

## Some reflections on Marriage, drawing of the work of Emil Brunner

David Atkinson (2014; edited 2018)

‘The critical state of the question of marriage is to some extent a permanent phenomenon within history, in so far as at every period in history, monogamy has had to contend with other forms of union between the sexes – legalized or unlegalized. In particular it is a phenomenon peculiar to the history of Christianity, in so far as the strict monogamistic demand only gained universal importance through Christianity, but, if we examine matters thoroughly, we see that at no period in its history did it ever gain a final victory. In the strict sense of the word, however, the crisis in marriage is a wholly new phenomenon, which only in recent decades... has openly challenged the moral demand of monogamous marriage.’ This was written by Lutheran theologian Emil Brunner in *The Divine Imperative* (1932, ET 1935) p. 340.

For Brunner in 1932, the ‘crisis’ was primarily about the changes in family life due to industrialization, the numerical surplus of women, the recent invention of contraceptives, the ‘intellectual emancipation’ of women, and the growth of an emphasis on individual rights and autonomy. He argued that the Christian church should be taking these changes much more seriously. If we reflect on the changes we have seen in UK since he wrote, Brunner’s concern seems even more pertinent.

In the UK 1950, the majority of marriages took place in church, there was a strong sense of female subordination in marriage, husbands went to work and the wife was homemaker, marriage was assumed to be for life, cohabiting before marriage was frowned on, contraception was relatively new and difficult, unexpected pregnancies meant people ‘had to get married’ or resort to back-street illegal abortion, the grounds for divorce were ‘matrimonial offence’, divorce carried a stigma, illegitimacy brought shame such that birth certificates was altered to provide a father’s name, infertility brought much sorrow, sex education did not exist, and sex was not talked about in polite company, pornography was stringently regulated, films and books censored, homosexual sex, thought to be deviant behavior as a result of mental disorder, was a criminal offence, lesbianism not widely known about. Two male students could share a bedroom without comment, but mixed sex student households were unknown (women students were not allowed in male colleges after a certain hour). The ‘nuclear family’ was considered the norm.

In 2013, most marriages do not take place in church, many with a ‘pre-nuptial contract’ suggesting a basic lack of trust, the changed status of women in society has changed attitudes to gender roles, rejects any hint of female subordination, frequently both parents work (sometimes there is a house-husband and ‘working wife’) and paternity leave is as common as maternity leave, the impact of Freudian psychology has led to a more relaxed understanding of sex, contraception is universally available (with abortion used as a long-stop contraceptive), sex in advertising is widespread, promiscuity considered normal, a high proportion of marriages end in divorce, which has lost any sense of stigma, divorce may now be obtained more quickly and cheaply on grounds of irretrievable breakdown, single parenthood is widespread and unremarked, artificial insemination and *in vitro* fertilization have not only made fertility much more possible, but have opened up increasingly widespread surrogacy, homosexuality has been decriminalized, removed from list of mental disorders, and

homosexuality widely understood as a minority orientation of equal status to heterosexuality. Homosexual couples now have many equal rights in law, may adopt children. Today two male students sharing a bedroom would lead to assumptions about their sexuality, whereas mixed sex student households are common and sexual relationships not an issue. A wide variety of 'family' structures are now socially accepted, and though polygamy and polyandry are illegal, multiple partners outside legal marriage are widely considered usual. There is also today much wider understanding of sexual abuse, domestic violence, and associated trauma, relational vulnerability, the effects of HIV / AIDS and sexually transmitted disease.

In 1932 Brunner put it this way: 'we are challenged to give a fundamentally new interpretation of marriage, and to give a new meaning to it from the standpoint of faith.' (341). Brunner wishes to avoid an appeal merely to tradition, or to a literalistic interpretation of Scripture, but to reflect on the biblical view of God and of humanity in the light of both his Christian faith and his current context.

### 1. The argument for monogamy: the Creation

By 'monogamy' Brunner means an exclusive, lifelong relationship between one husband and one wife that 'represents in the full sense of the word an ethical solution of the relation between the sexes' but which 'cannot be taken for granted'.

Such a definition is close to the legal definition in English Law defined by Church of England Canon B 30 promulgated in 1964:

'The Church of England affirms, according to our Lord's teaching, that marriage is in its nature a union permanent and lifelong, for better for worse, till death them do part, of one man with one woman, to the exclusion of all others on either side, for the procreation and nurture of children, for the hallowing and right direction of the natural instincts and affections, and for the mutual society, help and comfort which the one ought to have of the other, both in prosperity and adversity.'

