῦ, μὴ ἀφιέτω αὐτήν·

NIV: To the rest I say this (I, not the Lord): If any brother has a wife who is not a believer and she is willing to live with him, he must not divorce her.

ESV: To the rest I say (I, not the Lord) that if any brother has a wife who is an unbeliever, and she consents to live with him, he should not divorce her.

KWH: For the rest I myself am saying (not the Lord): if some brother has an unbelieving wife and he is agreeable to live with her, let him not leave her.

Variants - Byz: ἐγὼ λέγω ; UBS, THGNT: λέγω ἐγώ. Nothing significant here.

Comments: Fee points out that the context (vv.12-16) shows that "the rest" refers to believers who are married to unbelievers (291).

συνευδοκεῖ has a nuance of agreement or consent here, not only a mere passive willingness (Fee 298).

ἀδελφὸς reminds us that we are speaking about a fellow Christian here, a brother in the faith. Note the word order in the phrase εἴ τις ἀδελφὸς γυναῖκα ἔχει ἄπιστον. This emphasizes that the non-faith is the wrinkle in the question.

Martin Luther notes, “What St. Paul says here concerning a non-Christian spouse is also applicable to a false Christian” (34).

Contra Aquinas and others, a difference in faith does not dissolve a marriage. Marriage was created for all people, and it should be upheld even by those who are married to a spouse of different faith, or no faith. Married life is often a means for strengthening the Christian’s sanctification, through various trials and daily opportunities to die to one’s self, and a Christian happily married to an unbeliever should not go looking for more problems than the Lord sees fit to allow in the normal course of life.

13 καὶ γυνὴ εἴ τις ἔχει ἄνδρα ἄπιστον καὶ οὗτος συνευδοκεῖ οἰκεῖν μετ’ αὐτῆς, μὴ ἀφιέτω τὸν ἄνδρα.

NIV: And if a woman has a husband who is not a believer and he is willing to live with her, she must not divorce him.

ESV: If any woman has a husband who is an unbeliever, and he consents to live with her, she should not divorce him.

KWH: and if a certain woman has an unbelieving husband and he is amenable to live with her, let her not divorce the husband.

Variants – Byz, THGNT read καὶ γυνὴ ἡτις ; UBS reads καὶ γυνὴ εἴ τις. UBS is preferred.

THGNT, UBS read οὗτος συνευδοκεῖ ; Byz reads αὐτὸς συνευδοκεῖ. A demonstrative pronoun versus a personal pronoun. UBS seems a better fit in context but either is perfectly understandable.

THGNT, UBS read μὴ ἀφιέτω τὸν ἄνδρα ; Byz reads μὴ ἀφιέτω αὐτόν. UBS and THGNT are more easily understood, which might favor Byz as the earlier and more widespread reading.

Comments: The Holy Spirit never repeats Himself without purpose. Sometimes changes in repetition of a particular teaching or statement of Scripture are noteworthy, and sometimes the bare fact of word for word repetition is noteworthy too. This verse is virtually identical with the preceding one. Only the genders change. St. Paul makes it clear that the same teaching applies on the “other side of the ball.” There is no different set of standards for men and for women, in contrast to the way that the world very often operates. Those who bash the Bible’s teaching, accuse Christians of misogyny, or equate patriarchy with its abuse conveniently forget instances such as this, where Scripture speaks very equitably to men and women – or perhaps never learned them in the first place.

14 ἡγιάσται γὰρ ὁ ἀνὴρ ὁ ἄπιστος ἐν τῇ γυναικί καὶ ἡγιάσται ἡ γυνὴ ἡ ἄπιστος ἐν τῷ ἀδελφῷ· ἐπεὶ ἄρα τὰ τέκνα ὑμῶν ἀκάθαρτά ἐστιν, νῦν δὲ ἅγια ἐστιν.

NIV: For the unbelieving husband has been sanctified through his wife, and the unbelieving wife has been sanctified through her believing husband. Otherwise your children would be unclean, but as it is, they are holy.

ESV: For the unbelieving husband is made holy because of his wife, and the unbelieving wife is made holy because of her husband. Otherwise your children would be unclean, but as it is, they are holy.

KWH: for the unbelieving husband is made holy in relation to the wife, and the unbelieving wife is made holy in relation to the brother; since for that reason your offspring are unclean, but now they are holy.

