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(The) influence of the Protestant reformation on marriage and the family

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Thesis

THE INFLUENCE OF THE PROTESTANT REFORMATION ON MARRIAGE AND THE FAMILY

by

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SUMMARY AND CONCLUSION

BIBLIOGRAPHY
INTRODUCTION

According to Weber, 1 "the modern man is in general, even with the best will, unable to give religious ideas a significance for culture and national character which they deserve." The truth of this statement is aptly illustrated by the common tendency to look upon the Protestant Reformation as nothing more than a religious movement. It is quite true that it was originally a revolt whose main purpose was to emancipate religion from the tyranny of the Roman Church. The motives which produced it were for the most part religious motives, and it concerned itself mainly with religious issues. Religion, however, is intimately bound up with the social structure, and any radical change in the religious field is bound to make itself felt in the social organism. Consequently, this movement which began as a religious revolt was soon brought face to face with definite social issues upon which it was forced to act, thus giving rise to important social changes. The Reformation was intimately connected with the manifold activities of a growing civilization, and was not an isolated episode in the course of history. It was the "religious side of a wide-spread and irresistible movement which marked the sixteenth century as one of the world's creative eras." 2 This movement was literary, artistic, scientific, economic, political, and ecclesiastical, and all these various phases

1. The Protestant Ethic, p. 183.
were so interdependent that it is impossible to isolate any one of them. When we refer to the Reformation, therefore, we refer to a phase of a great social movement, and shall make no attempt to limit it to purely ecclesiastical matters. Nor shall we attempt to limit the Reformation to the lifetime of the Reformers. Their deeds, however great and significant they may have been, were "only important episodes in the birth of a new human spirit, steps which the race in western Europe was taking to a larger, diviner freedom and life."

Andrews is no doubt correct when he declares that "whatever contribution...the Reformation made to social reform was in the nature of a by-product, and cannot be regarded as part of the original purpose of the movement." Such a conclusion, however, subtracts nothing from the social importance of the Reformation. "It is the greatest event in modern times," declares the same author, "not because of its achievements in the sixteenth century, but because the new truths which it inculcated have been working themselves out in history ever since."

It has been recognized from the very beginning that the Reformation was intimately related to family life, but its first impressions were by no means the same as its later interpretations. It has, in fact, been the favorite charge of the Catholic Church that the Reformation was founded upon lust: "in England, upon the

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3. Ibid., p. 355.
unholy passion of the king; on the continent, upon the broken vows of a monk and nun.¹ Such an accusation is more sensational than sane, but it can neither be doubted nor denied that the progress of the Reformation was hastened by considerations growing out of the relation of the sexes—out of the celibacy of the clergy, and out of marriage and divorce legislation. As we shall see later, the celibate ideal and the ecclesiastical legislation resulted in manifold evils and confusion, and in the corruption of family life. Consequently, the reformation of the church issued in a reformation of the family. Some of its first fruits were the declaration of the moral and scriptural right of all men and women to marry, and the denial of the sacramental character of the marriage tie. But these were only beginnings. The Reformers failed to appreciate the full scope and significance of the truths which they proclaimed, and of the forces which they set in motion. It is only in recent times that the full effects of the Reformation on the family are beginning to be felt and realized. It is quite possible that the final interpretation cannot yet be given, but its effects are realized to the extent that many students of family affairs are tracing the present disorganization of family life to its roots in the Reformation.²

It is the purpose of this study to discover, if possible, in how far such a procedure is justified. It is exceedingly difficult

¹ Thwing, The Family, p. 82.
to gauge with any great degree of precision the contributions which any movement makes to social progress, and the difficulty is especially great in the case of the Protestant Reformation, since, as we have noted, the movement was so complex. With so many influences at work "it is extremely difficult to disentangle any single strand from the complicated thread of causation and estimate its particular effect upon the social development which ensued." ¹

With this difficulty in mind let us proceed to an examination of the movement. One of the best approaches to an understanding of any particular situation is the genetic approach. Therefore, we shall devote some time to a study of the family life in Pre-Reformation times. Then we shall investigate the principles laid down by the Reformers on the subject of family relations and the direct effects produced by the movement; and then proceed to a study of the larger and more general influences which the Reformation generated in the sphere of family life.

PART I

FAMILY IDEALS AND PRACTICES IN PRE-REFORMATION TIMES

THE CELIBATE IDEAL

"For fifteen hundred years," according to Sumner, "the Christian church fluttered, as in a moral net, in the inconsistencies of the current view of marriage." Throughout this period it

² Folkways, p. 400.
was swayed by two distinct and seemingly opposite ideals. On the
one hand was the belief in the superior sanctity of the celibate
life, and on the other was the idea of the sacredness of the marriage
bond. Let us consider the celibate ideal first.

There seems to be no special horror of unchastity and no trace
of the exaltation of virginity in any of the early Christian litera-
ture except the letters of Paul. In the Gospels no special stress is
laid on chastity and there is no denunciation of unchastity unless
Mt. 19, 12 be taken as a possible exception. According to Briffault
1, the Clementine Homilies speak "in the most charming human tone" of the
joys of married life and of family affection, and strongly insist up-
on the marriage of all priests. The Apostolical Constitutions, dat-
ing from an early period, leave virginity "to the power of those that
are willing, as a vow; exhorting them so far in this matter that they
do not promise anything rashly.... Let such a Virgin, therefore, be
holy in body and soul...to show that her vow is real, and made on ac-
count of leisure for piety, not to cast a reproach on marriage."2
There is no hint in such a statement that celibacy is to be prefer-
red above marriage, but the idea soon found its way into Christian
thought.

How this came about is largely a matter of speculation. Theo-
dore Schroeder traces Paul's asceticism to his training in Greek phil-
osophy at Tarsus, whose population was largely Greek. Paul's idea of
marriage, he claims 3, was the offspring of Plato's sexual inversion,

which rendered him "indifferent—if not impotent—to women," and
gave rise to his "doctrine of passionless love between persons of
the opposite sex." Others trace Christian asceticism to the influence
of the East, which taught that all bodily desires should be resisted
as sinful. Others attribute it to a reaction against the moral de-
cadence of Roman society. Enough contemporary evidence exists to
show that the sexual immorality in Imperial Rome was brazen and fla-
grant. According to Miss Goodsell, "Gourmandizing and attendance
at the brutal games of the circus but served to intensify sexual de-
sires, already over-stimulated, and led to laxity in the relations
of men and women that more than once expressed itself in disgusting
sexual orgies." Against this sensuality the Christians reacted with
deep disgust, and stressed sexual purity. "In proportion to the dif-
ficulty of the task, sexual purity became emphasized above all other
requirements of holiness, and chastity came to be regarded as the su-
preme virtue upon which every other moral quality depended."

Whatever the source or sources of the celibate ideal may be—and it is beyond our subject—it finds its early and clear statement
in the writings of Paul, who looked upon marriage as a concession to
human weakness. He would have all remain single, but "if they cannot
contain," he says, "let them marry; for it is better to marry than to
burn." His views, of course, are to be considered in the light of
his firm belief that the Lord was soon to return and that there was

2. Problems of the Family, p. 47.
4. I Corinthians, 7, 9.
therefore neither time for nor necessity of establishing family relationships. The Church Fathers, however, stripped Paul's views from their original context and set them up as the ideal of the Church. St. Jerome, referring to Paul's words, comments: "It is good to marry simply because it is bad to burn." In a reply to critics who attacked his views of marriage, he declared: "I praise wedlock, I praise marriage, but it is because they give me virgins."¹ St. Augustine declared that "the celibates will shine in heaven like brilliant stars, while their parents are like dark stars."² The Fathers did not hesitate to carry their advocacy of virginity to its logical consequence: Ambrose and Tertullian both declared that celibacy must be chosen even if mankind should perish.³ Thus it is evident that Paul's authority, reinforced by the asceticism of the East and by the reaction against the sensuous elements of the Greco-Roman civilization, eventually carried the day, and became firmly fixed in Christian thought. Sexual continence came to be regarded as equally important with the essential doctrines of the Christian faith, and was proclaimed as the chief of all Christian virtues.

**CELIBACY OF THE CLERGY**

The first official manifestation of the growing regard for the celibate ideal is to be seen in the legislation concerning second marriages.⁴ The Church did not at first absolutely prohibit

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the repetition of matrimony among the laity, but "at an early though uncertain period" it was rendered obligatory for the priesthood, "thus for the first time drawing a distinct line of separation between the great body of the faithful and those who officiated as ministers of Christ." In this manner it "became finally and irrevocably established that no 'digamus' or husband of a second wife was admissible to holy orders."  

Until about the third century the clergy used their own discretion concerning marriage. Those holding to the essential superiority of the celibate life naturally believed that they should remain unmarried, but no Church rule specified it as needful. But near the close of the century it became recognized that, since each man should "abide in that calling wherein he was called," the clergy should not contract marriage after their ordination, although they were allowed to retain wives whom they may have had before.

"From this position it was a natural step to the view that after ordination clerics should cease to maintain conjugal relations with their wives—a view which could scarcely have been put forth except by a council of celibates." Accordingly, the Spanish Council of Elvira, in 305, declared that "all concerned in the ministry of the altar should maintain entire abstinence from their wives under pain of forfeiting their positions." To reinforce this rule it was further decreed that no ecclesiastic should permit any woman to dwell with him

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1. Ibid. p. 25.  
2. I Corinthians, 7, 20.  
"except a sister or a mother, and even these only when bound by a vow of virginity." It is true that this was only a local Synod whose canons did not effect churches beyond its own limits, but it represents the trend of the times.

The first definite command imposing perpetual celibacy on all the clergy was issued by the Roman Synod, to which the date 384 is "conjecturally assigned." From that time on sacerdotal celibacy has been theoretically required by the Catholic Church, although its history, until the time of the Reformation, is a story of cycles of lapse and reform. The lowest ebb was reached at the beginning of the eleventh century when there was an "all pervading laxity" in this regard. "Though the ancient canons were still theoretically in force, they were practically obsolete everywhere. Legitimate marriage or promiscuous profligacy was almost universal, in some places unconcealed, in others covered with a thin veil of hypocrisy, according as the temper of the ruling prelate might be indulgent or severe." We shall consider later the state of affairs in this regard as the time the Reformation began.

THE SACRAMENTAL THEORY OF MARRIAGE

It is indeed strange that side by side with the ideal of celibacy was an almost opposite belief that marriage was a "holy estate." Throughout all the Middle Ages these two diverse views were held at the same time by the same individuals. Tertullian, who proclaimed

1. Ibid. p. 43.
2. Ibid. p. 182.
that celibacy must be chosen even if mankind perished, speaks of "the happiness of that marriage which the church cements, and the oblation confirms, and the benediction signs and seals, angels report, the Father holds as ratified." It seems almost incredible that the Church could reverence virginity and cast contumely on the sexual relationship, and at the same time seek to confer upon marriage a dignified and religious character. Howard sees here nothing but "irreconcilable contradictions." "On the one hand," he writes, "marriage is a sacrament, a holy mystery.... On the other hand, though possessing a sacramental character, it is but a compromise with lust, from which the saint may well abstain." Havelock Ellis, on the contrary, holds that these two positions are quite compatible. "The very depreciation of the sexual instinct," he writes, "involved the necessity, since the instinct could not be uprooted, of constituting for it a legitimate channel, so that ecclesiastical matrimony was, it has been said, 'analogous to a license to sell intoxicating liquors.'...Matrimony exhibited the power of the Church to confer on the license a dignity and distinction which would clearly separate it from the general stream of lust. Sexual enjoyment is impure, the faithful cannot partake of it until it has been purified by the ministrations of the Church. The solemnization of marriage was the necessary result of the sanctification of virginity." 

