

1. THE INFLUENCE OF CHRISTIANITY UPON FAMILY AND MARRIAGE

Beginning with Edward Gibbon in *The Decline and Fall of the Roman Empire*, rationalist historians have described the influence of Christianity upon family and marriage as having been for the most part degrading. Of the early Christians' sentiments concerning chastity and marriage Edward Gibbon had this to say:

Since desire was imputed as a crime, and marriage was tolerated as a defect, it was consistent with the same principle to consider a state of celibacy as the nearest approach to the divine perfection. It was with the utmost difficulty that ancient Rome could support the institution of the six vestal virgins; but the primitive church was filled with a great number of persons of either sex who had devoted themselves to the profession of perpetual chastity. A few of these, among whom we may reckon the learned Origen, judged it the most prudent to disarm the tempter. Some were insensible and some were invincible against the assaults of the flesh. Disdaining an ignominious flight, the virgins of the warm climate of Africa encountered the enemy in the closest engagement; they permitted priests and deacons to share their bed, and gloried amidst the flames in their unsullied purity. But insulted Nature sometimes vindicated her rights, and this new species of martyrdom served only to introduce a new scandal into the church.¹

The rationalist historian of European morals, William Lecky, points out in *The History of Rationalism in Europe*:

It is not difficult to conceive the order of ideas that produced that passionate horror of the fair sex which is such a striking characteristic of the old Catholic theology. Celibacy was universally regarded as the highest form of virtue, and in order to make it acceptable, theologians exhausted all the resources of their eloquence in describing the iniquity of those whose charms rendered it so rare. . . . There was no subject on which the old writers expatiated with more indignant eloquence, or with more copious illustration. . . . Solomon, whose means of observation had in this respect been exceedingly extensive, had summed up his experience in a long series of the most crushing apophthegms. Chrysostom only interpreted the general sentiment of the Fathers, when he pronounced woman to be “a necessary evil, a natural temptation, a desirable calamity, a domestic peril, a deadly fascination, and a painted ill.”²

What both Gibbon and Lecky have forgotten to tell us is why the early Church, as it moved out into

the Roman Empire, reacted so violently in favor of chastity and celibacy. Secular historians with a few honorable exceptions simply ignore the appalling moral depravity of the ancient world. Let a more honest historian tell us the truth. In his first class chapter on “Family and Social Life” in *The Legacy of Rome*, Professor Hugh Last writes as follows:

The new ideals of marriage which had come in from the East where home life was hardly known, overlaid on the Roman reluctance to suppress the female sex. ended in the spread at Rome of a moral licence which finally destroyed its victims. The Greek view of woman was that she should be the silent servant of her husband, too far inferior because too little educated to share his life with him and under no responsibility save for the most ordinary domestic routine. When this ideal was brought to Rome, where such effacement of the woman was impossible, the result was that they clung to the ~are-free life of the house that was' not a home sanctioned by the Greek tradition, without surrendering the claim to equality with their husbands justified by Rome. So there arose the race of unlovely women who bulk large in the history of the early empire-all unattractive, some repulsive for their attainments as intriguers, poisoners, adulteresses, and even worse-the destroyers of the Roman home, who taught everyone with whom they came in contact to live for themselves alone. In the sordid picture which the age of Augustus presents the only feature of encouragement is the promise of extinction - which their selfishness contains. Already by the end of the Republic race-suicide had shown itself to be a threat full of danger and social legislation aimed at increase of the birth-rate, was at once the most important and least successful undertakings of Augustus. But limitation of families went on with increasing rigor until by the time of Hadrian there had ceased to exist all except one of the great houses which in the age of Cicero had formed the aristocracy of Rome.

