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Those "Divorce and Remarriage" Passages

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Sexuality, Marriage, and Divorce in 1 Corinthians 6:12—7:16

A Practical Exercise in Hermeneutics¹

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NO other social institution can begin to compete with marriage as a subject of ethical concern and reflection on all levels and in all periods of Biblical thought (for example, the opening chapters of Genesis, specific regulatory injunctions in the Torah, the ethical message of the prophets, wisdom literature — both canonical and extracanonical, the Sermon on the Mount, the Tables of Duties in Paul and Peter). Equally important for a study of marriage are the varying patterns of marital and familial life reflected in passing references and allusions in historical accounts (for example, the patriarchal family history, the chronicles of the royal families in Israel, warnings against miscegenation in the prophets, familial relationships in the infancy narratives of Luke and Matthew, numerous references to homes and families in the Gospels and

Acts, family greetings in the Pauline Epistles). Of crucial importance for a theological understanding of marriage are the constant references to the typological significance of marriage as a paradigm of the relationship of God and His Messiah with the divine people (for example, Isaiah, Jeremiah, Hosea, the kingdom parables of Jesus, Ephesians, Revelation).

But what is one to do with the materials thus amassed? They are a confused conglomerate of frequently unrelated and disparate elements. Flat historical statements jostle with fanciful poetic imagery; theological pronouncements of utmost significance — on the relationship, shall we say, of Christ to His church — are juxtaposed with rather routine observations on marriage as most men experience it most of the time; horrible examples of marital folly and inconstancy outnumber splendid examples by far and easily outbid them for sheer story value. The bewildering nature of the data, therefore, suggests that each reader approach the materials with his prejudices fully exposed and his special interests eloquently pleading their cause.

No exegete should pretend to command the complement of specialities needed for a comprehensive study of such complex materials. It is his primary task to assist other specialists by employing the classical

¹ This article is a somewhat abbreviated version of a study essay prepared for the Institute on Church and Society held at Concordia Senior College, Fort Wayne, Indiana, June 5—8, 1967. In its original, as well as in its present form, the essay is intended not so much as a contribution to the exegetical discussion of First Corinthians, but as a challenge to practical discussion in the hermeneutical "translation" of Biblical ethics into modern modes of experience.

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"art" of literary-critical and philological investigation to expose the original meaning of texts in their original contexts. We agree wholeheartedly with Krister Stendahl when he writes:

It happens that good and highly critical biblical scholars may be utterly amateurish or opinionated in the philosophical and theological and sociological realms. That does not diminish their competence in their field of specialization. But it should warn all of us against extending the authority of the specialist beyond his areas of specialization. . . . Teamwork is a necessity here, and the voice of biblical scholarship does not deserve more of a hearing than that of other theological disciplines.²

That philosophers, theologians, and sociologists may be equally amateurish as exegetes is implicit in Stendahl's argument.

A mere listing of passages and a review in catechetical form, again, can accomplish little here, even when a so-called exegetical specialist masterminds the organization. It may even be positively misleading. We shall risk being misunderstood by stating baldly and boldly that there is no such thing as a Biblical view of marriage. There are at best, as the first sentence of this essay suggests, "Biblical resources for a discussion of marriage." Some common theological viewpoints, perhaps even some regulative principles, may emerge from a careful exegetical comparison of some segment of related materials, but nothing is to be gained by a premature homogenization of possibly incompatible sources. Heinrich Greeven writes to the point:

As little as the New Testament presents a systematically conceived and organized

ethics in general, so little does it unfold a doctrine of marriage. Yet in contemporary discussion of questions related to marriage, words of the New Testament are frequently cited and employed as though they were propositions for a doctrine of marriage, formulated with that universality of statement and that care against misunderstanding which are appropriate for a proposition. Now none can deny that the New Testament presupposes a position on marriage which is quite closed and frequently incompatible with the views of its cultural environment. Only this position is not systematically presented, but is presupposed, or applied, or otherwise allusively employed. To become aware of it one must, of course, begin with the individual word or statement Required is unprejudiced exegetical labor, if the New Testament words on marriage are not unintentionally to be given a role in contemporary discussion which they were never intended to play.³

We have chosen one text as the focus for this exercise. This could scarcely be any other than Paul's programmatic treatment of sex and marriage in 1 Corinthians 6 and 7. In the final portion of the paper we shall also draw on the Synoptic Logia concerning divorce.

