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Divorce and Malcious Desertion

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Divorce and Malicious Desertion.

II. No Divorce, Except It Be for Fornication.

Is there anything besides death that severs the marriage bond? In the opinion of the Pharisees there were quite a number of reasons for which a man might put away his wife. In answer to Christ's apodictic statement they ask: "Why did Moses, then, command to give a writing of divorcement and to put her away?"5) How dare you, they mean to say, put yourself in opposition to Moses? Are you more than Moses? Christ answers: "Moses, because of the hardness of your hearts, suffered you to put away your wives; but from the beginning it was not so," Matt. 19, 8. Who was right? Did Moses command, or did he merely suffer, permit? As always, Jesus is correct, as a glance at Deut. 24, 1-4, the Scripture-passage referred to, will show. Unfortunately neither the Authorized Version nor Luther offers an accurate translation. The LXX and the great majority of commentaries agree that vv. 1-4 form only one sentence, vv. 1-3 being the protasis, v. 4 the apodosis, thus: If a man hath taken a wife, etc., and given her a bill of divorcement; and (v. 2) if she hath departed out of his house and hath become another man's wife: and (v. 3) if the latter husband hate her, then (v. 4) her former husband, etc. Consequently Moses did not here establish or command divorce nor perhaps even the issuing of letters of divorce. Evidently divorces were not uncommon among the Israelites, the loose morals of Egypt having served to undermine the sanctity of the marriage bond. The issuing of letters of divorce was a restraint which either law or custom or both had imposed. It is difficult to state just what is the exact meaning of the phrase "some uncleanness," v. 1. Adultery is out of the question, since that was a capital crime, Deut. 22, 20-22. It must have been some other grounds sanctioned by custom or pre-Mosaic or perhaps Mosaic law. Moses legislates here with a view of still further curbing the evil of divorce by forbidding the return of the woman to her first husband if, after having been divorced by him, she had married another. The second marriage is expressly said to have defiled the woman, hence is clearly denoted as displeasing to God, who still regarded the first marriage as valid. The woman was

⁵⁾ The varying accounts of Matthew and Mark may well be harmonized if we assume that after the question of the Pharisees, Matt. 19, 3; Mark 10, 2, Christ puts a counter-question: Mark 10, 3. The Pharisees answer: Mark 10, 4; Jesus responds: Matt. 19, 5. 6. Again they voice their objection: Matt. 19, 7. First they had pointed to the fact that Moses permitted divorce, then, in order to put Christ in opposition to Moses, they go so far as to claim that Moses commanded it. Of course, if He commanded it, then He permitted it. Hence no contradiction between Mark 10, 4 and Matt. 19, 7.

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not permitted to return to her first husband after she had been married to another. She was not to be regarded a chattel, to be handed back and forth from one man to the other. According to Jewish custom the unmarried divorcée was permitted and even encouraged to return to her husband.

Far therefore from commanding divorce, Moses rather frowns upon it. Why, then, does he permit it at all? Jesus answers: "Moses, because of the hardness of your hearts, suffered you to put away your wives; but from the beginning it was not so," Matt. 19, 8. The blame rests not on Moses, but solely on the Jews who were so hard-hearted. We must bear in mind that Moses was not merely the spiritual leader of the spiritual people of God, but also the civic legislator of a nation composed partly of believing children of God and partly of hardhearted, disobedient unbelievers, who, however, by circumcision had outwardly become citizens of the commonwealth of Israel. Because of their hardness of heart, in order to avoid still greater evil, murder, adultery, etc., he permitted the existing custom of obtaining a divorce for some uncleanness to continue, seeking, however, to discourage and curb this wicked, pernicious practise as much as possible under existing circumstances. Not Moses, but the hard-heartedness of the Jews was responsible for the existence and permission of divorce laws in Israel. Note that Jesus used the second person, your hearts, suffered you, your wives. He does this not only because they were members of a nation in which so many had been hard-hearted, but chiefly because they themselves were just as stubborn as their fathers in the days of Moses. Else they would not have sanctioned the ever-increasing laxity with regard to divorce, much less have encouraged it by their extremely lax interpretation of Deut. 24: nor would they have sought to hide behind Moses in their endeavor to justify their practise. Rather would they as spiritual leaders have endeavored to curb the divorce evil and to teach the people that, while in civic legislation divorce was permitted because of the hard-heartedness of godless citizens, yet "from the beginning it was not so," and that believing children of God should not disobey the divine ordinance given in the beginning of creation. There is no doubt that pious Israelites did not make use of the liberty granted them by the civic legislation of Moses.

