

Guidelines In Divorce Counseling With Special Emphasis On “What Is Malicious Desertion?”

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Introduction: Divorce, which dissolves marriage affects Christians too; therefore we review what marriage is.

I. MARRIAGE.

- A. Instituted by God.
 - 1. State laws.
 - 2. God’s Word.
- B. One Flesh.
- C. Life-long union.
- D. Based on true mutual love and faithfulness.
- E. Purposes of marriage.
 - 1. Begetting children.
 - 2. Man’s happiness and enjoyment (Companionship).
 - 3. To avoid fornication.

II. DIVORCE

- A. A putting asunder.
- B. “Bill of Divorcement” (Deuteronomy 24, 1).
 - 1. Not a command but a civil procedure.
 - 2. Cause, in this case, could be scriptural.
 - 3. Divorce here is excision.
- C. Scriptural and Unscriptural causes for divorce.
 - 1. Fornication and adultery.
 - 2. Lust.
- D. Unscriptural divorce compounds sin.
- E. Legal divorce.
- F. Malicious desertion.
 - 1. Christ, answering the Pharisees.
 - 2. Paul to the Corinthians.
 - a. Among Christian spouses.
 - b. In mixed marriages.
 - i. Schuetze and Habeck.
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 - 3. Maliciousness of desertion.
 - 4. Deserting—verbs used.
 - 5. Refusal of sexual intercourse.
 - a. Permanently.
 - b. Temporarily.
 - 6. Physical violence.
 - 7. Prevention of pregnancy.
 - 8. Abortion.

III. COUNSELING GUIDELINES.

- A. Before divorce has taken place.
 - 1. Convince them of your Christian love and concern.

2. Let them unburden themselves.
 3. Impress them with the beauty and sanctity of marriage.
 4. Point out God's displeasure with divorce.
 5. Purpose: dissuade from divorce.
- B. After divorce has taken place.
1. Points 1, 2, 3 and 4 as above.
 2. May have to deal separately, rather than together.
 3. Purpose: penitence, forgiveness and possible reconciliation.
 4. Exercise Church Discipline.
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Although there have always been divorces it is no secret that the incidence of divorce has increased tremendously over the years. Our times, with loose morality and liberal divorce laws, has had its impact on our members also. Many of them have succumbed to the temptation of promiscuous immoral living which, in turn, has resulted in a higher incidence of divorce among the members of our congregations.

It is certainly true that Satan, in his insidious way, gradually changes the sense of values of even Christians. Christians, knowing that the Lord wants them to be holy even as He is holy, will try to live God-pleasing lives. But as time goes on, little by little, without even being aware of it, they relax their guard against the Tempter. And having relaxed their former vigilance, they, not all at once, but in small gradual steps, fall into the same kind of life-style as the world-loose, lax, immoral, pleasurable and sensuous. And the really sad part of the whole thing is that they don't know that a change has taken place. They are not aware that their attitude toward forbidden things has been affected, or that their life-style has changed drastically. And the final step is that they staunchly defend that which formerly they had denied and denounced just as staunchly. They have made a complete about-face without being aware that it was happening This is the result of the insidiousness and deceptiveness of Satan. Of course, he doesn't have too hard a job of it, because our weak, sinful flesh is his constant and ever-willing ally.

This complete about-face becomes apparent when we try to deal with such people. And in our dealing with such people in divorce cases, we must first of all recognize that divorce is a dissolution; a dissolution of marriage; of marriage that was divinely instituted. This forces us then, to take a reviewing look at God's institution of marriage, in order that we might counsel fellow Christians who are contemplating divorce, or who are already involved in divorce proceedings.

Doubtless, it is well that we are thus forced to take a look at God's institution of marriage. To do so, we must go to HIS Word to see what HE has to say about HIS institution. Yes, it is well that we do this for I know of no better guideline when it comes to divorce counseling.

I. Marriage

Basic to our review is the knowledge that marriage is instituted by God. Because people who wish to marry must apply to the State for a marriage license and fulfill the requirements set down by the State; because the State defines what constitutes marriage within that State; because the right to perform marriages is given to the clergyman by the State, it is possible to come to the conclusion that marriage is the institution of the State. And if this be true, then one would not be incorrect in assuming, that, to obtain a divorce for any of the numerous and petty reasons that the State allows, is permissible and without sin.

It is true, the State in a civil way does regulate marriage, but that doesn't make marriage the institution of the State. Marriage, under God's plan, is under the jurisdiction of the State, but is nevertheless *His* institution. *He* ordained marriage! *His* Word has much to say regarding marriage, entering into marriage, living in marriage, and dissolving marriage.