Our conviction is that one passage, given its cruciality, can become an organizing center for insights drawn from other sources. The condition, however, for such contagion of understanding is that at least one passage be securely mastered.

The rules of contemporary theological study declare that prior to discussion there must be an exposure of hermeneutical pre-

² Krister Stendahl, *The Bible and the Role of Women* (Philadelphia: Fortress Press, 1966), p. 9.

³ Heinrich Greeven, "Zu den Aussagen des neuen Testaments über die Ehe," *Zeitschrift für evangelische Ethik*, I (1957), 109 f. (Translation mine.)

suppositions. This procedure has much to commend it, and we shall happily declare our presuppositions to the extent that we are conscious of them. Indeed, we have already declared as a basic presupposition the primacy of the individual text and the decisive importance of the original meaning in the original context. Our additional presuppositions are two in number. They are both somewhat lamely phrased in negative terms because both are framed in conscious opposition to corresponding positive presuppositions which control much of the discussion of the Biblical sources on marriage.

Presupposition No. 1: The Biblical statements on marriage and related subjects are not culturally irrelevant and inapplicable to man in his modern psychosexual development.

Presupposition No. 2: The Biblical statements on marriage and related subjects do not permit a reduction to codification for a program of legalistic church discipline.

These presuppositions are complementary and need to be seen in tandem. Against the view that the Bible has little to say on marriage that is relevant to modern man and the modern problematics of sex and marriage, we would insist that there is much that is relevant in the kerygmatic context of judgment and of grace. Against the view that the Biblical statements are to be elaborated into a casuistic system of marital ethics we insist that the materials do not lend themselves to such systematization; that, moreover, there can be no ready transfer between the Biblical and the modern cultural environments; and that, even if these inhibiting factors did not exist, such casuistic elaboration is contrary to the previously mentioned keryg-

matic context of judgment and of grace. In other words, our presuppositions may ultimately be reduced to the one hermeneutical principle par excellence for every Lutheran interpreter: the proper distinction between Law and Gospel.

Our concerns here are those of that specialist in human problems and the dilemmas of the heart who was not mentioned in Stendahl's list of specialists, namely, the pastor. Even when he has not deluded himself into seeking the comfort of explicit Biblical directives, he is desperately in need of Biblical guidance in the kerygmatic application of the divine Word in judgment and in grace.

PRESUPPOSITION NO. 1

The Biblical statements on marriage and related subjects are not culturally irrelevant and inapplicable to man in his modern psychosexual development.

It would be useless to deny that the New Testament, in spite of its deep and relatively constant concern for the marital relationship, is strikingly fragmentary in its awareness and treatment of sex problems which are thrust upon us by the modern problems of sexual ethics. Jesus, for example, had nothing to say about courtship, perversion, masturbation, sex manners, codes of reproduction and parenthood, incest, birth control, artificial insemination, abortion, foeticide, and the like. And nobody, but nobody, had so much as heard of the pill! To look to the New Testament for explicit directives in most such areas is to look for that which is not there. But to conclude that the Bible is irrelevant in what it does say and in what can be inferred from its ethical teachings is surely unwarranted.

Psychologists, sociologists, sexologists, and cultural historians also arrive at the conclusion that human psychosexual development is a complex of variables that is largely conditioned by changing mores. One may deny the specialists their premises and fight their conclusions. One may beat a retreat into truisms about the constancies in human nature and the permanencies in fundamental human problems. But this is an ostrich game that bars the way to self-understanding and an awareness of the fantastic possibilities for novelty in man's propensity for good and evil. If marriage is man's primary *social* arrangement, and if its form and structure are socially determined, marriage will be as varied in form and structure as society itself. If, moreover, marriage is the most intimate *personal* relationship, and if man's apprehension of his *persona*, his concept of "self" in personal and social roles, is subject to evolution and development through changes in nurture and education, the marital relationship must of necessity be deeply affected by changing ideals of personhood.⁴

We are not of a mind to argue against alleged facts. To the extent that there is a cultural, as well as chronological, distance between the first century and the twentieth, we are content to agree with Helmut Thielicke that "we cannot simply quote, but must rather interpret" and that we are