It was against the licence of which such things were the result that at length there came the long-awaited protest from the Christians. In the Apostolic Age the Christian attitude to women was by no means severe but though this generosity continued into later times, by the side of it there soon developed a movement in the opposite direction. When Christianity saw the effects on civilization of this unbridled liberty among women, it inevitably and rightly reacted towards a more stringent view-a view less liberal than the Roman, but still a view which circumstances made necessary. The Roman emancipation of women had to be annulled when woman was no longer able to use her freedom aright and so the new tendency was in the direction of the Greek ideal whereby the wife was the humble servant of her husband and no more.³

As the Church penetrated into the higher ranks of Roman society it came to accept the existing

economic and political ordering of society and only attempted to regulate it at ethically doubtful points. The early Christians did not attempt to overthrow the social system but to reform it from within by changing individuals. In his classic work, *The Social Teaching of the Christian Churches*, Ernst Troeltsch points out that:

The attitude of the Church towards the inmost heart of the system, the family, was, however, entirely different. At this point the moulding of conditions was so closely bound up with the contemporary value and conception of the life of the individual that here the realization of the ideal meant that the Church had to intervene and transform hostile circumstances. The family with its patriarchal dominion of man and its compulsory matrimonial right was, indeed, still regarded as a consequence of the Fall, like all law and all compulsion which had replaced the inner freedom of the Primitive State. Others, however, argued that the manner of Eve's creation proves that the subjection of women is in the natural order of things; however, the overlordship of man was only established when the curse was pronounced and Adam and Eve were driven out of Paradise. Here, however, adaptation to the ideals of the world is strictly limited. From the very beginning the Church set before its members a high and strict ideal; it required them to observe the ideal of monogamy, of chastity before marriage (for both husband and wife), of conjugal fidelity, to exercise an ethical and religious discipline in the care of children, to reject all regulation of the birth rate by the exposure of children or by artificial sterilization; and after the Church was established by the State, as far as possible this ideal

was made a general principle of Society, partly by the influence of the Church upon ecclesiastical law, penitential order and discipline, and partly by its influence upon the law of the State. According to the religious philosophy of the Church, which was based upon that of the Bible, the monogamous family is the basis of Society and of the State, which has itself been formed by the expansion of the family; among pagans the idea of the family had become most confused and perverted by its false ideas of sex, and it was radically purified by the Christians in order to serve as the foundation of a purer and better order of life.⁴

As a result of the moral degradation of women and family life the early Church had to struggle against three aspects of the family and marriage customs of its pagan Graeco-Roman environment. (1) The Church emphasized the absolute necessity for chastity and fidelity within and without marriage, (2) it condemned abortion and infanticide as contrary to the moral law binding on *all* men and women, and (3) it made divorce much more difficult to obtain than it had been under imperial legislation. Constantine the Great forbade married men to have extra-marital relations, and made

concubinage difficult by making invalid all gifts and legacies from the man to his girl friend and their children. His Christian successors of the Eastern Roman Empire tried again and again to make it more difficult to dissolve a marriage by limiting the reasons for divorce and by confining women more closely to their homes. Under the Justinian legislation divorce was made even more difficult, with the strongest possible emphasis on the only reason for divorce allowed by the Church, namely that of adultery, and thus in principle destroyed the old Roman principle of the freedom of contract in marriage. In A.D. 314 the Council of Arles affirmed the general principle of the indissolubility of marriage but did not make it mandatory. Finally at the Council of Carthage in A.D. 407 the Church took an irreversible stand against divorce.⁵ In the twelfth century, civil law was brought into complete conformity with canon law and absolute divorce almost disappeared from Europe. The Roman Catholic Council of Trent (1543-1563), in opposition to the views of the Reformers, declared that marriage is one of the seven sacraments of the Church and must be celebrated in the presence of a priest. Thus after more than a millennium of Christianity, ecclesiastical marriage became established in the Western world. *The Roman Catholic Church had not only made marriage a religious act; it also made it a public act by institutionalizing it.* The officiating priest became the arbiter of marriage and was bound to follow the directives of the Canon Law which now controlled the whole field of the regulation of sexual relationships.⁶

The conception of marriage as a religious sacrament was first seriously presented by Augustine in the fifth century as a result of his misunderstanding of the Pauline use of the Greek word *mysterion* in the fifth chapter of Ephesians, verse 32. The Greek word for mystery had been mistranslated into the Latin language in the Vulgate Bible, the standard text for the medieval Latin Church, as *Sacramentum*. On this basis, the Council of Trent declared divorce to be impossible, for if marriage is a sacrament, it can be voided only by the death of a partner. It is on this theological basis that Roman Catholicism still denies the possibility of divorce, and it makes no attempt to base its reasons against divorce on truly scriptural grounds.