That marriage was ordained by God is not difficult to see from His Word. From the first two chapters of Genesis it is evident that God created heaven and earth and all they contain. On the fifth day God created the sea animals and fowl in both sexes and commanded them to multiply. On the sixth day He created the land animals by saying: "Let the earth bring forth" the various animals in both sexes. And also on the sixth day, God created man. When creating man, God exercised more personal care and concern than with the animals; first consulting with Himself about the creation of man, saying: "Let us make man in our image, after our likeness," which He proceeded to do by forming Adam of the dust of the ground and giving him a living soul by breathing into his nostrils the breath of life. Then God paraded all the animals before Adam to be named by him. "But for Adam there was not found an help, meet (suitable) for him." All animals had a mate and could propagate themselves but not Adam! Thereupon God said: "It is not good that the man should be alone. I will make an help, meet for him." Whereupon God administered the first anaesthetic and performed the first surgery—causing a deep sleep to fall upon Adam and taking out one of his ribs and closing the incision again. Then this part of Adam God fashioned into woman and gave her to Adam as his mate.

In this act of giving Eve to Adam, God established or instituted marriage. Adam recognized this, for he said: "This is now bone of my bones and flesh of my flesh. She shall be called woman because she was taken out of man. Therefore shall a man leave father and mother and shall cleave (cling) unto his wife: and they shall be one flesh."

The entire account is punctuated by the repetition of the name: The Lord God or by personal pronouns referring to Him; by love and concern on the part of God for the well-being and happiness of Adam; and by Adam's recognition of what God was doing, namely, instituting marriage. And Jesus acknowledged this in the New Testament before the Pharisees who tempted him. (Matthew 19:4) So there is no doubt that marriage is of divine origin; it is a divine ordinance!

Now, what does God say of this, His institution? He says that marriage is the joining together of *one* man and *one* woman unto *one* flesh. Imagine! Two individuals, each with separate personalities, desires, aspirations and temperaments, become *one* unit in marriage! "Therefore shall a man leave his father and his mother and shall cleave unto his wife and they shall be *one* flesh." (Genesis 2:24) Jesus quotes this passage in Matthew 19:5, and the KJV translates: and they *twain* shall be *one* flesh." The emphasis is on both: "twain" and "one." At the time of Christ there were, of course, many men and women. Therefore it was emphasized that the *two* people one a male and the other a female, entering into marriage, become *one* flesh. No emphasis on "two" was needed in the case of Adam and Eve, for there were only the two of them. Paul, in Ephesians 5:31, also emphasizes "two" and "one." "And they two shall be one flesh." In instituting marriage, God made the marital bond such a close and intimate one that it transcends anything that man could ever dream of.

So, when God instituted marriage He ordained that one man and woman become one flesh. In His structure of marriage there is no room for polygamy. Although some of the saints of God in Old Testament times had more than one wife at one time, God's institution still stands: *one* man, *one* woman, *one* flesh. Polygamous marriages do not abrogate God's institution; they only underscore man's sinfulness.

In this connection, we will comment on what seems to be a product of our times, namely, the "marriage" of two people of the same sex. It is hard to understand, but in one state a marriage license was applied for and issued to two men. But what is even harder to understand is that a clergyman officiated at such a "marriage." The general acceptance of, and the more liberal attitude toward, homosexuals by the world today has, no doubt, brought about this situation. And once the precedent had been set, it was soon followed by the application of two women to be married to each other. This, we can clearly see, was never intended by God, but rather completely excluded from, His institution of marriage.

Marriage is a life-long union. When God instituted marriage He intended it to be for life. This is the way Christ Himself interprets it when He says: "What therefore God hath joined together, let not man put asunder" (Matthew 19:6; Mark 10:9). This union should not be tampered with by man to break up the marriage or dissolve it. God will terminate the marriage in His own way and time, by calling out of this life one of the

spouses. As soon as one of the spouses dies, there is no more marriage, for marriage requires one man and one woman.

Next, we look at the fact that marriage is based on true mutual love and faithfulness, as instituted by God. We have heard how God ordained that two individuals of the opposite sex become a single unit; and that they are to continue in this union for the life of the marriage, until terminated by God. In order that this can be accomplished there must be true mutual love and faithfulness. Their union is not a business partnership in which one tolerates the other so that business may go on as usual, and that each selfishly desires the profits that the partnership can bring. No, instead, marriage partnership is the closest, the most intimate union on earth. Therefore, it must also be governed by loftier ideals than the base ideals of the world. God ordained it to be based in true mutual love and faithfulness.

This becomes apparent, to some degree, when God said: “It is not good that the man should be alone, I will make an help, meet for him.” This help that God made for man is not help like that of a slave or a servant, but one that is suitable for him—one that will complete his life and fulfill his joy. God created woman and instituted marriage, because it was for man’s welfare and joy. God saw that it was not good for him to be alone. He needed a mate as all other living things had a mate.

