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A Survey of Past and Present Principles of Dealing with Desertion in the Four Major Non-Lutheran Protestant Church Bodies in America

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A SURVEY OF PAST AND PRESENT PRINCIPLES
OF DELETION WITH EMPHASIS IN THE LIGHT
OF THE MODERN SITUATION
SHORT TITLE
CHURCH DELETION IN AMERICA

DEsertION IN PROTESTANT CHURCHES

A Thesis Presented to the Faculty
of Concordia Seminary, St. Louis,
Department of Practical Theology
In partial fulfillment of the
requirements for the degree of
Bachelor of Divinity

by
Howard R. Kline

June 1959

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CHAPTER I

INTRODUCTION

This writer has discovered that a decided uncertainty exists in theological circles regarding the matter of desertion and its definition. Originally it was the concern of this writer to attempt to establish a sound definition of the term "malicious desertion" on the basis of Protestant writings on the subject. This project was abandoned for lack of sufficient source material.

The writer, still having the desire to know more about the problem of desertion in divorce, then shifted his attention to finding out the methods used by ministers and churches in dealing with this problem. It was soon detected that this likewise was a difficult undertaking. Generally, a very simple answer was given to this question. There are no established and universal methods for treating the problem. Each case presents its own peculiar circumstances and has to be judged on its own grounds.

The question then arose as to what church bodies have said in an official way to guide and direct their ministers in handling each individual case on its own grounds. This then became the center of attention for this thesis.

To limit the scope of the thesis, concern was narrowed to the principles of treatment as found in the recognized confessions and creeds of the four major, non-Lutheran,

Protestant denominations in America.

The historical study of the past standards of these churches is nowhere near complete in this thesis. The historical information therein is offered only as background material to give the reader some idea of the earlier principles that existed in these churches and the development that has taken place through the years. The present-day (1959) principles are taken from the currently recognized standards of each church.

In some cases it was necessary to set forth some of the basic theological principles of certain bodies in order to clarify the "Why" of that denomination's particular approach to desertion.

The reader will find that the chapters are divided as follows: (a) Presbyterian; (b) Episcopalian; (c) Methodist; (d) Baptist. Each chapter stands by itself and is not dependent upon any material from a preceding or following chapter. However, several references are made in the text to the Appendix material at the end of the thesis. The Appendix includes acknowledged questionnaires and letters from various Protestant ministers on the topic of desertion. Some, but not all, of the material in the Appendix is utilized in the thesis.

The organization of each chapter is basically the same. The historical and theological background material is presented first. Then the present-day creeds and confessions are offered. And finally, at the end of each chapter, the

writer took pleasure in stating conclusions that he felt could be safely drawn from the preceding discussion.

THE PRESBYTERIAN APPROACH

The organization of the Presbyterian Church in the United States is similar to that of most Protestant denominations in our country in that it is a divided body. The Presbyterian churches of our country can be grouped for the most part under four headings:

- a. The Presbyterian Church in the U. S. A. (Northern Presbyterians).
- b. The Presbyterian Church in the U. S. (Southern Presbyterians).
- c. The Cumberland Presbyterian Church.
- d. The Scottish Presbyterian groups.

Since the first two of these represent the largest number of Presbyterians in our country, the following discussion of the matter of cessation is to be centered on these two alone as representative of Presbyterian thought.

The Confessional Basis

While it is true that Presbyterianism as a body is divided, it is yet possible to speak of it as a unit because of basic confessional subscriptions. The standards of the Presbyterian Church are six in number and are as follows:

- a. The Westminster Confession.
- b. The Larger Catechism.
- c. The Shorter Catechism.

CHAPTER II

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The organization of the Presbyterian Church in the United States is similar to that of most Protestant denominations in our country in that it is a divided body. The Presbyterian churches of our country can be grouped for the most part under four headings:

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- a. The Westminster Confession.
- b. The Larger Catechism.
- c. The Smaller Catechism.

d. The Form of Government.

e. The Book of Discipline.

f. The Directory of Worship.¹

Information on the basic history of these standards may help the reader realize their importance in the Presbyterian system. The Westminster Confession dates back to 1646-1647 A.D. The English Parliament summoned the Westminster Assembly as early as 1643 A.D.:

For the settlement of the Government and Liturgy of the Church of England, and for vindicating and clearing of the doctrine of the said Church from false aspersions and interpretations as should be agreeable to the Word of God and most apt to procure peace of the Church at home and bring it into closer accord with the Church of Scotland and the other Reformed Churches that are abroad.²

Many theologians were present at this Assembly. Among them were Episcopalians, Erastians, Independents, and English and Scotch Presbyterians.

The results of the Assembly's work were the completion of five of the six standards mentioned on the previous page. The first to appear was the Directory of Worship (1644). The Larger Catechism was composed simultaneously with the Confession of Faith in 1647. Immediately thereafter, a small committee produced the Shorter Catechism as a directory for those people who were unable to handle the Larger

¹F. E. Mayer, The Religious Bodies of America (St. Louis: Concordia Publishing House, 1956), pp. 232-233.

²Roswell C. Long, The Story of Our Church (Richmond: Presbyterian Committee of Publication, 1932), p. 50.

Catechism. In 1648, the Book of Church Order was issued and the standards were complete.³

In the original document of the Westminster Confession already we find expression of concern on the matter of desertion. In chapter XXIV of the 1647 Westminster Confession of Faith, section VI, we read:

Although the corruption of man be such as is apt to study arguments, unduly to put asunder those whom God hath joined together in marriage; yet nothing but adultery, or such willful desertion as can no way be remedied by the Church or civil magistrate, is cause sufficient of dissolving the bond of marriage; where a public and orderly course of proceeding is to be observed; and the persons concerned in it, not left to their own wills and discretion in their own case. (Footnote: Matt. xix, 8-9; 1 Cor. vii, 15; Matt. xix, 6.)⁴

This particular chapter of the Confessions was retained in this original form for at least two hundred years after its original writing. In the Southern Presbyterian Church of the United States, it was held sacred up until this year (1959). As for Presbyterianism as a whole in the United States, we find this chapter untouched as late as 1846. In that year, an exposition was published on the Confession of Faith which provides us with an interesting commentary on the meaning of chapter XXIV:

In the New Testament a divorce is only permitted in case of adultery, or of willful [sic!] and obstinate desertion. There can be no question that adultery is

³William A. Curtis, A History of Creeds and Confessions of Faith in Christendom and Beyond (New York: Charles Scribner's Sons, 1912), pp. 265-277, passim.

⁴Philip Schaff, The Creeds of Christendom (New York: Harper and Brothers, Franklin Square, c.1919), III, 656-657.

a just ground for "the innocent party to sue out a divorce, and after the divorce, to marry another, as if the offending party were dead"; But whether the willful and obstinate desertion of one of the parties sets the other party at liberty to marry again, may admit of dispute. Many divines of great name have maintained the affirmative, and have thought the case to be expressly determined by the apostle Paul, (1 Cor. vii, 15;) "If the unbelieving depart, let him depart. A brother or a sister is not under bondage in such cases." At verse 11, the apostle plainly declares, that the party who willfully and obstinately deserted the other was not at liberty to marry again during the other's life. But at verse 15, he appears to declare the party who was deserting, was free to marry again. (Footnote: This view of the text has been warmly opposed by Dr. Dweight--Sermon cxxi.;--but the interpretation given above has been the general opinion of enlightened statesmen as well as theologians in Great Britain.) And the decision seems just; for by irreclaimable desertion the marriage bond is broken, and the ends for which marriage was appointed are effectually defeated; and it is not reasonable that the innocent party should be denied all relief. Our Confession accordingly, teaches that not only adultery, but also "such willful desertion as can no way be remedied by the Church or civil magistrate, is cause sufficient for dissolving the bond of marriage"; and the law of Scotland also allows of divorce in case of willful and irreclaimable desertion. It ought to be observed, however, that even adultery does not, ipso facto, dissolve the bond of marriage, nor may it be dissolved by consent of parties. The violation of the marriage vow only invests the injured party with a right to demand the dissolution of it by the competent authority; and if he chooses to exercise that right the divorce must be effected "by a public and orderly course of proceeding."⁵

The Confessional standards of the Presbyterians today no longer follow the letter of the originals as they did during the early years in the United States. Before the year 1729, the Presbyterian Church of America accepted the

⁵Robert Shaw, An Exposition of the Confession of Faith of the Westminster Assembly of Divines (Philadelphia: Presbyterian Board of Publication, 1846), pp. 282-283.

Westminster Confessions nearly "simpliciter." In 1729 though, when the Synod of Philadelphia met, a different subscription was declared. At that Synod it was announced that the Confession of Faith, including the Larger and Shorter Catechism, was to be recognized "as being in all the essential and necessary articles good forms of sound words and systems of Christian doctrine."⁶

Since 1729, the Westminster Confessions have undergone numerous revisions and changes. Evidence of this will be offered later in this thesis. The marriage chapter of the Confessions, however, did not undergo change until the year 1953, when it was amended by the Northern Presbyterian Church.

In preparation for the discussion of modern day approaches of Presbyterians to desertion, it is necessary to account for the fact that there are two different teachings within the Presbyterian Church.

Presbyterianism in our country became divided around Civil War time. A severe battle ensued at that time between liberal and conservative factions in the church. The Presbyterian Church of the U. S. A. (Northern) was characterized by a more liberal approach to the standards of the Presbyterian Church, while the Southern branch--known today as the Presbyterian Church of the U. S.--was conservative in its approach to them. Several attempts at reunion of

⁶Curtis, op. cit., p. 287.

these two bodies have been made, but they have found little success. Dr. Mayer states:

The failure of these efforts at reunion is due in part to the difference in treating the Negro members, the Southern Presbyterians in distinction from the Northern Church having organized the Negro members in separate congregations and presbyteries. The chief reason, however, is the greater theological conservatism of the Southern Presbyterians, manifest in their strict adherence to the spirit and letter of their creeds.⁷

The results of this split between North and South are shown by the divergences of practice between the two bodies. The Presbyterian system, as we previously tried to show, is founded on the Westminster standards and membership in the church brings a person under their jurisdiction.⁸ However, it is still possible for one man to write,

No one, however, can answer "What do Presbyterians believe?" for many answers could be given. Also, there are a number of Presbyterian denominations. Furthermore, some Presbyterians, ministers for example, have a comprehensive and detailed idea of Presbyterian doctrine, and yet even these, if they were to make their own statements, would vary in their content, in their omissions, additions, phraseology, and emphasis. Different lay Presbyterians would not make the same statement. Elders, who have read the Confession of Faith, would have a more adequate understanding of official Presbyterianism, for they accept the Confession of Faith as containing the system of doctrine taught in the Scriptures. Presbyterians who have memorized the Shorter Catechism have a pretty clear view of Presbyterian doctrine. The rank and file of Presbyterians, however, would be at a loss to make a clear and comprehensive statement of what they believe.⁹

⁷ Mayer, op. cit., p. 239.