The medieval Latin Church rejected the old imperial Roman civil law doctrine of regulated divorce and allowed only separations from bed and board, which did not permit remarriage. Annulments were, however, possible, and these largely satisfied the social demand for divorce. According to Rome such annulments are not divorces but declarations that the marriage never occurred in the first place. Children are legitimized, but when grounds for annulments are present due to various impediments before the marriage took place, the spouses are free to remarry. In the Middle Ages such impediments were made available by the Roman doctrine of prohibited degrees of relationship and the Catholic teaching that a betrothal in terms of the present tense constituted a valid marriage.

By zealous searching of family trees for sixth cousins and forgotten god-parents and by trumped-up testimony to precontracts it was possible to obtain a divorce even during the Middle Ages.

With the advent of the Reformation and a return to Scripture as the theological touchstone, the decision about the nature of marriage reverted to the Scriptures. Luther denied that marriage was a sacrament and said that two conditions must be present for a sacrament: it must have been specifically instituted by Christ and must be distinctively Christian. Marriage does not qualify in either respect. Luther also taught that marriage is part of the natural order, and hence it cannot be included in the sacramental system of the Church and that a religious service is not necessary for a valid marriage. Of Luther's and Calvin's doctrines of marriage, Andrew R. Eickhoff writes in *A Christian View of Sex and Marriage*:

The Reformation brought changes of great consequence to the teachings about sex in Christianity. . . . Perhaps the most obvious change was the rejection of celibacy as the highest ideal, and the consequent reversal of the position on marriage and celibacy in the practice and teaching of the reformed churches. Soon after the Reformation began marriage rapidly replaced the celibate state as the Christian ideal. . . . Celibacy, on the other hand, was generally reduced to a position of low repute in Reformed Christianity, certainly lower than had been marriage in Roman Christianity. This re-emphasis on marriage as the highest Christian ideal laid the foundation for a new estimate of coitus and sex in general. . . . Although little new was said about the nature of sex by the Reformers, the open and forceful denunciation of celibacy as the religious ideal, and the marriage and establishment of families by the professional clergy, raised the status of coitus and of marriage as much as any formal teachings could have done. Luther accepted the theory of Augustus and Aquinas that coitus is the result of original sin and thus is not inherently good, but he differed sharply from Augustine and Aquinas, on the other hand, by insisting that marriage is in accordance with God's divine order (celibacy is not) and has been given as a remedy for incontinence. It is as much a part of man's nature as eating or any other natural function. He fully appreciated the values of marriage and held it in high esteem, while deprecating the celibate life. . . .

Calvin had a view about coitus less conservative than that of Luther. He also considered marriage a high calling and was critical of those who held celibacy higher than marriage. He rejected Luther's concept of marriage as primarily procreation and a remedy for concupiscence, stating that God created woman as man's inseparable companion just as much as his helper in procreation. "Although he (Calvin) allowed that the propagation of the

species is a special and characteristic end of matrimony, he taught also that its primary purpose is rather social than generative” (Derrick S. Bailey, *Sexual Relations in Christian Thought*, p. 173). In this context, Calvin developed the position that coitus is a pure institution of God and thus inherently good. He also accepted coitus as the result of the Fall, but stated that when used with modesty in marriage, it was not sinful but good.⁷

It is in fact to John Calvin that all Protestants owe a tremendous debt of gratitude for recovering the biblical view of sex as inherently good in itself. *The tragedy is that in this vital sphere of human life, as in the political, economic, and scientific, later Reformed theologians fell back into a synthesis with pagan Graeco-Roman ideas.*

At the same time the early Church’s teaching about the superiority of celibacy to marriage must be understood as a reaction against the sexual licence of the Roman Empire. Under the influence of asceticism and monasticism the ideal of celibacy was held up before the world. The complete degradation of the sexual impulse which had taken place in the Roman Empire has been described by Lewis Mumford in *The Condition of Man* as follows:

If sadism became an engrossing collective ritual in the gladiatorial Games, eroticism remained an obsessive itch. . . . Despite severe censorship and drastic legal regulations (Augustus Caesar), adultery became fashionable and abortions necessary. Sexual intercourse became ever more easy and ubiquitous. Slaves, whores, pederasts were at hand for the asking. When the body was sated, the imagination whipped it up again; when the genitals failed to respond, the eye glutted itself on revolting exhibitions of carnality, such as that which Petronius describes at one of his feasts in the *Satyricon*. The circus released inhibitions and heightened sexual excitement. . . a new form of theatre was devised for the bored Roman citizen. . . as the pantomime worked itself out, the favorite plots were those in which disrobing-the strip tease-and (public) copulation were enacted. The kind of sentimental erotic entertainment described by Xenophon in *The Banquet*, genteel but debilitating-was now produced on a wholesale plan. Circus, pantomime, spectacle, public bath, must have kept the sexual organs in a state of swollen expectation. Can one doubt that in this state of sexual over-stimulation and fatigue there was a withdrawal of interest from sex itself and a weakening of sexual tension?⁸

In attempting to cope with this appalling state of affairs the early Christians perhaps *overreacted* with a grotesque exaltation of the imperative necessity of sexual restraint if civilization was not to collapse altogether, and this in turn led to the ideas about the danger which *seemed* to the

church fathers such as Chrysostom to be *inherent* in the female sex. Given the collapse of the Roman family described -by Hugh Last, which we have quoted, Rome's shameful women *were* dangerous to very survival of Rome. Something drastic had to be done as it will have to be done with modern post-Christian women in America and Britain! Ernst Troeltsch points out in *The Social Teaching of the Christian Churches*: "These ideas certainly arose out of the overstrained imagination of monasticism, and not out of the thought of Christianity." He then points out that, "we must not forget the other side of the question, however, for the state of virginity and the establishment of convents for women gave a value and position to the unmarried woman, which gave women an influence and scope in spiritual matters, which again worked to the advantage of the position and understanding of women."⁹ While the ascetics may have regarded marriage as inferior to celibacy, the church as a whole worked in fact for the amelioration of the lot of women and children and encouraged kindness towards the very young and very old. In fact the children of the world as well as women owe an immeasurable debt to the Lord Jesus Christ for the *ultimate* change and improvement in their status which took place. In *Sexual Relations in Christian Thought*,¹⁰ D. S. Bailey has fully documented the reformation Christ brought about in the position and status of women and children in the ancient world, thus refuting the rationalist historians' charges that Christianity debased marriage and family. *It was not the teachings of the Bible that debased sex, love, and marriage in the ancient world, but the teachings of pagan oriental philosophers who taught that matter is evil, including man's sexual appetites, which interfere with his rational life.* Of this influence of Greek dualism Eickhoff writes:

The rejection of all pleasure as evil by the Greek philosophers became very influential in Christian thought during the period following the writing of the New Testament, and it is particularly obvious in the expressed attitudes toward marriage and sexual relations. The dualism as expressed in the secular society by the philosophers was that marriage was evil and celibacy good. It was a clear distinction and an understandable one, considering the low moral state of the society in which they lived. . . . It should be remembered, too, that after A.D. 70, when the temple in Jerusalem was destroyed and the Jewish culture in Palestine ceased to exist, the only Jewish influences in Christianity were through the Old Testament as part of the Christian Bible. Therefore, the ascendancy of Hellenistic dualism over Hebraic naturalism, relating to sexual relations especially, was much more easily accomplished, perhaps, than it would have been had the Hebrew culture continued to exist as an independent unit. Whatever the case, the more rapidly Christianity spread outside the Hebrew community in Palestine, the more rapidly the new religion had to adapt its message to new modes of thought. By the beginning of the second century responsibility for the ongoing development of Christian thought was in the hands of non-Jewish

Christians, and acceptance of at least some of the contemporary ideas was probably inevitable.