The need for true mutual love and faithfulness in marriage becomes clearest when we hear the Apostle Paul saying, by inspiration, “Wives, submit yourselves unto your husbands *as unto the Lord*. For the husband is the head of the wife even as Christ is the head of the church... Therefore as the church is subject unto Christ, so let the wives be to their own husbands in everything. Husbands, love your wives, *even as Christ also loved the church and gave Himself for it*... So ought men to love their wives as their own bodies.” (Ephesians 5:22-25,28) This is the loftiest conception of marriage that one can imagine. The love required of husband and wife to each other has, as a model, the love that exists between Christ and His Bride, the Church. His love for the Church prompted Him to pour out His life, in order to have His Bride be pure, The Church, in turn, out of grateful love, submits herself to her Lord. That same kind of love—yes, true mutual love and faithfulness should bind husband and wife together in one unit.

In commenting on the marriage relationship Matthew Henry said: “She was not made out his head to rule over him; nor out of his feet, to be trampled on by him; but out of his side, to be near him; from under his arm, to be protected; and from near his heart, to be loved.

The passages from Ephesians, quoted above, prompt me to make another comment on one of the sinful practices of our modern times. The practice of wife-swapping is not supported, but condemned by Scripture. Wives, in wife-swapping, do submit themselves to husbands, that is, to other wives’ husbands. But Scripture clearly states: “wives, submit yourselves unto your own husbands.”

Since it was God who instituted marriage, we ought also to take the time to consider *the purposes* for which He instituted it.

There is no doubt that the immediate purpose of marriage is the begetting of children by the man and his wife, who have been united, according to God’s ordinance, in marriage. Within the bonds of marriage children are to be born for the propagation of the human race, for filling the earth with people. That this was one of the purposes of marriage is seen from Genesis 1:27-28. “So God created man in His own image, in the image of God created He him, male and female created He them. And God blessed them and God said unto them, Be fruitful and multiply and replenish the earth.”

But the begetting of children is not the only purpose for establishing marriage. We must remember, that, before creating Eve from Adam’s rib, God said: “It is not good that the man should be alone, I will make an help, meet for him.” So God created Eve and instituted marriage for man’s well-being; that he might have companionship and happiness. Thus, the marital act may also be used for the sake of pure physical enjoyment and as an expression of love for one’s spouse. This is supported by such passages as Proverbs 5:18: “Rejoice with the wife of thy youth,” and by Ecclesiastes 9:9: “Live joyfully with the wife whom thou lovest,” And there are other passages that are much more precise in their description of the kind of love and joy husband and wife are to have for each other.

I Corinthians 7:3-4 adds: "Let the husband render unto the wife due benevolence; and likewise also the wife unto her husband. The wife hath not power of her own body, but the husband; and likewise also the husband hath not power of his own body, but the wife." One spouse should not deprive the other of the specific duty of marriage. The arbitrary refusal of marital intercourse, when the other desires it, is herewith forbidden.

Scripture gives a third purpose for marriage when it states: "To avoid fornication let every man have his own wife, and let every woman have her own husband," (I Corinthians 7:2). Marriage, as instituted by God, is holy, pure and good. But when sin entered the world, it perverted marriage and defiled it. Therefore, God also had as one of the purposes of marriage the avoidance of fornication, for in marriage the normal sexual appetite can properly be satisfied. But if satisfied in any other way outside of marriage, that would be fornication. Consequently, marriage can, in this way, help to avoid fornication.

Although we have not dealt; with every small detail of God's institution of marriage nor exhausted every passage of Scripture that refers to, or speaks of, marriage we have, by and large, tried to establish what Scripture, in the main, says about it.

II. Divorce

And having done so, we now, in general, state that this divine institution is especially violated by the sin of adultery or fornication. There are many sins, almost an endless list of them, that violate God's institution of marriage, such as: all unchastity, whether in or out of marriage; malicious desertion; non-support on the part of the husband; neglect on the part of the wife; refusal of sexual intercourse; prevention of pregnancy; abortion; and conjugal discord, the reasons for which would also be endless, and any of which might lead to unwarranted separation and divorce.

Divorce, whatever the cause may be, is the putting asunder of that which God hath joined together. Divorce is dissolving the divine institution of marriage; and dissolution is always a departure from the divine intention and ideal. In marriage two individuals are molded and welded into one unit. So divorce is the separation of the two individuals so they are a unit. no longer. Divorce is the very opposite of almost everything that we have said in the first part of this essay.