The Church Fathers may not have seen so deeply into the situation as Ellis thinks, but it is quite evident that they attempted at an early date to bring marriage under the jurisdiction of the Church, and to raise it to a high place. Ignatius, although he may have been as much interested in extending the power of the bishop as in sanctifying marriage, declared in the first century that "it becomes both men and women to form their union with the approval of their bishop, that their marriage may be according to the Lord and not after their own lust."

By the second half of the twelfth century the doctrine of the sacramental character of marriage was thoroughly established in the western Church. The early Christians, basing their conception on Ephesians 5, 31-32, regarded marriage as one of the holy "mysteries" to which the name "sacrament" was given, but it was not differentiated as one of the seven sacraments of the Church until 1164, when it was clearly recognized as such in the Sentences of Peter Lombard. This conception was made canonical by the Council of Trent (1565), which decreed, "If any man should say, matrimony is not truly and properly one of the seven sacraments of the Gospel Law, instituted by Christ, but an invention of man, not conferring grace, let him be anathema."

This conception of marriage has persisted in the Catholic Church to the present time. The Encyclical of Leo XIII declares

that "marriage has God for its author, and was from the very beginning a kind of foreshadowing of the Incarnation of the Divine Word; consequently, there abides in it a something holy and religious; not extraneous but innate; not derived from man, but implanted by nature." 

Another Catholic authority defines marriage as divine in origin and sacred, "being intended primarily by the Author of life to perpetuate His creative act and to beget children of God; its secondary ends are mutual society and help, and a lawful remedy for concupiscence."

This definition juxtaposes the two divergent ideals of which we have been dealing. The same position was held by the Mediaeval Church; marriage was a sacrament; still it was but a remedy for fornication. The paradoxical nature of this prevailing dogma was well brought out, and even emphasized, by the Council of Trent, which anathematized those who say "that matrimony is not truly and properly one of the seven sacraments," as well as those who say "that the marriage state is to be placed above the state of virginity, or of celibacy, and that it is not better and more blessed to remain in virginity, or in celibacy, than to be united in matrimony."

This theory of the sacramental nature of wedlock had two consequences of vast importance. The first was the dogma of the indissolubility of the marriage bond, which involved the whole question of separation and divorce. The second was the exclusive jurisdiction of the Church in matrimonial questions. These shall engage our attention next.

INDISSOLUBILITY OF THE MARRIAGE BOND

As the sacramental theory of the marriage bond crystallized into a hard and fast dogma, the Christian leaders became more and more unwilling to sanction divorce for any cause whatever. Between the first assertion of the Christian doctrine of marriage and the final triumph of the canonical theory of absolute indissolubility of the marriage bond there intervenes a struggle of hundreds of years, whose course may be rapidly traced. This theory arose as a protest against the extreme laxity of the marriage tie in Roman society. By the beginning of the Christian era marriage among the Romans had become a mere matter of private agreement, and divorce was a "formless private transaction." Under such freedom of divorce "the laxity of the nuptial bond became a notorious scandal," and at the capital, "especially in the imperial circle, wives as well as husbands gave free rein to their licentious passions." Many distinguished and reputable persons put away their partners on purely selfish or absurdly trivial grounds.

It is not surprising that many of the leaders of the Christian Church considered this laxity of the marriage bond as one of the causes of the degradation of Roman society, and made an earnest effort to restrict the liberty of separation. The various New Testament passages relating to the subject of divorce are disjointed and confusing in details. This resulted in much division of opinion.

1. Ibid. II, p. 16.
2. Ibid. II, p. 17.
among the Church Fathers, and harmony was reached only after many centuries of struggle. We are interested in the general results of this struggle, and shall not pause to follow the theologians through their long arguments.

The strict doctrine of the Early Church took a definite form with Augustine, and the masters of later times looked back to him as to an authoritative canon of interpretation. According to Eusebius, he gave to the dogma of indissolubility a "basis solid, in a measure scientific. He gave it a consistency forced from the sacrament of marriage. He set aside at one stroke all the causes of divorce admitted by the secular law: sickness, captivity, prolonged absence. He was, one may say, the artisan who gave the final touch to the theory of indissolubility." ¹ According to Augustine, adultery is the only scriptural ground for separation, but even this does not dissolve the nuptial bond. This strict theory of indissolubility was established as the rule of the Church by the Council of Carthage in 407, but the firmest stand of Christianity seemed powerless against the Roman principle of divorce by mutual consent, and the strict theory of the Fathers came very short of realization. Numerous reforms were attempted, but without much success. Justinian, for example, decreed that separation by mutual consent should be permitted only when both partners were about to enter the cloister. But this prohibition was short-lived; "poisoning or other attempts upon life among married people increased in so frightful a manner"

that the provision was abrogated by his successor.

Numerous compromises with popular sentiment by the Fathers, the popes, and the councils, led to many discordant utterances, and these had to be explained away or harmonized before the dogma could reach a high degree of effectiveness. This work was performed by the canonists, who, "little by little...in tedious succession," according to Howard, "brought order out of confusion and agreement out of contradiction. Through special pleading and violent assumption, unscrupulous twisting and suppressing of texts, earnest argument and childish allegory, the law of divorce was gradually brought into some degree of harmony with the sacramental theory of marriage. The middle of the tenth century saw the task virtually accomplished at the hands of Gratian and Peter Lombard, the master builders of the canon law." The doctrine of the indissolubility of the marriage bond at that time became firmly established, and is still held by the Catholic Church. A modern writer sets forth the Catholic view on this point as follows: Marriage, he says, is not "a mere social union entered upon for certain specific objects with reservation of the right to withdraw from it in case of failure. It is an entire union...retaining its effect in spite of subsequent disappointment. It is a natural union, as intimate and indestructible as that of parent and child." The relationship "may be frustrated by separation," and the partners' "mutual obligations may be obscured or suspended,

1. Ibid. II, p. 30.  
2. Ibid. II, pp. 51-52.  
3. Lacey, Marriage in Church and State, pp. 17-18.
but it cannot be definitely cancelled."

We shall note later how this theory actually worked in practice, and shall point out the "ecclesiastical hair-splittings" to which it gave rise.

EXCLUSIVE ECCLESIASTICAL JURISDICTION OF MARRIAGE

The second consequence of the theory of the sacramental theory of marriage was the exclusive jurisdiction of the Church in marriage matters. For more than three centuries Christianity was seeking to establish itself in the midst of a pagan society whose marriage customs were firmly fixed; and "the spirit of ancient custom yielded but stubbornly to ecclesiastical influence."¹

The Church leaders were early confronted with the problem of either accepting or rejecting the Roman and Germanic practices with regard to betrothal and nuptials, and it seems that they at first accepted these customs as they stood, forbidding only such pagan rites as were clearly opposed to Christian principles. "In an indulgent spirit much to its credit the early Church permitted Christians to attend the family festivals of their non-Christian friends even when pagan sacrifices were performed."²

Though she might content herself with the pagan forms of marriage, the Church sought at an early age to give the ceremony a new meaning, and urged couples to secure the blessing of the priest up-

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² Goodsell, Problems of the Family, p. 45.
on their union. "In order at the very outset to fill the wedded life with the blessing and spirit of the Christian life, the church, without reference to the matrimonial law in force, demanded of her members that the very beginning of marriage should be placed under the word of God and be hallowed by its power." At an early date there is evidence of a priestly benediction in connection with the marriage. This benediction, however, was not essential to a valid marriage; although it might have been regarded as very important from a religious point of view.

In early times the marriage was arranged by the father of the bride, and the ceremony was performed by him in the home. Later the bride gained the power of marriage by consent, and could not be married against her will. Along with the right of marriage by consent, the parties gained the right of choosing someone to perform the ceremony. "In the place of the natural guardian, who originally possessed the sole legal right to officiate at the tradition of the bride, appears often a 'chosen guardian,' selected by the bride or by the betrothed couple. The person thus selected may be the father or other relative of the bride, or any third person whatever." It is only natural that many couples would choose their pastor for this purpose; so this "practice of choosing a third party to assist the bride has an important bearing...on the development of the functions of the clergy in the marriage celebration."

2. Ibid. IX, p. 281.
3. Ibid. IX, p. 283.
It gradually became the custom of the newly wedded pair, after the solemnization of the nuptials, to attend the religious service in the church, partake of the sacrament, and receive the priestly benediction on their future married life. This service was at first the ordinary service, but after a considerable interval new phases were introduced into the ritual especially applicable to the wedded pair. The nuptials now consisted of two distinct acts. The first was the marriage ceremony in its usual form. The second was the religious service, often celebrated on the day following the bridal night, when the couple went to the church and celebrated the bride-miss and received the benediction of the priest. This religious act, however, had no legal significance, although it was probably performed by all good Christians as a religious duty. From this time on, the Church made rapid progress in its invasion of matrimonial matters. An elaborate and imposing ritual was developed, and the priest who had formerly only assisted as orator and bestowed his benediction, gained the exclusive right of performing the ceremony. The parties no longer simply married themselves by repeating after the priest the solemn words of the nuptial vow; but in addition, the priest gave "the woman to the man, saying in Latin words: I join you in the name of the Father, the Son, and the Holy Ghost. Amen."

The marriage ceremony which in Rome was a private contract

1. Ibid. 11, pp. 295-7.
2. Ibid. 1, p. 310.
had now developed, under the influence of Christianity, into a religious sacrament over which the Church held exclusive jurisdiction.

"The whole domain of marriage," says Hobhouse, "was in the end conquered by the church." The conception of marriage which developed during this period, and which is still held by the Catholic Church, is set forth as follows: "The Church being the Divinely appointed custodian of all sacraments, it belongs to her jurisdiction to interpret and apply the Divine law of marriage. The Church derives her power to legislate in Matrimonial affairs, not from the State, but from Christ; and acts, not on sufferance, but by Divine right. She recognizes the duty of the State to take cognizance of Christian marriage, in order to insure certain civic effects, but her jurisdiction is superior and of Divine origin."

The Catholic Church was never able to rid itself of the contradiction inherent in its conception of the nature of marriage and its jurisdiction over it. The dilemma was met in the Council of Trent, and it came near blocking the action of the council in several regards. How could she legislate concerning a holy mystery which God had ordained without suggesting the human nature of the contract and implying the right of the state to exercise a similar control. This council, however, maintained their doctrine of the exclusive jurisdiction of the Church in matrimonial affairs.

Thus far we have been dealing with two outstanding Catholic conceptions of marriage and family relationships. We have noted how the celibate ideal developed and found a firm place in religious thought, and how it finally issued in legislation requiring sacerdotal celibacy. We have traced the development of the sacramental theory of marriage, and pointed out how it issued in the indissolubility of the marriage bond, and in the exclusive ecclesiastical jurisdiction over all matrimonial matters. We now turn to an investigation of how these ideals and legislative measures worked themselves out in practical family affairs, and how they influenced, either for good or for ill, the family life of the people. In this way we shall be able to discover the nature of affairs at the time the Reformers began their work.