⁸ Ibid., pp. 233-234.

⁹ Park Hays Miller, Why I am a Presbyterian (New York: Thomas Nelson and Sons, c.1956), pp. 52-53.

Hence, we appeal to the Confessional standards of each of the two major Presbyterian bodies in America for the remaining material of this chapter. Because of the truths mentioned above, the writer feels that reference solely to the standards of each of the bodies will give as fair a demonstration of Presbyterian teaching as is possible to give. Because of the liberal and conservative differences between the two bodies, the next portion of the thesis will deal with the Northern and Southern branches as separate bodies in Presbyterianism.

The Presbyterian Church in the U. S. A.

The official voice of this body of Presbyterianism is known as "The Constitution of the United Presbyterian Church in the United States of America." The form of this book is essentially the same as that of the Confessions written originally by the Westminster divines. However, the content of the present-day standard of this body is quite different from the content of the original Confessions. A history of the revisions, deletions, and amendments may be found in the historical summaries printed at the beginning of the book.¹⁰

Within the pages of the Constitution, we find an

¹⁰The Constitution of the United Presbyterian Church in the United States of America, released for study prior to the uniting General Assembly meeting May 28, 1958 on which date this Constitution will go into effect (Philadelphia: The Office of the General Assembly of the United Presbyterian Church in the United States of America, c.1958), pp. 7-9. Hereafter referred to as Constitution.

approach to the matters of marriage, divorce, and desertion entirely peculiar to this branch of Presbyterianism in the United States. The Constitution approaches marriage with an attitude of deep respect. Definite conviction is expressed within its pages that it is the Churches' duty to uphold the Christian home and the permanence of the marriage tie. In general, the Constitution says of marriage:

Christian marriage is an institution ordained by God, blessed by our Lord Jesus Christ, established and sanctified for the happiness and welfare of mankind, into which spiritual and physical union one man and one woman enter, cherishing a mutual esteem and love, bearing with each other's infirmities and weaknesses, comforting each other in trouble, providing in honesty and industry for each other and for their household, praying for each other, and living together the length of their days as heirs of the grace of life.¹¹

A definite attitude and teaching on divorce is also spelled out in the Constitution. Marriage is to be considered permanent among their people, but, on the other hand, an attitude of sympathy is held in the Presbyterian Church for those who find the permanence of marriage an impossible task. Expression of this sympathy appears in section 10 of chapter XIV (Of the Solemnization of Marriage):

Inasmuch as the Church must uphold the Christian home and the permanence of the marriage tie, and at the same time minister sympathetically to any who have failed in this holy relation, ministers. . . .¹²

Springing from this attitude of sympathetic approach to problems of divorce, there is the Presbyterian Churches'

¹¹Ibid., p. 36.

¹²Ibid., p. 113.

recognition of plural grounds for divorce. Contrary to the statement printed in the original Westminster Confession on definition of the grounds for divorce, the Presbyterian Church (Northern) has not chosen to state wherein this plurality of grounds consists. The official statement reads:

Because the corruption of man is apt unduly to put asunder those whom God hath joined together in marriage, and because the Church is concerned with the establishment of marriage in the Lord as Scripture sets it forth, and with the present penitence as well as with the past innocence or guilt of those whose marriage has been broken, therefore as breach of that holy relation may occasion divorce, so remarriage after a divorce granted on grounds explicitly stated in Scripture or implicit in the gospel of Christ may be sanctioned in keeping with his redemptive gospel, when sufficient penitence for sins and failure is evident, and a firm purpose of an endeavor after Christian marriage is manifest.¹³

The careful reader will detect that this 1958 statement in the Constitution is a complete change-over from that found in the original Westminster Confession of Faith. In the original proclamation in chapter XXIV we found:

Or such willful desertion as can no way be remedied by the Church or civil magistrate, is cause sufficient of dissolving the bond of marriage.¹⁴

It, therefore, becomes somewhat difficult to say that the Presbyterian Church officially does not recognize or does recognize willful desertion as grounds for divorce. The writer sent five questionnaires on this matter to different Presbyterian ministers in this country. The copies

¹³ Ibid., p. 36.

¹⁴ Supra, p. 6.

that were returned cannot stand as proof for any point in this thesis, but they can serve as exemplary material. Because of the general statement in the Constitution of the Presbyterian Church in the U. S. A., one minister was led to answer in his questionnaire: "Do you recognize any grounds for divorce?" "Yes." "If so, what are they?" "Adultery." In answer to a question on what his church teaches about desertion, he answered, "Nothing."

On the other hand, we find evidence in this body of Presbyterianism that willful desertion is still recognized and followed in practice as grounds for divorce. The Presbyterian Church in the U. S. A. recognizes the original Larger Catechism and its testimony as part of their standards. Under question 139 in the Larger Catechism we read:

What are the sins forbidden in the seventh commandment? Answer--The sins forbidden in the seventh commandment besides the neglect of duties required, are: . . . adultery, fornication, rape, incest . . . unjust divorce (Matt. 5:32) or desertion (1 Cor. 7:12-13)
 15

Therefore, in view of the past history of the Presbyterian Church and its earlier stand on desertion as found in the Westminster Confessions; and in view of its present subscription to the Larger Catechism and its inclusion of desertion as sin; and in view of the use of the plural term "grounds" in the 1958 Constitution as legal divorce; we can safely say that the Presbyterian Church in the U. S. A.

¹⁵ Constitution, op. cit., p. 113.

still has room for a sympathetic approach to cases of desertion.

Who makes the decision as to when desertion is justified as grounds for divorce according to the Constitution? The responsibility of decision is placed heavily upon the individual pastor. In chapter XIV we read:

Since marriage confers the blessing of the Church, its solemnization lays upon ministers of the Church a weighty responsibility.¹⁶

To guide the individual minister in this responsible task, the Constitution instructs ministers to ascertain in persons divorced and desiring remarriage to another party that there is penitence for past sin and failure and also, that there is sincere intention to enter the new marriage with the help of God unto the goal of a true Christian marriage that will continue as long as they both shall live. Further instruction is given to ministers in that they are forbidden to officiate at the remarriage of a divorced person until a period of at least one year has elapsed since the date of the divorce. The ministers are likewise instructed:

In the interests of Christian comity, ministers are advised not to unite in marriage a member of any other Christian communion whose marriage is known to the minister to be prohibited by the laws of the Church in which such person holds membership, unless the minister believes that his refusal would do injustice.¹⁷

¹⁶Ibid., p. 113.

¹⁷Ibid.

The Constitution places full responsibility of decision in matters of divorce on the minister, but it also offers him the right to go to higher sources for help in his decision. The Presbyterian Form of Government lists several principles concerning responsibility and government in their churches. The third and sixth principles, as summarized below from the book written by Park Hays Miller, speak of the first line of authority and responsibility in Presbyterian Churches by saying:

The third principle is that Church officers, ministers and others, have authority to exercise discipline within their own churches for the preservation of the Church. . . . The sixth principle is that all Church power is ministerial and declarative. It is to be based upon the Holy Scriptures, which constitute the only rule of faith and practice. The fallibility of synods and councils is recognized.¹⁸

But, for the pastor who would find it difficult to decide on a particular case, or one who would desire the backing of others in taking a certain action, provision and instruction is made in the Constitution to this end:

In cases where the interpretation of the laws of the Church is in doubt, ministers are entitled to the aid and counsel of their brethren in session and presbytery. To provide such aid and counsel, each presbytery may elect a committee on Christian marriage.

When a minister seeks the counsel of presbytery as to a proposed marriage or remarriage, he shall submit all the papers and facts in the case, including his considered judgment, to presbytery or its authorized representative, which shall be the judge of satisfactory evidence as to whether there are grounds for marriage or remarriage in keeping with the spirit and teachings

¹⁸Miller, op. cit., p. 75.

of our Lord, Jesus Christ. The decisions of presbytery shall be made a matter of record.¹⁹

The Presbyterian Church in the U. S.

The writer finds himself in a helpless situation in attempting to write about the approach of the Presbyterian Church in the U. S. (Southern Presbyterian Church) to the matter of desertion. The Southern Presbyterian Church is right now, during this year of 1959, in the process of voting on an entirely new approach to this problem. The material of this division will be definitely dated and outdated already by the time that this thesis is finally accepted. The interested reader will do well to search out the new approach as found in their newly adopted Confession. Since the purpose of this thesis is to present the approaches of these Protestant bodies to desertion up until the present time, the material here presented will still conform to that goal.

In studying the Southern Presbyterian standards, we find ourselves dealing with Confessions that are virtually identical with the original Westminster documents. That this is the case is not too surprising in view of the fact that this body is known for its conservative adherence to the old Confessions.