Perhaps we recall a situation in the Old Testament that speaks of a *bill of divorcement*. In fact, the Pharisees brought up this situation to Jesus. They, as so often is the case, come to Jesus with a legal question, hoping that He would say something wrong wherewith they might accuse and discredit Him and, perhaps, even bring Him to trial. So, on this occasion too, they have a tempting question for Him: "Is it lawful for a man to put away his wife for every cause?" In His answer He asks them: "Have ye not read, that He which made them at the beginning, made them male and female, and said: 'For this cause shall a man leave father and mother and shall cleave to his wife, and they twain shall be one flesh.' Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder." They thought they had Him trapped! That's why they pounce on Him with this situation from the O. T., asking Him: "Why did Moses then command to give a writing of divorcement and to put her away?" They bring Scripture to bear upon Him and on the Scripture He quoted. Which, now, is correct? Does Scripture contradict itself? The quotation of O. T. Scripture to which they referred, reads as follows: "When a man hath taken a wife and married her, and it come to pass that she find no favor in his eyes, because he hath found some uncleanness in her, then let him write a bill of divorcement and give it in her hand and send her out of his house." (Deuteronomy 24:1)

To their second question, Jesus answers: "Moses, because of the hardness of your hearts suffered you to put away your wives; but from the beginning it was not so."

Regarding these passages we note a number of things, First, Moses did not *command that men divorce their wives!* He only commanded, that, if men are determined to do so, they must at the very least follow some legal or civil procedure. It is not God's will that one spouse divorce the other. His will is that they be one flesh; this is what He established in the beginning. And so it is wrong for man to dissolve what God has established. But since men out of the hardness of their hearts, disregard the Lord's lofty intentions in marriage, there ought

to be some civil law which governs their procedure in their determination not to follow God's original intent, This is not a law sanctioning divorce, but something to regulate procedure when men are determined to have their evil way. The Pharisees' treatment of this whole matter would make us believe that, when God originally instituted marriage, He had it in mind that marriage could be dissolved at the whim of the individual. Genesis 1 and 2 show this to be false. And Jesus' statement: "From the beginning it was not so," supports it!

Another thing we should note, that was apparently overlooked by the Pharisees, is that Moses said: "because of some uncleanness in her," the literal translation of which is: "because of a matter of nakedness." This might have been a Scriptural cause for divorce; nakedness suggesting some immoral, indecent, shameful, disgraceful adulterous act or acts. And verse 4 speaks of a *defilement* with another husband, which is called an *abomination* to the Lord.

And lastly, we might briefly note that the word translated "divorcement" in the Bible is, in the original, a "cutting," A literal translation would be: "a writing of excision," that is, a writing by which the wife is cut off from the one flesh, of which she had become a part when she married her husband. This is a stronger expression than divorce whose root meaning is: "turn aside."

A few lines above we mentioned: scriptural cause for divorce. In speaking of divorce we ought to differentiate between scriptural and unscriptural cause for divorce. Scriptural cause is that which God Himself allows in His Word. And we find that Scripture allows but *one* reason for divorce, and that cause is fornication as Matthew 19:9 tells us: "Whosoever shall put away his wife, *except it be for fornication*, and shall marry another, committeth adultery." If a spouse divorces the other for any other reason (except fornication), that spouse violates God's institution of marriage and thereby commits adultery. So that leaves fornication as the only God-permitted cause for seeking a divorce.

What's the difference between adultery and fornication? There *is* no difference! Both refer to the same sexual act. My 1941 *Funk and Wagnalls* differentiates in this way: Fornication is engaging in the sexual act by unmarried people; adultery is the use of the same act by two married people, each of whom is married to someone else. Thus, if a married man sexually cohabited with an unmarried girl, they are both guilty of the same immoral act, but he would be called an adulterer; she a fornicator.

In such a case, the wife of such an adulterer, being the innocent party, may obtain a Scripturally-allowed divorce from her husband through legal means. But she does *not have to* get a divorce! If he is truly penitent for his sin and promises to amend, she may (yes, even ought to) forgive him and continue to live with him.

Contrariwise, he, being the guilty party, is guilty of adultery, but has no cause to sue for divorce from his wife. The right to sue for a legal divorce resides with the innocent party only. The guilty party, by his act of adultery, has, in God's sight, broken the marriage.

So, scriptural divorce is one which an innocent party may procure because the spouse has committed adultery. Conversely, an unscriptural divorce is one that is obtained for any other cause. Since Scripture allows but one cause, namely adultery, any reason other than that would be unscriptural.

With regard to adultery let us, as Christians remember that in God's sight adultery is more than just the carnal act of coitus, for Jesus says, in His Sermon On The Mount: "Whosoever looketh on a woman to lust after her hath committed adultery with her already in his heart." Before God all impure thoughts and desires are adultery. But one cannot prove this in a court of law; therefore, only the carnal act of adultery can be used as a cause for divorce.