Since the Church Fathers could not fully accept the dualism of marriage as evil and celibacy as good because of the statements in the Bible recognizing marriage and sexual relations as ordained by God, they worked out a formula which permitted marriage as *good* and an acceptable state, but extolling' the celibate state as *better*. This was (to us) clearly a contrived position in which marriage was tolerated rather than recommended., They were always careful to say that marriage was all right, but second best. . . . During this Patristic Age, the principle purpose of marriage came to be considered as a remedy against strong sex desire, or simply as a means for the weakminded to control their sexual desires.¹¹

The Church Fathers used to love to dwell upon the comparison between *Eve* and Mary. As *Eve* had been the means of man's fall into sin, so Mary, the mother of the Lord, was used by God to become the vehicle through which God in Christ redeemed the human race, including family and marriage. Where the one was disobedient, the other was obedient. For the Church Fathers it was *sin* rather than *sex* as such which has brought about such evils as fornication, adultery, and wantonness. Of the importance of Mary's influence upon the reformation of womanhood in the Western world Lecky writes:

The world is governed by its ideals, and seldom or never has there been one which has exercised a more profound and, on the whole, a more salutary influence than the medieval conception of the Virgin. For the first time woman was elevated to her rightful position and the sanctity of weakness was recognized as well as the sanctity of sorrow. No longer the slave or toy of man, no longer associated with ideas of degradation and of sensuality, woman rose, in the person of the Virgin Mary, into a new sphere, and became the object of a reverential homage of which antiquity' had no conception. Love was idealized. The charm and beauty of female excellence were fully felt. A new type of character was called into being; a new kind of admiration was fostered. Into a harsh and ignorant and benighted age this ideal type fused a conception of gentleness and purity unknown to the proudest civilizations of the past.¹²

Carle Zimmerman sees in the rise of Christianity in *Family and Civilization* a struggle to reconvert the atomistic family of decadent Rome into the domestic family type.¹³ He also stresses the contest between the Christian Church and the trustee family peculiar to the Germanic barbarian peoples

who conquered the Roman Empire in the West. It was in fact the fatal influence of these Germanic barbarians which degraded, when it failed to sweep away, the noble conception of the equality of women with men and the dignity and freedom of women with men in marriage. The Germanic marriage system placed the wife, as compared with the wife in the Roman family of the Republican era, in a condition of life little better than a domestic slave. In one form or another, the system of wife-purchase prevailed among the Teutonic tribes and, although marriage was indeed a private transaction, it took the form of a sale of the bride by the' father to the bridegroom. "Sale-marriage" was the usual form of marriage, and the ring was given as a down payment on the contract of marriage. Marriages were arranged by the family elders in two stages consisting of an engagement contract followed by the wedding ceremony. At the time of engagement a token payment, known as *Handgeld*, was paid. At the time of the wedding the remainder of the bride price was turned *over* to the bride's family, usually the father. In connection with the wedding ceremony, the groom stepped upon the bride's foot as a gesture of symbolic authority.¹⁴

The Reformation was thus faced with the task of disentangling the Western family and marriage from the various pagan influences which had deformed it from its original creational structure. The Hebrew, Greek, and Roman traditions had become merged with the Christian and barbarian tradition to form a cultural synthesis completely contrary to God's original intention for it.

For a start the Reformers reduced the number of prohibited degrees of marriage to more reasonable proportions and they regarded *all* marriage contracts as equally binding. Throughout the sixteenth century, indeed, espousal and wedding were regarded as two essential stages in contracting a valid marriage, a circumstance which accounts for the double vows in the Anglican-Episcopal marriage service still in use today. But this did not solve the problem of providing reasonable means of escape from intolerable bonds. M. M.. Knappen in *Tudor Puritanism* points out:

It was the Protestant refusal to recognize marriage as a sacrament which left the Reformers free to doubt its indissolubility and therefore to consider the remedy of outright divorce (a vinculo) permitting of remarriage.¹⁵