Variants: UBS, THGNT read ἐν τῷ ἀδελφῷ ; Byz reads ἐν τῷ ἀνδρί. UBS and THGNT have the preferred reading, although Metzger comes off as a little pompous as he explains why in his *Textual Commentary*:

Instead of ἀδελφῷ, which is strongly supported by \mathfrak{B}^{46} \aleph^* A B C D* G P Ψ 33 1739 *it*^d, *cop*^{sa}, *al*, the Textus Receptus, following inferior witnesses (\aleph D^c K L 81 104 326 614 *Byz Lect syr*^h goth arm eth *al*), reads ἀνδρί, a more appropriate correlative to γυνή, the special force of ἀδελφῷ not having been appreciated. In order to recapture some of the nuance belonging to ἀδελφῷ, in a subsequent modification τῷ πιστῷ was added to ἀνδρί (629 *it*^{ar} vg syr^p Irenaeus^{lat} Tertullian Ambrosiaster) (489).

In favor of ἀδελφῷ, Fee points out that if we follow UBS, a chiasm can be seen in vv.12-14:

A	a <i>brother</i> having an unbelieving wife	AB
B	a wife having an unbelieving husband	CD
B'	the unbelieving husband sanctified by the wife	DC
A'	the unbelieving wife sanctified by the <i>brother</i>	BA (299)

Comments: This is probably the most difficult verse in the range assigned for this paper. It has long been something of a crux for interpreters. There are two main ways an interpreter can go in considering this verse.

The first is to treat both instances of ἡγιάσται as speaking proleptically, that is, looking ahead to the possible positive spiritual results of the close contact that married life inevitably brings, and bringing them back in thought to the present moment. The *potential* outcome of an unbelieving mate's conversion would then be viewed as having happened in the past, but continuing in effects until the present moment (perfect tense verb). As Fee puts it, "As long as the marriage is maintained the potential for their realizing salvation remains" (300). 1 Peter 3:1-

2 comes to mind in this connection: “Wives, in the same way be submissive to your husbands so that, if any of them do not believe the Word, they may be won over without words by the behavior of their wives, when they see the purity and reverence of your lives.” To give another example of this view, J. Carl Laney, writing in the *Journal of the Evangelical Theological Society*, says,

The pagan partner is set apart to receive a Christian witness and influence that he or she might not otherwise have. In addition, the children of the couple are “holy.” This does not suggest that they are “saved,” but rather they too are set apart to God and will probably avoid entanglements with pagan worship and evil practices...The believing partner is to maintain the relationship and thus give the home a Christian influence it would not otherwise receive. The testimony of the believing partner may be used by God to bring the children and unbelieving partner to Christ. (286-287)

Laney’s use of quotation marks around “holy” and “saved” is somewhat problematic, especially since one wonders how he would define “saved” if it is not the believer being set apart to God through faith and the gift of the Holy Spirit. Perhaps he has in mind some sort of conversion moment, or decision for Christ? However, leaving that issue aside, the bigger objection is that this view requires a jump in thought from *potential* conversion to actual holiness bestowed, which we know happens only through faith. This interpretation almost seems to tilt towards an Old Testament kind of ritual purity or holiness, one that is passed on by physical contact or proximity to clean or unclean objects or people. It seems not quite in place with St. Paul’s line of thought here, especially since a proximity view of holiness, if we can call it that, would not square very well with St. Paul’s question in v.16.

Martin Luther offered a different interpretation, one that might make better sense in the context. The gist of Luther’s view can be summed up by Titus 1:15: “to the pure all things are pure.” Because faith makes the tree good (cf. Matthew 12:33), that is, makes the believing spouse holy, it does him or her no harm to be married to an unbeliever, or to raise children with that person:

Faith can use all things for its purpose, whether good or bad, except unbelief and its fruits. For these are directly contrary to faith and do not permit faith to remain; those things that do permit faith to remain are themselves rendered harmless by faith, are made pure, holy, useful, and salutary, so that the believer may live with them and keep them without danger. If this were not so, no Christian could live, for he is forced to live among evil and non-Christian people. But if he does not follow them but puts them to good use, he may live with or among them to the end that they may gain piety and become Christians.

To a Christian, therefore, the entire world is holiness, purity, utility, and piety. Contrariwise, to a non-Christian the whole world is unholiness, impurity, uselessness, and destruction—even God with all His goodness, as Ps. 18:26–27 says to God: “With the pure Thou dost show Thyself pure; and with the crooked Thou dost show Thyself perverse.” Why is this? Because the pure, that is, the believers, can use all things in a holy and blessed way to sanctify and purify themselves. But the unholy and the unbelievers sin, profane, and pollute themselves incessantly in all things. For they cannot use anything in a right, godly, and blessed way, so that it might serve their own salvation (35).

Note that Luther alludes to the possibility of the unbelieving spouse’s conversion, but he does not elide the thought of the religiously mixed couple’s life together immediately into the conversion of the unbelieving spouse. Rather, he takes ἡγίασται as referring to the believing spouse’s *use* of the unbelieving spouse. That is, he allows that the unbelieving spouse is made holy or sanctified *to* the believing spouse. This fits more neatly into St. Paul’s line of thought.