⁴ A convenient collection of materials for a documentation of social and psychopersonal changes as these affect the institution of marriage may be found in *Reallexikon für Antike und Christentum*, articles on "Ehe," "Ehebruch," "Ehehindernisse," "Eheleben," "Ehescheidung"; also *Die Religion in Geschichte und Gegenwart*, 3d ed., articles on "Ehe" and "Ehescheidung." See also chap. 5 of H. Thielicke, *The Ethics of Sex* (New York: Harper & Row, 1964).

confronted with the "hermeneutical task of separating the kerygmatic kernel from its contemporary husk."⁵ For it is highly doubtful, as Stendahl puckishly observes, "that God wants us to play 'First-century Semites.'"⁶ Christianity is not a game of repristination to see who can make most like first-century man! It is just possible that a 20th-century man could embody an ideal of mature Christian personhood which, in certain areas of social and personal awareness, would challenge a Peter or a Paul. And the Christian conscience may, after 20 centuries of training through the Christian Gospel of love, have developed sensitivities which only dimly stirred the hearts of first-century Christians.

A pertinent illustration of a possibly unwarranted repristination from the history of The Lutheran Church—Missouri Synod is the debate on the sanctions of engagement. "Is engagement tantamount to marriage?" Aside from the fact that few of us had ever seen the word "tantamount" in any other verbal context, some of the younger set were convinced that a more existential question would be: "Is going steady tantamount to engagement?" We had only an antiquarian interest in personalia from the love life of Isaac and Rebekah and felt that the engagement of Joseph and Mary had a good deal less pertinence for us than for the Christmas story. It comes down to this: Passages descriptive of ancient social patterns are not prescriptive for all time. Even that which may be prescriptive in the ancient pattern is not necessarily always so. (And that applies not only to Old Testament social codes.) Whatever may or may not be

⁵ P. 296.

⁶ P. 17.

true of the need to demythologize the Biblical documents, it is certainly true that one must frequently "deculturalize" them before they yield anything like universally valid principles.⁷

What has happened to our presupposition? Is the New Testament irrelevant after all? The devil must have his due. The New Testament is irrelevant, if by relevance one means an easy conformability with modern folkways and sexual mores, or even a ready comprehensibility. But, then, it always was irrelevant in that sense. Jesus may have had little to say on many piquant sexual topics, but He said one thing very clearly: No divorce! And "the disciples said to him, If such is the case of a man with his wife, it is expedient not to marry. But he said to them, Not all men can receive this precept" (Matt. 19: 3-10). Not then. Not now. But therein

⁷ "When timid or shaky, quote Luther," runs the old adage. Here is a quotation tailor-made from his sermon *How Christians Should Regard Moses*: "One must handle and deal with Scripture soberly. The Word originally came into being in many different ways. One must not only observe if it is God's Word, or if God has spoken it, but also to whom it is spoken. Does it concern you or someone else? Here is a distinction like that between summer and winter. God said many things to David, he commanded him to do this and that. But it does not apply to me, it has not been spoken to me. He could well have it speak to me, if he wanted it. You must observe the word which concerns you, that which is spoken to you and does not concern someone else. There are two kinds of Word in the Scripture. The one does not apply to me, nor does it concern me. The other does concern me, and upon this one which concerns me, I may venture boldly and depend upon it as upon a strong rock. If it does not concern me, I must stand still. The false prophets come and say, Dear people, this is the Word of God! That is true, we cannot deny it. But we are not that people to which he speaks." Quoted by Stendahl, p. 39; note 38. WA XVI, 384—5.

lies our Lord's relevance. The context of His statement is not the folkways of any age but the divine will for every age. His is a kerygmatic word, spoken in the context of grace and of judgment. Cries of cultural irrelevance are, at least in part, a retreat from confrontation with that gracious word of judgment.