James Bryce, in reference to family ideals and practices, writes that "the ideal and the actual have never been more disjoined than in the Middle Ages." There is no better illustration of the truth of this statement than the great contrast between the theory of the indissolubility of the marriage tie and the frequency of what, for all practical purposes, amounts to divorce. Although the Church held marriage to be a sacrament, and therefore indissoluble, and prohibited a complete severance of a duly constituted marriage, she

nevertheless recognized two legal processes which were popularly called divorces. The term *divortium a mensa et thoro* (separation from bed and board) refers to a judicial separation of husband and wife which does not touch the marriage tie itself. It separates the two parties from their joint life in one household, but leaves them still man and wife, and therefore unable to marry any other person. As finally settled the canon law permits such a separation on three grounds. The first is adultery, and applies to the man and woman alike. The second is "spiritual adultery," being "historically an enlargement of the first cause through allegorical interpretation," and usually refers to heresy or apostasy of one of the persons. The third ground for separation is cruelty committed by one partner against the other.

The second form of separation (*divortium a vinculo matrimonii*) is a declaration by ecclesiastical authority that the marriage had been null from the beginning on the ground of some canonical impediment. The canons prescribing these impediments, according to Thwing, were "marvels of ingenuity," recognizing seven different impediments to marriage, among which were from four to seven degrees of natural consanguinity, besides the spiritual affinities gained in baptism. These forbidden degrees made it possible to have almost any marriage pronounced null and void. Some, in fact, declare that "the multiplication of impediments made the formation of a valid marriage a

1. Ibid. p. 827.
3. The Family, p. 83.
matter of chance. This is no doubt an overstatement of the actual situation, although it would be nearer possible during the Middle Ages than now, due to the much more static nature of their communities. We can be quite sure, however, that the actual situation fell far short of the ideal. For all practical purposes, marriage was not indissoluble, and there existed a very wide liberty of divorce, though, as Howard points out, it existed mainly for those who were able to pay the ecclesiastical judge for finding a way through the tortuous maze of forbidden degrees." According to Dealy, "no teaching of the Church developed in the Middle Ages more casuistry and chicanery than ecclesiastical hair-splittings about divorce." Under such procedure as this lurked the germs of perjury and fraud. Thwing writes that "the annulling of marriages, which had been contracted within the prohibited degrees, became a flourishing business of the Church. No exercise of its power yielded more money, or caused more scandal. So tangled was the casuistry respecting marriage, at the beginning of the sixteenth century, that it might be said that, for a sufficient consideration, a canonical flaw could be found in almost any marriage."

An outstanding example of the marvelous resources of the Church in making and unmaking marriages is the matrimonial adventure of Margaret Tudor, daughter of Henry VII. "To enable her to marry King James IV. of Scotland a papal dispensation was requisite, as they

were related within the fourth degree. After he was slain at the battle of Flodden (1513), Margaret espoused Archibald Douglas, sixth earl of Angus; and from him in 1527 she obtained by papal authority a divorce 'on the desperate plea first brought forward in 1525 that James IV. had lived for three years after Flodden,' and so was alive at the time of her second nuptials. In vain she tried to rid herself of her third consort, Henry Stuart, on the pretext that her previous cohabitation with her husband's fourth cousin, the earl of Angus, had created a bar to their marriage through affinity.¹

Such cases, of course, are outstanding, and do not represent the family life of the mass of the people. Miss Goodsell is convinced that "the teaching of the Church that wedlock is a sacred indissoluble relationship, in which the man and woman 'become one flesh,' unquestionably stabilized the family during the unsettled centuries of the Middle Ages and lent seriousness and dignity to the marriage relation."²

At the time of the Reformation, however, there was enough ecclesiastical jugglery and enough corruption in the matrimonial courts that Martin Luther could wage against the Church a well-deserved attack.

THE ANTAGONISM BETWEEN VALID AND LEGAL CONTRACTS

Another source of evil and confusion was the distinction drawn between valid and legal marriages. We have already pointed out that one of the leading elements in the canonical conception of marriage

2. Problems of the Family, p. 52.
was that it was "a lawful remedy for concupiscence." Marriage must therefore be open to all, lest people fall into greater sin. "The chief concern of the Church (with regard to marriage) was to save souls by preventing the deadly sin of fornication." 1 Hence, marriage was reduced to its simplest possible terms, and the Church was led to the position that the consent of the parties alone is the only thing necessary to constitute a valid marriage. This, according to Bryce, 2 was the main principle of the canon law down to the Council of Trent. Disregard of the ecclesiastical forms, by which a marriage was rendered legal, was frequently met with severe censures, and it became a breach of the best morals to marry without them, but the omission of such a ceremony did not effect the validity of the contract. According to Stockton, 3 we find "no doctrine set forth on the continent by the Christian Church for the first fifteen hundred years, that a religious ceremony was an essential part of the marriage. The Church uniformly held that the mutual consent of the parties...was what constituted marriage, and was the essential element from a religious viewpoint." But however "valid" the marriage might be, it was not "legal" unless the ceremony was performed as prescribed by the Church. "A puzzling and disastrous antagonism between legality and validity was thus created." 4 As Wastermarck puts it, the lack of the ecclesiastical ceremony was a 'prohibitory' impediment rendering the marriage illicit, but not a 'diriment' impediment rendering it null

and void.¹

This cleared the way for clandestine marriages. "Lest without a safety-valve the temptations of the flesh should become too strong for weak human nature, and lest access to a sacrament should be hindered, it was deemed necessary to discard all restraints originating in mere 'human convention.'² Hence, children arriving at the age of puberty might contract a valid marriage without the consent, or even against the will, of their parents. Their own private, or even secret, agreement was declared sufficient for a valid contract. Such a system naturally led to no small amount of confusion. Howard goes so far as to affirm that it often became "impossible for the courts or even the parties themselves to know whether a man and a woman were legally husband and wife or their children legitimate." The source of this confusion was a point of attack from the Reformers.

CONFUSION ARISING FROM PRESENT AND FUTURE CONTRACTS

Confusion arose from another source. The Church drew a distinction between present and future contracts which overlaid the Canon law with verbal subtleties and gave rise to manifold confusion. Three streams of influence went into the making of the Canon law, the Roman, the Teutonic, and the Christian; and the famous classification of contracts as future and present represents an attempt to combine all three. The Roman betrothal was a free and private agreement between the man

and the woman, a promise to marry in the future which might be dissolved at the pleasure of either party. The German betrothal, on the other hand, was the essential part of the marriage itself. The betrothal was a legal contract; those bound by the contract were practically man and wife, and either could resort to court action to enforce the contract. Christianity overlaid these two conflicting views with its theory of the sacramental nature of marriage, and formulated its classification of contracts as sponsalia per verba de præsenti and sponsalia per verba de futuro. 1

According to the first, the man and woman declared, in words of the present tense, that they took each other from that moment forward as husband and wife. Since the essential element of the Canon law marriage was the consent of the parties, this contract was a valid marriage, even though it was not followed by actual wedded union. And being a valid marriage, it was sacramental in character, and was therefore indissoluble. "It could be sustained against a subsequent contract publicly celebrated according to ecclesiastical forms and followed by years of wedded life." This, according to Howard, 2 was "unquestionably the doctrine of the canon law of western Christendom."

The betrothal de futuro, on the other hand, was a promise for future wedlock. Physical union, when preceded by such a contract was considered a binding marriage. The canonists added confusion to this point by their theory of "presumptive marriage." The copula carnalis

1. Ibid. I, p. 337.
2. Ibid. I, p. 315.
was made a legal ground for assuming the foregoing promise to wed, and the "rule was laid down that it is always necessary to judge in favor of marriage unless the contrary be clearly understood."  

From these two forms of contract it is quite evident that marriage was extremely easy. The canonists, according to Howard, in a way set a snare for human nature to beguile the imprudent into the matrimonial state." Havelock Ellis believes that "the most serious and the most profoundly unnatural feature of this ecclesiastical conception of marriage was the flagrant contradiction between the extreme facility with which the gate of marriage was flung open to the young couple, even if they were little more than children, and the extreme rigor with which it was locked and bolted when they were inside,"  

THE EVILS ARISING FROM THE CELIBATE IDEAL  

Besides the great confusion arising from the verble subtleties of present and future contracts, and the distinctions between valid and legal marriage, were many widespread evils which arose from the unnatural ideal of celibacy. Among these were the corruption of the clergy and the people, the low opinions regarding women, and the low estimation of the married state. We shall first consider the immorality of the people.  

At an early date Tertullian did not hesitate to assert that  

1. Ibid. I, p. 338.  
2. Ibid. I, p. 338.  
the desire of enjoying the reputation of virginity led to much secret immorality, whose effects were concealed by resort to infanticide. The fiery denunciations of Jerome at the close of the fourth century show that the evils resulting from celibacy were still a corroding cancer in the purity of the Church, and that its suppression was a matter of utmost importance. In the fifteenth century, according to Lea, "nunneries were brothels, and to take the veil was simply another mode of becoming a public prostitute." Such generalizations are misleading, but one cannot deny the existence of widespread immorality. Lea perhaps writes with greater accuracy when he declares that "there can be no denial of the fact, that notorious and undisguised illicit unions, or still more debasing secret licentiousness, was a universal and pervading vice of the Church throughout Christendom." There are too many traces of it in the ecclesiastical legislation of the thirteenth, fourteenth, and fifteenth centuries to call it into question, and if no evidence existed except the constant efforts to suppress it, that alone would be sufficient.

Such vice was not confined to the laity. A tract from the first part of the fifteenth century declares that "in most of the dioceses the parish priests openly kept concubines, which they were permitted to do on payment of a tax to their bishops." In some places it was the custom to "oblige a new pastor, on entering upon his functions, to select a concubine, as a necessary protection to

the virtue of his female parishioners, and to the peace of the families intrusted to his spiritual direction. 1 Lecky likewise affirms the existence of this custom 2, and declares that "shortly before the Reformation, complaints became loud and frequent of the employment of the confessional for purposes of debauchery." 3

Lea 4 holds the "nominally celibate clergy" to be "largely responsible" for the laxity of morals which is a characteristic of Medieval society. One is inclined to believe that their immorality was more a symptom than a cause, although it naturally would have a degrading influence upon those who looked to them for spiritual guidance, leading them into practices akin to their own, and rendering worthless any rebuke of vice. And it is quite evident that it shut the priests away from a legitimate married life in a Christian home, and introduced them to the "degrading influences of a potent vice secretly practiced." 4

A remarkable illustration of the way in which the ecclesiastical system accommodated itself to the moral "slips" of the churchmen, while remaining mercilessly intolerant of the low estate of wedlock, is furnished by the famous and tragic story of Abelard and Heloise, which Taylor tells in The Mediaeval Mind. The fact that Abelard was a canon when his love arose was no impediment to the gratification of his passion in such a state of morals as existed in the twelfth century. The wrecking influence in the career of

this rising young cleric was not his illicit love-relation with the
gifted Heloise, but his subsequent marriage with her, which outraged
the conventional ecclesiastical morals of the period. Heloise at
first declined the offer of marriage saying that his career would suf-
fer less if she were openly known as his mistress and Astrolabius re-
cognized as his illegitimate son. The marriage was submitted to on-
ly on the ground that it, as Abelard put it, "might be kept secret
so that it should not injure me in the minds of men." Their marriage
was discovered, however, and Abelard was brutally emasculated. Then
Heloise wrote: 'The injury was the more outrageous in that all ways
of right were broken. While we were abandoned to love's delights,
the divine severity spared us. Then we made the forbidden lawful,
and by marriage wiped out fornications stains, the Lord's wrath broke
on us, impatient of an unsullied bed when it long had borne with one
defiled." Marriage, as far as ecclesiastical thought was concerned,
merely rendered permanent a passionate and sinful state, which might
better be cast off altogether. Such was the standard of morals crea-
ted by the ecclesiastical system.