The fourth-century church father St. John Chrysostom shows that Luther’s interpretation has longer standing in the church. In a sermon preached on I Corinthians 7, he says, “The cleanness of the wife overcomes the uncleanness of the husband; and again, the cleanness of the believing husband overcomes the uncleanness of the unbelieving wife” (107). St. John’s encouragement from his first epistle comes to mind: “everyone born of God overcomes the world. This is the victory that has overcome the world, even our faith. Who is it that overcomes the world? Only the one who believes that Jesus is the Son of God” (I Jn 4:4-5).

Luther also takes the same line of reasoning with the children of such a mixed marriage. The same reasoning applies *mutatis mutandis*:

In the same way children are also holy, even though they are neither baptized nor Christians. They are not holy in themselves (St. Paul is not discussing *this* holiness here) but are holy to you, so that your own holiness may associate with them and raise them without profaning you, just as though they were holy things. St. Paul also wants to convey this: If a Christian spouse should have grown children with a non-Christian mate (as often happened in those days) and the children should not want to be baptized or become Christians, then, inasmuch as no one should be forced to believe but only willingly be drawn by God through His Gospel, the father and mother should not abandon the children or withdraw or fail in their motherly or fatherly duties, as though they could thereby sin and pollute themselves in unbelieving children; rather they should guide and care bodily for these children as though they were the holiest of Christians. For they are not impure or unholy, Paul says; that is, your faith can demonstrate itself in them and thus remain pure and holy (36-37).

Unbelieving children, or children of an unbeliever's and believer's union, cannot pollute or profane the believer. The believer's faith makes it possible for the family to live together as one, peacefully, and also allows for the entry of the peace of Christ into the home, through the action of God's Word and His use of the believing spouse's witness.

In commenting on this verse, Craig Keener notes, "In Roman society, the children normally went to the father in the event of a divorce; a Christian wife involved in a divorce would lose her opportunity to influence her children for God." This fits the Roman concept of the *paterfamilias'* iron rule, and one may imagine how St. Paul's words here would assuage an anxious wife's thoughts about her children's welfare, in the face of a divorce from an unbelieving and possibly hostile husband. St. Paul takes a potential false choice off the table: should I divorce my unbelieving husband, or should I stay and possibly protect my children, even if it renders me unholy? In the modern age, where either partner may divorce more or less for anything, the Christian husband may also be faced with such thoughts. St. Paul's words allow Christians facing similar situations to stay with a clear conscience.

15 εἰ δὲ ὁ ἄπιστος χωρίζεται, χωριζέσθω· οὐ δεδούλωται ὁ ἀδελφὸς ἢ ἡ ἀδελφὴ ἐν τοῖς τοιούτοις· ἐν δὲ εἰρήνῃ κέκληκεν ὑμᾶς ὁ θεός.

NIV: But if the unbeliever leaves, let it be so. The brother or the sister is not bound in such circumstances; God has called us to live in peace.

ESV: But if the unbelieving partner separates, let it be so. In such cases the brother or sister is not enslaved. God has called you to peace.

KWH: but if the unbeliever leaves, let them leave; the brother or the sister is not still bound in regard to these things; for in the sphere of peace God has called us.

Variants: Byz, THGNT read κέκληκεν ἡμᾶς ; UBS reads κέκληκεν ὑμᾶς. UBS gives ὑμᾶς a B rating, despite much less representation in the MS. Fee comments that even though ἡμᾶς is well supported, the editors of UBS prefer ὑμᾶς

"on the grounds of 'the general tendency of scribes...to make modifications in the interest of generalizing the reference of aphorisms' (Metzger, 555). On the other hand, given the weakness of the external evidence for this reading, it is just as easy to imagine scribes' particularizing a typical Pauline "us" to fit the context" (297).

Byz and THGNT's reading is preferred.

Comments: While I was in seminary, I held an assortment of odd jobs, as is the custom. One of those jobs was with a construction company in the Mequon area, doing assorted tasks and errands. One day, while jawing with the foreman before getting down to the afternoon's work,

he turned to me and said, “Do you know why divorces are so expensive? Because they’re *worth it.*” I was taken aback, to say the least. (No prizes for guessing his marital status.)

In a similar way, it is a sad fact that divorce is such a popular option because it can, and often does, reduce fighting and conflict in the home. Once both partners are no longer face to face (or toe to toe) on a daily basis, shouting, name calling, and arguing recede, and outward peace often return. The faces and voices of a husband and wife from a former parish who divorced (and those of their three children) come strongly to mind. The couple had been having issues before I went on vacation one year. I repeatedly urged both of them to wait on any further action until I returned from vacation, so I could continue counseling them. Of course, they didn’t wait. I found out while on vacation that they had divorced.² Examples of such behavior can be multiplied, and I’m sure you can think of members, or former members, who opted for the short-term fix of separation or divorce. The pastor’s heartburn is compounded by the knowledge that one or both of the people involved in the divorce will soon seek out and find a new partner who is equally unsuitable, and end up repeating exactly the same pattern over and over again, multiple times. It’s enough to make a man of God tear his hair out (if you have hair left to tear out), but what can be done? Unfortunately, in all too many cases, far less than we would like.