But what of Paul in our focal passage? Piety places a quietus on glib rejection of Jesus' words. With Paul it is a different matter. Again and again he has been charged with a "kind of race suicide doctrine."⁸ More typical is the guarded rejection represented by this quotation from Rupert Davies:

I think we all feel that when we approach the matter of sexual ethics we do not need to treat Paul with quite the same respect as we do on other matters. We feel that he faltered a little as he spoke of such things, and we tend to regard him as responsible for some of the mistakes in that area of life of which the church itself has been guilty, or which at any rate it has condoned.⁹

There may be a good deal of truth in Davies' concluding judgment, but since when do we hold a Biblical writer responsible for the excesses of his interpreters?

Thielicke, while expressing similar reserve, may point us in the right direction:

Here we cannot simply "quote" the Bible, any more than we can elsewhere. We must interpret it — interpret it in the light of the changed consciousness of reality. Merely to quote Paul on the subject of marriage would actually be offensive to

⁸ Joseph Fletcher in *Sex and Religion Today*, ed. S. Doniger (New York: Association Press, 1953), p. 188.

⁹ *Studies in First Corinthians* (London: Epworth Press, 1962), p. 49.

countless persons. They would not recognize their own "happy" marriages in these statements of his and they would probably disassociate themselves from these texts with the sad conviction that this was a blind man talking about color (and with all respect to the Apostle they perhaps would not be far wrong).¹⁰

There is no need to ventilate the scholarly argument about a possible marriage for Paul in early life in order to free him from the suspicion of a fundamental lack of empathy for the marital relationship. He may well have been a man not quite of the common mold in the need for personal fulfillment in a marriage relationship. But Paul knows his little man, and he places his finger on the sexual mark in that verse which was a favorite among earlier generations of seminary students: "It is better to marry than to burn" (1 Cor. 7:9). He was too much the realist to conceive even the possibility of racial suicide. And his advice to married partners is calculated to keep the globe well populated (vv. 2-5). He seems even to be conscious that he is vulnerable to the charge of special pleading and expresses himself with uncommon reserve (vv. 6-7, 9-10, 12, 16, 25, 40, and throughout the chapter).

As Thielicke says, "We must interpret." In that interpretation, however, the focus is not on Paul and his sexual nature; it is on the Corinthians. If "countless persons . . . would not recognize themselves and their own 'happy' marriages" in the statements of Paul, then it is because they could not recognize themselves in the readers whom Paul was addressing. We are not first-century Corinthians any more than we are first-century Semites!

If we wish to understand Paul at all, we must not forget that throughout this section of First Corinthians he is giving answers to questions which he, no doubt, would not have phrased the same way. He is accepting and responding to the problems that the Corinthians have laid bare in their letter to him and that he has been apprised of by personal reports. The sexual dilemmas of chapter 6 and 7 are but one aspect of an enthusiastic eschatological fervor which had unsettled community life at all levels of mutual social responsibility. A considerable number of the Corinthian Christians regarded themselves as "pneumatics" (*pneumatikoi*) who, in the possession of the Spirit, had already arrived at the fullness of the Kingdom. They were playing at being angels in an exciting game called "Heaven is now!" It was a heaven peopled by individualists of both sexes, men and women shouting and living their private "hallelujahs" in a bedlam of religious mania.

In sexual ethics Paul had to fight a battle on two fronts. There were those who, seduced perhaps by a pagan past and a pagan environment which regarded sexual acts as mere physical functions with no psychic or spiritual consequences, fell in and out of casual liaisons with no compunctions. It is to these he speaks in chapter 6. More "angelic" were those whose spirituality expressed itself in an ascetic suppression of sexual drives. They were living already in Kingdom Come, where people neither give nor are given in marriage. Affected married partners took to sleeping by turns and were seriously considering annulling their marriages. This diseased spirituality, not Paul's own sick sexuality, sets the context for chapter 7. One may fairly conclude

¹⁰ P. 301.

with A. Oepke: "Paul provides casuistical advice, not basic principles."¹¹ We are dealing in 1 Corinthians 6 and 7 with casuistry occasioned by a specific missionary situation; we do not have abstract principles which may be heedlessly universalized.

If it appears that we have again got our two presuppositions crossed, this will merely demonstrate that they are indeed complementary. Later these same arguments could be employed to warn against an unhistorical and unevangelical reading of 1 Corinthians 7 as a universal marriage code. Here our purpose is to free Paul of the incubus of misunderstanding arising from just such an unimaginative reading. Once Paul's statements are seen in their precise relevance to a specific situation, they are set free to do their work in new and perhaps totally different situations. The key to continuing relevance is the open acknowledgment of surface irrelevance.