Brunner acknowledges that in classical antiquity strict monogamy is the exception, in the Old Testament polygamy is 'regarded with complacency', and 'modern man' does not take it for granted that monogamy is the only right kind of marriage, or is the only kind which can be justified. The question he addresses is the extent to which monogamy is based on historically changeable elements, and to what extent on the 'eternally valid' elements in the Christian tradition.

Brunner forcefully makes the point that it is inadequate to begin with the idea of love. How can we argue from the calling to love our neighbor, that the union between the sexes must be limited to union with one person, or that such a union must be lifelong? He remarks that there is an older form of argument, objective *and collectivist*, which starts from the natural objective of sexual union in the procreation and upbringing of children. But, he says, 'from the purely physical point of view', the propagation of the race is not achieved more securely by monogamy than by any other kind of sex relation. (343). However, it is arguable that when the family is understood as having an irreplaceable value for the breeding and spiritual and moral education of children, then the advantage of monogamy becomes evident. In these terms, sociologically

marriage has the advantage over every other kind of order – assuming the numerical equality of the sexes.

There is also, says Brunner, a more ‘modern’ form of argument - this is 1932 - more *individualistic and subjective*, which acknowledges that we ought to be able to discover an approach which would be ‘just as valid for a childless as for a fruitful marriage.’ Can it be right to consider that the essence of marriage actually consists only in something ‘outside’ the marriage relationship i.e. in the rearing of children? The ‘modern’ argument stresses the fact that monogamy and the permanent nature of the marriage bond is the only possible union of the sexes that does justice to the ‘personal need for full community of life’. However, there are other relations in which community life is experienced which are not limited to two individuals - for instance, friendship. Is it, Brunner asks, really the fact that one cannot love more than one person at the same time? We cannot build the vast structure of monogamous culture on the ‘frail scaffolding’ only of love. ‘Where marriage is based on love all is lost from the very outset.’ (344). The most ardent vow of love does not make a marriage. Incidentally, the psychologist and psychiatrist Jack Dominion would have agreed with Brunner here in his exposition of marriage in terms of a relationship of loving commitment, which can meet the partners’ needs of emotional sustenance, healing and personal growth (‘the mutual society, help and comfort which the one ought to have of the other’) - which require a context of faithfulness, stability, trust and permanence. (J. Dominion, *Marriage, Faith and Love*, DLT, 1984).

Neither the older naturalistic objective argument or the ‘modern’ idealistic subjective argument are sufficient for Brunner. Both are held together for him in something bigger and more substantial, which the Christian Faith supplies, namely ‘The Divine Order of Creation’. This is that to which Jesus appeals in his teaching on marriage. (Matt. 19.4ff). Brunner seeks to find the will of God in something that is ‘given’ apart from human will. He acknowledges that this ‘givenness’ is something which can only be perceived from the point of view of faith in God the Creator, though those who do not share this faith may have ‘a dim sense of awareness’. Brunner says that this is an ‘idea’ of marriage: the reality of human experience, he will go on to argue does not ever fully correspond to this idea. But for now, how does Brunner make his case? He bases it on two ‘facts’.

First, it is a fact that every human being is irrevocably the child of one man and one woman. This is not just about biology, but also about the fact that a human ‘subject’ is united with two other ‘subjects’ in an unparalleled and unique manner. My human existence as a person is bound up with two other personal existences. I, as a child, owe my life (not only my physical but my human life) to these two persons. I, as a father or mother, have given to this person his/her human existence in a divine miracle of creation. There is a ‘given’ mutual relation. Of course, Brunner realizes, not everyone experiences this as a mutual relation. There is sometimes a painful unknowing of one or more of the parents; there can be a drifting apart of the partners. But there is a ‘trinity of being’ at the basis of ‘the whole structure of human existence’. This is not the same as saying that a child needs a father and a mother for the sake of human development, true though that may be; the deeper truth is this triune human ‘structure of existence’.

A second fact is that of human sexual love. Quite apart from the impulses to change and for variety in human relating, 'where the emotion of love is genuine and strong, those who love each other know that this bond is permanent'. This, for Brunner, is another 'given'.