Here is where the dangerous lure of legalism becomes apparent. Attempting to regulate people’s outward behavior via leveling of strict requirements, for example in the method of Roman Catholicism’s treatment of marriage and divorce, can be tempting but ultimately fails to honor God because it violates Scripture. Even if divorce holds out the promise of outward peace or improvement in family life in the short term, we must reiterate and lovingly confess that such a course of action is still not God-pleasing.

For the Christian who is faced with the prospect of his or her own marriage to an unbeliever falling apart, the knowledge of the Lord’s perfect will for marriage can almost be an extra burden. *The Lord says marriage is for life*, the Christian’s heart and conscience might be saying, *and here I am, bracing for this divorce that’s coming. How can I possibly go through with this? How can I be part of such a sin against God?* The Christian spouse might be tempted to hang on to the bitter end, and beyond, in an attempt to conform as much as possible to Scripture’s guidance. In doing so, he or she might very well make the situation worse. Frustrated unbelievers are not noted for upright behavior, nor should they be expected to be.

² This sequence of events was and is public knowledge around town and in the congregation, so I trust I’m not breaking confidentiality in sharing the timing of the events. Other details of that history, of course, will not be shared.

For a Christian in that situation, the Lord says: do not be afraid to let the unbeliever go. Do not, out of fear, prolong the inevitable in the broken marriage, to the possible detriment of both parties (perhaps especially the one who is being left), and any children involved. Here the Lord is saying, “Leave the outcome to My providence and care – you, Christian, live in peace.” Even if the other party is unwilling to continue the marriage, or is uncaring about God’s will and the consequences of his or her own actions, the Lord tells the Christian to do what he or she can to keep and foster peace. That may include assenting to the divorce. Romans 12:18 applies here: “if it is possible, as far as it depends on you, live at peace with everyone.” The phrase “as far as it depends on you” is crucial. We cannot control or be responsible for another’s choices and actions. We should not take responsibility for another’s lack of faith, or the actions that flow from that lack of faith.

Besides, the Christian spouse or divorced person will find his or her peace in Jesus, the One who said, “peace I leave with you, My peace I give you” (John 14:27). His peace is real, objective, consistent, and reliable. It fills the heart of the Christian through faith. Whether it is felt or not, it is still there. The peace of Christ overflows and expresses itself in every facet of the Christian’s life – and very often, the more difficult the circumstances, the more we are conscious of the peace Christ gives, and the more grateful. “Blessed are the peacemakers,” says our Lord (Matthew 5:9), and the implicit part of that statement left unsaid is that making peace requires us to wade into the middle of trouble – often trouble not of our own making. Jesus gives His blessing to such peace-making efforts, because He knows we need it and such efforts often do not appear very fruitful according to the flesh’s way of looking at things. God loves peace, encourages peace, and blesses His people with peace (Psalm 29:11).

The world’s idea of peace, it hardly needs to be said, is completely different than God’s. The world settles for a momentary absence of conflict, during which both sides lick their wounds, rearm, and plot revenge before resuming hostilities. Viewers of the recent film *Darkest Hour* saw Neville Chamberlain depicting the world’s version of peace. Surely you remember Neville Chamberlain, don’t you? He’s the unfortunate soul who got off the plane and brandished the latest peace agreement signed with Adolf Hitler in 1939, proclaiming that we had “peace in our time” (a phrase borrowed from a collect by Thomas Cranmer, incidentally) - right before Hitler invaded Poland. Of course, Winston Churchill’s idea of peace as the total annihilation of the Nazi war machine and system of thought isn’t really peace, either. As the Roman historian Tacitus said: *ubi solitudinem faciunt, pacem appellant* (“They make a desert and call it peace.”) That neatly sums up the extent of the world’s concept of peace.

Θ εός occupies emphatic placement at the end of the sentence to impress upon us that God’s command and will override all other considerations. Here, His will is that believers live in peace,

to the extent possible under their circumstances. He has called us in (or we might say “for”) peace: peace with Him, first of all, through the blood and death of His Son, but also peace with those around us.

16 τί γὰρ οἶδας, γύναι, εἰ τὸν ἄνδρα σώσεις; ἢ τί οἶδας, ἄνερ, εἰ τὴν γυναῖκα σώσεις;

NIV: How do you know, wife, whether you will save your husband? Or, how do you know, husband, whether you will save your wife?