Far from retracting or changing His opinion, the Lord simply reiterates His position, that from the beginning there was no provision made for divorce, that the rule still obtaining in the kingdom of God is the old rule laid down at the institution of marriage in Paradise, that the bond of wedlock be indissoluble: "What God hath joined together let not man put asunder."

From these words of Christ we learn several lessons of importance.

The State may grant a divorce not permitted according to God's will.

While in the kingdom of God marriage is indissoluble except by death (fornication and malicious desertion ought not to occur among Christians), in the State, because of the hard-heartedness of natural man, God suffers divorce to be issued even in such cases where He has not dissolved the marriage. These divorces, however, though acknowledged by other States, are null and void before the forum of the Church, which is ruled, not by civic, but by divine Law. Since the underlying cause for obtaining a divorce against God's will is the hardness of the heart, no Christian will seek to obtain such a divorce, and if he does so, he must be disciplined and, if impenitent, excommunicated, and before he can regain membership, he must do all in his power to reestablish the first marriage. For in the sight of God this marriage was not dissolved, and his second "marriage" is in fact adultery, as we shall see. - Civic authorities and all good citizens should bend every effort toward curbing the divorce evil by adopting marriage and divorce laws as strict as possible under existing conditions. - A Christian may, as citizen of the State, advocate, and vote for, and in his actions as a civic officer be ruled by, divorce laws which are far removed from the ideal prescribed in the Word of God. A judge having in his capacity as a civic officer divorced a couple may as a member of a Christian congregation be obliged to discipline them and vote for their excommunication; for the Church is not the State and the State not the Church.

Now Jesus lays down for all times the rule which is to be observed in His kingdom, His Church, on earth: "I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another committeth adultery; and whoso marrieth her which is put away doth commit adultery," Matt. 19, 9. This is not the only record of these words nor the only time that Jesus laid down this rule. We have a parallel account in Mark 10, 11. 12.6) The same lesson was taught in the Sermon on the Mount, Matt. 5, 31. 32, and to the Pharisees on another occasion, Luke 16, 18. The fact that these four passages do not record the same wording of Christ's rule will not surprise us if we bear in mind that, if our second harmonization of

⁶⁾ According to Matthew, Christ still seems to be addressing the Pharisees; according to Mark He spoke these words in the house to His disciples, who again asked Him regarding the same matter, Mark 10, 10. This difficulty may be solved by assuming either that Matthew simply does not mention that He no longer was speaking to the Pharisees or that He spoke these words twice, first to the Pharisees, to whom also another passage is addressed, Luke 16, 18, and when His disciples asked Him again of the same matter, which seemed strange and harsh to them (cp. Matt. 19, 10 ft.), He simply repeated and emphasized what He had previously told them. That is a method adopted by Jesus on other occasions. Cp. Matt. 26, 21. 23; John 3, 3. 5; 4, 10. 13. 14; 7, 33. 34; 8, 14. 21, etc.

Divorce and Malicious Desertion.

Matt. 19, 9 and Mark 10, 11 is adopted, it may be assumed that they

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			following compilation
will serve to bring out clearly the additions and omissions in every			
	Δ,	B.	C.
Matt. 5, 32:	Whosoever shall put away his wife,	saving for the car of fornication,	180
19, 9:	Whosoever shall put away his wife,	except it be for for cation,	ni- and shall marry an- other,
Mark 10, 11:	Whosoever shall put away his wife,		and marry another
Luke 16, 18: Whosoever putteth			
	away his wife		and marrieth another
D.	E.	F.	G.
	eth her commit		and whosoever shall marry her that is divorced committeth adultery.
Matt. 19	committeth adultery		and whose marrieth her which is put away, com- mitteth adultery.
Mark 10		committeth adultery against her.	
			and whosoever marrieth
Luke 16	committeth adultery		her that is put away from her husband committeth adultery.
		H.	addition of the state of the st
Matt. 5			
Matt. 19			
Mark 10, 12: And if a woman shall put away her husband and be married to another, she committeth adultery.			
Luke 16			

The complete rule comprising all teachings of Jesus on this subject would read: Whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery; and whosoever shall put away his wife, except it be for fornication, and shall marry another committeth adultery (and) against her; and whosoever shall marry her that is divorced committeth adultery. And if a woman shall put away her husband and be married to another, she committeth adultery.