A great attempt was made by the Puritans to continue the work of the reformation of family and marriage begun by Luther and Calvin. Thus they tried to establish it upon a *civil* rather than *religious* basis by passing an Act of Parliament in 1644 which asserted that "marriage to be no sacrament, nor peculiar to the Church of God but common to mankind and of public interest to every commonwealth." The Act added, "notwithstanding, that it was expedient that marriage

should be solemnized by a lawful minister of the Word.” A more radical Act in 1653 swept away this provision and made marriage purely a civil matter to be performed by the Justice of the Peace, the age of consent for man was established at sixteen years, and for a woman at fourteen. The Restoration of King Charles II abolished this puritan legislation and re-introduced the Canon Law traditions. But the Puritan conception of marriage was carried over to America, where it took root and flourished. The American secular marriage procedure followed that set up by the Puritans during the English Commonwealth and the dictum of George Fox was followed. “We marry none, but are witnesses of it.”¹⁶ Unlike Luther, whose teaching about marriage was caught up in the tensions of the medieval ground-motive of “nature” and “grace,” John Milton, like Calvin, broke free from the influence of medieval scholasticism and in his thinking about marriage and sex came under the domination of the scriptural ground-motive of creation, fall into sin and redemption by Jesus Christ in the power of the Holy Spirit. He refused to think of marriage as instituted by God only as a “remedy for fornication” and of sexual pleasure as being tainted in any way by the Fall of man. Instead he returned to a biblical naturalism which sees everything that God has created as being good though now perverted by human sinfulness. In his *Doctrine and Discipline of Divorce*, published in 1643, when he was thirty-five years of age, Milton argued that marriage is a personal matter, and that therefore, it should be freely dissoluble by mutual consent.

According to Milton, marriage “is not a mere carnal coition, but a human society; where that cannot be had there can be no true marriage.” It is “a covenant, the very being whereof consists not in a forced cohabitation, and counterfeit performance of duties, but in unfeigned love and peace.” Speaking of the role of the state in marriage he protests against the absurdity of “authorizing a judicial court to toss about and divulge the unaccountable and secret reason of disaffection between man and wife.” For Milton marriage was made by God for man and not man for marriage. The Sabbath, he declared, was made for God. Yet when the good of man comes into the scales, we have that voice of infinite goodness and benignity of Jesus that “the Sabbath was made for man and not man for Sabbath.” “What thing ever was made more for man alone, and less for God, than marriage?” “If man be lord of the Sabbath, can he be less than lord of marriage?”¹⁷

Milton with his genius had penetrated to the core of the matter. He refused to identify the external legal or ecclesiastical framework of marriage with its internal structural principle as a community founded upon the sexual attraction of two people towards each other and qualified by moral love. He would have agreed with the teaching of Herman Dooyeweerd upon this subject:

The proper internal stability of marriage must never be founded on its supposed essence as a civil, or an ecclesiastical institution. This internal unity cannot at all be maintained by

any external legal order, as it can only be realized under the leading function of faithful married love.

Christ's pronouncement in the question of divorce was in particular directed against the confusion of the inner institutional structure of marriage, in its reference to the Kingdom of God, with its external institutional aspect. The whole problem of divorce had been obscured by rabbinical legal formalism. And it is nothing but a relapse into this legalistic view of the matrimonial bond if one tries to derive from the New Testament legal principles for a civil law regulation of the grounds of divorce. These grounds can only refer to the external legal frame of marriage. They can never replace the personal responsibility of the partners in their internal relation to one another under the structural norm of the institution and the central commandment of love. From the internal moral point of view it is not possible to indicate general grounds of divorce. And the civil legislator should be aware that the legal determination of such grounds' will always remain defective and liable to evasion. The fact that Christians have come to look upon the marriage bond as essentially a juridical institution must be denounced as a fundamental deformation of the Biblical view of this natural community.¹⁸

By refusing to reform marriage in the light of the scriptural ground-motive, of sin and grace along the lines suggested by Milton, the Protestant churches paved the way for the take over of marriage by a godless secular humanism. One of the tragedies of the Reformation was the failure of the great Reformers to provide a truly biblical basis for marriage. Instead they sought to explain it in terms of Natural Law. In this Natural Law doctrine of marriage there was implicit from the beginning the seeds for the dissolution of marriage as a creational structure ordained by God.