ESV: For how do you know, wife, whether you will save your husband? Or how do you know, husband, whether you will save your wife?

KWH: For what do you know, wife, if you will save the husband? Or what do you know, husband, if you will save the wife?

Variants: Byz, THGNT, UBS all offer the same text.

Comments: St. Paul’s questions hang there in the air and on the page, and the answer is obvious: you *don’t* know. You can’t guarantee or know for sure that the other person will come to faith. That’s up to the Lord and His Word, and the seed does not always bear under our watching eye as we might have hoped (Mark 4:1-20). God’s time is not always our time. A Christian should not feel obligated by God to hang on to a failing marriage until the bitter end, or beyond, because he or she thinks God might use him or her to save the leaving spouse. The Lord knows a multitude of ways to use the circumstances of life to get someone’s attention. He knows countless ways to bring His Word to bear on an erring soul, lost in the darkness of unbelief. Although good-hearted and well-intentioned, the Christian spouse should not necessarily view him- or herself as the sole means of grace for that other person, and let that individual go. God still knows how to use His people to help accomplish His will, even if the marriage falls apart.

At the same time, it is good to remember that prayer is effective, and it does happen that a spouse comes to faith through the godly example of his or her mate. I recall a family who went to the church I grew up in. Their children went to the day school with my siblings and me, and later the father took classes and joined the congregation. It was a topic of discussion over the dinner table one night, and I remember wondering why it was worth remarking upon. From my current vantage point later in life, now I know. St. John Chrysostom may have had 1 Peter 3:1-2 in mind when he said in a sermon on 1 Corinthians 7, “And this he said, not to signify that he [the unbelieving husband] is holy, but to deliver the woman as completely as possible from her fear and lead the man to desire the truth. For the uncleanness is not in the bodies wherein there is communion, but in the mind and in the thoughts” (107).

III: Historical overview of malicious desertion

Whenever we are confronted with a doctrinal question, or a question of how to apply doctrine, as Lutherans we go back to the source and fountainhead of all doctrine. As we all know, this is the WELS Q & A on the WELS website. A quick web search shows us that on May 14, 2015 the following question was posed and the following answer given:

Abuse was mentioned in my mother's church sermon³ as grounds for divorce. This brought up a discussion in our family of what are the biblical grounds for divorce. I've read abuse could be considered malicious desertion and could be grounds for divorce. But I wasn't quite able to determine what exactly was meant by this. I would appreciate some clarification if possible.

Beyond physically deserting a spouse, the Bible does not specifically list other ways in which malicious desertion can take place (I Corinthians 7:15). As malicious desertion is characterized by sins that are unilateral, willful and permanent, it could take the form of physical or emotional abuse, refusal to have sexual relations with one's spouse, or refusal to support the spouse financially. Because of the complexities of relationships, Christian discernment and pastoral counseling are essential when it comes to determining malicious desertion.

To be fair, it is almost impossible to give an answer that is concise, applicable, and yet does not raise more questions than it answers, to a person that one does not know personally, about something that is reported thirdhand. However, we can glean a number of points from this answer. The terms "unilateral, willful, and permanent" are key. Malicious desertion is a form of unfaithfulness to one's God-given spouse. Potential forms of malicious desertion are likewise mentioned in passing. These will be addressed in more depth later on.

A fuller and more helpful definition is given in *Doctor of Souls*, the new pastoral theology book by Prof. John Schuetze. Prof. Schuetze offers the following as a guideline when attempting to determine if malicious desertion has taken place: "Have this person's actions willfully, unilaterally, persistently, and permanently destroyed the marriage bond?" (242) We note the common elements of unilateral, willful, and persistent, with persistent potentially shading over into permanence.

Not every sin committed in a marriage can be labeled malicious desertion. Looking at another person to lust after them, for instance, does not have the same aspect of separation that malicious desertion does. While undressing another who is not one's spouse with one's eyes is

³ Presumably this was a sermon preached at the church that the inquirer's mother attends, not a church sermon preached by the inquirer's mother – although with the modern age being what it is, and with no guarantee that the individual writing in is WELS and no way to identify them, this must remain an open question.

truly sin, according to the Lord's word, and thus damning and damaging to the one-flesh marriage bond, it would not be labeled malicious desertion. Keeping Jesus' words in mind along with St. Paul's, we find that all malicious desertion is adultery, but not all adultery is malicious desertion. We may keep those thoughts in mind as a working definition. Many times, malicious desertion falls under Supreme Court Justice Potter Stewart's rubric of "I know it when I see it,"⁴ and thus does not require any great lengths of hair-splitting. This definition may be refined as we look at the historical background of the concept.