What happens to the charge that Paul is a sexual eccentric? Once the historical situation has been uncovered, Paul emerges as a hero of sanity. Many recent students of this passage are quite convinced, for example, that chapter 7, verse 1*b*, is a tag quotation from the letter addressed to Paul by the Corinthians and does not represent Paul's personal choice of language. It is the Corinthians who ask Paul, "Is it good for a man not to touch a woman [perhaps his wife]?" He reminds them of their question with the tag quotation and then begins his cautious "Yes, but" reply.¹²

¹¹ *Reallexikon für Antike und Christentum*, 659.

¹² So, e. g., J. von Allmen, *Pauline Teaching on Marriage* (London: Faith Press, 1963), p. 13. For a thorough discussion of alternative inter-

That Paul is motivated by personal inclinations as well as by concern for the public good in granting a qualified "Yes" answer is clear enough. Which unprejudiced reader, however, if he considers the cultural and religious context, will fail to hear the resounding "but"? Moreover, if the charge is leveled that in stating his "but" Paul voices an exceedingly low estimate of marriage as a mere medicine for lust (*a remedium fornicationis*), is that not precisely what the situation required? These angels needed to have their wings trimmed a little closer to human shape.¹³

Is all that remote? In some ways decidedly so. But there is much in modern individualism and sexual freedom that is more than vaguely reminiscent of Corinth. An estimate of the amount and kind of culturo-hermeneutical translation necessary to permit Paul to speak will vary with the observer. Among the factors that threaten modern marriage the following are frequently mentioned: individualism, equalization of the sexes, social mobility and uprootedness, emphasis on erotic compatibility, and the free choice of marital partners in an open society. These are frequently regarded as distinctly modern phenomena.¹⁴ But evidence is accumulating that in all these respects the Hellenistic

pretation of this difficult verse, see John Hurd, *The Origin of I Corinthians* (New York: Seabury Press, 1965), pp. 154—59. Hurd notes that Chrysostom already saw in v. 1*b* a quotation from the Corinthian letter.

¹³ A comparison with Luther's motivation for expressing a similar attitude toward marriage in the context of monastic asceticism would, no doubt, prove instructive.

¹⁴ See, for example, the first chapters of Otto Piper, *The Biblical View of Sex and Marriage* (New York: Charles Scribner's Sons, 1960), and numerous articles in *Sex and Religion Today*.

Roman world was very much like our own. And not the least likely candidate for the title "Destroyer of the Ancient World" was the rampant decay of marital and family life. If this was true of the Mediterranean world generally, it was doubly true in Corinth, hospitable haven for sex-starved sailors who dreamed of their next chance to "Corinthianize."¹⁵

Thus a more thorough knowledge of the ancient world, coupled with an openness to the dynamic social forces of our own world, can do much to bridge the cultural gap. In one significant area it has taken an incredibly long time for modern thought to catch up with Paul. The Freudian insights have properly been regarded as marking a revolution in man's understanding of himself. We have learned to think of sex as the whole sphere of action and feeling dominated by the relations between men and women. It encompasses much more of life than merely the physiology of sex functions and differentiation. It is a pervasive force in all aspects of human personality. But precisely that understanding of sexuality dominates the anthropological thought of Paul. The man who quarrels with Freud must do battle with Paul as well. In his concept of "body" (*sōma*), as this is developed in its sexual dimensions in 1 Corinthians 6, there is an apprehension of the psychophysical and psychosexual

unity of man that is stunning in its modernity.¹⁶ The *sōma* is the person, the total self as it enters into personal relationships with other selves. In sexual encounter the total self is involved at levels of commitment that are quite unique in human behavior. Sexuality, Paul can remind us, is more than coitus, and the man who forgets this does so at the peril of injury to his "selfhood." And that—let the study of neuroses remind us, if our own self-knowledge cannot—is not a bit of ancient witchcraft. The context alone requires the negative cast of Paul's statement. Beneath the form of statement there is a positive and wholesome estimation of sexuality that rests ultimately on Paul's faith in God and the goodness of His creative intentions. (1 Cor. 6:16)