The latest copy of the Southern standards dates back to

¹⁹Constitution, op. cit., p. 113.

the year 1956. Expression on divorce in these standards is far more definitive than we found in the Constitution of the Northern body. Adultery is expressly stated as definite grounds for divorce. Concerning the remarriage of a person who is innocent in an adultery divorce, we read:

Adultery or fornication, committed after a contract, being detected before marriage, giveth just occasion to the innocent party to dissolve that contract. In the case of adultery after marriage, it is lawful for the innocent party to sue out a divorce, and after the divorce to marry another, as if the offending party were dead.²⁰

The present-day statement on desertion is exactly the same as that which is found in the original Westminster text. Hence, we may say that until our present day, the Southern Presbyterian Church has recognized the importance of the Churches' part in doing everything possible to remedy a situation of willful desertion; it has recognized the role of the civil magistrates as also necessary in dealing with the problem; but finally, should neither the church nor the civil magistrate be able to remedy the situation, such willful desertion is sufficient cause for divorce.²¹ The Southern Presbyterian Church's adherence to the Larger

²⁰The Confession of Faith of the Presbyterian Church in the United States together with the Larger Catechism and the Shorter Catechism, ratified by the General Assembly at Augusta, Georgia, December, 1861 with Revised Proof Texts adopted by the General Assembly of 1910 and with Amendments that were enacted by the General Assemblies of 1886, 1939, 1942, and 1944 (Richmond: John Knox Press, 1956), pp. 142-143.

²¹Supra, p. 6.

Catechism and its pronouncement against desertion as a sin against the seventh commandment also verifies their position.

Summary Conclusions

On the basis of the materials here gathered, the writer submits the following conclusions as representative of the Presbyterian approach to the matter of desertion:

- a. Both Presbyterian bodies recognize grounds (plural) for divorce.
- b. Both bodies are sympathetic to the cases of spouses who are in conflict for reasons other than adultery.
- c. The responsibility of the decision in severe cases other than adultery lies on the individual pastor and on the church.
- d. Marriage is to be held sacred. Remarriage is to be handled carefully.
- e. Willful desertion is a recognized grounds for divorce in the historic standards of the Presbyterian Church as a whole and is still to be found so in the Confession of Faith of the Southern Church.
- f. The Constitution of the Northern Church leaves room for the inclusion of willful desertion as grounds for divorce. Willful desertion is not specifically mentioned, however.

In final conclusion, we offer the following summary quotation:

Do Presbyterians permit divorced persons to remarry?
 Answer--Yes, but with important safeguards. No Presbyterian minister may remarry persons who have been divorced less than twelve months. Divorce is permitted to the innocent party on Scriptural grounds (adultery) and such innocent party may remarry. It is also permitted in case of such "willful desertion as can in no way be remedied by the Church or civil magistrate." In other circumstances if the Presbyterian minister is in doubt as to what ought to be done to avoid injustice, he can consult his Presbytery's Committee on Divorce.

Presbyterian churches are seeking to curb this widespread evil by a more careful examination of persons presenting themselves for marriage and by organizing groups of young people in "Preparation for Marriage" classes.²²

²²Leo Rosten, A Guide to the Religions of America (New York: Simon and Schuster, 1955), p. 107.

CHAPTER III

THE EPISCOPALIAN APPROACH

The Canons

"The Constitution and Canons for the Government of the Protestant Episcopal Church in the U. S. A." is the basis of our study on the Episcopalian approach to the matter of desertion. In all fairness to the reader, it must be pointed out that the Episcopalians do not deal with this problem in their canons specifically under the name of "desertion." The Episcopalians do approach problems that are normally included in the term "desertion."

The Episcopalian Church's teaching on marriage is embodied in the Office of Matrimony. Regulations governing problems which may arise in matrimony are found in the canons, or laws, passed by their General Convention. The role of these canons in the Episcopalian life must be realized in the light of their religious spirit. For the most part, Anglicans are opposed to regulations that rigidly govern their lives.¹ On the other hand, they are very strict in pronouncing their canons as law that must be obeyed. Perhaps this apparent paradox may best be explained

¹F. E. Mayer, The Religious Bodies of America (St. Louis: Concordia Publishing House, 1956), p. 291.

by the following quote:

Episcopalians can see nothing morally wrong in theatre-going, card-playing, consumption of alcoholic beverages, and the like, if these are enjoyed in a moderation which makes them servants, not masters, of those who use them. On the other hand, there are the disciplinary regulations of the Episcopal Church, such as those which make the remarriage of divorced persons almost impossible save under carefully prescribed circumstances, and which regard marriage itself as a lifelong and indissoluble union of a man and his wife--two ideas that are offensive to many Americans. But the reason for this apparent combination of laxity and rigidity, whatever may be its precise expression in this or that regulation, rests in the conception of the Christian as "living in Christ." For one who thus lives, "all things are lawful, but not all things are expedient:" hence moderation in the use of the good things of God's creation, not utter condemnation and shunning of them. But on the opposite side, as a "man in Christ," the Christian (so the Episcopalian believes) must be one who lives so far as may be by the norm of perfect love and justice which is the rule of God in the lives of men: hence the insistence on lifelong monogamous marriage, found in Jesus' own words; and the hedging about of remarriage, for those divorced, with such requirements as shall prevent a reduction of remarriage to a series of continuous licensed liaisons.²

The history of the American canons goes back to August 7, 1789. In general, the American canons follow the English laws established years before. Because it was obvious that the old English canons would have to be revised to suit the American scene, a committee was drawn up to work on this revision. In the year 1808, the General Convention passed a resolution declaring it contrary to the law of God for any minister to remarry a divorced person. One exception was granted at this early date. Remarriage was granted

²W. Norman Pittenger, The Episcopalian Way of Life (New Jersey: Prentice-Hall, Inc., 1957), pp. 140-141.

to the innocent party in a divorce on the ground of adultery. In the year 1808, this resolution was made into a canon.

The next move of importance for our discussion came nine years after the 1868 canon. A new law was formulated then that contained the following words:

"No minister . . . shall solemnize the marriage of any person who has a divorced husband or wife still living, if such husband or wife has been put away for any cause arising after marriage"; and there follows once again the exception of the innocent party. Here we have the first suggestion of pre-marital causes which was later to develop into ample arrangements for annulments. The new canon further provided for all cases of remarriage to be referred to the bishop for full enquiry.³

In summary, the early stand of the Episcopalian Church on marriage and divorce was one of opposition to all divorce except for adultery, and to all remarriage, except in the case of the innocent party to a divorce from adultery. The 1868 pronouncement established that stand in canon form.

The canons mentioned above were not officially changed until the early 1900's. During the period of time in between that, a new movement arose in the Episcopal Church which soon resulted in further development of the marriage laws of the church. The Social Christian Movement, partially connected and dependent upon the Oxford Movement and other movements in Mother England, caused new concern to arise in the church about the alarming increase of divorce during

³James Thayer Addison, The Episcopal Church in the United States, 1789-1931 (New York: Charles Scribner's Sons, 1951), p. 327.

those years. In 1886, action was taken by the church but no official agreement was reached regarding the details of a new canon. No canon on the matter was formed until 1904:

The Convention of 1904 added certain safe-guards--the requirements that remarriage must be at least one year after divorce and that the bishop could give permission only after taking legal advice based upon court records. It was further enacted--in deference to the consciences of many--that no minister was obliged to perform the marriage ceremony for any divorced person.⁴

After the 1904 Convention, more revisions, additions, and corrections began to arise with greater frequency in the stand on marriage, remarriage and divorce. In 1916, article III of canon 40 read as follows:

No minister, knowingly after due inquiry, shall solemnize the marriage of any person who has been or is the husband or the wife of any other person then living, from whom he or she has been divorced for any cause arising after marriage. But this canon shall not be held to apply to the innocent party in a divorce for adultery; Provided, that before the application for such remarriage a period of not less than one year shall have elapsed, after the granting of such divorce; and that satisfactory evidence touching the facts in the case, including a copy of the Court's Decree, and Record, if practicable, with proof that the defendant was personally served or appeared in the action, be laid before the Ecclesiastical Authority, and such Ecclesiastical Authority, having taken legal advice thereon, shall have declared in writing that in his judgment the case of the applicant conforms to the requirements of this canon; and Provided, further, that it shall be within the discretion of any minister to decline to solemnize any marriage.⁵

⁴ Ibid.

⁵ Constitutions and Canons for the Government of the Protestant Episcopal Church in the United States of America, adopted in General Conventions, 1789-1916 (Printed for the Convention, 1916), p. 114.

At this point in the thesis, the basic outline of the Episcopalian position today toward marriage and divorce begins to take shape.

In 1922, a convention added a clause directed against the divorced person who sought to be remarried by making it unlawful for a member of the church to be a party to any marriage which it was unlawful for a minister to solemnize.

In the canonical decrees of the General Convention of 1931, definite form was given to the matter of annulments as practiced by the Episcopalian Church today. The case for annulments was established with the qualifications herein stated:

In 1931 the General Convention adopted a canon regarding marriage and divorce which involved some modification of the traditional position of the Episcopal Church upon that subject . . . it also provided for the annulment of a marriage in certain cases. When this took place, remarriage was to be permitted.⁶

Another section of the canon provided that any person whose former marriage had been annulled, or who had been divorced, might apply to the bishop or to the ecclesiastical court to have the marriage declared null and void by reason of any one or more of nine impediments existing before marriage. Among those listed were lack of free consent, insanity, and venereal disease. If the bishop or ecclesiastical court declared the marriage in question to be null, the person might be married. Here at length was a measure which made possible the marriage of a divorced party who was not the innocent party in a divorce for adultery. Strictly speaking, however, this would not be remarriage, since permission could be given only after it had been declared that the original marriage was not a marriage at all.⁷

⁶ William Wilson Manross, A History of the American Episcopal Church (New York: Morehouse Publishing Co., 1935), p. 355.

⁷ Addison, op. cit., pp. 327-328.

With this historical material as background, we are now prepared to consider the current canons and practical approach of the Episcopal Church to the matter of desertion and divorce.

The Current Canons

The current laws of the Episcopal Church date back to the year 1947. They represent the latest revisions of the previous canons.

Three major defects were found to exist in the previous canons. Among them there is one that is important for our discussion. In the canon of 1931, a list of nine impediments had been drawn up which were considered to be incompatible to a true marriage. Should any one of these impediments be found in either of the two parties of a marriage, the marriage could legally be stopped or annulled. The defect of this list was not in its content, but rather in its position in the canons. The list of impediments was recorded under the section of canons dealing with unsuccessful marriage. The clergy felt that everything possible should be done to expose these impediments before a marriage took place and not after. Hence, common opinion arose that these canonical impediments should be listed under the canons stating those things basic to all marriages.