Omitting for the time being the exception, which is evidently in the form of a parenthesis, let us consider Christ's rule on divorce for any other reason than fornication. His purpose very evidently is to bring out the wickedness of divorce in itself and in its consequences, which are truly horrifying, as we shall see.

"Whosoever shall put away his wife, except it be for fornication, and shall marry another committeth adultery," μοιχᾶται, constitutes himself an adulterer. The question has been asked, Does Christ brand only him as an adulterer who actually marries another wife after having divorced the first wife, or may both the divorce and the remarriage on the strength of this passage be designated as adultery? The answer depends entirely on the sense in which "adultery" is taken. In its narrower sense μοιχεία means the actual extra-

connubial carnal intercourse of two people either or both of whom are married to another. Naturally in this sense divorce is not adultery, and according to our passage the divorcing person becomes an adulterer only upon marriage to another wife. Of course, the wickedness of divorce is in no wise affected by this interpretation. Divorce is and remains an infraction of the divine ordinance, as the Lord had so clearly brought out. If we adopt the narrower sense, we cannot use this passage to prove that divorce is called adultery by Christ. The narrower sense of μοιχεία is rendered seemingly plausible by the addition of "marrieth another" in the three passages. Yet we must bear in mind that the entire context stresses divorce. So v. 3 and again vv. 7 and 8. While v. 9 the remarriage is mentioned, yet even here divorce is in the foreground of the Lord's thoughts, of course, as we shall see, a divorce permitting a second marriage, yet not the second marriage, but the divorce is also here the chief subject in the mind of Jesus. He is still answering the main question, v. 3, and the objection, v. 7. After having described divorce as an infraction of the ordinance given on the last day of creation, He now shows that it is adultery. Hence it is preferable to take porgaras in the wider sense, especially also since Christ here clearly refers to the Sixth Commandment, Οὐ μοιχεύσεις. In fact, in one of the parallel passages, Matt. 5. He had in v. 27 quoted this commandment and cleared away the coarse misunderstanding of the Jews of His day. So evidently in the other passages He refers to the Sixth Commandment as a well-known expression of the will of God. The specific sin designated by this term is taken in the Sixth Commandment as a type of every possible violation of marriage in and out of wedlock by thought, word, and deed, just as killing and stealing are types of other sins forbidden in the Fifth and in the Seventh Commandment. Taking adultery in this wider sense, both the divorce and the remarriage are here stamped as adultery, an infraction of that commandment given by God to protect His own institution and here acknowledged by the Lord as binding for all times in His kingdom. The train of thought in this entire passage, then, is this: Divorce is an infraction of God's ordinance, of the Sinaitic commandment forbidding adultery, of Christ's rule for His Church. abomination, then, is divorce in the sight of God!

The sin of divorce leads its unfortunate victim still deeper into the mire of iniquity and wickedness. "Das ist der Fluch der boesen Tat, dass sie fortzeugend Boeses muss gebaeren," this word of the great poet may be applied to divorce also. Not only does such a man "commit adultery," Luke 16, 18, he also constitutes himself an adulterer, μοιχάται, Matt. 19, 9. "In the active voice the subject is merely acting, in the middle the subject is acting in relation to himself somehow." (Robertson, A Grammar of the Greek N. T., 1st ed.,