Other positive implications lie near the surface of the Pauline text of First Corinthians. We shall merely list them here:

Paul does not give grudging consent to marriage as a poor second best in some ethical value scale. He appreciates and extols marriage as a gift (a *charisma*), an opportunity granted by God for the fulfillment of life's vocation. (7:6)

Paul rises above a purely utilitarian appreciation of the sex act as necessary merely for procreation. In this he outstrips many of his contemporaries. Sex relations have an inherent value in the mutuality of total commitment to the partner and in the ecstasy that releases life's tensions. In sexual relations there is a unique opportunity

¹⁵ Evidence for the assertions in this paragraph can be found in the two German encyclopedias cited in note 4. Those who have grown up with the assumption that ancient fathers invariably chose their daughters' husbands and that there was little opportunity for free erotic association and choice will be given a scholarly jolt by an article of W. Kuemmel, "Verlobung und Heirat bei Paulus," in *Neutestamentliche Studien für Rudolf Bultmann* (Berlin: Alfred Töpelmann).

¹⁶ Of the massive bibliography on Pauline anthropology, we mention only the convenient monographs in the Studies in Biblical Theology series: J. A. T. Robinson, *The Body* (Chicago: Henry Regnery, 1952), especially chapter 1; and M. Dahl, *The Resurrection of the Body* (Naperville, Ill.: Allenson, 1962), especially chap. 5.

to "glorify God" in the "body." (6:16, 20; 7:3-5)

A wife is more to a man than the mother of his children, and the husband's first gift to his wife is not to make her a mother but to make her a woman. She is not his possession, but a partner to cherish. A further indication of this is the notable fact that the double standard which in Judaism gave all the initiative to the man in annulling a marriage is also broken. (7:4, 10-11)¹⁷

Deeper theological implications are hinted at when Paul advises that Christians marry "in the Lord" (7:39) and when he compares sexual union to the Christian's union with Christ (6:16-17). Christians are to seek partners who share a common faith in the Lordship of Christ. Here *eros* can be transcended by *agape*. Each partner perceives the other in his alien dignity as a redeemed creature of God, fashioned in the image of Christ for a life of love and service. Together they perceive their marriage as a parabolic witness to the union of Christ with His church.¹⁸

¹⁷ In the light of these and other considerations, the question of the subordination of women needs to be restudied — exegetically, theologically, and practically. A convenient place to begin would be Else Kähler's study, *Die Frau in den paulinischen Briefen, unter besonderer Berücksichtigung des Begriffes der Unterordnung* (Zurich: Gotthelf Verlag, 1960).

¹⁸ The positive aspects of the New Testament witness are excellently and persuasively presented by E. Kinder in two articles on marriage in the NT in *Evangelisch-lutherische Kirchenzeitung*, 1950, pp. 259 ff.; 1953, pp. 117 ff., and by B. Reicke, "Neuzeitliche und Neutestamentliche Auffassung von Liebe und Ehe," *Novum Testamentum I*, pp. 117 ff. Kinder, for example, makes a helpful distinction between two distinct lines of interpretation of marriage in the New Testament: (1) On the one hand marriage is viewed in a fundamentally

PRESUPPOSITION NO. 2

The Biblical statements on marriage and related subjects do not permit a reduction to codification for a program of legalistic church discipline.

Alongside the tendency to write off the statements of the New Testament concerning marriage and related subjects as irrelevant, there is a strong countertendency to lift them out of their kerygmatic context and to reformulate them into a universal code for pastoral care and church discipline. A touchstone for this tendency would obviously be the interpretation of those passages in the Synoptic Gospels and in 1 Corinthians 7 which deal with divorce and remarriage.

A good illustration of legalistic interpretation is provided by J.-J. von Allmen, whose frequently illuminating monograph is marred by an apparent longing to revive the Geneva theocracy. It is, he claims, "a treatise of practical theology on the exegetical level."¹⁹ The practice toward which his exegesis tends is revealed a few sentences further on when he says, "The

negative fashion in "infralapsarian perspective" as an order which exists because of sin. The chief passage is 1 Cor. 7. (2) On the other hand, marriage is viewed in a fundamentally positive fashion in "supralapsarian perspective." It is an order which has its warrant from the time of creation; it is fashioned in view of Christ; and it receives its full meaning in the relationship of Christ with His church. The chief passages here are Matt. 17:3-12 and Eph. 5. There is a noticeable tendency in these and other Protestant theologians to rehabilitate the typological and "sacramental" character of marriage in heavy dependence on Eph. 5. At times their statements come close to affirming that a Christian marriage is ontologically unique, i. e., essentially somehow different from a marriage in the "world." The matter merits cautious restudy. See also chap. 3 of Von Allmen.