The second defect voiced was that this list of

impediments needed to be greatly extended and clarified.⁸

The 1947 reformation of these canons was no child's play. Dr. Mayer correctly states:

The Episcopalians have experienced considerable difficulty in the establishment of a canon on marriage which maintains the indissolubility of marriage and also grants the right of annulments.⁹

A description of the proceedings in the House of Bishops in 1947 is given in the October 13, 1946 edition of "The Living Church":

The basis of consideration was the material proposed by the Commission on Holy Matrimony in the form of two new canons 16 and 17, which gave evidence of much study and hard work by the Commission. It soon became evident that the bishops did not like the revisions offered. Various amendments were proposed and some were passed. One which was passed was reconsidered an hour later and rejected . . . finally a vote was taken on the much-amended proposed canon 17 and by a substantial majority it was rejected . . . soon several other proposals were presented, one a very rigoristic one permitting no remarriages at all by the church even in cases of annulment; another proposal offered would leave the door wide open . . . it was suggested that a committee of five bishops be appointed to attempt to bring in at noon the next day a satisfactory solution . . . the special committee took the proposed new canons and with the above considerations in mind drafted the ones which the House of Bishops adopted unanimously without debate and which the House of Deputies later approved by a substantial majority.¹⁰

For the sake of handy reference, a reprint of canon 16 follows on pages 27-28 and a reprint of canon 17 follows on pages 29-30.

⁸Wallace E. Conkling, "The Making of the Church's Marriage Law," The Living Church, CXIII (October 13, 1946), 9-10.

⁹Mayer, op. cit., p. 291.

¹⁰Conkling, loc. cit.

Canon 16--Of the Solemnization of Holy Matrimony

Section I. Every Minister of this Church shall conform to the laws of the State governing the creation of the civil status of marriage, and also to the laws of this Church governing the solemnization of Holy Matrimony.

Section II. No Minister of this Church shall solemnize any marriage unless the following conditions are complied with:

- a. He shall have ascertained the right of the parties to contract marriage according to the laws of the State.
- b. He shall have ascertained the right of the parties to contract a marriage according to the laws of the Church, and not in violation of the following impediments:
 1. Consanguinity (whether of the whole or of the half blood) within the following degrees:
 - a. One may not marry one's descendant or ascendant.
 - b. One may not marry one's sister.
 - c. One may not marry the sister or brother of one's ascendant or descendant or one's brother or sister.
 2. Mistake as to the identity of either party.
 3. Mental deficiency of either party sufficient to prevent the exercise of intelligent choice.
 4. Insanity of either party.
 5. Failure of either party to have reached the age of puberty.
 6. Impotence, sexual perversion, or the existence of venereal disease in either party undisclosed to the other.

7. Facts which would make the proposed marriage bigamous.
 8. Concurrent contract inconsistent with the contract constituting canonical marriage.
 9. Attendant conditions, error as to the identity of either party, fraud, coercion or duress, or such defects of personality as to make competent or free consent impossible.
- c. He shall have ascertained that at least one of the parties has received Holy Baptism.
 - d. He shall have instructed the parties as to the nature of Holy Matrimony.
 - e. The intention of the parties to contract a marriage shall have been signified to the Minister at least three days before the service of solemnization; Provided, that, for weighty cause, the Minister may dispense with this requirement, if one of the parties is a member of his congregation, or can furnish satisfactory evidence of his responsibility. In case the three days' notice is waived, the Minister shall report his action in writing to the Ecclesiastical Authority immediately.
 - f. There shall be present at least two witnesses to the solemnization of the marriage.
 - g. The Minister shall record in the proper register the date and place of the marriage, the names of the parties and their parents, the ages of the parties, their residence, and their Church status, and the witnesses and the Minister shall sign the record.

Section III. It shall be within the discretion of any Minister of this Church to decline to solemnize any marriage.

Section IV. No Minister of this Church shall solemnize any marriage except in accordance with these Canons.

Canon 17--Of Regulations Respecting Holy Matrimony

Section I. The provisions of this Canon shall apply only to an active member of this Church in good standing.

Section II.

- a. Any person, being a member of this Church in good standing, whose marriage has been annulled or dissolved by a civil court of competent jurisdiction, and any person, being a member of this Church in good standing, who desires to marry a person whose marriage has been annulled or dissolved by a civil court of competent jurisdiction, may apply to the Bishop or ecclesiastical authority of the Diocese or Missionary District in which such a person is canonically resident for permission to be married by a Minister of this Church, provided one year shall have elapsed since the entry of the judgment of said civil court. Such application should be made at least 30 days before the contemplated marriage.
- b. If the Bishop or ecclesiastical authority is satisfied that the parties intend a true Christian marriage he may refer the application to his Council of Advice, or to the Court if such has been established by diocesan action. The Bishop or ecclesiastical authority shall take care that his or its judgment is based upon and conforms to the doctrine of this Church, that marriage is a physical, spiritual, and mystical union of a man and woman created by their mutual consent of heart, mind, and will thereto, and is an Holy Estate instituted of God and is in intention lifelong; but when any of the facts set forth in Canon 16, Section II, paragraph (b), are shown to exist or to have existed which manifestly establish that no marriage bond as the same is recognized by this Church exists, the same may be declared by proper authority. No such judgment shall be construed as reflecting in any way upon the legitimacy of children or the civil validity of the former relationship.
- c. Every judgment rendered under this Canon shall be in writing and made a matter of permanent record in the archives of the Diocese or Missionary District.

- d. Any person in whose favor a judgment has been granted under the provisions of this canon may be married by a Minister of this Church.¹¹

¹¹"The Canons Governing Marriage in the Church," The Living Church, CXIII (October 13, 1946), 20-22.

In the Episcopal Church, the bishop is considered supreme. He has administrative authority over a diocese. He has sacramental authority to impart the grade of Confirmation and to ordain priests, deacons, and, along with other bishops to lay the hands upon a man to fill the role of another bishop in the church. A good presentation of the role of the bishop in the Episcopal Church is here offered:

What is the office of a bishop? Answer--The office of a bishop is, to be a chief pastor in the church; to confer Holy Orders; and to administer Confirmation. The first of these functions is administrative, the other two are sacramental. The former may be defined by local units of the church; the latter must be performed in accordance with the teaching of the church as a whole. . . . Bishops, then, are chief pastors and as such they direct a "diocese," namely, a unit of the church which in the United States usually is geographically coterminous with the state, although some states are divided into two or more dioceses. On the sacramental side of their ministry, the bishops impart to their people the strengthening grade of Confirmation, and provide for maintaining the spiritual power lines of the church by ordaining priests and deacons and by joining with other bishops in filling the ranks of their own order.¹²

The Protestant Episcopal Church is organized along these hierarchical lines. Instead of the congregation or the individual pastor being supreme, the bishop holds that role.

¹²Frank Bearech, Jr., The Faith of the Episcopal Church (New York: Harcourt-Jovanov Co., 1946), pp. 28-29.

A word or two is in place here about the important role of bishop in the ecclesiastical system of the Episcopalian Church. A good understanding of the bishop's role in the church will help in the understanding of the two canons on pages 27 to 30.

In the Episcopal Church, the bishop is considered supreme. He has administrative authority over a diocese. He has sacramental authority to impart the grace of Confirmation and to ordain priests, deacons, and along with other bishops to lay the hands upon a man to fill the role of another bishop in the church. A good presentation of the role of the bishop in the Episcopal Church is here offered:

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The Protestant Episcopal Church is organized along these hierarchical lines. Instead of the congregation or the individual pastor being supreme, the bishop holds that role.

¹² Frank Damrosch, Jr., The Faith of the Episcopal Church (New York: Morehouse-Gorham Co., 1946), pp. 68-69.

Each local parish, of course, has its priest. He is the exclusive director of the spiritual functions of his flock. But, in many cases, by decree of the canons of the church, important decisions do not lie only in his control. He is often directed to carry the case to the bishop or ecclesiastical authority for consent and decision.

Such is the case regarding the individual pastor's interpretation of canons 16 and 17 when a difficult decision is required regarding marriage or remarriage. The individual pastor is required to carry the case to the bishop. The decision of annulment, the permission to remarry after a divorce, the validity of a previous divorce--all these are left up to the decision of the bishop.¹³ Concerning this centralization of authority, it has been written:

It will be seen that this canon 17 allows a certain range of interpretation. To many this will be its greatest weakness, allowing some bishops to be very strict and others perhaps very lax. To a degree this is true of the present canons and probably would be an existent condition under any.¹⁴

In the same article as the quotation above, the author of the article states that there is a safe-guard provided against too great laxity and abuse among the bishops. A special commission has been established to watch over the functionings of these canons and to report on them and any necessary changes that might be desired. The resolution so

¹³Supra, p. 29.

¹⁴Conkling, op. cit., p. 10.

stating this method of check reads:

RESOLVED, that a special committee of three bishops on procedure under marriage legislation be appointed by the chair to hold office until the next General Convention, whose duty it shall be to obtain from diocesan copies of judgments under canon 17 regarding procedure followed and testimony upon which the judgments are based but without names of applicants or witnesses; to collate them, and once a year to publish to the members of this house their findings as to procedure followed; to give advice when requested as to procedure; and to report to General Convention their recommendations as to amendments (if any) of the canons of holy matrimony.¹⁵

Having briefly established the role of the bishop in the interpretation of the canons of marriage and other canons, we can proceed to discuss the approach to desertion and divorce found in those canons. It must be remembered that no one may interpret the meaning of the canons objectively because many of them are flexible and only a bishop has the right to decide their meaning in the Episcopal Church.

The Episcopal Church deals with the matter of desertion within the framework of its annulment policy. A careful reading of canons 16 and 17 will disclose that the term "desertion" is not used at all.

Canon 16 deals with the church's approach to a couple desiring to be married. Under section II, a list of impediments is given which would nullify such a request for marriage. Among these there is number eight, under section II (b), which stipulates as an impediment: "Concurrent contract inconsistent with the contract constituting canonical

¹⁵The Living Church, op. cit., p. 21.

marriage." In other words, if a couple has a concurrent contract, or a divorce record they cannot be married again according to canon 16. This is where canon 17 comes into the picture. Should a couple have a concurrent contract, canon 17 goes into effect because it is concerned with the matter of remarriage.