THE STATUS OF WOMAN

The evil effects of the celibate ideal are also seen in the
low position of women during the early centuries of Christianity.
The remarkable liberty granted to women in Rome was only a passing

incident in European family life. As Christianity spread over the Empire, the teaching of Paul in regard to woman's place in the world found a firm place in social thought. "Wives, be in subjection unto your husbands," he said, "for the husband is head of the wife.... As the church is subject to Christ, so let the wives also be to their husbands in everything." W. Westermarck believes that "it is difficult to exaggerate the influence exercised by a doctrine so agreeable to the selfishness of men, and so readily lending itself to be used as a sacred weapon against almost any attempt to extend the rights of married women, as was the dictum of St. Paul." 

The teaching of Paul on this point was reinforced by the growth of the ascetic ideal. "By a natural law," writes Schroeder, "every increased success in sex-suppression resulted in more numerous and more vivid erotic hallucinations, in which women always appeared as the supposed instruments of Satan for the tempting of priestly virtue." Thus the Church became saturated with "an ever-intensifying hatred of women," and they suffered more and more from religious degradation. Tertullian exclaims of her: "Woman, thou shouldst ever walk in mourning and rags, thy eyes full of tears, present the aspect of repentance to induce forgetfulness of your having ruined the human race. Woman, thou art the Gate of Hell!" St. Bernard called her "the organ of the devil," and St. Anthony added that "her voice is the hissing of the serpent." St. Cyprian saw her as "the

gate of the devil, the road of iniquity, the sting of the scorpion," and St. Chrysostom announced that "through woman the devil has triumphed.... Of all wild beasts, the most dangerous is woman."¹

Lecky gives a psychological explanation for these fiery disquisitions: "Celibacy was universally conceded 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 had rendered it so rare."²

By the sixth century the estimate of women was so low that the Council of Auxerre (578 A.D.) decreed that, on account of their impurity, the woman must not receive the sacrament in their naked hands,³ and the Council of Macon (585 A.D.), after a serious discussion in which fifty-nine bishops took part, decided by one vote that women possessed souls.⁴ This opposition was carried to such an extent that throughout the Middle Ages the church provided itself with eunuchs to supply the soprano tones for the cathedral choirs.⁵

From these facts it is quite evident, as C.P. Donaldson⁶ declares, that during the first centuries of the Christian era Christianity did not have a "favorable effect on the position of women, but, on the contrary, that it tended to lower their character and contract the range of their activity." During the course of the Middle Ages chivalrous love began to see in women "the ideal of the genuinely human" and personified it in the Virgin Mary.⁷ This idealiza-

² Quoted by Gage, Woman, Church, and State, p. 73, note 47.
³ Ibid. p. 57.
⁴ Ibid. p. 56.
⁵ Ibid. p. 57.
tion, however, applied more to women in the abstract, and did not essentially alter marriage. Side by side with the idealization of woman stood the feudal principle of the *jus primae noctis*, which extended into the sixteenth century. The "ministers in their character of temporal seigneurs could even occasionally claim this disgusting right themselves."¹

During this period another quite opposite influence was working for the benefit of women. Paul had also declared that "there can be neither male nor female; for ye all are one in Christ Jesus."² This doctrine of the spiritual equality of women was slow to bear its fruit, but F. W. Cornish holds that it was a powerful engine to raise the condition of women, "and to make men look upon them as something more than slaves or ministers of pleasure."³ "The more barbarous were the manners of men," he continues, "the stronger was the bond of sympathy between women and the clergy, who found in them more piety, more reflection, and more capability of culture than in the unlettered soldiers whose business was war, and who sought their relaxation in drunkenness and debauchery."³ Thus, in spite of the scandals common among the clergy and the condition of the nunneries, the status of woman was raised by the influence of the Church. Even such an avowed enemy of organized Christianity as Bertrand Russell is of the opinion that, in spite of its evil influences, it at least recognized women's "theological equality

² Galatians 3, 28.
³ Chivalry, p. 286.
with men, and refused to regard them as absolutely the property of their husbands. And on the whole progress towards a better status for women was easier, in the great bulk of the population, from the Christian than from the pre-Christian standpoint.  

THE INFLUENCE OF THE CELIBATE IDEAL ON FAMILY LIFE

 Practically all students of family history are agreed that the celibate ideal was anything but beneficial to family life. "This system," according to Seebohn, "sapped the foundations of domestic life by holding up the married state as lower in virtue than that of celibacy." There was much division and controversy as to whether marriage was permissible at all, several of the Church Fathers protesting that marriage was incompatible with the profession of the Christian religion; but all were agreed in regarding it an evil. St. Ambrose believed that married people ought to blush at the state in which they were living, and argued that since men and women were born in a state of virginity, to change that state was to deface the work of the Creator. According to Origen, "marriage is something unholy and unclean, a means for sensuality." Locky declares that "it would be difficult to conceive anything more coarse or more repulsive" than the manner in which the Patristic writings regard marriage. "The tender love which it elicits, the holy and beauti-

2. Era of the Protestant Revolution, p. 223.
5. Bebel, Woman under Socialism, p. 51.
ful domestic qualities that follow in its train, were almost absolutely omitted from consideration. ¹

In the Christian scale of virtue marriage represented the lowest of three grades of purity. Celibacy was the superior virtue, then came the condition of the widowed man or woman who refrained from remarriage, and the lowest of all was marriage. The idea of the essential uncleanness of the sexual act, even when an expression of love within a true marriage, was so deeply rooted that certain of the Penitentials, medieval manuals of instruction, contained clauses forbidding married couples to receive the sacrament if they had cohabited on the preceding night. The Penitential of Archbishop Theodore of Canterbury, written in the seventh century rules that "those who are joined together in matrimony should abstain from cohabitation three nights before receiving communion." ²

The Church went even further than this at times and tended to encourage continence throughout the whole course of married life. Miss Goodsell has no doubt that a considerable number of husbands and wives made the resolve to abstain from sexual intercourse, and points out that in those cases where only one partner took the vow there must have resulted a permanent embitterment which was disastrous to the happiness of married life. ² On this point Lecky writes as follows: "Whenever any strong religious fervour fell upon a husband or a wife its first effect was to make a happy union impossible. The more re-

². Goodsell, Problems of the Family, p. 53.
igious partner immediately desired to live a life of solitary asceticism, or at least, if no ostensible separation took place, an unnatural life of separation in marriage. The extreme disorders which such teaching produced in domestic life... naturally alarmed the more judicious leaders of the Church and it was ordained that married persons should not enter into an ascetic life except by mutual consent.¹ In another connection, he declares that by the celibate ideal "the notion of sin was introduced into the dearest of relationships, and the whole subject was distorted and degraded," and concludes that "it is one of the great benefits of Protestantism that it did much to banish these modes of thought and feeling from the world, and to restore marriage to its simplicity and its dignity."²

SUMMARY AND CONCLUSION OF PART I.

Before proceeding to a consideration of the course of the Reformation in relation to family life, it might be well to draw together a few of the many threads with which we have been working. We have noted the two basal ideas upon which the ecclesiastical structure of family life was built, the celibate ideal and the sacramental theory of marriage. These two ideals became woven into the fabric of the canon law, the celibate ideal issuing in required sacerdotal celibacy, and the sacramental dogma in the indissolubility of

the marriage bond and of the exclusive ecclesiastical jurisdiction in matrimonial matters. Concerning the practical effects of these laws and doctrines, we discovered that the canon law was shot through with a multitude of contradictions and verbal subtleties which gave rise to the corrupt practices growing out of the annuling of marriages and to no small degree of confusion in regard to the marriage contracts. The celibate ideal sapped the foundations of domestic life by promoting immorality to a terrible degree, by breeding a contempt for women, and by despising the married state as lower in virtue than that of celibacy.

The picture we have drawn is a dark one, and it is admittedly a onesided picture. To hold that what we have said is the whole truth would only lend support to Voltaire's contention that history is a pack of devices by which we play tricks on the dead. Then, as always, the great mass of mankind lived according to the best moral standards they knew, and when we judge them we must judge them in the light of their own standards, not ours. Those ideals, as Professor Beard points out, had produced many saints after their own order of saintliness—many who were famous, and more without a name. There were no doubt thousands upon thousands of highly moral and religious people who, though under great limitations, lived happy and peaceful lives. No statistics, of course, are available, and even if there were they might be of little help; for no intellectual pro-

cess is apt to be so productive of error as an ethical interpretation of statistics.

But all this does not abolish the fact that the time was ripe for reform. Howard, who views the situation with a strikingly impartial gaze, declares that "the evils growing out of the ecclesiastical jurisdiction in matrimonial causes were becoming an intolerable burden to Christendom," and that "the licentiousness of the clergy was 'beyond belief'. Many bishops," he continues, "were at last content to convert the vows of celibacy into sources of revenue, suffering the clergy to live in concubinage in return for a yearly tax." The "ill-preserved chastity of the priesthood was interpenetrated then as before by a profound contempt for the marriage state." Professor Beard agrees with Howard: "Without going the full length of Protestant polemics to the assertion that every monastery was a sink of iniquity, we may safely affirm that monastic scandals were frequent and grievous." Such was the state of affairs when Luther, as Miss Goodsell puts it, "injected into the prevailing philosophy of marriage some novel theories."

2. The Reformation in the Sixteenth Century, p. 141.
PART II

THE REFORMATION AND ITS IMMEDIATE EFFECTS ON FAMILY LIFE

THE REJECTION OF THE CELIBATE IDEAL

The Reformation was a revolt against the whole ethical and ecclesiastical system of the Middle Ages. In Catholic circles the highest values of life were to be obtained by withdrawing from the world into a monastery. According to Medieval ethics, the spirit could best be perfected by subjugating the body. This ideal, however, had broken down. Compliance with the rule of the Church was all too often merely an external compliance—if, indeed, it was that much. The consciences of the Reformers rose up in hot rebellion against this frightful state of affairs, and demanded a return to a more natural life. The revolt was largely an emotional revolt; it was not always a matter of reasoned principle. Consequently, it was not altogether clear, logical, or consistent. But it was a revolt, nevertheless. The time was ripe for a revolution, and the breakup of the old ideal soon manifested itself in many quarters.

One of the first points of attack was the time-honored doctrine of the celibacy of the clergy. Several attempts at reform in this connection were made before Luther definitely broke with the Catholic system. As early as the Council of Constance (1414-18), in fact, Cardinal Zabarella suggested that, if the concubinary prac-
ticles of the clergy could not be suppressed, it would be better to concede to them the privilege of marriage. But his suggestion fell into unfertile soil, and the matter drifted for a century. Then in 1518 reform began in earnest. A monk who abandoned his order, and married, was immediately tried by the ecclesiastical authorities, and banished. A little later a priest who married was imprisoned at Halle, and another pastor, guilty of the same crime, perished miserably in the dungeon at Stolpen. Others were more fortunate, suffering only the displeasure and opposition of their ecclesiastical superiors.