Scripture points out another thing concerning unscriptural divorce and that is that it compounds the sin of adultery. This is indicated by Matthew 19:9: "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." What Christ says here to the Pharisees who tempted Him, He had also said earlier in His sermon on the Mount. (Matthew 5:32)

Finally, a word about legal divorce. A legal divorce is one that is gotten through legal means in court on the basis of the laws of the State. Consequently, a legal divorce could also be a scriptural one, because the State grants a divorce on the grounds of the fleshly act of adultery. But, as we said before, this must be provable in

court, which amounts to having to catch the guilty party in the act of adultery with witnesses. This can seldom be done, although a spouse may have well-founded suspicions of the other's guilt. Therefore, this ground for divorce is seldom used legally.

But many other reasons *are* used, and divorces *are* won on the basis of such other grounds. Thus, these divorces are also legal, but they are not scriptural! Frequently, grounds for divorce are given as; "incompatibility" or "cruel and inhuman treatment." These are important-sounding legal phrases. but they are very broad in their scope. In fact, the incompatibility or cruel and inhuman treatment has, in essence, in some cases, been as insignificant and inconsequential (even ludicrous) as one spouse eating crackers in bed, displeasing the other. So, legal divorces are won on the basis of many different causes. All are legal; but few, very few, are scriptural.

Malicious Desertion

Since the topic asks for special emphasis on "What is malicious desertion?" it behooves us to focus on this aspect of divorce.

First we might ask how it is that malicious desertion is included under the causes for divorce. This is a fair question, especially when we consider Christ's words in Matthew 19:9: "Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery." According to these words we get the impression that fornication or adultery is the only reason for which one may get a divorce. Strictly speaking, this is true!

Jesus speaks as He does, because He is addressing Himself to a specific situation. The question of the Pharisees was framed in such a way that no matter how Jesus answers, He will make enemies. If He answers that it is alright to put away one's wife for *any* cause, He would have found favor with the followers of lax Hillel, who could put away his wife if she burnt his food, or if he found a better looking woman. But at the same time He would have made enemies of the followers of strict Shammai who taught that whoredom was the only cause. Luther said (this situation: "If He should answer: 'NO,' He would act contrary to Moses; but if He should say: 'YES,' then He would tear marriage asunder, that people would reject each other and run apart, and the country be filled with adultery.")

In His answer Jesus refers to the divine institution of marriage and indicates that sin has desecrated it. Therefore, Moses, by inspiration, made proper legal provision to safeguard the woman when the man insisted on violating God's ordinance. So, to the question, can a man put away his wife for any and every reason or only because of whoredom, Jesus gives that answer that He does in Matthew 19:9.

His answer does not indicate that there could be another situation which, in essence, could also fall under the category of adultery, because He was confronted by a question of two extremes.

Although Christ does not speak of another situation akin to adultery, the Apostle Paul, by inspiration, speaks of one in his letter to the Corinthians. On this point, let me quote Fritz in his "Pastoral Theology" (p.180) as he brings up the situation in Corinth: "Although the Word of God knows of but one rightful cause for the dissolution of marriage: fornication (Matthew 19:9), there is, according to the plain apostolic statement (I Corinthians 7:15): 'If the unbelieving depart. let him depart; a brother or a sister is not under bondage in such cases,' another case in which the innocent party may not enact, but will *suffer*, the dissolution of his or her marriage, to wit, when a spouse deserts the other *maliciously*, i.e., with the manifest intention of not returning to the abandoned spouse, and will not be persuaded by any means to return." A little later he explains: "Desertion is in itself divorce, while fornication is not itself divorce, but *cause* for divorce."

Consequently, malicious desertion is a violation of the marriage covenant. It is God's will that the two parties in marriage remain one unit, that they stay together in marriage, for the Lord says: "Let not the wife depart from her husband." (I Corinthians 7:10) "And let not the husband put away his wife." (I Corinthians 7:11b) But if it happens that the wife departs from her husband or the husband puts away his wife, they are to remain unmarried or they should reconcile and again respect their marriage bond. This is the way two

Christians in marriage ought to act. If, because of the weakness of human nature, spouses do separate, it ought not be permanent. And if the perverse human nature of man insists on permanent separation, then another marriage should not be entered into by either of them, for that would only compound the sin.

So far we have been speaking of the marriage of two Christian spouses. St. Paul also takes up the case in which one spouse is Christian, the other an unbeliever. He writes: “But if the unbelieving depart, let him depart. A brother or a sister is not under bondage in such cases.” If the unbelieving partner insists on breaking up the marriage, finally the believing partner can do nothing to prevent it. So let him or her go! The deserted party is not to be told that he or she is still bound, but rather may consider himself free, just as though the other party had died.