We can start in St. Paul's own *Sitz im Leben*. The prevailing Roman attitude did not take much issue with desertion and divorce. At times authors may have spoken out against it on moral grounds, but in general, divorce was not difficult to come by. "All people in the Roman Empire, regardless of their religious affiliation, had the right to divorce their spouses. Marriage was considered a private contract which, like all other contracts, might be dissolved. Divorce was easily attained..." (Snuth 132). One can see how pagan people would consider this an entirely sensible course of action. For them, malicious desertion would have been a straightforward matter, on either side. If one feels mistreated, and does not want to be bothered to work things out, just divorce. Sadly enough, we may meet with the very same attitudes today – even within the confines of Christ's church.

In contrast, the early Church took a very strict view of marriage and divorce that verged on legalism. Remarriage seems to have been habitually forbidden, and divorce was condemned. The marriage bond was commonly viewed as indissoluble, even lasting beyond death. Second marriages, for whatever reason (including death of a spouse), were viewed as adultery. Divorce, regardless of whether there were legitimate Scriptural grounds, often brought excommunication after it, or sometimes barred the divorcee from the sacraments (Snuth 133).

From our vantage point, centuries later, we may have mixed feelings about their approach. A strong concern for the God-given institution of marriage and for chastity is a good thing, but the legalism often evident in taking Christ's words too far brings a tinge of sorrow. Nor is it good that they seemed to focus in on certain statements of Jesus and leave aside, or almost entirely ignore, others – for example, our Lord's words in Matthew 22 about believers in the resurrection being like the angels in heaven, without marriage, seem to have been nearly universally ignored; likewise, St. Paul's words in Romans 7:3 regarding the end of the marriage bond by the Lord through temporal death. The stance of the early Church on these issues was probably a reaction to the godlessness and unchastity they saw around them everywhere, but that does not sanction their reaction as entirely accurate according to Scripture. Over-reaction

⁴ From his concurring opinion in [Jacobellis v. Ohio](#), 378 U.S. 184 (1964). The context of the original remark, and the case that occasioned it, was obscenity in cinema.

and the possibility of losing our doctrinal footing are an ever-present danger in our own age as well.

St. Augustine of Hippo seems to have been the first to call marriage a sacrament. In *On the Good of Marriage*, he says, “Even from the union of the two, the man and woman, marriage bears a certain sacramental character, (which) can no way be dissolved by the death of one of them” (406). “Such a sacramental bond holds in spite of adultery or divorce...regardless of circumstances or who may be the guilty party, the marriage bond remains” (Snuth 134). One can easily see how a sacramental view of marriage naturally mitigates against considerations like malicious desertion.

Thomas Aquinas took St. Augustine’s views and expanded them systematically. In his *Summa Theologica*, Aquinas says that “nothing – not even adultery – can dissolve the marriage of two communicants” (2716). Unbelief, as a form of spiritual adultery, was to be treated like physical adultery, with the believing spouse free to leave or stay (*Supplement*). In characteristic Roman Catholic fashion, he goes on to make numerous subtle distinctions based on this spurious teaching, which we can safely omit, and then prescribe rules for the faithful based on them. His presentation and approach shaped Roman Catholic doctrine, which received an official formulation at the Council of Trent (AD 1563). Trent reaffirmed papistical doctrine that marriage is a sacrament, and that the marriage bond cannot be dissolved by adultery. If that’s not enough, consider Pope Leo XIII’s 1880 encyclical *Arcanum Divinae Sapientiae*, where he declared that “Christ gave the Church complete control of marriage legislation. No civil authority has any legitimate right to regulate this realm” (qtd. in Snuth 136). Take that, princes of this world!

This was the official doctrinal position of the Church, from the patristic era, through its transformation into the Church of Rome and the medieval era. The situation on the ground, and the practice that accompanied the doctrine, was often quite different. “For the first eight centuries of its existence, the church itself showed little concern about what made for a valid marriage or divorce among the lower classes of society” (Coontz 104). “In the early Western kingdoms [i.e. during those eight centuries], local Church councils often accommodated both Roman traditions and Germanic custom by permitting divorce for a variety of reasons,” (Coontz 105) including malicious desertion. “Even after the Church had begun to enforce stricter limits on divorce and remarriage toward the end of the eighth century...local priests generally looked the other way when parishioners acted on this assumption [that unscriptural reasons for divorce were valid]” (*ibid.*) “Like their colleagues on the Continent, [churchmen in Ireland and Wales] had their hands full trying to get their own priests to adhere to vows of celibacy” (*ibid.*) This was because many of them were already married, or because they were not leading chaste lives. Recall Luther’s comment that a bishop or priest who could content himself with a woman was considered a saint.