In terms of Natural Law marriage was conceived of by the medieval canonists as a natural institution founded upon a contract and blessed by the Church. Until the secularization of Natural Law took place under the influence of the Enlightenment in the eighteenth and nineteenth centuries, this contractual conception of marriage had been accepted not only by canonical writers, but by the civil courts of the Anglo-Saxon world as well. American thought during the nineteenth century is well expressed in the writings of Mr. Justice Story and Chancellor James Kent. In his famous *Commentaries on the Conflict of Laws* the former lawyer pointed out that "marriage is the parent, not the child, of society." This was the conclusion of a syllogism of which the following are the premises: "Marriage is treated by all civilized nations as a peculiar and favored contract. It is in its origin a contract of natural law." Then Story unveils the relationship in its secular and religious settings and portrays their contributions to its stability and adornment. He

says:

In civil society it becomes a civil contract, regulated and prescribed by law, and endowed with civil consequences. In most civilized countries, acting under a sense of the force of sacred obligations, it has had the sanctions of religion added. It then becomes a religious, as well as a natural and civil contract.¹⁹

Kent in his *Commentaries on American Laws* claims that valid celebration of a marriage is independent of peculiar religious ceremonies, consent of the parties being the essential requisite; and he adds that “as marriage is said to be a contract *jure gentium*, that consent is all that is required by national and public law.”²⁰

Neither jurist, be it noted, refers to God’s creational ordinance for marriage. By accepting marriage as an institution of nature rather than of God’s common grace, both lawyers perhaps unwittingly provided a foothold to the revolutionary mind of apostasy in the form of a later legal relativism, behaviorism, and positivism to wage war upon the Christian idea of marriage. The contractual view of marriage was not consistently applied as long as most people in the Western world held to the traditional Christian teaching of marriage as a permanent union which cannot be dissolved by mutual agreement.

With the rise of individualism during the eighteenth century and the secularization of Natural Law which then took place, people became less prone to assume that marriage and family are the true basis of social order. Thinkers such as Locke now taught that the individual, not the family, is the true unit of society. The individual became to such thinkers under the domination of the modern nature-freedom ground-motive, a kind of social atom of which society is composed, and social life seemed to be only a series of contractual relationships, of which marriage was only one.

Once marriage was seen to be only a contract it was quickly realized that the contract could be legally voided under stated legal conditions. For Kant the marital relationship becomes detached from its procreative purpose and exclusively related to its mutual subjective sexual enjoyment. Hence his definition of the marriage bond as “the union of two persons of different sexes for the life-long mutual possession of each other’s sexual qualities.”²¹

A reaction took place during the nineteenth century against this mechanistic and individualistic view of marriage led by the Romantics. Under the influence of the freedom motive of the modern nature-freedom motive the Romantics now found the essence of the marriage bond in the love-relation between the conjugal partners, in direct contrast with the earlier one-sided legalistic view.

But now the institutional character of marriage itself was questioned. For in an irrationalistic way married “love” was considered as a free, subjective higher feeling in which “nature” and “freedom” became dialectically united without being bound to any higher norm. Such a view resulted in the glorification of sex and love as man’s ultimate end in life. Such a view of marriage implied an explicit opposition to the structural principle of the conjugal bond, to any idea of marriage as an institution.

In F. Schlegel’s novel *Lucinde* this Romantic ideal of free love, realizing itself in a mutual sexual satisfaction and complete surrender, found its most prominent literary expression. The German philosopher Fichte also arrived at a view of marriage completely at variance with its institutional character. In a typical functionalistic manner he deduced the entire essence of marriage from the bare notion of love. He wrote:

If a woman surrenders to a man out of love, the necessary result in a moral sense will be a marriage. . . . The mere concept of love implies that of a marriage in the sense indicated.²²

This not only means ignoring the external institutional aspect of marriage, but also its internal aspect as a moral life-long union. Given such ideas it is not surprising that communism at first rejected marriage altogether. For Communists the Christian ethic for marriage is a class morality. By this they mean that the Ten Commandments and the New Testament were created to protect private property. They believe that the commandments, “Thou shalt not commit adultery,” and “Thou shalt not covet thy neighbor’s wife,” were created to justify the idea that the husband was the master of the home and the wife was strictly private property belonging to him. For Communists, marriage is the mere product of bourgeois morality.