But Paul says this only after he has again stated what God’s will is in regard to marriage, even in a mixed marriage. Paul writes; “If any brother hath a wife that believeth not, and she be pleased to dwell with him, let him not put her away. And the woman which hath an husband that believeth not, and if he be pleased to dwell with her let her not leave him.” (I Corinthians 7:12-13) Marriage is a sacred bond, and once entered into, should be kept inviolate! That is God’s will.

Schuetze and Habeck, in *The Shepherd Under Christ*, turn the question to that of the believing spouse wanting to desert the other. What then? He must be admonished and warned against it. And if he persists, he must be considered a false Christian. And what applies to the heathen spouse applies also to the false Christian. “He becomes guilty of breaking the marriage through malicious desertion.” (p. 284, 2nd paragraph)

At this point, I would like to share a quotation from Lenski (*Interpretation of I & II Corinthians*, p. 295). “Desertion is like adultery in its effect. Both disrupt the marriage tie...The essence of marriage is union. When this is disrupted, the union which God intended to be a permanent one is destroyed, sinfully destroyed. There is only this difference in the case of adultery, the innocent spouse may forgive and continue the marriage, or may accept the dire result, the sundering of the marriage. In the case of desertion the former is not possible; the deserted spouse can no longer continue a marriage, for none exists. To speak, as is generally done, of ‘two causes for divorce’ is a mistake. In the first place, neither Jesus nor Paul discusses what we term ‘divorce,’ namely legal court action; both speak about what destroys a marriage. In the second place, just as a man may be murdered in various ways, the one frightful thing being that he is murdered, so no matter how a marriage is destroyed, the terrible thing is its destruction.”

While still speaking of desertion in its gross form, i.e., the physical departure from living with the spouse, it is necessary to say what does not constitute desertion. In general, malicious desertion is a situation over which the deserter has control. If he sinfully desires to desert his wife and follows his sinful will, he is maliciously deserting her. It is within his choice to desert or not to desert. But situations may arise over which the deserter has no control. Perhaps the company which employs him, suddenly sends him, temporarily or permanently, to another state or country to which his family can not immediately follow him. Or he may be drafted into the armed forces of his country. Perhaps he has been convicted of a crime and imprisoned. Perhaps physical or mental trouble have caused his being put away in an institution. Or one spouse may agree that the other be absent for a time to visit relatives or tour another country. In all these situations and perhaps many more, there is a physical or local separation of the spouses, but it could not be considered malicious desertion, because there is no malice involved; it is not the individual’s choice, but the situation, that causes the separation.

Although malicious desertion in its grossest form refers to the physical and local separation of one spouse from the other for a sinful reason, nevertheless malicious desertion extends beyond this narrow definition to include a number of other things. We might add here that these other things not be of any practical value, but they do, in essence, constitute malicious desertion in the sight of God.

Schuetze and Habeck draw attention to the fact that the verb used in I Corinthians 10:10,11,15 is χωρίζω, which means to separate, to put apart. In the middle and passive voice it means: I separate myself, I depart. In verses 11, 12 and 13 the verb ἀφίημι is used which is translated: leave. Both words are used in verse 11 and both can mean a physical separation. However, χωρίζω is 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 Hebrew 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 the local and physical separation, it is separation in whatever way or form it might take place. One might then define malicious desertion also as the sinful deserting of the marriage covenant.

Thus, permanent refusal of sexual intercourse is deserting the marriage covenant. Note the word permanent! This is covered pretty well by I Corinthians 7:3-5: “Let the husband render unto the wife due benevolence; and likewise also the wife unto her husband. The wife hath not power of her own body, but the husband; and likewise also the husband hath not power of his own body, but the wife. Defraud (deprive) ye not one the other, except with consent for a time, that ye may give yourselves to fasting and prayer; and come together again, that Satan tempt you not for your incontinency.”

Accordingly, one spouse may temporarily refuse intercourse to the other, but only for good reason; and the other, in love, will understand. Or both may mutually agree to continence for a time. But under all normal circumstances, each has given his body to the other in marriage, and each should lend his body to the other’s use. Thus, the “headache syndrome” is a violation of a part of the marriage covenant.

Of course, again there may be situations over which the individual has no control. A spouse may be deprived of the marital right because one or the other is ill, is imprisoned, is in an institution, be forced by his employer to work at a great distance from home, etc., but none of these can be considered *malicious* desertion.

It is possible that chronic illness or some type of surgery (cancer of male or female organs) may deprive a mate of coitus for the rest of their married life. But this, again, could not be considered malicious desertion, because no malice is involved. Such a deprived mate will have to look upon this as a special trial that must be borne, and pray for strength to remain chaste.