Luther at first paid no attention to the subject. It was not mentioned in his celebrated ninety-five theses of 1517, nor does he allude unfavorably to the life of celibacy in his sermon on matrimony in 1519. The next year, however, in his address to the German nobles, he declared that the law forbidding priests to marry "must have been at the instigation of the devil," and that it had caused "infinite disunion, sin, shame, and scandal, like everything that the devil does or suggests." Therefore, he proposed that every priest be allowed to marry if he chose, "not only on account of human frailty, but still more for his house-hold." In the same address he pointed to the widespread use of brothels by those vowed to celibacy, and, in order to alleviate the practice, proposed that no one be allowed to take the vow until thirty years

3. Luther's Primary Works, p. 207.
4. Ibid. p. 209.
of age. "If those in authority," he wrote, "considered how young people might be brought together in marriage, the prospect of marriage would help every man and protect him from temptation."¹

Luther set forth the same view in the following year (1521) in his letter to the Elector and Archbishop of Mayence—which, by the way, is an excellent commentary on the corrupt practices of the ruling ecclesiastics. During the summer of that year, while Luther was in hiding at the Wartburg, Carlstadt was carrying on reform measures at Wittenburg, especially insisting on the marriage of priests, monks, and nuns. A number of priests accepted his invitation to marry, and were immediately arrested by the Archbishop—"though that notoriously immoral prelate did not scruple to derive an income from licenses to the clergy to keep concubines."² Whereupon Luther wrote to him asking him to "leave in peace the priests who, to avoid unchastity, have betaken themselves to marriage," and incidentally pointing out to him that "it would become a bishop first to cast the beam out of his own eye and put away his harlots before he separates pious wives from their husbands...."³

But Luther was not yet ready to go the full length with Carlstadt and extend the privilege of marriage to monks. In August, 1521, he wrote to his friend Spalatin: "I have received Carlstadt's pamphlets. Good Heavens! will our Wittenbergers give wives even to monks? They won't force one on me...."⁴ But, as Beard points out,⁵ Luther "did

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not so much control events as was carried away by them," and four years later he jestingly wrote to a friend: "God has suddenly and unexpectedly caught me in the bond of holy matrimony." ¹ He had married Catherine von Bora, a runaway nun. "The outcry," writes Beard, "was prodigious: that a monk should marry at all was bad enough; that he should marry a nun, an unutterable portent: Catholic controversialists predicted diabolical offspring from such a union."² The marriage, however, turned out to be as wise as it was bold, and "when the pair plighted their troth in the house in which they were to live, and in the presence of their friends, they secured the purity and the happiness of innumerable homes."² Their example was followed by many others. Numerous men and women renounced their monastic vows and married, and many of the monasteries were dissolved. The celibate ideal and enforced sacerdotal celibacy were things of the past. The Reformers turned to the scriptures to justify the "universal instincts of the human heart."

THE REJECTION OF THE SACRAMENTAL THEORY OF MARRIAGE

The Protestant revolt against the sacramental theory of marriage and its exclusive control by ecclesiastical courts was equally vigorous. Here, again, it is interesting to trace the position of Luther, who revolted doubtfully at first, but with growing conviction. As late as 1519 he declared that "the marriage state is

¹ Smith, The Life and Letters of Luther, p. 175.
² The Reformation in the Sixteenth Century, p. 143.
a sacrament," an outward "symbol of the greatest, holiest, noblest, most worthy thing that has ever existed or can exist; the union of the divine and human natures in Christ."

On the other hand, he insisted that the "matrimonial questions do not touch the conscience, but belong to the temporal power," and emphatically declared that marriage is a "temporal, worldly thing," which "does not concern the church."

Luther's confusion and contradictions at this point, Howard believes, were due to the difficult position in which he was placed. The Catholic practices had resulted in manifold evils from two points, and Luther attempted to stay clear of both. On the one hand, the evils growing out of the ecclesiastical jurisdiction were becoming intolerably burdensome. Marriage, he said, has been "turned into a mere mockery by the very same traditions which vaunt it as a sacrament." He believed that the evils could be alleviated only by transferring the matrimonial jurisdiction from the spiritual to the temporal courts; but this transfer could not be made until the sacramental theory had been abandoned. Therefore Luther declared that matrimonial affairs "concern not the church, but are temporal things, pertaining to temporal magistrates," and that ministers should therefore not interfere in matrimonial questions; they "ought only to advise and counsel the consciences, out of God's Word, when need requires."

The second source of evil was sacerdotal celibacy. Hence Lu-

3. Luther's Primary Works, p. 377.
ther proclaimed the natural and scriptural right of priests to marry, and was as enthusiastic in praising marriage as he was in condemning ecclesiastical jurisdiction. He soon began to guard against the use of the term "sacrament" to refer to marriage, but he thoroughly rejected the ascetic ideal and stressed the purity and holiness of the marriage institution. In 1523 in a letter to Spalatin, he says that marriage is "a condition which had God's approval, and is lauded by the angels, and held in honour of all saints." 1

But after all, this doctrine that marriage is ordained of heaven is not so entirely out of harmony with the view that matrimony is a "temporal affair" as appears on the surface; for with the Reformation a new conception of the temporal power arose. Under the Catholic system the contrast is not one between Church and State as now understood, but between the unholy world and the Holy Church. Luther termed the distinction between the spiritual and the temporal "an artful lie and hypocritical device," 2 and the Reformers lifted the whole of life to an ethical level—marriage along with the rest. Calvin gives the conception a concise formulation in the following: All will admit, he says, that matrimony "was instituted by God, though no one before the time of Gregory regarded it as a sacrament. What man in his sober senses could so regard it? God's ordinance is good and holy; so also are agriculture, architecture, shoemaking, hair-cutting legitimate ordinances of God, but they are not sacraments." 3 It may sound somewhat

2. Luther's Primary Works, p. 164.
repulsive to those who are accustomed to attach a religious significance to marriage to have it classed with hair-cutting, but it must be remembered that in Calvin's system the whole universe was shot through with the divine, and in his statement above he did not intend to belittle marriage. The Reformation released the whole world from its shell of "worldliness" and ascribed spiritual value to it. In this manner marriage became at the same time a temporal and "holy estate."

IMPEDEMENTS AND CONTRACTS UNDER PROTESTANTISM

Luther revolted with his usual passionate earnestness against the Catholic system of impediments, referring to them as "those impious human laws by which this Divinely appointed manner of life (marriage) has been entangled and tossed up and down." He declared the impediment of spiritual affinity to be "altogether ridiculous" and "one of the Pope's money-nets," and proposed that "all those fanciful spiritual affinities...be utterly done away with in the contracting of matrimony." He would abolish the impediment of physical relationship beyond the second degree. "If at any time a marriage has been contracted outside these grades...it ought by no means to be dissolved on account of any laws of men." Nor could he "agree to that impediment which they call disparity of religion, and which forbids a man to marry an unbaptized woman...." He concludes his

1. Luther's Primary Works, p. 381.
2. Tabletalk of Martin Luther, p. 305.
3. Luther's Primary Works, p. 385.
4. Ibid., p. 384.
tirade against impediments by declaring that "there is no impediment which can rightfully annul a marriage already contracted except physical unfitness for cohabiting with a wife, ignorance of a marriage previously contracted, or a vow of chastity." And concerning this vow he is doubtful. "I am so uncertain, even to the present moment (1520)," he says, "that I do not know at what time it ought to be reckoned valid...." ¹

He likewise perceived the absurdity of the scholastic distinctions between present and future contracts, and declared that "they had played a regular fool's game with such hair splitting distinctions."² But he fell into a similar unfortunate distinction with regard to "conditional" and "unconditional" betrothals. Engagements to marry at some future time, when certain specified conditions were fulfilled, were "conditional betrothals," and might be dissolved on failure of the conditions, or for other weighty considerations. But it was practically impossible to draw a line between this form and the "unconditional betrothal." Practically all betrothals, in fact, if publicly made with parental consent, were valid marriages, and could not be dissolved, even though they should not be consummated until after nuptials. "All bargains, contracts, and promises are to be understood as of the present tense; as when a fellow says to a maid: When I come again..., I will marry thee. These words are to be understood of the present time, and when he comes again, he must marry her; and it is not in his power

¹. Ibid. p. 383.
in the interval to alter his mind." Such a betrothal is binding, "though he has not had intercourse with her, even if he have afterwards had intercourse with another." So binding were these contracts that legal action could be taken to enforce them. Luther thus gave his powerful sanction to actions for "breach of promise" which are still common in Christian countries. Moreover, the importance which Protestantism attached to betrothals, as Miss Goodsell points out, led many betrothed couples to consider themselves "as good as married" and to consummate their union before the nuptials had been performed. In Germany the "bride-children" were given rights of legitimate offspring; but the situation was productive of many scandals, not only in Germany, but in the New England colonies.

THE REFORMERS AND DIVORCE

When he came to the subject of divorce, Luther was more conservative. There was at first much confusion in his mind about this problem. In 1520 he wrote: "I for my part, detest divorce, and even prefer bigamy to it; but whether it be lawful I dare not define.***I give no definite opinion on these questions, though I greatly wish that a definite rule were laid down, for there is nothing which more harasses me and many others." As late as 1540 he did not shrink

1. Tabletalk of Martin Luther, p. 306-7.
2. Luther's Primary Works, p. 336.
5. Luther's Primary Works, pp. 389-90.
from applying the above idea, as is instanced by his correspondence with Phillip of Hesse, "whose constitution appears to have required more than one wife."  

In spite of his detestation of divorce he seems to have allowed it on two grounds. According to his Tabletalk, the first ground was adultery. "But first," he says, "Christians ought to labour and use diligent persuasions to reconcile the married pair; sharply withal, reproving the guilty person." The second cause was desertion—"when one runs away from the other, and after returning runs away again. Such have commonly their mates in other places, and richly deserve to be punished." There was much disagreement among the different Reformers on this point. The more rigid party included Luther, Calvin, and Beza. They would grant divorce only for adultery and desertion, and some were in favor of allowing the husband to divorce because of adultery, but not the wife. Rather than multiply the admissible grounds for divorce, there was a tendency to broaden the definition of desertion so that it included cruelty and refusal of conjugal duty. For this last cause, according to Howard, the marriage must not be dissolved except on failure of all prescribed means, however cruel, to induce reconciliation or submission. Another party, including Erasmus and Zwingli, was much more liberal, and admitted various causes for divorce. Some, like Bucer, "would even allow divorce when the husband was unable to love his wife."  

1. Bax, German Society at the Close of the Middle Ages, p. 100.  
2. loc. cit., p. 306.  
The question of remarriage, and the treatment of the offender, were also matters of dispute. All the continental Reformers seem to have sanctioned the remarriage of the innocent man or woman, but there was no such agreement in regard to the adulterous spouse. The majority would have the magistrate deal with the offender after the harsh Jewish law. Lambert of Avignon insisted that the culprit should be stoned, Melanchthon would have him hanged, and Luther and Calvin would have him put to death; but since the civil law would not permit such treatment, the criminal should go away to some remote place and there marry again.  

MATRIMONIAL LEGISLATION UNDER EARLY PROTESTANTISM

We have been dealing with the ideas of the Reformers as they were preached; we now turn to a survey of the manner in which they effected the legislation and practice in matrimonial affairs. The result is far from what the Reformers dreamed or hoped. In Germany matrimonial jurisdiction fell partly into the hands of the parish clergy, and partly into the hands of the secular judges. The former were guided mainly by the teachings of Luther and the other Protestant theologians; but the lay judges were guided by the canon law. Confusion naturally arose, and a demand was made for special courts for marriage questions. These newly constituted courts were composed partly of spiritual and partly of temporal judges, who mainly fol-

lowed the canon law, and constituted, for all practical purposes, ecclesiastical courts. Hence, "it can scarcely be said," writes Howard, 1 that the evils of matrimonial law and administration in Germany were very much lessened as a result of the Reformation during the first two centuries after Luther."