p. 804.) Hence he constitutes himself, or causes himself to be, an adulterer. Moreover, by marrying and having carnal intercourse with another woman, while he is still bound by God to his first wife, he commits a second adultery, Luke 16, 18; Matt. 19, 9. Furthermore, by divorcing his first wife and marrying another, he commits adultery by each one of these acts against her, μοιχᾶται ἐπ' αὐτήν, Mark 10, 11. (Some exegetes refer this phrase to the second wife; by far the greater number, however, regard it as referring to the first wife.) He violates the marriage institution to her harm. Having promised to remain faithful to her, to become one flesh with her alone in a union separable only by death, he ruthlessly dismisses her and takes unto himself another woman. What an insult to discard her as one would discard an old and worn-out piece of furniture! What an outrage in addition to this insult calmly to marry another to take her place! What a shameful setting aside and trampling upon her God-given claims and privileges! And still deeper does he become mired in sin and shame. Says Christ, Matt. 5, 32: He causes her, his wife, to commit adultery, ποιεί αὐτήν μοιχᾶσθαι, to constitute herself an adulteress. Again I see no reason to restrict "adultery" to its narrower sense, that she commits adultery only by marrying another. Here also adultery in its wider sense is meant. Sexual desire, natural in itself, its gratification sanctioned in wedlock by God Himself, Gen. 3, 16; 1 Cor. 7, 2. 3, becomes adultery as soon as it is centered upon a person prohibited to you by law, Matt. 5, 28. In the case of a divorced woman the only one toward whom the desire would be lawful, her husband, has divorced her, thereby cutting off every possibility of properly gratifying her sexual desires. These very desires, being directed to other men, are adulteries, as the Lord calls them, Matt. 15, 19, whether they are entertained with a view to marriage or not. Every gratification of these desires, whether the man be married or unmarried, is not simply fornication, but adultery, since she is still the wife of another. Every marriage, whether with an unmarried or a divorced person, is on her part an adulterous marriage in its every phase and action, as long as it exists. Note the infinitive present, denoting continuity, μοιχασθαι. While she will have to answer for her own guilt, yet her former husband is in a great measure responsible and will be so held before the tribunal of God on that great day of reckoning. Several manuscripts offer μοιχευθηναι for μοιχασθαι. That may be either a case of the passive's being used for the middle (cf. Robertson, Grammar, p. 334, where quite a number of examples of this usage are cited), or it may be a pure passive, and we would translate: He causes her to be seduced to adultery. In either case the sense is not changed.

And still the dread consequences of the divorce continue.
"Whose marrieth her which is put away doth commit adultery,"

Matt. 19, 9. He marries one who before God is the lawful wife of another; his entire marriage is in fact a continuous adultery; it is the marriage to an adulteress by a man who by this very marriage becomes And all in consequence of the first divorce. What a mire of sin and shame in which the husband obtaining a divorce immerges himself and others! And what is said of the man applies with equal force to the woman. "And if a woman shall put away her husband and be married to another, she committeth adultery," Mark 10, 12. Again we see that the Bible knows no double standard. What is wrong for the man is wrong for the woman. Bruce, in Expositor's Greek Testament on Mark 10, 12, states that Mark has added a gloss so as to make Christ's teaching a guide for his Gentile readers. Jewish women, he says, could not divorce their husbands. He overlooks the fact that, although such divorces were not permitted by law, they nevertheless occurred. Josephus tells us that Salome, the sister of Herod I, "sent her husband Costobar a γραμμάτιον, a letter of divorce, thus herself severing the marriage in a manner not in accord with the Jewish laws." (Ant., XV, 7, 10.) Though not in accord with Jewish custom, evidently divorces were being obtained by women. According to the Talmud the woman could force a divorce in the following cases: if her husband were afflicted with an ulcer or a polypus, immaterial whether this developed before or after marriage or was engaged in a dirty trade, such as that of a coppersmith or a tanner (Chetuboth, VII, 10), and if her husband denied to her the marital duty (V.7). While the Talmud was reduced to writing much later, it frequently records old traditions. Hence already at Christ's time it may have been customary for women to divorce their husbands, and this custom seems the more plausible if we consider the laxity of divorce laws for men. While it may have been contrary to the letter of the Jewish law for a woman to obtain a letter of divorce, yet there may have been ways and means open for her to "force her husband to divorce her," as the Talmud puts it. She practically did what the Savior calls anolver. Hence there is no reason why Jesus could not have spoken these words. Even if the obtaining of divorces by women had not been customary at His time, He knew the customs of the heathen world and its evil influence on the Church of the future.