Another form of malicious desertion, in the more refined sense, consists of persistent actions that make living under one roof unbearable and impossible. This usually includes threats which lead to physical violence that endangers the life of the wife and children. Also malicious refusal to support wife and family is a desertion of the marriage vow. Again we have to note the words *persistent* and *malicious*. There may be a few isolated cases of physical violence; there may be instances of inability to support the family because of unemployment, but would not be considered malicious desertion, because neither persistence nor malice was involved.

This is as far as the texts that I have consulted go with the matter of malicious desertion. Some do not go very deeply into it at all, but Schuetze and Habeck have gone this far. And yet it seems to me that at least two other situations, distantly related to refusal of sexual intercourse, should be given some space. Permit me to try to make a case for them!

What I am referring to is prevention of pregnancy and abortion. Again we should make it clear at the outset that not every prevention of pregnancy is meant, for we indicated (in the first part of this paper that coitus can be enjoyed for itself; that not every act of intercourse must result in a pregnancy. But the out and out prevention of any pregnancy, most notably done by the use of “the pill” today, does deprive the couple of a part of what the marriage vow leads one to expect. One of the purposes of marriage is the propagation of human race; the begetting, bearing, birth and rearing of children. God commanded the spouses to be fruitful and to multiply. Thus in marriage the partners are given to expect the joys of parenthood. The prevention of pregnancy, persistently and maliciously done, deprives one or the other or both of this joy. Would not the prevention of pregnancy, then, be a desertion of at least a part of the marriage vow?

And would not the same be true of abortion? In the former case the pregnancy is prevented from taking place; in abortion it *has* taken place, but it is put to an end. So the end result in both cases is the same: there is no birth of a child. However, in the matter of abortion, we must again say that there might be individual cases in which abortion is justified, such as when the continuation of a pregnancy endangers the life of the mother.

Such abortions would not be criticized not even from the point of view of the Fifth Commandment. But the aborting of any and every fetus, once conception has taken place, would certainly deprive one of the joys of parenthood which one would expect of the marriage promise. Thus, abortion, consistently resorted to and without good cause, would also be an evil desertion of the marriage contract.

Well, what if both spouses mutually agree to the prevention of *all* pregnancies (which today is also done by untherapeutic hysterectomy and vasectomy), or the abortion of *all* fetuses produced by a pregnancy? In answer, I would ask: Does the mutual consent of husband and wife to adulterous intercourse make it less sinful, than if there were no mutual consent?

Once more we will say, that “these other things,” beyond the physical or local separation of malicious desertion, may have little practicality; —one would perhaps have some difficulty in presenting some of them as causes for divorce in a court of law. Yet to me these things would be a clear violation of the divine intent and ideal of God’s institution of marriage. All of them are sins that war against the divine, institution of marriage; all of them tend to destroy marriage.

Counseling

Now we come to the matter of counseling in divorce cases. This will be the briefest part of the essay. It is *not* because we have little or nothing to say about how we are to deal with divorce cases in our congregations, but because most of what we need in our counseling has already been said in the other parts of this paper, and needs not to be repeated. As was said near the beginning of the essay, the Word of God, particularly concerning His institution of marriage, is the *best* and really *only* guideline for counseling in divorce cases.

At this point, we should say that it is not our intention to bring up individual cases of every possible type and discuss how each one should be handled. We would not have the time for it. And even if time was no deterrent, it would still be impossible to do so, for no one has all the “know-how” to do so; and because there are so many ramifications, so many circumstances, each of which would alter each case.

As a consequence, we will, try to present only a few general guidelines that we might be able to use in counseling our members with regard to divorce, especially since each case will have to be handled according to its particular circumstances.

Our dealing with divorce cases, it seems to me, can come under two different headings. In some cases we may be able to counsel members who are planning, but have not yet obtained, a divorce. In other cases (and these will perhaps be the most), we will have to counsel members who obtained a divorce before we were even aware that there was marital trouble.

Since it is quite possible, and highly probable, when we try to deal with some of our members who are having marital discord, or planning to sue for divorce, that we are going to be told politely, and at times not so politely: “It’s none of your business!” we must, first of all, convince them of our genuine Christian love and concern for their personal physical well-being; and, more importantly, for their spiritual welfare. We must convince them that we are genuinely interested in them; that it would be easier for us (from a worldly point of view) to close our eyes to their problems and say nothing—to not become involved; but that we have this obligation laid upon us by the law of love of our Savior to help our neighbor in his need; that as pastors our congregations have charged us, in the divine call they extended to us, “to discharge toward all the members of our congregation(s) the functions of a pastor, that is to watch over their souls in an evangelical manner...”

In this way we can convince them that we come to them in Christian love, and thus gain their confidence, that they are not so likely to look upon us as *another* barrier to their happiness. But, instead, a line of communication and confidence has been opened between them and us, which makes it possible for us to give them real help and counsel.