In England the king was the head of the Church, and this placed a great stumbling block in the way of the progress of the Reformation, since Henry VIII clung to the old doctrines. He especially clung to the doctrine of clerical celibacy, and issued several proclamations against the marriage of priests. In 1535, after some of the clergymen had married, Henry decreed that all who were married would be deprived of their office, and that all who married after the proclamation might be imprisoned or punished according to the will of the king. The Reformation gained a victory under Edward VI, who allowed the clergy to marry, although they were advised that it might be easier to perform their offices if they were not burdened with the care of the family. "It were most to be wished that they would willingly endeavour themselves to a perpetual chastity." 2 Queen Mary repealed Edward's matrimonial laws, and made celibacy a condition of holding priestly office.

Thus the change effected on the family by the religious revolution, although highly important from an abstract point of view, did not bear its proper fruit for some time after the Reformation began.

In Germany, after a time, the more liberal and bolder teachings of Luther were practically ignored, and by the middle of the seventeenth century the reactionary theories were substantially the same as in England. In both countries the ecclesiastical courts continued to exercise matrimonial jurisdiction, and as the new churches gained in power they approached more and more the ancient dogma. "Not until the full triumph of civil marriage in the nineteenth century were the logical results of the new doctrines at last attained." ¹

EXCESSES FOLLOWING THE REFORMATION

Every Revolution has its extremists whose unwise fanaticism must be guarded against by the true reformer. The Protestant revolt was no exception to this general rule, and "for a time," according to Calhoun, ² "the new era threatened to return to pagan laxity and licentiousness." Luther, in fact, had some ideas concerning marriage that are shocking to even modern ears. We have already noted that he preferred bigamy to divorce, and that he acted upon this belief in his dealings with Phillip of Hesse. Likewise, in 1531 he advised Henry VIII that it would be better to take a second wife than to divorce a first. In 1520 he declared that if a woman was married to an impotent man she should have the privilege of maintaining marriage relations with the husband's brother or closest friend. If the hus-

band refused her this privilege she might go elsewhere and remarry.
Similarly, if she refuse to perform her conjugal duty, the husband
should have the right to take another woman, after telling his wife
his intentions. ¹

These views were a part of the general upheaval, and were not
necessarily causes of the radicalism that followed. As far as pre-
ferring bigamy to divorce is concerned, Luther was not alone. This
idea, according to Smith², was shared by "the great majority of his
contemporaries, Catholic and Protestant alike." The real danger came
from a perversion of Luther's doctrine of justification by faith.
The soul, said Luther, "through faith alone, without works, is from
the word of God justified, sanctified, endowed with truth, peace, and
liberty, and filled full with every good thing, and is truly made the
child of God."³

It is interesting to note in this connection the interpretat-
ton put on this doctrine by certain individuals. S. Baring-Gould
is, as he says, "an English Churchman," who is "not in cordial sym-
pathy with a movement which...formulates a doctrine of free justi-
fication, that exercises a paralysing effect on the conscience..."¹¹
He declares that Luther "introduced a new idea into German religion,
which like a crystal of dynamite, exploded and blew historic Chris-
tianity to fragments."⁵ This "new idea" arose as follows: Luther's
"animal nature," according to this author, "was very strong, and the

². Life and Letters of Martin Luther, p. 384.
³. Ibid. p. 262.
⁴. The Church in Germany, p. vi.
⁵. Ibid. p. 303.
life-long struggle against his carnal appetites, the disappointment at being unable ever to say, whilst life lasted, that the battle was over and done for, drove him to seek some ready and easy escape from the doubt lest he should fall away, and the fear lest by falling he might lose salvation. He needed assurance that, whatever might happen, whatever he might do, he was safe. That he found in his newly-discovered doctrine of Free Justification without Works.\(^1\)

It may be quite difficult for us to accept such a Freudian interpretation of the source of Luther's basic thesis, but we must admit that it did not always work for the best. Luther was very careful to specify that his doctrine did not mean that 'we should be careless or lead a bad life;'\(^2\) but this warning was not always heeded by his followers, many of whom assumed that it set them free to violate social standards, and used it as an excuse for self-indulgence. George Tizel, a Lutheran Pastor, began to doubt the doctrine when he saw his people "reject all discipline, all decent living, all that conduces to make men better and truer Christians," and that his sermons, "instead of mending hearts, demoralized them."\(^3\) John Egranus declared the new dogma to be "most pernicious; for to teach people that faith is the only thing necessary to salvation, is the same thing as authorizing them to lead a sensual and pagan life."\(^3\) Pirkheimer said that his experience with justification by

1. Ibid. p. 306.
2. Luther's Primary Works, p. 262.
faith was that "it had no other end than that of quenching fleshly
lusts." "I hoped," he wrote, "that we should obtain some spiritual
liberty by embracing the Gospel, but, on the contrary, I find it
opens the road to all carnal pleasures, in such a way that we are
a hundred times worse than we were." And in 1549 Bucer wrote that
what "attracted the people (to the Reformation) was it afforded them
the facility of living after their own lusts."^1

We may hesitate to charge such shortcomings of the Reforma-
tion to Luther's doctrine, but we can hardly deny that there were
certain serious shortcomings. Strange sects arose, adding religious
enthusiasm to perverted doctrine. In 1532 John Becold of Leyden ar-
rived at Münster with a number of followers. He believed himself
to be appointed by God to re-establish the kingdom of David at Mün-
ster, the new Mount Zion, and declared that he had received a revela-
tion that God willed a man to have as many wives as he pleased. He
speedily established a harem of fifteen wives, and advised his fol-
lowers to imitate his example. A later leader, Jan Wilhelms, had
twenty-one wives. 3 Carlstadt's reforms at Orlande, after he with-
drew from Wittenberg, likewise included polygamy. 4

It was during this period, according to Hall, that the most
fearful and dramatic scourge of sexual disease made its appearance
and spread misery and suffering over Europe. It is now maintained
that this disease came back with Columbus on his first return from

1. Ibid. p. 340.
2. Ibid. p. 341.
the West Indies, but the sexual excesses during the Reformation period probably did much to augment the scourge.

To hold that all these evils were the direct product of the Reformation would not be consistent with the facts. The Council of Constance, one hundred years before, witnessed to the presence of decay, and it was partially as a revolt against these evils that the Reformation arose. But it is quite evident that the old standards of sexual morality would have given way when the view that the marriage state was inherently inferior was rejected. The breakdown of old sanctions always results in temporary confusion and uncertainty, and there are numerous testimonies to the fact that there was an increase of immorality following the Reformation. These testimonies do not all come from men who opposed the movement. The Reformers themselves made many frank confessions of disappointment and discouragement regarding the moral outcome of their work. "Germany is as it were drowned in gluttony, drunkenness, avarice and luxury," said Amadorf..., "and the Lutherans have really no respect for the Gospel; they despise it as much as any one in the world; they insult and dishonor it."1 Bucer, who helped to establish Protestantism in Strasburg, admitted that "corruption makes further strides every day in the evangelical church." Melanchthon avered that "not all the waters of the Elbe would be sufficient to weep over the evils of the Reformation," and Luther himself said that "there is not one of our evangelicals who is not seven times worse than before he be-

longed to us.¹

After making due allowance in the above statements for the discouragement and sense of failure arising from the great gulf between the hoped for and the actual results of the work of the Reformers, we must still assume that the Reformation oftentimes made for license as well as for liberty. To hold that this was the whole truth concerning the movement, however, would be as unjust as to judge the American Revolution in terms of the anarchy which immediately followed. Calvinism, coming at a later time, was able to profit by the experiences of Lutheranism, and endeavored from the beginning to repress immorality. It represents the reaction from liberty to law, and had its roots in the fear arising from the immediate results of the breakdown of old sanctions in morality and religion. Let us turn now to a consideration of the more enduring and far-reaching influences of the Reformation upon family life.

¹. Ibid. p. 366.
PART III

FAR-REACHING INFLUENCES OF THE REFORMATION

FAMILY LIFE RECEIVES NEW DIGNITY

For several pages we have been wading through the disagreeable and stagnant pools that gathered along the side of the Reformation current. Let us return to the central stream of the movement and follow it through its more lasting and far-reaching influences upon family life. These influences may be classified under two heads, the sanctifying and the secularizing. The former includes the added dignity ascribed to marriage by the rejection of the celibate ideal, and the extension of the possibility of marriage to the large body of ministers. There were three secularizing tendencies: the rejection of the sacramental theory of marriage which resulted in exclusive civil jurisdiction of matrimonial affairs, the emphasis upon substance as over against the form of marriage, and the strong impulse given to individualism which has been working itself out ever since. We shall consider the sanctifying tendencies first.

One of the most important influences of the Reformation in this connection was the dignity it ascribed to family life by its rejection of the monastic asceticism of the Catholic Church. Catholicism declared that the surest and shortest road to salvation
led through, and ended in, the cloister. The more saintly life was to be found by fleeing from the world into solitude, and a line was drawn between the higher and lower planes of Christian morals. But Protestantism definitely revoked this ideal. It "slammed the door of the monastery behind it," as Weber puts it; it returned to the world, and "restored secular life to an honourable status." For the Reformers, the whole world of human relationships was not only the "natural" but the "God-ordained" sphere of Christian action, "which we accept as we have to accept conditions of wind and weather."

It is quite easy to see what the effect of this idea would be when projected into the realm of family relationships. The monastic view of the conjugal relation was largely abolished, and marriage became a means of fulfilling a natural mission. Luther expressed—rather coarsely—Protestant thought on this matter when he wrote that "it is as deeply implanted in nature to beget children as to eat and drink. Therefore did God furnish the body with members, veins, discharges and all that is needed therefor." This sounds rather coarse to modern ears, but it was merely Luther's way of saying what the modern ritual says—that matrimony is "an honorable estate, instituted of God." Beneath Luther's outward expression is the firm conviction that it is neither necessary nor desirable to withdraw to the cloister to attain a saintly life, but that marriage is a realm

2. Troeltsch, Protestantism and Progress, p. 74.
3. Ibid. pp. 76, 78.
4. Bebel, Woman under Socialism, p. 66.
in which Christian love may display itself, and come to its highest fruition. Protestantism thus gave family life a dignity it had not enjoyed under Catholicism.

But as high as the Protestant conception of family life was, it left much to be desired. In the first place, the old monastic attitude toward sexual relations still lingers in Protestantism, though perhaps in a modified form. Although Luther had a deep appreciation of family life, he referred to marriage as a "physic against sin and unchastity," and early Protestantism as a whole considered marriage as a prophylactic against lust. But it also believed that it had been ordained by God. Luther said of the Priest: if he can remain unmarried with a good conscience, "let him so remain; but if he cannot abstain living chastely, then let him take a wife; God has made that plaster for that sore." So the old Catholic attitude toward marriage still remained to a large extent, the difference being that under Catholicism marriage was an evil to flee from, while under Protestantism it is an evil which must be accepted in order that God's ordinances may be fulfilled. According to Weber, the sexual asceticism of Protestantism (Puritanism) "differs only in degree, not in fundamental principle, from that of monasticism.... Sexual intercourse is permitted even within marriage, only as the means willed by God for the increase of His glory according to the commandment, 'be fruitful and multiply.'" The influence of this idea is far-

1. Tabletalk, p. 298.  
2. Ibid., p. 297.  
reaching, and Protestant thought is still deeply tinged with the ascetic philosophy of the Latin Fathers. It has become so firmly fixed in our subconscious that it yields but stubbornly to rational processes, and we are only slowly developing a noble conception of sexual love. Miss Goodsell believes that we are still more than half convinced that there is something reprehensible about it. The fact that several Protestant denominations, and also the Federal Council of Churches, now have commissions studying the ideals of love and marriage is good ground for encouragement; and it is to be hoped that a complete regeneration of our ideas and attitudes regarding love may be brought about by an intelligent process of education.