Canon 17 offers a way open to couples seeking remarriage. They are permitted to make application to the bishop of a diocese (or ecclesiastical authority) provided one year has elapsed since the divorce was final. The bishop then judges whether or not the couple is truly prepared for marriage; whether they fully understand the seriousness of it; and finally, whether or not the divorce contract held by them was legal. A divorce contract is considered "legal" if it was drawn up on grounds which the bishop judges were incompatible with true marriage in the first place. Should he find the grounds of the previous marriage incompatible to true marriage, he will declare the former marriage annulled and will give favorable judgment to the couple. The couple then is free to be married by a minister of the Episcopal Church.

The act of declaring that no marriage existed in the first place is the act of annulment. An annulment has been defined thus:

An annulment is very different from a divorce; it means that subsequent to the marriage facts have come to light which show that one or both of the parties had not right to enter into the marriage in the first place, so that in reality there was no marriage at all.

The church must determine what grounds shall be allowed for annulment and on what terms she will allow the marriage of persons to whom annulment is permitted.¹⁶

The grounds allowed for an annulment are the same as the list of impediments in canon 16.

One particular impediment allows for a wide degree of interpretation. Within the generalization of this impediment, "desertion" and all that it stands for finds expression in the canons of the Episcopal Church. In canon 16, number nine of section II (b) states:

Attendant conditions, error as to the identity of either party, fraud, coercion or duress, or such defects of personality as to make competent or free consent impossible.¹⁷

The "defects of personality" are not spelled out. Hence, in response to the writer's questionnaire about desertion sent to five Episcopal ministers, one minister wrote:

The matter of remarriage of divorced people is rather fully covered by two of our canons which govern the actions of all Episcopal ministers which I am enclosing with this letter. As you can see, it is a home-rule canon, i.e., it all depends on the attitude of the bishop of your particular diocese. If he holds annulment ideas then he will give permission for the remarriage of a divorced person only if you can prove that the divorce was really an annulment; thus making legal divorce of no value. If the bishop holds a more liberal view then remarriages after divorce are permitted. In canon 16--Of the Solemnization of Holy Matrimony, section 2 (9) is the important point. "Such defects of personality as to make competent or free consent impossible" is taken to mean defects of personality which may occur at any time. For example, alcoholism,

¹⁶ Damrosch, op. cit., p. 77.

¹⁷ Supra, p. 27.

unfaithfulness, and such like, beginning after the marriage, are considered just causes for divorce.¹⁸

In the light of these remarks, we can safely say that the Episcopalian Church does have an approach to the matter of desertion. A bishop may well grant an annulment on grounds which would be called elsewhere by the term "desertion."

Missouri Diocese Example

At this point the writer would like to insert some material graciously given by one Episcopal minister as an example of how the provisions of the canons have been put into action in the Missouri diocese.

First of all, there is the "Declaration of Intention." This merely constitutes an application blank for marriage. It involves signing your name to a type of confession as to the meaning of marriage as set forth in the Book of Common Prayer.

Two blanks are offered which deal with the matter of remarriage. The first is the application blank for permission to remarry. This blank is offered to the bishop for his decision. Copies of the divorce decree are requested along with information about the applicants themselves. This particular bishop requires a statement of the facts from canon 17, section II (b), which the applicants feel give them right to apply for remarriage permission. The second blank

¹⁸
Infra, p. 59.

is a reference sheet from the minister of the applicants for remarriage. He must have first instructed the applicants in the teaching of the church on the nature and meaning of Christian marriage; and he must ascertain that the applicants have a true intention to be faithful to that teaching.

The final blank is a letter of direction from the bishop requesting the clergy:

- a. Sift out the applications.
- b. Satisfy yourselves about the validity of the appeal of each applicant.
- c. Consider this diocese's definition of the phrase, "such defects of personality . . ."
- d. Remember the right of church members to be married.
- e. Fill out the provided applications.
- f. Instruct the applicants.

DIOCESE OF MISSOURI

PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES OF AMERICA

Parish or Mission _____

City or Town _____

Minister _____

In accordance with resolutions passed by the General Convention, the following Declaration of Intention is signed in duplicate preceding a wedding:

We, _____ and _____, desiring to receive the blessing of Holy Matrimony in the Church, do solemnly declare that we hold marriage to be a lifelong union of husband and wife as it is set forth in the Form of Solemnization of Matrimony in the Book of Common Prayer. We believe it is for the purpose of mutual fellowship, encouragement, and understanding, for the procreation (if it may be) of children and for their physical and spiritual nurture, and for the safeguarding and benefit of society.

And we do engage ourselves, so far as in us lies, to make our utmost effort to establish this relationship and to seek God's help thereto.

Date _____ 19____.

Name (other party) _____ Name (applicant) _____

Address _____ Address _____

Name _____ 10 _____

APPLICATION FOR PERMISSION TO REMARRY

To the Bishop of Missouri:

I hereby apply for permission to be married by a minister of this Church in accordance with the provision of Canon 17 of the Protestant Episcopal Church in the U.S.A., and represent:

1) I am an active member of the Church in good standing, in _____ Parish, _____ Diocese of _____, (city)

to which my rector certifies.

2) I desire to be married to _____ on _____ 19____, at _____ by _____.

3) _____ marriage to _____ on _____, 19____, was set aside (or annulled) on _____, 19____, by _____ (court)

Copies of Bill of Complaint and the Decree are submitted therewith.

4) The application for remarriage is based on the following fact or facts (Canon 17, Sec. II (b)).

(Letter stating the facts more fully should be enclosed with application.)

5) I believe that marriage is an holy estate instituted by God and is, by intention, lifelong, and I pledge myself to do all in my power to make our union a truly Christian marriage.

6) I intend to attend church with regularity (if possible we shall attend together) and will endeavor to make the Christian faith central in our home.

7) I request your judgment, and permission to be married by a minister of this Church.

Name _____ (other party)

Name _____ (applicant)

Address _____

Address _____

Date _____ 19____.

DIOCESE OF MISSOURI

PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES OF AMERICA

Minister's Certificate to be submitted with application from persons requesting permission to be married by a minister of the Episcopal Church, when either party to the proposed marriage has been previously married to a person still living at the time of said application and such previous marriage was annulled or dissolved by a civil court.

To the Bishop of Missouri:

This certifies that I have known the applicant

_____ for _____ years;

that he (or she) is an active member of the Church in good standing; that I am satisfied the information given in the application is correct to the best of my knowledge and belief.

I have instructed the parties in the proposed marriage, or shall instruct them, in the teaching of the Church in regard to the nature and meaning of Christian marriage, and it is my belief that they have a true intention to be faithful to the Church's teaching as set forth in the Marriage Service, in the canons of the Church and in the Declaration of Intention (Canon 17, Sec. 3) to be signed by the parties to every marriage.

Minister of _____

City _____

Dated the _____ day of _____, 19____.

DIOCESE OF MISSOURI
PROTESTANT EPISCOPAL CHURCH IN THE U.S.A.

Method of Procedure under Marriage Canons

To the Clergy of the Diocese:

1) I shall count on the clergy carefully to sift out the applications which come to them. Please make sure that the applicant is an active member of this Church in good standing, canonically resident in this Diocese, and that at least one year has elapsed since the entry of the judgment of the civil court. The application, except in rare cases, must be made at least thirty days before the contemplated marriage. Please do not present applications to me unless you yourself are fully convinced that the case comes within a conservative interpretation of the canon and unless you feel the parties are worthy and intend a truly Christian marriage.

2) Each application for marriage must come through a clergyman of this Diocese. It shall be his duty, before transmitting an application, to make such inquiries as shall satisfy him that the proposed marriage will be a responsible Christian marriage and that there was present in the former relationship one or more impediments listed in Canon 17.

3) The phrase, "such defects of personality as to make competent or free consent impossible" (Canon 17, Sec. II (b) (9)) will be interpreted as meaning such defects of personality as make competent and continuing consent to a Christian marriage impossible.

4) Any minister of this Church may decline to solemnize any marriage. But it should be kept in mind that a member of this Church, in good standing, has a right under these canons to receive full and friendly consideration of his application.

5) An application is provided, to be filled in and signed by both the applicant and the other party to the proposed marriage. Applications may be referred to a Council of Advisors, and both parties to the proposed marriage may be required to come before them, and the Bishop.

6) The canons require careful instruction by the minister prior to any marriage. The pastoral care and the exercise of church discipline called for by these canons place a heavy responsibility on the clergy and the Bishop. This is a responsibility we must meet together.

(signed) Arthur Lichtenburger

Summary Conclusions

On the basis of the material here presented, the writer draws the following conclusions:

- a. Episcopalians do not deal with "desertion" as it is commonly defined.
- b. They work primarily with matters of divorce through applications for remarriage.
- c. They do all they can to make sure of the validity of a marriage before it takes place.
- d. Divorced persons seeking remarriage must make application to the bishop of the diocese to establish their status in the church and receive permission to remarry.
- e. Divorces are judged by the bishops. Should one of their canonically listed impediments be found as cause for that divorce, the marriage is annulled in the eyes of the church and remarriage is permitted.
- f. Though desertion is not specifically mentioned, the factors often included under its definition may well be judged by a bishop as cause for annulment on the basis of the phrase, "such defects of personality as to make competent or free consent impossible."

Organizational speaking though, we can speak for Methodism as a whole without specifying particular bodies within the larger church.

Wey L. Smith, *Why I Am a Methodist* (New York: Thomas Nelson and Sons, 1952), p. 206.

CHAPTER IV

THE METHODIST APPROACH

Since the year 1939, Methodists consider themselves to be a united church body. The Plan of Union was prepared in the year 1934 for the unification of the Methodist Episcopal Church, the Methodist Episcopal Church South, and the non-Episcopal Methodist Protestant Church. It should be pointed out here that the unity existing today in this body, strictly speaking, is only an organizational one. As regards doctrinal unity, it has been pointed out:

The theological liberality of the Methodist Church has long been part of its genius. We have made room at the same communion table for those who have been baptized by sprinkling and those who have been immersed, for those who believe in the Virgin birth and those who do not, for the sanctified and also for those who do not boast of that superior work of grace. We have received persons into our fellowship and have required of them a minimum of theological conformity; we have listened to a different point of view, whether right or left, with a degree of tolerance that has arisen out of our devotion to the validity of our inner experience of Jesus Christ. The heresy hunter has enjoyed relatively little popularity among us, and we have developed a spiritual vitality and a moral stability that have enabled us to achieve success largely in the name of the Lord.¹

Organizationally speaking though, we can speak for Methodism as a whole without specifying particular bodies within the larger church.