¹⁹ P. 5.

Church, according to St. Paul, stakes her allegiance on her marriage doctrine and laws."²⁰ Note that word "laws"! It is not, I think, a word that would have been transmuted by the translator in passage from French to English. "Laws" is what Von Allmen means, and laws are what he wants. Once he even absolutizes the concept and speaks of "*the Christian law*."²¹

It is, of course, impossible [he regretfully concedes], to restore in one fell swoop, in view of the present state of the Church, the conjugal *discipline* enjoined by the early church: one does not employ a "*militant*" *discipline* to a Church whose members are for the most part Christians in name only. The Church is forever engaged in such a struggle to "get back to the source" that there is no reason why we, too, should not invite her to reexamine her *doctrine* of marriage as well, so that eventually she may embody it in *pronouncements* more biblical than those under which so many of the faithful suffer today.²²

"Doctrine" embodied in "pronouncements!" One wonders how the faithful will suffer once that end has been achieved. One example must suffice. "It is essential for the Church to preside over any unions contracted by her members, for fear lest they should bring about their downfall and contaminate the Church. For it is only the marriage consummated within the Church, the making of 'one flesh' of persons who are already 'one Spirit' (1 Cor. 6:18) with the Lord, that is not, for the Christian, adultery or prostitution."²³ That is what

happens when a word of grace, which centers in the mystery of faith's union with Christ, is torn out of kerygmatic context and contorted into law. With one stroke of the pen the Christian wife of an unbeliever, who was married perhaps by a justice of the peace, has become a prostitute!

Exemplum horribile, perhaps. *Sed exempla sunt multa*. That Von Allmen is heir to a long tradition (and that the tradition is not composed completely of Calvinists) will be apparent to anyone who consults his library and the shelf entitled "Pastoral Theology." All questions there which deal with justifiable "grounds for divorce," with the "innocent" and the "guilty parties," and with "permissible circumstances" for remarriage are essentially legal questions. To seek Biblical answers for such questions may be tempting, for everyone knows that a code is more comfortable to live with and more pliant to our desires than the word of judgment and of grace. But that word is all that we have, and it simply will not let itself be reduced to a code. Our study up to this point should have convinced us that the code would, in any event, be woefully fragmentary and inadequate. What code, for example, will the Christian couple consult to assist them in planning the size of their family? Or what code will they consult to assist them in the countless little decisions of every day? Casuistry has little to support it in most areas of marital and family decision, but it has more than avenged itself upon the dominical logia concerning divorce and on Paul's reminiscence of the Master's sayings.

We shall refrain from an exegetical treatment of the passages and confine ourselves to a few summary remarks on their nonlegal character. Of the Synoptic pas-

²⁰ P. 6.

²¹ P. 53.

²² Pp. 6 f. Emphasis in part mine.

²³ P. 25.

sages, we shall confine ourselves to the Matthean pericopes (19:3-9; 5:31-32) which have opened the way for a legalistic interpretation of Jesus' intention. We shall conclude with our focal passage from 1 Corinthians.²⁴

The context of Matthew 19 is a controversy discourse (*Streitgespräche*). The Pharisees' question in Matthew relates to divorce "for every cause." The strange form of the question is probably occasioned by the statement in Deut. 24:1, and the Pharisees' purpose seems to be to involve Jesus in a school debate on the interpretation of the Mosaic divorce regulation. As on so many subjects relative to Jewish law, the followers of Shammai and Hillel differed in their teaching concerning divorce.