Another shortcoming of Protestant family life was that it long retained the old patriarchalism with the complete subordination of wife and children. It is only in recent years that the world is giving up Luther's conception of women: that they are less understanding than men, and that "they should remain at home, sit still, keep house, and bear and bring up children." A woman, he said, "should be a friendly, courteous, and merry companion in life... the honour and ornament of the house," but "they are chiefly created to bear children, and be the pleasure, joy, and solace of their husbands."

It was only after the passing of many years, as we shall see,

2. Troeltsch, Protestantism and Progress, p. 94.
3. Tabletalk, p. 299.
4. Ibid. p. 300.
that the individualism, which received such a powerful stimulus from the Reformation, was extended to include the women. Woman was considered, not as an individual, but as a species, and one woman was very much the same as the other. The act of personal choice, or the preference for the individual as such, was very little regarded. Friends procured wives for each other, as in the case of Melanchthon and Calvin. Luther's marriage was perhaps typical of Protestant family life for many years. His love was faithful, but unromantic, and Smith says that "in casting about for an eligible wife...it was something of an accident that his choice fell upon Catherine von Bora." He confided to Amsdorf: "I married to gratify my father, who asked me to marry and leave him descendants... I was not carried away by passion, for I do not love my wife that way, but esteem her as a friend." Another time Luther wrote: "God willed me to take pity on the poor abandoned girl and he has made my marriage turn out most happily." But in spite of the unromantic character of Luther's marriage, it was a happy one, and Luther's works, especially his letters to his wife and children are intensely human and deeply appreciative of the values to be derived from family life. It would be hard to pay a higher compliment to any home than Michelet paid to Luther's: "And among these joys Luther had those of the heart, of the man, the innocent happiness of the family and home. What family more holy, what home more

2. Life and Letters of Luther, p. 173, 168.
pure? ...Holy hospitable table, where I myself, for a long time a guest, have found so many divine fruits on which my heart yet lives...

That the Reformation did much to make such home life possible is no small part of its glory.

THE PROTESTANT PARSONAGE

The Reformation not only raised the dignity of the marriage state; it extended the possibility of Christian home life to a large number of clergymen who had formerly been deprived of such benefits, a fact which has far-reaching consequences. One might hesitate all that Lecky says\(^2\) in his enthusiastic eulogy of the parsonage home as over against the life of the celibate priest. Nevertheless, there can be little doubt that the Protestant pastorate is more beneficial for the family life of the parish than the Catholic priesthood, which, as Lecky says, is "separated from most of the ties and affections of earth, viewing life chiefly through the distorted medium of the casuist or the confessional, and deprived of those relationships which more than any other soften and expand the character."\(^3\)

A case in point here is the attitude taken by the Pope in his recent Encyclical toward certain modern family problems. He holds that the "very natural process of generating life has become the way of death, by which original sin is passed on to posterity...."\(^4\) "Chris-

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1. Ibid., p. 359.
3. Ibid., II, 335.
tian parents," he believes, "are destined...to bring forth children who are to become members of the Church of Christ...that the worshippers of God and our Savior may daily increase." 1 Those who endeavor scientifically to limit the number of children "commit a deed which is shameful and intrinsically vicious." 2 Regarding the health of the mother and the danger to her life," he says: "God alone, all bountiful and all merciful as He is, can reward her for the fulfillment of the office allotted to her by nature, and will assuredly repay her in a measure full to overflowing," 2 Sympathy is about all he has to offer: "We are deeply touched by the suffering of those parents who, in extreme want, experience great difficulty in rearing their children." 2

How different is the attitude of the Protestant pastor 3 who, neither denying the problems nor dodging the dangers inherent in the scientific control of life's creative forces, declares that "a right employment of it can be of profound personal, marital, and racial benefit." "To have as many children as can be well brought up," he believes, "to space them with due regard to the mother's health, to have them come when they are wanted and because they are wanted—to encourage, in a word, a sane, scientific control over this most important part of human life—is the ideal.'

It is true that Fosdick represents only the liberal wing of Protestantism; and that narrowness and professional bigotry is often too much in evidence among the Protestant pastors, but, as a whole,
their experience as fathers in families gives them a much better understanding of, and more sympathy with, modern family problems than the average Catholic priest possesses. This fact, of course, should not blind us to the great work the Catholic priesthood has done. Perhaps, as Lecky says, "no other body of men have ever exhibited a more single-minded and unworldly zeal, refracted by no personal interests, sacrificing to duty the dearest of earthly objects, and confronting with undaunted heroism every form of hardship, of suffering, and of death."

To measure the indirect influence of the Reformation, through the parsonage which it created, is impossible. We can only indicate certain factors which are involved. We have seen, in the first place, that the Protestant pastor is more likely to understand family problems than the unmarried priest, thus rendering more effective his pastoral work among the families in his parish. The influence on practical family life of the advice of an understanding pastor, and his wife whose ministrations are no less beneficial, cannot be measured.

In the second place, the Protestant pastorate provides a new pattern of family life, thus making its influence felt through example as well as through counsel. Lecky confidently asserts that nowhere "does Christianity assume a more beneficial or a more winning form than in those gentle clerical house-holds which stud our

land, constituting...the most perfect type of domestic peace, the
centre of civilization in the remotest villages."¹ The difference
between the average minister's home and the other Christianhomes
may no longer be as great as when Lecky wrote, and we may hesitate
to believe that the parsonage family is always "the most perfect
type of domestic peace." Nevertheless, there is much truth in what
he says.

A reference to a study of the 1922-23 edition of Who's Who in
America may not be entirely irrelevant in this connection.² This
study revealed that in 1870 (approximately the time of the notables'
births) only 0.4% of the gainfully employed men were clergymen (not
including the 3,700 Catholic priests). Yet, this 0.4% of the gain-
fully employed of 1870 produced 11.1% of the notables of 1922-3.
The clergymen were found to be 2,400 times as productive of notables
as unskilled laborers, 4 times as productive as business men, and
more than twice as productive as professional men. "Twice as large
a percentage of clergymen's sons became such conspicuously valuable
members of society as to win a place in Who's Who as was the case
with the sons of other professional men combined."

These figures lend support to Lecky's contention that the
parsonage home, when he wrote, was "the centre of civilization in
the remotest villages." Times have changed, and this is no longer
so true as in 1870, but we cannot deny the great contribution of

¹ Ibid., Vol. II, p. 334.
² S.V. Fisher, "A Study of the Types of the Place of Birth and of the
Occupation of Fathers of Subjects of Sketches in Who's Who in
531-557.
the parsonage to social life in the past. It is not necessary to enter into a discussion of the relative importance of heredity, environment, educational opportunities, etc. The fact remains that an important contribution has been made by the parsonage, which is a product of the Reformation.

MARRIAGE BECOMES A CIVIL CONTRACT

We turn now to a consideration of the secularizing tendencies inherent in Protestant thought and practice as they made themselves felt upon family life. The first of these was the rejection of the sacramental theory of marriage and the relegation of matrimonial legislation to the civil courts. This, as we have seen, was the position of the early Reformers, although it was practically abandoned after a few years by the authorities of Germany and England. Later, however, it was again taken up and strengthened by a large and growing party, especially in England. This party favored the complete separation of Church and State, and its influence culminated, as far as marriage is concerned, in "Cromwell's Triumph," the civil marriage act of 1653. From this date, says Lichtenberger, dates the modern era of civil-contract marriage. By this act jurisdiction was vested in civil tribunals, and a civil ceremony was required in all cases of valid marriage. The ceremony was performed by a justice of the peace after due publication of banns, although the wording of the ceremony

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1. Divorce, a Study in Social Causation, P. Co.
was of a religious character. The whole subject of matrimonial administration was placed in the hands of justices of the peace and local judges.

This act was later abolished in England, and canon law traditions reintroduced, but the Puritan conception of marriage was carried over to America where it took root and flourished, and according to Ellis, constitutes the leaven which still works in producing the liberal divorce laws of many states. Here it is interesting to note the difference in the divorce laws, and the difference in divorce rates, between the New England States and the Middle Atlantic states, where the influence of the Church of England was stronger. Most of the Middle Atlantic states have very stringent divorce laws, South Carolina making no provision for divorce, and New York allowing divorce only for the one cause of adultery. In New England the situation is different. Massachusetts has eight grounds for divorce, and New Hampshire has no less than fourteen. There is a corresponding difference in divorce rates, the Middle Atlantic states having 1.53 divorces per 1000 population, and the New England states having 2.56 per 1000.

It cannot be assumed, of course, that the religious differences are the only factors making for the difference in divorce. The situation is entirely too complex for such a reduction as that, but the least we can do is admit the possibility of the religious influence upon the legislation and practice in these two sections of country, and it is highly probable that the Puritan influence in New England had something

2. Groves and Ogburn, American Marriage and Family Relations, p. 359.

(Figures are for the year 1924)
to do with the difference.

It is true that in the theocratic organization of the Puritans the church was also the state; therefore the marriage ceremony before the civil officer might have been considered as something of a religious rite. But the decay of their early system left matrimonial matters in the hands of the civil authorities, and today when a minister performs the marriage ceremony he acts as an agent of the state.

The principle involved in the transfer of marriage from the ecclesiastical to the civil courts was therefore destined to work itself out to its logical results, although the process has been a slow one. The religious character of marriage has become sensibly weakened. Although the ceremony still usually receives ecclesiastical benediction, the tie is not primarily a religious tie in the minds of the parties concerned. As James Bryce writes, "To most Protestants, the wedding service in church, or before a minister of religion, is rather an ornamental ceremony than essentially a sacred vow. The duties of the spouses are conceived of by them in a more or less worthy way, according to their respective religious and moral standards, but not generally, or at least seldom vividly, as a part of their duties towards God."¹

It is here that we discover one of the important and far-reaching effects of the Reformation. It took away a large part of

¹ Studies in History and Jurisprudence, p. 845.
the religious halo surrounding marriage, and extended the sphere of secular legislation over the entire province of marriage and divorce. The ecclesiastical influence has diminished to an almost impotent protest in many cases. There is still an abundant evidence of the survival of the traditional religious ideas in reference to the subject, but divorce is usually granted by civil courts upon the application of either party. Lichtenberger believes that "further progress will bring us back to the primitive practice of conceding the freest individual initiative in the whole realm of sexual choice and relations."

THE PROTESTANT EMPHASIS ON THE INNER ESSENCE OF MARRIAGE

Another far-reaching consequence of the Reformation grows out of the Protestant conception of the moral law. The distinction between the Catholic and Protestant theory of the moral law has been set forth as follows: 2 "For Romanists the moral law is a formula imposed from without only. When a man's action conforms to the words of that prescribed rule he is moral. Protestantism sees that outward acts are insufficient of themselves to constitute morality. They are indications of the all-important state of mind or inward disposition lying behind them. The law is to be written on the heart. For that inward vision of right presents itself to our cons-

1. Divorce, a Study in Social Causation, p. 63.
ciousness, not as a rule imposed by an outside authority, but as the product of an inward activity of our own soul...."