¹Roy L. Smith, Why I Am a Methodist (New York: Thomas Nelson and Sons, c.1955), p. 205.

The Discipline

In speaking of the Methodist approach to the matter of desertion, we have just one book of reference with which to work. "The Discipline" is the constitution and body of laws that governs the lives and faith of the individual as well as the ritual and organizational procedure of the Methodist Church. Dr. Mayer writes concerning "The Discipline":

The Book of Discipline, as the title indicates, contains the ethical and practical rules of life which are considered essential for membership in the Methodist Church. A study of this manual is essential to a proper evaluation of Methodism. . . . These rules play such a prominent part in Methodist church life that this church body may be called a church with a discipline rather than with a doctrinal platform. To say that the Wesleys were not interested in doctrine is, of course, contrary to fact, as their hymns amply testify. But John Wesley was evidently interested more in deeds than in creeds. It must be remembered that his movement was a reformation of life, not of doctrine. This explains in part why the "discipline" has played such a prominent role throughout the history of Methodism.²

We may go so far as to say that "The Discipline" is the individual Methodist's means to strive after and gain the Christian perfection so important to Methodism.

"The Discipline" serves both as a shield to the members of the Methodist Church and also as an instruction book for the practices of its ministers. These functions of the book are clearly demonstrated in the following quotation:

We like to have a written rule and law for everything

²F. E. Mayer, The Religious Bodies of America (St. Louis: Concordia Publishing House, 1956), p. 298.

we do. When you hear a Methodist speak of the Discipline, he is referring to the little book which seems to grow bigger every four years, and contains the doctrine and constitution for governing Methodist churches, Methodist institutions, Methodist members, and Methodist ministers. Here is included the ritual of the church, the addresses of bishops and boards, and the general rules of the original societies. It contains also our Social Creed, books included in the courses of study for the preachers, and miscellaneous resolutions passed by the General Conference . . . it contains answers to all the questions regarding how the Methodist Church operates . . . when a preacher gets into conflict or trouble, he discovers that this despised book is like the shadow of a mighty rock in a weary land. . . . Likewise, the laity discover in the Discipline their rights and the procedure for obtaining in an orderly manner the changes they may desire. No man in the Church, including the bishop, can go contrary to these regulations, and every Methodist is under its protection and subject to its principles.³

Hence, we turn our attention to this book to seek out the principles of handling desertion in the Methodist Church.

A study of the past decrees of "The Discipline" brings us face to face with the Methodist Church as it existed before the present day union. In the Southern Methodist Church, the early disciplinary principles on divorce were rather rigid and strict. We offer as example the pronouncement of the General Conference of 1886 at Richmond, Virginia:

The conference . . . upon the subject of divorce the following resolution was passed; "No minister of the Methodist Episcopal Church, South, knowingly, upon due inquiry, shall solemnize the marriage of any person who has a divorced wife or husband still living; provided this inhibition shall not apply to the innocent party to a divorce granted for the Scriptural cause, or to parties once divorced seeking to be remarried."⁴

³Gerald Kennedy, The Methodist Way of Life (New Jersey: Prentice-Hall, Inc., c.1958), p. 138.

⁴James M. Buckley, A History of Methodism in the United States (New York: Harper and Bros., 1898), II, 381.

In the early pronouncements of "The Discipline," of either the Northern or Southern bodies of Methodism, only "the Scriptural cause" is offered as ground for divorce. The only person granted remarriage according to these rules was the innocent party to a divorce on the ground of adultery. There is considerable emphasis on "the one Scriptural cause for divorce." In the 1920 edition of "The Discipline" for the Northern body of Methodism, we find somewhat the same expression:

No divorce, except for adultery shall be regarded by the church as lawful; and no minister shall solemnize marriage in any case where there is a divorced wife or husband living; but this rule shall not be applied to the innocent party to a divorce for the cause of adultery, not to divorced parties seeking to be reunited in marriage. (The provisions of this paragraph are not merely advisory, but obligatory.)⁵

The 1956 Discipline

The recognized edition of "The Discipline" presently in use in the united Methodist Church was published in the year 1956. In gathering together the various paragraphs dealing with marriage and divorce, the writer was quickly led to see the concern that Methodists have, even on an official basis, for the sanctity of marriage and the deplorableness of divorce.

The emphasis in the Methodist Church throughout the

⁵David G. Downy, Doctrine and Discipline of the Methodist Episcopal Church, 1920 (New York: The Methodist Book Concern, c.1920), p. 61.

years has always been on divorce as met in couples desiring remarriage, rather than on divorce itself. At no time do the Methodists consider divorce as anything but deplorable. Methodists are more interested in furthering the case for helpful counseling prior to marriage in order that divorce may never be the issue. In the present edition of "The Discipline" we read:

We seek equal rights and justice for all men; protection of the individual and the family by high standards of morality; Christian education for marriage, parenthood, and the home; adequate housing, proper regulation of marriage, and uniform divorce laws.⁶

Among the duties stipulated for pastors, "The Discipline" states:

To instruct youth in the problems involved in marriage with a member of a church which demands that the children of such marriage be reared in the faith of that church.⁷

In general, marriage in "The Discipline" is referred to as an achievement comprising a oneness that grows with emotional adjustments. Such adjustments are made possible through the right understanding of how Christian people are to live together. A full page of "The Discipline" is devoted to the preparation of marriage.⁸

"The Discipline" denounces divorce as the "answer" to

⁶Nolan B. Harmon, acting book editor, Doctrines and Discipline of the Methodist Church, 1956 (Nashville: The Methodist Publishing House, c.1957), p. 703.

⁷Ibid., p. 127.

⁸Ibid., p. 709.

the problems that cause it. The real problems, the underlying reasons for a divorce, are the concern of the church. The full role of the church in these problems is given in the paragraph on divorce:

Divorce is not the answer to the problems that cause it. It is symptomatic of deeper difficulties. The church must stand ready to point out these basic problems to couples contemplating divorce, and help them to discover and, if possible, to overcome such difficulties. In addition, the church must stand ready to depict the unhappy circumstances that are to await the divorced person. As a Christian church, and as ministers, we are obligated to aid, by counsel, persons who have experienced broken marriage, and to guide them so that they make satisfactory adjustments.⁹

With regard to the particular problem of desertion, we find that "The Discipline" does not make use of this term. As is true in the case of other Protestant bodies, the term itself is not used, but there is room for the inclusion of what it stands for in the approach of the church. The phrase that interests us in "The Discipline" as a possible reference to desertion appears in the rule on remarriage:

No minister shall solemnize the marriage of a divorced person whose wife or husband is living and unmarried; but this rule shall not apply (1) to the innocent person when it is clearly established by competent testimony that the true cause for divorce was adultery or other vicious conditions which through mental or physical cruelty or physical peril invalidated the marriage vow, nor (2) to the divorced persons seeking to be reunited in marriage. The violation of this rule concerning divorce shall be considered an act of maladministration.¹⁰

Many of the evils listed by other denominations under the

⁹Ibid. pp. 709-710.

¹⁰Ibid., p. 130.

term "desertion" may readily fit under the Methodist phrase underlined above. In demonstration of this fact, the writer offers the answer of a Methodist minister to the questionnaire sent to him. This particular minister answered that he recognizes adultery, cruelty, and desertion as grounds for divorce. He recognizes malicious desertion as specifically grounds for divorce, adding the phrase "after a period of time." Likewise, he recognizes the divorce of someone seeking remarriage who has been legally separated in court on the grounds of malicious desertion or some legal counterpart. He includes under the term "desertion": designed nullification of a marital union without consent and offense or fault of the other party; refusal of sexual intercourse; one who leaves the house and one who through cruelty causes the other to leave and desert; and, that which a permanent, habitual alcoholic is guilty of because he has deserted his family for liquor.¹¹

The responsibility of judgment in cases of divorce in the Methodist Church is placed in general upon the shoulders of the church, and specifically on the back of its ministers. In evidence of this point, the official statement on remarriage, you will notice, is recorded under the section headed "Pastors." "The Discipline" mentions that it is the duty of the district superintendent, who is appointed by the

¹¹ Infra, p. 61.

bishop, to "counsel with the pastors in his district in regard to their pastoral responsibilities and other matters affecting their ministry."¹² In case the minister should make an "unfair" decision, even with the backing of his bishop, a couple seeking marriage may always turn to the Methodist court of appeal. The Supreme Court of the Methodist Church is called the Judicial Council. Its function is to determine the constitutionality of legislation and rules on all matters of law.¹³

Summary Conclusions

On the basis of the material found in this chapter, the following conclusions may be safely drawn:

1. The Methodist Church is deeply concerned with the problem of divorce.
2. Great emphasis is placed in this church upon pre-marital counseling in the hope that divorce problems may be solved before they even begin.
3. Methodists do not specifically deal with the matter of "malicious desertion."
4. Desertion and what it stands for may well fit into the Methodist policy on marriage under the phrase, "other vicious conditions which through mental or physical cruelty or physical peril invalidated the marriage vow."
5. The burden of responsibility in judging each case of divorce lies on the individual Methodist minister.

¹²Harmon, op. cit., p. 131.

¹³Kennedy, op. cit., p. 141.

6. Counsel and advice in the person of the district superintendent or the bishop is available for each minister at all times.

THE BAPTIST APPROACH

The Competency of the Individual Soul

Strictly speaking, we cannot state the Baptist approach to the matter of divorce for two reasons:

1. There is no fully recognized Baptist standard to look to for Baptist principles.
2. There is no written statement on the word or concept of "conversion" in the Baptist Church officially available for our use.