The school of Shammai say: A man may not divorce his wife unless he has found unchastity in her, for it is written, Because he has found indecency in her in anything (Dt. 24, 1). And the school of Hillel say: He may divorce her, even if she spoiled a dish for him, for it is written, Because he has found indecency in her in anything. R. Akiba says: Even if he found another fairer than she, for it is written, And it shall be if she find no favor in his eyes . . . (*Gittin*, IX, 10)

Shammai, then, was much more rigid than Hillel, and the question of the Pharisees is calculated to force Jesus to take sides. That Jesus avoided Deuteronomy in favor of Genesis tends to put Him in agreement with Shammai rather than Hillel. Actually, Jesus refused to take sides. Rather,

²⁴ Cp. the article by Harry Coiner in this issue. Worthwhile observations will be found in the articles by Greeven, Reicke, and Kinder, cited above; and see section III D of Thielicke's book.

He lifted the discussion above and behind divorce to the original institution of marriage. Jesus set Himself in opposition to all casuistic interpretation.

The traditional translation of verse 8 implies that Jesus understood Moses' regulation as a concession "because of the hardness of your hearts." This is a possible rendering, but the Greek syntax suggests that Jesus is interpreting the divorce concession as a judgment "against" (*pros*) the hardness of man's heart.²⁵ The Jews have hidden from the judgment of God behind the screen of legality, and they have twisted Moses like a putty nose with their casuistic interpretation. Jesus summons men to come out from behind their legal defences and to be confronted with the judgment of God upon their hardness of heart. Then the challenge inherent in the original divine intention can again become a word of empowering grace.

To lift verse 9 out of this context of judgment and to make it the basis for a new Christian casuistry is to turn that Prophet greater than Moses into a new lawgiver and His word of judgment and of gracious challenge into a legal lie. What otherwise would be the meaning of the fact that it is precisely this form of the divorce logion which elicits the disciples' response: "Impossible"? They perceived no legalistic loopholes.

The context of the logion in Matthew 5 is again manifestly nonlegal. Verses 31 and 32 are set in the wider context of the Sermon on the Mount and the narrower context of the five great antitheses. Which evangelical interpreter would turn that

²⁵ I am indebted to Greeven for this insight, p. 114. One wonders why he could not himself have seen the obvious.

great Plan for Life in the Kingdom into a new law, and those antitheses into a new set of commandments? Behind the radicalization of the decalogue implied in the antitheses stands the law of love. But that is precisely antithetical to all casuistic legality. Who would attempt to interpret vv. 22 ff., vv. 34 ff., and above all vv. 39 ff. in a strictly legal sense? These divine challenges of our Lord are simply not justifiable. Then how can verse 32 be so mercilessly abused?

Yet what about the "except clauses" in Matthew? Do they not indicate that Jesus was understood casuistically in at least some communities in the apostolic church and that the cloth was being tailored to size? Maybe. But few passages of Scripture are so impatient of an assured exegesis as the "except clauses." We are reminded of an earlier point made in a quotation from Greeven: principles, let alone laws, must be stated in unequivocal terms. And, on any interpretation, the "except clauses" neither recommend divorce nor do they give blanket sanction to remarriage. That divorce under given circumstances is not adultery does not by a long way justify it.

First Corinthians 7:10, in which Paul is clearly recalling his readers to a well-remembered logion of Jesus, suggests that Paul had received a tradition of Jesus' sayings on divorce which is closest to that

enshrined in Mark 10:10-12. It knows of no exceptions. But does not Paul grant exceptions? Yes, and no! The case of a mixed marriage in which the relationship is broken by the scandal of the Christian Gospel may be regarded as a marriage which God, not man, has put asunder (1 Cor. 7:12-16; cf. Matt. 10:30 ff.). If that seems overly subtle, then one should again consider the context. Paul is not here functioning as a legislator who lays down a new decree. He is functioning as a pastoral counselor, and he is guiding tender wards who are living in the anxious tension of the *simul justus et peccator*. He does not for a moment forget the kerygmatic context of judgment and of grace in which all of his words are set, and he summons his readers to undergo the judgment in confident hope of forgiving grace.

For those of us who must function as pastoral counselors today, there is a bracing liberation when we, too, have begun to interpret our task in the context of a judgment and of a grace that lie beyond legalism in the forgiveness of sins. We may then begin to hear as an overriding principle that verse of St. Paul which has been strangely lost in the welter of casuistic legalism: "God has called us to peace." (1 Cor. 7:15)

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