This view of marriage led to some terrible consequences when put into practice after the Bolshevik conquest of Russia. In their anxiety to make women equal with men and prevent them from becoming private property, they turned Russia’s women into public property. Some Communist leaders advocated complete libertinism and promiscuity to replace marriage and family. In an edict issued in the Soviet of Saraloff on March 1, 1919, “the right to possess women between the ages of 17 and 32 is abolished. . . . By virtue of this decree no woman can any longer be considered as private property, and all women become the property of the nation. . . . Any man who wishes to make use of a nationalized woman must hold a certificate issued by his labor union, or by the Soviet of soldiers or peasants. . . . Any pregnant woman will be dispensed of her duties for four months before and three months after the birth of the child. . . . One month after birth, children will be placed in state nurseries. They will remain there to complete their instruction and education at the

expense of the national fund until they reach the age of seventeen. All those who refuse to recognize the present decree and to cooperate will be declared enemies of the people.”²³

In Red China marriage and family has been abolished as the people are herded into “communes.” All men and boys sleep in one section of a commune; all women and girls in another. Married couples wishing to procreate a child must first obtain the permission of the mayor of the local commune.

Fellow travellers in the Western world today do their utmost to discredit the family as an institution of society and to encourage promiscuity and easy divorce whenever and wherever they can. It is also their aim to separate children as much as possible from their parents, whose outworn prejudices they claim are impeding the arrival of the Communist revolution in the West. In this campaign to subvert the Christian ideal of the sanctity of marriage and family life the Communists have been joined by the advocates of the New Morality and the New Legality. These so-called reformers draw a contrast between chastity and charity, arguing that their so-called “situational ethic” allows more perfect scope for the latter. Provided that a couple “love” each other it no longer matters, argue the advocates of the New Morality, whether they get married to have intercourse with each other.²⁴

Such a new morality is, of course, only the old immorality dressed up in modern jargon to make itself look respectable. It works with a conception of man in which sexual satisfaction has become an absolute value in itself, needing no higher justification. This is the ultimate logic of the new morality. It heralds the greatest crisis yet known in the history of marriage.

The causes of this crisis are many and varied, internal and external: the destruction of the economic unity of the family by industrial life and the increase in the means of communication, the housing problem of our great cities, the economic, social, legal, political, and intellectual emancipation of women, the numerical surplus of women, the invention of contraceptives; and above all, the profound spiritual changes expressed in modern existentialism, relativism, and even nihilism.

It is imperative that Christians take the problem of marriage more seriously than they have ever done before. It is not sufficient in a spirit of false security and piety to regard the questionings that are taking place today as the mere expression of an apostate libertine spirit. With Emil Brunner we must agree that:

The crisis in marriage presents the Christian ethic with the most serious and the most difficult problem with which a Christian ethic has to deal; indeed, in comparison with this

problem even the questions of economic and political justice are of secondary importance. For not only are we here dealing with the foundations of human existence, but here too all the ethical problems are condensed into a complex at one point, so that we are compelled to say, what an ethic has to say on *this* question shows whether it is any use or not. . . . Today we are not concerned with isolated problems but with the problem as a whole; we are not concerned merely with the problem of divorce, nor with that of birth control, but with marriage itself. We are challenged to give a fundamentally new interpretation of marriage, and to give a new meaning to it from the standpoint of faith.²⁵

Brunner wrote these words before the Second World War. The situation has deteriorated much more since 1932. The alternative to a complete reformation of marriage and family life in modern society is no longer mere stagnation and carrying on with the same old synthesis of Christian and humanistic ideas, but revolution. The old Roman Catholic and Protestant Natural Law ethic has failed. What shall we put in its place? The answer is a truly Reformational biblical philosophy of marriage and family life which maintains a proper balance between freedom and authority under the living God. Such a scripturally oriented philosophy of marriage has been worked out by Herman Dooyeweerd in his monumental work, *A New Critique of Theoretical Thought*.