In searching the teachings of the Baptists on any doctrinal or practical matter, a person will sooner or later come face-to-face with their basic principle of "soul competency." This principle of soul competency has been explained as follows:

The word that gave birth to Baptist polity and to the same high endeavor is with its directive life principle is doctrinal. It is the offspring of a tenet which in small words comprises the major contribution of Baptist thought to the Christian world. To state to the creative idea that the individual is competent in all matters of religion; has within himself by divine gift and right those capacities that make his cooperation to meet all the demands with which genuine religion confronts him.⁴

The Baptists believe that the Bible is the property of all Christians. The Bible needs interpretation. The Baptists truly recognize this fact. Of the very different

⁴William Roy Abbott, Polity and Practice in Baptist Churches (Philadelphia: The Pilgrim Press, 1925), p. 21.

CHAPTER V

THE BAPTIST APPROACH

The Competency of the Individual Soul

Strictly speaking, we cannot state the Baptist approach to the matter of divorce for two reasons:

- a. There is no fully recognized Baptist standard to look to for Baptist principles.
- b. There is no written statement on the word or concept of "desertion" in the Baptist Church officially available for our use.

In searching the teachings of the Baptists on any doctrinal or practical matter, a person will sooner or later come face to face with their basic principle of "soul competency." This principle of soul competency has been explained as follows:

The womb that gave birth to Baptist polity and at the same time endows it with its directive life principle is doctrinal. It is the offspring of a tenet which in small compass constitutes the major contribution of Baptist thought to the Christian world. We refer to the creative idea that the individual is competent in all matters of religion; has within himself by divine gift and right those capacities that make him competent to meet all the demands with which genuine religion confronts him.¹

The Baptists believe that the Bible is the property of all Christians. The Bible needs interpretation. The Baptists truly recognize this fact. Of the many different

¹William Roy McNutt, Polity and Practice in Baptist Churches (Philadelphia: The Judson Press, c.1935), p. 21.

ways in which churches attempt to interpret the Bible, the Baptists have a method they believe is in complete accordance with the teachings of that same Bible. Every individual, according to the Baptists, is competent, under the guidance of the Holy Ghost, to read and interpret Scripture according to his own needs. Dr. Mayer states this fact in this way:

For Baptists "the crown jewel of humanity is the right of private judgment" . . . maintain that the New Testament everywhere places the emphasis on the individual as a sovereign and free person . . . it is every Christian's privilege and duty to determine what is right or wrong for and by himself from the Bible alone, without benefit of sacraments, clergy, creeds, and the like. Baptists maintain furthermore that every regenerate soul is fully competent to know the will of God and therefore requires no mediation whatsoever in establishing or maintaining the right relations with God . . . derived from the indwelling Christ and . . . directly implied in the doctrine of the priesthood of believers.²

The position of individual competency places the individual in a truly responsible position. In the words of one writer:

The doctrine of competency reaches into the life of the individual with significant results. Among these is a personal responsibility of peculiar weight. To multitudes it is a frightful responsibility, to escape which they seek a refuge of safety and release. Men, by the logic of this doctrine they espouse, hold in their own hands the destiny of their immortal souls. The love of God has provided "salvation in his Son," but men may reject the proffer. That is to say, the God who has created man competent respects that competency to the last degree. He may choose to exercise suasion, but coercion he will never employ. The responsibility is man's to choose, "with all to gain--or all to lose."³

Assistance, in interpreting Scripture, certainly is not cast

²F. E. Mayer, The Religious Bodies of America (St. Louis: Concordia Publishing House, 1956), p. 263.

³McNutt, op. cit., pp. 23-24.

lightly aside. The individual person will be very interested in consulting the successful experience of others in history, science, art, and other fields of human knowledge. The competent Baptist would be very interested in what others have to say, but at no time would the pronouncements of any other person or persons represent the voice of himself. He cannot abdicate from the throne of his individual responsibility.

The fruits of this principle are many. There is first of all the Baptist attitude toward authority. Basically, there is only one authority and that is the Bible. Baptists are a people of "The Book." This emphasis has led them to declare:

The Bible is a sufficient authority and guide in matters of faith and practice, in matters of doctrine, polity, and conduct. . . . For such men and women there is thus gained a large liberty; liberty under control of what God says to each one as he reads and listens. Thus it is that they discover an authority which is a sufficient guide in all the major concerns of life.⁴

The Baptists do have ordinances, but by their definition of the word, they are only two in number, namely, Baptism and the Lord's Supper.

Above and beyond the Bible, the only authority that they speak of is that of a good religious teacher. They, however, speak of this kind of an authority in a qualified sense. A religious teacher is desired as an assistant but not as a replacement for each individual's responsibility as a competent searcher of Holy Scripture.

⁴ Ibid., p. 108.

The principle of individual competency becomes evident in the Baptist method of church polity. It is said of a Baptist Church:

Hence a Baptist Church will act like a Baptist Church. It will behave in a way to safe-guard the competency of its members and nurture their souls, that they may actualize in life the potencies that are within them. That behavior in all its varied form and manifestations constitutes the polity of that church. As churches multiply, and ways of acting become more or less uniform and more or less established, there results a body of polity.⁵

But the polity that arises from the behavior of a church never is allowed to become the master of the individuals in that church. Any rules or regulations that are drawn up in a church or an organization or a group of several churches must always be light in its contact with the individual. Thus, we find that although associations and conventions do exist in the Baptist Church and that these gatherings do pass resolutions and directions, they are never allowed to speak beyond limits. As for example:

There are items in this covenant which cannot be carried out unless there is co-operation of Baptist Churches with other Baptist Churches. The bodies that are thus formed, made up of these independent Baptist Churches, are called Associations and Conventions. . . . Each of these bodies may pass resolutions, but these are binding only upon the persons present at the sessions.⁶

The end result of this Baptist emphasis on the individual is that we find ourselves searching for a

⁵ Ibid., p. 27.

⁶ Mayer, op. cit., pp. 263-264.

non-existent approach to desertion in the Baptist Church. Baptists believe it is wrong to have such principles and approaches spelled out on paper. We have on our hands an entirely compatible church that allows within its fellowship the Calvinist, the Arminian, the Fundamentalist, the Liberal, the Separatist, and the Unionist. The final conclusion as to the official Baptist approach to a matter like desertion is that there shall be no official approach at all.

Thoughts on Divorce

The competency of the individual on his own personal interpreter of Scripture to fit his own needs appears in the area also of divorce. By all appearances, because Scripture so clearly states that "Whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery . . ." (Matt. 5:32), adultery and fornication are the only grounds recognized in the Baptist Church. Hence, Leo Rosten is led to state, "Do Baptists approve of divorce? Answer--No, except for adultery. But there is no regulation among Baptist Churches regarding divorce." The writer has but one pastoral answer to offer as witness to this quotation. Of the five questionnaires sent to Baptist ministers, regarding desertion and divorce, only one was returned.⁷ The witness to that pastor's own belief was as

⁷Infra, p. 65.

follows: (a) He recognizes fornication and adultery as grounds for divorce; (b) He offers Matthew 19:9 (almost the same as Matt. 7:32) and Galatians 5:19, "Now the works of the flesh are manifest, which are these: Adultery, fornication, uncleanness, lasciviousness" as bases for his belief.

We find general Baptist feeling about marriage expressed in the following statement that came out of the Baptist World Alliance of 1923:

Family life of high quality is fundamental to all human progress. Here especially should personality, its needs, its discipline and development, control. Here Christ's law of mutual love and service should rule. Children are free personalities to be reared in the nurture and admonition of the Lord. The will is not to be broken, but disciplined and trained. The home should be a living fountain of religious life, where prayer and study of the Scriptures should not be shifted to the school or to any other agency. Divorce on unscriptural grounds is one of the greatest evils of the day in many parts of the world. The duty of all Christians everywhere is to resist this evil. Christ's teaching on the subject should be respected, and every proper means employed to resist and correct the tendency to divorce. The sacredness of the marriage vow, and the purity of home life should be safeguarded in all possible ways.⁸

In conclusion, we offer the full quotation from Leo

Rosten:

Do Baptists approve of divorce? Answer--No, except for adultery. But there is no regulation among the Baptist Churches regarding divorce. Annual conventions of Baptists have often condemned the rising divorce rate in the United States. Each Baptist clergyman depends on his conscience in deciding whether or not to officiate at the marriage of divorced persons. No church law prescribes what he must do.⁹

⁸ McNutt, op. cit., p. 188.

⁹ Leo Rosten, A Guide to the Religions of America (New York: Simon and Schuster, 1955), p. 6.

Summary Conclusions

On the basis of the discussion of this chapter, the writer feels that the following propositions may be drawn:

- a. The Baptist Church does not seem to recognize desertion as grounds for divorce.
- b. There are no official statements concerning divorce in the Baptist Church because such statements would run contrary to the basic principle of individual "soul competency" in the Baptist Church.
- c. Because of the existence of this basic principle of the divinely-given competency of the individual soul to interpret Scripture for itself, we must readily admit that some Baptists could, indeed, recognize desertion as grounds for divorce on the basis of 1 Corinthians 7.

Sincerely,

J. Francis Smith
(Signature)

APPENDIX A

**THE CHURCH OF ST. MICHAEL AND ST. GEORGE
ST. LOUIS 5, MO.**

**JOHN FRANCIS SANT
RECTOR**

January 26, 1959

**Mr. Howard R. Klenz
801 DeMun Ave. Box 68
St. Louis 5, Mo.**

Dear Mr. Klenz:

I do not know whether or not this questionnaire will do you much good.

The matter of remarriage of divorced people is rather fully covered by two of our Canons which govern the actions of all Episcopal ministers which I am enclosing with this letter. As you can see, it is a home-rule canon, i.e., it all depends on the attitude of the Bishop of your particular diocese. If he holds annulment ideas then he will give permission for the remarriage of a divorced person only if you can prove that the divorce was really an annulment; thus making legal divorce of no value. If the Bishop holds a more liberal view then remarriages after divorce are permitted. In Canon 16 - Of the Solemnization of Holy Matrimony, Section 2 (9) is the important point. "Such defects of personality as to make competent or free consent impossible" is taken to mean defects of personality which may occur at any time. For example, alcoholism, unfaithfulness, and such like, beginning after the marriage, are considered just causes for divorce.