It is evident that such an idea of the moral law would vitally affect the marriage relationship once it was introduced into that field of life. The Puritans tended in this direction and revolted against formalism to the extent that they could not even allow the giving of the ring in the ceremony. Very few of them however, saw the actual implications of their revolt against externalism in marriage, and when Milton set them forth, they were not accepted. It was Milton who carried the Puritan doctrine to its logical conclusion, and set it forth in his *Doctrines and Discipline of Divorce*, in 1643. There he defines marriage as "a covenant, the very being whereof consists not in a forced cohabitation, and counterfeit performance of duties, but in unfeigned love and peace." Any marriage that is less than this is "an idol, nothing in the world." ¹ Without the "deep and serious verity" of mutual love, wedlock is "nothing but the empty husks of a mere outside matrimony," a mere hypocrisy.² Therefore any marriage should be freely dissoluble by mutual consent, or even at the desire of one of the parties. For the prevention of injustice he would have certain points referred to the magistrate, but divorce cannot properly belong to any civil power, because "oftimes the causes of seeking divorce reside so deeply in the radical and innocent affections of nature, as is not within the dio-

² Ibid., p. 445.
cose of law to tamper with." He strongly 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." 1

The same ideas were expressed by some of the poets and moralists, as is witnessed in the following lines from George Chapman's The Gentleman Usher, written as early as 1606:

"Why not we now

Our contract make and marry before Heaven?
Are not the laws of God and Nature more
Than formal laws of men? Are outward rites
More virtuous than the very substance is
Of holy nuptials solemnized within?" 2

Such conceptions stood outside the main currents of the time, and made little impression upon marriage practices as a whole. But this conception of marriage was not lost, and it is very much in evidence at the present time. A steadily growing number of people are agreeing with Dorner 3 that where love, "the first requisite in marriage, no longer exists...the only part of marriage that remains is the physical side; but a cohabitation that is merely physical, and from which all love and affection have disappeared, is simply fornication."

Hobhouse had the same idea in mind when, in tracing the evolutionary history of the modern conception of marriage, he said that the sacramental idea of marriage had again emerged on a higher plane;

"From being a sacrament in the magical, it has become one in the ethical sense."\(^1\) The view which considers marriage as an ethical sacrament has been set forth by G.J. Haerly: \(^2\) "I take it," he writes, "that the Prayer Book definition of sacrament, 'the outward and visible sign of an inward and spiritual grace,' is generally accepted. In marriage the legal and physical unions are the outward and visible signs, while the inward and spiritual grace is the God-given love that makes the union of heart and soul: and it is precisely because I take this view of marriage that I consider the legal and physical union should be dissolved whenever the spiritual union of unselfish, divine love and affection has ceased. It seems to me that the sacramental view of marriage compels us to say that those who continue the legal or physical union when the spiritual union has ceased, are—to quote again from the Prayer Book words applied to those who take the outward sign of another sacrament when the inward and spiritual grace is not present—'eating and drinking their own damnation.'"

Such is the logical implication and conclusion of the Protestant conception of the moral law as applied to marriage. The marriage ceases to be moral the moment it ceases to be an expression of the inward disposition of the parties concerned. It is significant that this ethical consideration is being pointed to by some as the real ground for many of the divorces in the United States. Professor

Hüngstörberg, after his observations in the United States, wrote as follows: "It is the women especially, and generally the very best women, who prefer to take the step, with all the hardships which it involves, to prolonging a marriage which is spiritually hypocritical and immoral." 1

THE GROWTH OF INDIVIDUALISM

A third influence of the Reformation, and one closely related to the one we have been discussing, is the impetus given to individualism, a tendency which has been working itself out ever since. James Bryce, after reviewing some of the visible consequences of the Reformation, writes as follows: "Beyond and above them there was a change more momentous than any of its immediate results." It was "something more profound, and fraught with mightier consequences than any of them. It was in its essence the assertion of the principle of individuality—that is to say, of true spiritual freedom." Most students of the Reformation seem to agree in substance with Bryce. Archibald Main characterizes Protestantism as "the sixteenth century challenge of the individual," and Thwing declares that "the central principles of the Reformation were the principles of human liberty and human responsibility; the right of every man to judge of truth and duty for himself, and to render his account to God alone." 2

1. Ibid., p. 493.
2. The Holy Roman Empire, p. 377.
4. The Family, p. 159.
During the Middle Ages all of the western world had been practically united into a papal empire. The individualistic tendencies of the people had been suppressed, and their entire life, both collective and individual, was subject to the authority of the Church, whose influence extended all the way from the baptism of the new-born babe to the administration of extreme unction to the dying. The Church was all things to all men, and the individual as such had little or no place. His salvation was conditioned from first to last by his belonging to a great corporation, in which all distinctions, racial and national, were obliterated. The Reformation, in its inner essence, was a protest against this excessive solidarity. Under Protestantism, salvation was no longer conditioned by corporate relations. Luther asserted the paramount importance of the inner life for the individual; for, as H. B. Workman says, 1 "whatever else justification by faith may mean it stands for the claim that between the individual and his Saviour no corporation...may intervene."

"The immediate consequence of such independence," says Troeltsch, 2 "is necessarily a constantly growing individualism of conviction, opinion, theory, and practical aim." But the full significance of this independence was only slowly realized even in the field of religion. Dorner writes 3 that "the claims of religious personality were acknowledged, but only as essentially the same in all." The religion of the individual was as yet determined by the political organization, and

it was only the separate political states, not the individuals in the states, that determined to work out its own religious life on its own lines. The next step towards a fuller individualism was taken by Pietism in the Lutheran Church and by various sects, Baptist and Methodist, in the Reformed Church. These religious movements insisted that the essential element in Christian living was, not conformity to external forms, but the individual practice of personal piety. This subordinated doctrine to religious experience, which is more individual than collective. Accordingly, in Schleiermacher's theology, religious thought grows out of and follows religious experience. This assures the final step in the growth of religious individualism; namely, the right of individual opinion, which is considered as an essential element of Christian liberty. Protestantism thus asserts the right of the individual to enter into direct communion with God, to think freely about religious matters, and to join or not join any particular religious society.¹

The individualism to which the Reformation gave impetus was not confined to the field of religion, emancipating the individual from the control of an ecclesiastical system. It was also a social force, a tendency toward the emancipation of the individual from social restraint; and its development in the social field corresponds very closely with its development in the religious field. This tendency first made itself manifest in the political revolutions of the

¹ Ehrhardt, "Individualism," in Encyclopedia of Religion and Ethics.
18th century, and is still working itself out in all growing democracies. "That which we call Individualism," writes James Bryce,¹ "viz., the desire of each person to do what he or she pleases, to gratify his or her tastes, likings, caprices, to lead a life which shall be uncontrolled by another's will—this grows stronger."

This growing individualism had little or no effect upon family life until about the middle of the 19th century, when it became confluent with the rising tide of the Romantic movement. Then these two streams were united the tendency was to exalt the individual to the extent that social rules were disregarded, as the lives of Byron and Shelley testify. These, of course, were extreme cases, but by the beginning of the second half of the 19th century marriage began to be looked upon more from the individual than from the social point of view. Even Schleiermacher held for some time that marriage could be dissolved if the two individuals no longer suited each other.²

In more recent times the Reformation individualism and the Romantic movement have united with a third force, the Industrial Revolution, which has changed the whole economic basis of the family, rendering it possible for the woman as well as the man to fulfill the principles of romantic individualism. These three movements, according to Mowrer³ are the "triple roots" of modern family disorganization. The Reformation represented an impetus to individualism, to the emancipation of the individual from group control. The Romantic movement was a revolt

3. Family Disorganization, pp. 4-5.
of youth against the domination of parents in the arrangement of marriage. And the Industrial revolution brought about the actual or potential economic independence of women, and, at the same time, removed the close control of the primary group, a control which had for centuries made for family stability.  

With these forces at work, the characteristic attitude toward the institution of marriage, Lichtenberger suggests, is similar to that set forth in the Declaration of Independence concerning government. Marriage exists to promote life, liberty, and the pursuit of happiness; and when for any reason it becomes destructive of those ends, it is the right of the parties to alter or to abolish it and to organize a new one, laying its foundation on such principles as shall seem most likely to effect their welfare and happiness.

That this attitude toward the family is growing is evidenced by the increasing number of those who speak and write in behalf of a growing freedom of the individual from the restrictions of the conventional monogamic marriage. The open advocates of this view are, on the whole, a highly educated group, such as Bertrand Russell, Dora Russell, Edward Carpenter, Havelock Ellis, Mona Caird, and Judge Lindsay.

To hold that the Reformation is itself solely responsible for this modern individualism would be absurd. The most we can assert here is what Mowrer asserts: that "it is in the Reformation that we

1. Ibid. pp. 5-6.
have to look for the beginnings of individualism and for the roots of the disorganization of the family today."

SUMMARY AND CONCLUSION

The Catholic conception of marriage was based upon two strangely contradictory ideals, both held at the same time by the same individuals. On the one hand was the ideal of celibacy, held by all the later Church Fathers, and opposed to it was the theory of the sacramental nature of the marriage bond. These two ideas ran their course during the Middle Ages and became woven into the fabric of the canon law, the celibate ideal issuing in required sacerdotal celibacy, and the sacramental dogma in the indissolubility of the marriage tie and in the doctrine of exclusive ecclesiastical jurisdiction in matrimonial matters. The canon law was the product of an attempt to combine the Roman, the German, and the Christian ideas of marriage; consequently, it was shot through with a multitude of contradictions and verbal subtleties, which gave rise to the corrupt practices growing out of the annulment of marriages and to a great degree of confusion in regard to the marriage contracts. The celibate ideal sapped the foundations of domestic life by promoting immorality among the priests and people, by breeding a contempt for womanhood, and by despising the married state as lower in virtue than that of celibacy. In spite of the fact that the great mass of
mankind was living up to the best standards that it knew, the evils growing out of Catholic practices were becoming a great burden to Christendom.

The consciences of the Reformers rose up against these evils, and revolted against the whole ethical and ecclesiastical system. They affirmed the natural and scriptural right of all men and women to marry, definitely revoking the celibate ideal. The sacramental nature of marriage was denied, and the jurisdiction of matrimonial matters relegated to the temporal authorities. The Catholic system of impediments and the verbal distinctions between valid and legal contracts were abolished, although the Reformers fell into a similar confusion with their conditional and unconditional betrothals. Concerning divorce the Reformers were very conservative, although they did allow it for the two causes of adultery and desertion. Shortly after the beginning of the Reformation the legislation concerning marriage fell back into the old rut, and the final triumph of civil marriage was delayed until much later.

The liberty of the Reformation tended in many cases to give way to license, and widespread immorality resulted from the addition of religious zeal to perverted doctrine. Many of these evils, however, were but a part of the general upheaval which always follows a revolution, and were not lasting. The lasting and far-reaching effects of the Reformation are the following: A new dignity was ascribed to marriage and family life by the rejection of the celibate ideal, and
the possibility of married life was extended to the large body of ministers, who under Catholicism are deprived of this privilege.

Under Puritanism marriage became a purely civil contract, and their conception of marriage was carried to the United States where it still works as a leaven in the liberal divorce laws of many states. The Protestant conception of the moral law, when applied to marriage, places the emphasis upon the inner essence as over against the external form of marriage, thus leading to divorce as soon as the love relationship ceases. And last of all, the Reformation gave a great impetus to individualism, which is now being carried over into the field of family relationships, thus giving rise to a demand for greater freedom in marriage.

Thus it seems that certain factors in modern family disorganization can be traced directly to the influence of the Reformation. In the first place, it removed much of the religious atmosphere from marriage, and left the way open for the more liberal tendencies of civil legislation. Therefore, as Andrews points out, "the value of the Reformation is not so much in what it did as in what it made possible." And in the second place, the Reformation gave a strong impetus to certain tendencies which have been working themselves out ever since, and the modern revolt against the strict, conventional type of marriage is but the culmination of a process which it set in motion.

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