Part of the problem was that the requirements for constituting a legal and valid marriage then were not as fully specified as they are now. Mutual consent and sexual intercourse were widely held to form a marriage until the twelfth century. Eventually this was boiled down to mutual consent, freely given (Coontz 107). Over the same time, divorce was increasingly restricted. Annulment was often substituted for divorce, with disaffected spouses vying to squeeze through the loopholes that the Church's overly strict doctrinal pronouncements and legalistic bent opened up. Malicious abandonment might have been a sad fact of life, but it would not have gotten the spouse left behind very far in freeing themselves to pursue someone new. The church's demand for reconciliation between spouses often held one party hostage to an unfixable situation. Much like today, people often followed the rules if it were not too much trouble, and did what they thought they could get away with if it was.

We might wonder why the doctrine and the practice involved in marriage and divorce became so far separated. The answer is clear when we view both their doctrine and practice as a departure from Scripture. If the Church had steered a better middle course between legalism and permissiveness, the souls under its care would have been better served. Legalism inevitably bends the circle around to a laissez-faire free-for-all in the end. The result was that malicious desertion was accepted on a practical level but rigorously proscribed on a doctrinal one.

The Reformation upended the Roman Church's approach to marriage along with everything else it touched. Given his life history as a former monk and then husband and father of a family, Martin Luther had much to say about marriage and divorce. His approach can be characterized as common sense guided by Scripture. However, at times the common sense led him beyond the Scripture.

In his own preaching on divorce, Luther was quite flexible as to what constitutes just cause...Adultery for Luther, however, was not the only possible ground. Desertion of spouse and family, he felt, was equally legitimate...Luther believed that if a Christian hinders a believing spouse from following Christ, divorce is in order, with remarriage a viable option...Anger was also a just cause. If a husband and wife could not live together harmoniously, but only in hatred and continual conflict, let them be divorced. (Snuth 137)

Luther was continually concerned not to burden consciences or to drive people into situations of temptation through legalism. He always averred that marriage is a great blessing of God and should be treated as such. John Calvin, William Tyndale, and John Knox, the founder of Scottish Presbyterianism, also held very similar views. Among the various reformers and those who followed in their train we meet more of a willingness to allow for malicious desertion, based on Scripture and informed by a desire to clear away legalistic roadblocks.

Moving forward in time and space, Lutherans in the New World generally agreed on what constituted malicious desertion, and that it was a Scripturally sound reason for divorce. The interpretation of the Scripture passages in question was widely accepted, and all agreed on the options laid out in Scripture for spouses whose marriages were strained or broken. What changed, as it always does, was society.

Rates of divorce have consistently climbed through American history. For instance, immediately following the Civil War, 3% of marriages ended in divorce. By the First World War, the rate was 10%. During the Great Depression, couples often stayed together under the duress of strained economic circumstances, but as soon as the economy improved, divorce rates started to climb again (from 16% of marriages failing in 1930 to 20% by 1940). Divorces spiked sharply after the Second World War (29% divorce rate in 1944 to 43% in 1946), then stagnated back to around 25% for most of the 1950s and 1960s. No-fault divorce, i.e. divorce based less on Scriptural reasons, became more common during the 1970s, which led to more divorces: 33% of marriages ending in 1970 rose to 52% in 1980 (“100 Years”). Since then, the divorce rate has been on a gentle glide downward (“Anderson divorce rate”). The last time the divorce rate was this low was in the 1970s (Time.com). This may not entirely be good news, however. If fewer people get married and instead choose to cohabitate, be single but promiscuous, or otherwise follow a different path, that also factors in to the divorce rate.

The societal factors that have undermined God’s design for marriage since the 1970s could form a paper in and of themselves. Suffice it to say that for many, divorce is a fact of life, and everywhere it is perceived as a ready option and readily obtainable. The extent to which we encounter divorce in our ministries will vary by setting, but nowhere is immune to it anymore. One of our teachers on staff at St. John’s, Goodhue commented before parent-teacher time last year, “All of my students’ parents are married to each other still. That’s really rare.” Sadly, as we look at American society and our own congregations, we see that this is unfortunately true. The bitter truth is that in the minds of many, malicious desertion of one’s spouse is a practical option, if not a blanket valid reason for divorce. Witness the passion people have for their “rights”, and the way one’s own personal happiness becomes nearly a minor deity, or the ruling principle guiding life choices. When divorce can be had for any and every excuse or shift in feelings, asking about a Scriptural reason for divorce seems almost quaint.

IV. Modern Applications and Hard Questions

In the face of such a confused, atomistic, intensely selfish society, the Lutheran pastor will encounter a bewildering array of circumstances. There will of necessity be more questions than answers. When addressing malicious desertion, recall that the definition involves separation that is unilateral, willful, and persistent. Breiling points out, “In general, malicious desertion is a situation over which the deserter has control” (8). Thus when considering circumstances of

physical separation, not all of them can be labeled malicious. Breiling offers job transfers to a distant locale, military deployment, incarceration or other institutionalization, or travel as examples of separation that are not necessarily malicious in and of themselves. Such separations are engendered by the circumstances, not by the ill will of one of the spouses involved (8).