Once we have gained their confidence, the next thing we can do to help them is to let them unburden themselves by just listening. Let each calmly tell his side of the story without too many comments of our own. Be empathetic with them concerning their problems, but do not judge or condemn them, or take sides in their

problems. To do any of these could destroy our effectiveness as a pastoral counselor. What's more, it could be dangerous! Marriage has been compared to a pair of scissors; the two may pull opposite directions at times, but woe to anyone who gets between them!

Next, from God's Word, impress upon them the beauty and sanctity of God's institution of marriage, for this is the only thing that can really help them. It is absolutely necessary to do this, because they are seeking a divorce as a result of the failure of their Christianity—either of the one, or the other, or of both. To have come to the point of a divorce suit, their Christian faith and love must have—failed they must have yielded to their sinful flesh. To impress them with the beauty and sanctity of marriage, we could use all of, and perhaps more, than what we have presented in the first part of this paper. And this should not be difficult if both of them are Christians and their “new man” can be appealed to. It is much more difficult if one of the partners is not a Christian. (Could this be another reason why the Lord warns against mixed marriages?) For marriage to work in the first place, and to solve marital problems when they arise, it is necessary that both spouses work at it. And the only way they can both work at it seriously is to let the Holy Spirit work in their hearts through the Word.

Aside from presenting the beauty and sanctity of marriage in a positive way, our dealing with divorce can also be approached with the negative. By this we mean to say that we ought also point out God's displeasure with the dissolution of His divine institution (divorce). God does not want His holy institution tampered with. He says: “What therefore God hath joined together, let not man put asunder.” To show God's displeasure with divorce, we may use what has been presented in the second part of this essay.

God's way of dealing with men is to present both His grace and His threats, both of which have the same purpose. In much the same way, if we are to keep marriage inviolate, we must be impressed with its beauty and sanctity and at the same time see the horribleness of, and also God's displeasure with, its opposite, viz., divorce. Each will have its effect upon Christian spouses if they are concerned about His will.

The purpose of this type of counseling is to help solve their marital discord and dissuade them from getting a divorce, in order that they may be blessed by God with true conjugal love, and escape his displeasure over disrespect for His holy institution.

More often, we will not know of our members, marital troubles, until we read about their divorce in our newspapers or hear about it from others. If this is the case, how shall we deal with them? Our dealing will take the same form as with those who have not yet been divorced. Everything that was aid in the first four points of the previous section applies with equal force here in dealing with those who have already obtained a divorce. One difference may be that now we may have to deal with each one separately, according to applicable circumstances, rather than to deal with them together.

The purpose of our dealing will also change slightly. We would deal with him, or her, or both (separately) for the purpose of bringing them to repentance for their sin of divorce; and when this has been done, to forgive their sin. This, then, would lead to the further purpose of effecting a reconciliation between the divorced spouses and a reconciliation between the divorced spouses and a return to marital life or remarriage, depending upon whether the divorce has become final or not; and depending on whether or not some legal hindrances have arisen meanwhile, such as marriage to another spouse.

And, finally, to accomplish our purpose it may become necessary to deal with them (the one, or the other, or both as the case dictates) according to Matthew 18:15 ff., using the proper steps of church discipline. Because a divorce is already a published fact, it may not be necessary to begin dealing in the first step of discipline i.e., “between thee and him alone.” But even here, we feel, it is a good idea to deal on a one to one basis, rather than that a group deal with him at once. A person can much more easily be convinced of our personal concern and Christian love for him, if we go to him alone. Coming to him with others can give him the feeling that we are “out to get him.” Of course, the other steps will then follow in proper order.

But whatever step of discipline we may be using, we dare never forget that the purpose of such dealing is not to judge and condemn, but to *win him back!*—to “gain” our brother, to bring him to repentance that he may be forgiven. The purpose of *each* step is *to win, not to get rid of!* Therefore, true Christian love is to be

exercised *every* step of the way. Of, course, to do any counseling or dealing with any promise of success, it goes without saying, that *we* must live in Christian harmony with *our* mates.

Before closing, it might be well to state that we have been using the word “dealing,” part of the time, in the sense of counseling and, at other times, in the sense of exercising church discipline. Let it also be said that counseling can best be done when the individual comes to the pastor for help. Sometimes, however, the pastor has to initiate the counseling when he knows there is a problem and the individual does not come to him for help. And there will be times when the pastor, knowing of the member’s sin and impenitence, must discipline him according to Matthew 18.

Perhaps there is much more that could have been said on this subject, but this is what the essayist, with his limited capabilities, was able to present to you. He hopes that, in some small way, it will be of help to all of us to fulfill our Christian obligation as pastors, and to help keep inviolate God’s holy institution of marriage.

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