However, the rule laid down by Christ and which affirms the indissolubility of the matrimonial bond states one exception, "except it be for fornication," Matt. 19, 9, or as we read Matt. 5, 32, "saving for the cause of fornication." This exception is recorded only in the Gospel of St. Matthew. But in both instances the words are clearly indicated as Christ's own words, the whole sentence of which this forms a part being introduced in both instances by the phrase "I say unto you." Hence the suggestion that the Savior did not speak these

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words, that they are an explanatory gloss due to the evangelist or to the tradition he followed (De Wette, Weiss, Holtzmann, and seemingly favored by Bruce in *Exp. Gr. Test.*), is altogether out of question. There can be no doubt that Matthew, writing as he was moved by the Holy Ghost, presents these words as the words of the Savior.

Just what do these words mean? The Expositor's Greek Testament (on Matt. 5, 32) calls this "a most important exception, which has given rise to much controversy that will probably last till the world's end." Chemnitz, in his Examen, states the reason for such difference of opinion and suggests the proper course for the removal of all doubt. He writes: "If human prejudices and preconceived presumptions are set aside and the question is decided from the very words of Christ, the matter is altogether plain and clear." The words present no grammatical difficulty. For λόγος Thayer prefers the translation case, except in a case of fornication, since λόγος, in the sense of cause, reason, is not used with the genitive. However, the sense is not changed in the least whether we adopt the translation case or cause. In Matt. 19, 9 some MSS. offer παρεκτὸς λόγου πορυείας, some εἰ μή, while all the uncials simply read μή. Again the variant readings do not affect the sense.

We ask, What is nooveia? Does it mean only fornication, carnal intercourse, or does it cover other forms of unchastity? If we have counted correctly, the word occurs twenty-three times in the New Testament. Besides our passages, Matt. 5, 32; 19, 9, we find it in the apostolic decree, Acts 15, 20, 29; 21, 25, and in several catalogs of sins, Matt. 15, 19; Mark 7, 21; Rom. 1, 29; Rev. 9, 21, which do not describe the exact nature of the sin. In a number of passages it is used in a manner which permits it to be taken only in the sense of fornication, actual carnal intercourse. John 8,41: "We be not born of fornication"; 1 Cor. 5, 1: "such fornication . . . that one should have his father's wife"; 1 Cor. 6, 13: "The body is not for fornication"; v. 18: "Flee fornication." Fornication is a sin against one's own body. Compare vv. 15. 16, which show that the apostle has in mind a sin whereby one is joined to a harlot. Chap. 7, 2: "To avoid fornication, let every man have his own wife." In other passages mogreta is distinguished from other forms of immorality. 2 Cor. 12, 21 and Gal. 5, 19 it is distinguished from anadagola, uncleanness, and aoilysia, licentiousness, lasciviousness, unchaste handling of males and females (Thayer); Eph. 5, 3, from "all uncleanness"; Col. 3, 5, from uncleanness, πάθος, ungovernable desire, passion, representing the passive side of the vice, and ἐπιθυμία κακή, the active side, more comprehensive than mádoc, lust: 1 Thess. 4.3: "Abstain from fornication"; therefore, v. 4, "possess his vessel," procure a wife for himself. Evidently carnal intercourse is here the only possible meaning, since unchastity is forbidden also in matrimony. In the remaining

six passages, all of them in Revelation, it is used of spiritual fornication, idolatry, Rev. 2, 21; 14, 8; 17, 2, 4; 18, 3; 19, 2. The underlying idea here also is that of actual carnal intercourse (cp. 2, 22: "I will cast her into a bed and them that commit adultery with her into great tribulation"; 17, 1; 19, 2, Babylon is called the whore; and see Ezek. 16). From these clear passages we conclude that also in the other passages where the exact nature of the sin is not brought out it means nothing more than illicit carnal intercourse. fore it does not include every manner of immorality, as some interpreters assert. Nor does it include spiritual fornication, since a marriage with an idolater should not be dissolved, 1 Cor. 7, 12, 13. Neither does Christ mention fornication merely as a type of other sins of equal weight, such as murder, robbery, etc., which bring shame upon his family, or "such sins as, like fornication, destroy the very essence of marriage." We shall see that fornication does not do that and is not on that account mentioned as an exception. All these efforts to mitigate the rule laid down by the Lord, all endeavors to vindicate to spouses on the basis of these words of Christ other grounds besides fornication, do violence to the clear words of Christ. We must bear in mind that the question put to Christ was, "Is it lawful for a man to put away his wife for every cause?" The Lord does not simply answer either in the positive or in the negative: He says: "Whosoever shall put away his wife, except it be for fornication, and shall marry another committeth adultery." To assume that this may include any manner of immorality, etc., would be laying Christ open to the charge that He had not answered the question clearly, that He had not settled the issue, but had left it as muddled and uncertain as before. The circumstances under which the answer was given render impossible any vague and indefinite meaning of ποργεία. It must have a specific, well-defined meaning, that of illicit carnal intercourse, fornication.