Sincerely,

**J. Francis Sant
(Signature)**

APPENDIX B

Practical Questionnaire for a Bachelor of Divinity Thesis.
Re: Individual Protestant Minister's Practices Concerning
Desertion and Divorce.

1. Do you recognize any grounds for divorce? Yes.
2. If you do, what are they? Adultery.
3. Which Scripture passages form the basis for your practice? The traditional proof texts.
4. Do you recognize "malicious desertion" as either divorce or grounds for divorce? No.
5. Do you recognize as valid the divorce of a person seeking a new marriage who has been legally (in court) separated from the former spouse on the grounds of desertion or some legal counterpart? Yes.
6. Malicious desertion has been defined as: (Please check those definitions which feel belong under the term desertion.)
 - a. Designed nullification of a marital union without the consent and offense or fault of the other party. x
 - b. Refusal of sexual intercourse. ---
 - c. Not only one who leaves the house, but also one who through his cruelty and other acts causes the other party to leave and desert. ---
 - d. The securing of a court decree of divorce is malicious desertion. ---
 - e. If the run-away wife or husband is not taken back on return, the one who remained becomes a deserter. ---
 - f. That which a permanent, habitual alcoholic is guilty of, for he has deserted his family for liquor. ---
 - g. That which a husband or wife is guilty of if he or she insists on clinging to their parents after marriage to the extent that and despite the fact that such a relationship is breaking up their marriage. ---
7. On the basis of your past experience, what do you think the term desertion means? What does it include?
The forsaking of home and company of the other person.
8. To your knowledge, what does your denomination teach officially concerning the meaning and scope of desertion?
Nothing.

Signature: David E. Molyneaux
Church: First Presbyterian
Flint, Michigan
Your Position: Pastor.

Practical Questionnaire for a Bachelor of Divinity Thesis.
 Re: Individual Protestant Minister's Practices Concerning
 Desertion and Divorce.

1. Do you recognize any grounds for divorce? Yes.
2. If you do, what are they? _____
3. What Scripture passages form the basis for your practice? Mt. 19:9; Ex. 20:14.
4. Do you recognize "malicious desertion" as either divorce or grounds for divorce? Yes. The General Assembly of the Presbyterian Church U. S. A. has adjudged "willful desertion" to be "a just cause for divorce." Presbyterian Constitution and Digest, p. 398.
5. Do you recognize as valid the divorce of a person seeking a new marriage who has been legally (in court) separated from the former spouse on the grounds of malicious desertion or some legal counterpart? Yes.
6. Malicious desertion has been defined as: (Please check those definitions which you feel belong under the term desertion.)

(Writer's note: Only those definitions are listed that were checked. See preceding questionnaire for those which this pastor did not check.)

- a. Designed nullification of a marital union without the consent of the other party. x
- b. Refusal of sexual intercourse. x
7. On the basis of your past practice, what do you think the term desertion means? What does it include? I have not had occasion to deal with a person granted a divorce on grounds of "dissertation." Any violation of the vow "to live with and cherish (one's spouse)." I would construe this as "desertion" in some degree -- to be dealt with by pastoral care and counselling, and only in extremity by ecclesiastical discipline.
8. To your knowledge, what does your denomination teach officially concerning the meaning and scope of desertion? I have not been able to read the full deliverance of General Assembly cited in Presbyterian Constitution and Digest, p. 398, where the reference is to minutes not easily obtainable. However, the teaching of the Church concerning marriage of divorced persons may be cited.

Signature: Harry P. Phillips
 Church: West Presbyterian
 St. Louis, Mo.
 Your Position: Pastor.

**Practical Questionnaire for a Bachelor of Divinity Thesis.
Re: Individual Protestant Minister's Practices Concerning
Desertion and Divorce.**

1. Do you recognize any grounds for divorce? Yes.
2. If you do, what are they? _____
3. Which Scripture passages form the basis for your practice? _____
4. Do you recognize "malicious desertion" as either divorce or grounds for divorce? It is not specifically.
5. Do you recognize as valid the divorce of a person seeking a new marriage who has been legally (in court) separated from the former spouse on the grounds of malicious desertion or some legal counterpart? Yes.
6. Malicious desertion has been defined as: (Please check those definitions which you feel belong under the term desertion.)

(Writer's note: Only those definitions are listed that were checked. See the first questionnaire of this Appendix for those which this pastor did not check.)

- a. Designed nullification of a marital union without the consent and offense or fault of the other party. X
- b. Refusal of sexual intercourse. X
- c. Not only one who leaves the house, but also one who through his cruelty and other acts causes the other party to leave and desert. X
- f. That which a permanent, habitual alcoholic is guilty of, for he has deserted his family for liquor. X
- g. That which a husband or wife is guilty of if he or she insists on clinging to their parents after marriage to the extent that and despite the fact that such a relationship is breaking up their marriage. X
7. On the basis of your past practice, what do you think the term desertion means? What does it include? Separating yourself from your spouse either physically, mentally or spiritually.
8. To your knowledge, what does your denomination teach officially concerning the meaning and scope of desertion? My own ideas are fairly common in our Church.

Signature: J. Francis Sant
Church: St. Michael and St. George-St. Louis
Your Position: Rector

Signature: John F. Putney
Church: St. Andrew's Episcopal

**Practical Questionnaire for a Bachelor of Divinity Thesis.
Re: Individual Protestant Minister's Practices Concerning
Desertion and Divorce.**

1. Do you recognize any grounds for divorce? No, except as described on reverse side of this sheet.

(Writer's note: This pastor chose to leave the questionnaire blank. On the reverse side he typed the following:)

The Canon Law of the Protestant Episcopal Church clearly defines what is true spiritual matrimony to which the Church adds its blessing as well as authorizing its clergy to perform the legal ceremony. From the true spiritual marriage there is no divorce even though legal separation or divorce may have been granted by the civil court of law.

Canon 17 sec. 6 states, "No Minister of this Church shall solemnize the marriage of any person who has been the husband or wife of any other person then living whose marriage has been annulled or dissolved by the civil court, except as hereinafter in these Canons provided; nor shall any member of this Church enter upon a marriage when either of the contracting parties has been the husband or the wife of any other person then living whose marriage has been annulled or dissolved by a civil court, except as hereinafter in these Canons provided."

Canon 18

This Canon provides that the remarriage of a person whose marriage has been annulled or dissolved by a civil court of competent jurisdiction may apply to the Bishop or Ecclesiastical Authority of the Diocese or Missionary District in which such person is canonically resident for a judgment as to his marital status in the eyes of the Church.

The only case of desertion in which a Minister of the Episcopal Church may perform a ceremony of remarriage is in the case of a person who is judged by the Bishop to be the "innocent party". The Priest who is asked by someone to perform a ceremony of marriage when in his opinion "an innocent party" to a divorce is involved must arrive at a decision himself. He is under no obligation to perform a marriage ceremony at any time. He may decline to marry those who have not been previously married. With the consent of the Bishop he may remarry a divorced person who is the "innocent party" in a case involving "desertion."

Signature: John F. Putney
Church: St. Andrew's Episcopal

Practical Questionnaire for a Bachelor of Divinity Thesis.
 Re: Individual Protestant Minister's Practices Concerning
 Desertion and Divorce.

1. Do you recognize any grounds for divorce? Yes.
2. If you do, what are they? Adultery, cruelty, desertion.
3. Which Scripture passages form the basis for your practice?
4. Do you recognize "malicious desertion" as ground for divorce? Yes, -- after a period of time.
5. Do you recognize as valid the divorce of a person seeking a new marriage who has been legally (in court) separated from the former spouse on the grounds of malicious desertion or some legal counterpart? Yes.
6. Malicious desertion has been defined as: (Please check those definitions which you feel belong under the term desertion.)

(Writer's note: Only those definitions are listed that were checked. See the first questionnaire of this Appendix for those which this pastor did not check.)

- a. Designed nullification of a marital union without the consent and offense or fault of the other party. x
 - b. Refusal of sexual intercourse. x
 - c. Not only one who leaves the house, but also one who through his cruelty and other acts causes the other party to leave and desert. x
 - f. That which a permanent, habitual alcoholic is guilty of, for he has deserted his family for liquor. x
 7. On the basis of your past practice, what do you think the term desertion means? What does it include?
 8. To your knowledge, what does your denomination teach officially concerning the meaning and scope of desertion?
-

Signature: W. H. Hager
 Church: Grace Methodist
 St. Louis, Mo.
 Your Position: Minister.

Practical Questionnaire for a Bachelor of Divinity Thesis.
 Re: Individual Protestant Minister's Practices Concerning
 Desertion and Divorce.

1. Do you recognize any grounds for divorce? Yes.
2. If you do, what are they? Fornication -- Adultery.
3. Which Scripture passages form the basis for your practice? Matt. 19:9 -- Gal. 5:19.
4. Do you recognize "malicious desertion" as grounds for divorce? No.
5. Do you recognize as valid the divorce of a person seeking a new marriage who has been legally (in court) separated from the former spouse on the grounds of malicious desertion or some legal counterpart? I do from a point of law, but not from a point of the Scriptures.
6. Malicious desertion has been defined as: (Please check those definitions which you feel belong under the term desertion.)

(Writer's note: Only those definitions are listed that were checked. See the first questionnaire of this appendix for those which this pastor did not check.)

- a. Designed nullification of a marital union without the consent and offense or fault of the other party. x
- b. Refusal of sexual intercourse. x
- c. Not only one who leaves the house, but also one who through his cruelty and other acts causes the other party to leave and desert. x
- d. The securing of a court decree of divorce is malicious desertion. x
- f. That which a permanent, habitual alcoholic is guilty of, for he has deserted his family for liquor. x
7. On the basis of your past practice, what do you think the term desertion means? What does it include? Violation of duty or obligation.
8. To your knowledge, what does your denomination teach officially concerning the meaning and scope of desertion? We teach that it is not ground for divorce.

Signature: W. D. Thompson
 Church: Memorial Baptist
 St. Louis, Mo.
 Your Position: Pastor.

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