However, how long can a separation go on before it begins to impact the marriage negatively? At what point does the spouse left behind begin to wonder if the one who left is coming back? This will require a judgment call on the part of the pastor, who hopefully will be well acquainted with the parties involved. The answer in one situation might not be the answer in a different time and place, with different people.

Malicious desertion can also be seen in the refusal to follow through on the Scriptural obligations of marriage. One example of this might be the persistent, one-sided refusal of sexual relations to the other spouse. The divinely bestowed privilege of sexual intimacy in marriage should not be withheld capriciously or on a whim. The level of intimacy that spouses share requires understanding and patience on both sides. Where this is lacking, malicious desertion can occur. "Thus the 'headache syndrome' is a violation of part of the marriage covenant" (Breiling 9). However, how long does the refusal go on before it can fairly be classified as malicious desertion? How far does the withholding need to reach? These circumstances will need to be considered carefully.

Perhaps a concomitant sin might be use of pornography. Plainly pornography mitigates against the one-flesh bond. Schuetze notes in *Doctor of Souls*, "Viewing Internet pornography does not in and of itself destroy the marriage bond, but a prolonged pattern of porn usage may" (242). Who is to say what "prolonged" means, even in a given circumstance? How far does the sin have to progress in one spouse's mind and heart before it destroys the marriage? When does a pastor begin to wonder if a particular sinner's heart is growing calloused to the Lord's Word? These and similar unpleasant questions will have to be faced in helping a couple successfully resolve their marriage difficulties.

Another sort of refusal that might constitute malicious desertion is refusal to financially support one's family. I Timothy 5:8 speaks very strongly against a refusal to care for the family that God has given: "If anyone does not provide for his relatives, and especially for his immediate family, he has denied the faith and is worse than an unbeliever." Sometimes this will be very clear, but not always. Which failures to provide are malicious, and which are due to mere incompetence? If someone knows he is temperamentally unsuited for certain lines of work, but takes few or no steps to improve himself or seek a better path, is he maliciously deserting, or not? How much understanding and slack can we afford someone for poor choices or unrealistic plans? Circumstances, and thus the pastor's judgment call, may vary.

Abuse, whether physical, emotional, or otherwise, clearly violates the love and care for which the Lord created marriage. However, what constitutes abuse? How long must it go on before it becomes a pattern of malicious desertion? Who does one believe, and to what extent, and when? Again, a judgement call is required. The welfare of the abused party, plus that of any children involved in the situation, will need to be balanced with the spiritual needs of the family and perhaps applicable laws about mandated reporting.

Breiling mentions use of birth control and abortion as possible forms of malicious desertion (9). He grants that they may be distantly related to refusal of the marital duty, but the topic still bears discussing. Abortion clearly is wrong, except in cases of true medical necessity, because it usurps God's prerogative to end life. A pattern of one partner seeking abortions, or forcing abortions to be performed, could constitute malicious desertion if it develops into a pattern. Even one instance of a spouse's unilateral decision for an abortion could have serious deleterious effects on a marriage. The pastor will have much to say to such a couple about forgiveness, God's design for marriage, and His will for human life.

Birth control is an under-addressed issue in our circles. There is more that can be said from Scripture than simply labelling it adiaphora. The Lord's will for marriage and children is clear, where the Lord Himself has not made it clear through circumstances that a couple will remain childless. Not every use of birth control is sinful or wrong, but not every use is right or justifiable from Scripture, either. At what point does long-term usage of birth control constitute malicious desertion? When is a couple no longer in line with God's will, if they choose to prevent pregnancy? Both spouses simply agreeing to be childless is not a Biblical solution. One spouse choosing to prevent pregnancy without the other's knowledge could be a serious obstacle to a healthy, God-pleasing marriage. Even if up-to-date medical information is not always easy to come by in our circles (which in this author's experience it isn't), more can definitely be said from Scripture than often is said. Is this another area where a pastor may be tempted to save himself some blowback by figuring, "It's not my business anyway?" Yet how does one go about addressing this potential problem tactfully and respectfully? Usage of birth control is an "iceberg" issue affecting our church body, in that most of the issue lies under the surface, hidden away. If current demographic trends hold, it may continue to be a downward contributing factor in the future, along with malicious desertion and divorce itself. God's Word, which alone makes fruitful, needs to be applied.

The most painful, trying times in a Christian's life are often the biggest opportunities for God's Word to comfort and sustain that person. Divorce and malicious desertion are no exception to this. Let us pray for wisdom and the gift of the Holy Spirit as we strive to be faithful husbands, fathers, and pastors.

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