The Savior uses the term $\pi o \varrho v s ia$, not $\mu o \iota \chi s ia$, adultery, not only "because the genus indicates the moral category of the crime in a greater degree" than the species $\mu o \iota \chi s ia$ (Tholuck, Bergpredigt); undoubtedly His intention also was to indicate that not merely adultery, but fornication even before marriage gives permission to dissolve the marriage bond. Note that there is no indication as to the time when the fornication occurs. Our custom therefore of permitting a betrothal or marriage to be dissolved if fornication of the spouse before marriage can be proved, rests on Scriptural basis. It would, however, be wrong to confine $\pi o \varrho v s ia$ to prenuptial fornication. Fornication also is a specific term, as we have seen, while adultery is often used in a wider sense, covering all manner of immorality. Another reason for the choice of this word may have been that among the Jews the term adultery in its narrower sense was limited

to illicit sexual intercourse with a married woman, while the intercourse of a married man with an unmarried woman was called merely fornication, even as the English word fornication is often used in this sense. The Lord wanted to include every form of illicit carnal intercourse, whether it occurred before or after marriage with a married or an unmarried woman, whether it was fornication therefore in the form of adultery or simple fornication. Th. Laetsch.

(To be concluded.)

Dispositionen über bie altfirchliche Epistelreihe.

Bweiter Conntag im Abbent.

Röm. 15, 4-13.

Das Ebangelium handelt von der Wiederkunft Christi zum Gericht, Luk. 21, 25—36. Es schließt mit einer ernsten Mahnung: B. 34—36. Wir sollen uns in fortwährender Bereitschaft halten.

Was ift bei uns zur rechten Borbereitung auf die Wiederkunft Christi notwendig?

- 1. Friede in der Gemeinde;
- 2. andächtiger Befuch ber Gottesbienfte;
- 3. gewissenhafte Pflege des persönlichen Glaus benslebens.

1.

- A. Wo Zank und Zwietracht in der Gemeinde herrscht, halt man sich in der Regel nicht in Bereitschaft auf die Wiederkunft Christi. Man gibt dem Teufel Raum. Eine Sünde folgt auf die andere. Ergernis wird gegeben. Starke werden schwach, und Schwache fallen ab. Gal. 5, 20; Jak. 4, 1; 1 Joh. 3, 15; 4, 20.
 - B. Darum muffen wir ben edlen Frieden pflegen. Aber wie?
- 1. Dadurch, daß man die Schwachen mit Geduld trägt. Bgl. Kap.
 15, 1 f. Das ist schwer. Die Schrift rüstet uns aber dazu aus mit Geduld und Trost, B. 4. Zudem haben wir das Vorbild Christi, B. 3.
- 2. Daburch, daß die Gemeindeglieder dem Borbild Christi gemäß untereinander "einerlei gesinnet sind", B. 5 b. Borausschung hierzu ist natürlich die Einigkeit im Geist, die Glaubenseinigkeit. Diese kann nicht von Menschen zustande gebracht werden. Sie ist eine Gabe Gottes, B. 5 a, und muß also erbeten werden.
- 3. Dadurch, daß sich die Gemeindeglieder gegenseitig aufnehmen, B. 7. Alle Unterschiede müssen der Einigkeit im Geist weichen. Judenschriften und Heidenchriften, Starke und Schwache, Reiche und Arme, Dienstboten und Herren, vormals grobe Sünder und Leute, die immer äußerlich rechtschaffen waren, verkehren in der Kirche als Brüder. Das