These two facts, the nature of the structure of human existence and the nature of human love, 'become one in the idea of the divine Creation'. 'It is [God's] will that in natural love man [*sic* - 1932] should experience that structure of existence as a state of being bound together in responsibility, that love should find its own meaning, which is called fidelity, in this fact of being bound together, a state which alone secures that trinity of being together with the full personal character of the love relation. (348).

For Brunner, in the idea of Creation all the elements hold together, which outside the idea of Creation fall apart: the indissoluble trinity of husband, wife and child, the exclusive experience of committed love, the personal character of the relationships between human beings. In other words, sexual love in a committed relationship is God's gift of enabling the growth of the personal; marriage, a connexion whose meaning is realized through the mutual responsibility of fidelity, is a 'sacred thing'. The creative and the love-relational dimensions to sexuality belong together, and are a means towards personal communion.

This is Brunner's idea of marriage, rooted in Creation order. He then goes on to discuss the fact that the reality never corresponds to the ideal.

## 2. Marriage as it is in Reality

'The reality never corresponds to the idea, any more than any real human being corresponds to the idea of man (*sic*) as the Image of God. Rather, just as there are only sinful human beings, there is only sinful marriage.' (350). This fact needs to be recognized, and moreover, it is at this point that what Brunner calls 'the ways of an evangelical ethic' must for ever diverge from 'all legalistic systems'. The Church tends to lose the courage to remain true to her own fundamental convictions and too often falls back into the apparently more secure legalistic solutions - so piling up burdens of guilt on her shoulders.

The first modification to our understanding of marriage caused by reflection on sin is what is referred to in the Book of Common Prayer as 'a remedy against sin and to avoid fornication; that such persons as have not the gift of continence might marry and keep themselves undefiled.' The provisional nature of the idea of marriage in Creation is made clear by the reference in Matt 22.30 that 'in the resurrection they neither marry nor are given in marriage.'. The practical significance of this is that some higher obligation, such as voluntary celibacy, may override the duty of marriage for some. Furthermore, monogamous marriage can now be seen as the optimum state between complete asceticism on the one hand, and 'a form of the sex relation which is more accommodating to the sex desire' on the other. (352). The erotic sexual impulse, in itself pure and good, like all that God has made, through sin becomes one of the greatest dangers for the life of individuals and society. Every other form of sex union save monogamy, Brunner argues, tends to make so much room for the erotic and sexual elements, that the impulse becomes uncontrolled. However asceticism

can become a denial of a fundamental reality of human nature. ‘The order of creation which uniformly points to monogamy proves itself, even in the sinful world, and in its broken condition, the most salutary.’ (353).

The second modification which consideration of sin produces in our understanding of marriage is that once it is recognized that we are all sinners, then the difference between various sorts of sex relation becomes relative. ‘Who would presume to judge whether a man who in the eyes of the civil law is blameless as a married man is really less blameworthy on this account before God than another man who in the eye of the law is living in an “irregular union”’. This does not mean that we are to regard these differences as devoid of meaning, and certainly their great importance must not be minimized. All we need to perceive is that these differences lie below the great line that is drawn by God’s Law... We are all “below the line”. (353). So Brunner conceives of the situation in which, if – say – dissolution of a marriage became a duty, someone might have to act against the (civil) law in order to obey the Divine Command. Instead of an ethic based on legalities, Brunner wants *an ethic based on the knowledge of grace within the sinful reality*. “Even in matters of marriage God is more merciful than the usual theological ethic, and to learn to know this mercy of God aright would be a surer means of defence against libertinism than the legalism which so proudly plumes itself upon its ‘seriousness’ and its ‘freedom from compromise.’ In fact, Brunner notes, pastoral practice has always acted with more insight than the official doctrine would have permitted. (355). ‘It is the curse of ‘Christian morality’ that it always regards the most legalistic view as the “most serious”.’

### 3. Marriage, love and law

Older conceptions of marriage discussed it mainly from point of view of social order. The C/E Prayer Book for example repeats ‘marriage is given that...’, indicating a given moral and social order within which the couple make their promises to each other. What Brunner calls the ‘modern movement’ (1932) has focused attention on the subjective and individual elements, which we see in the today’s assumption that the crucial element is the choice the couple makes, and any moral obligations would be thought to flow from that choice.

To follow Brunner again, while marriage cannot be based solely on love, love is an essential part of the order of marriage, and marriage is primarily the personal concern of two human beings who love each other, and who wish to be united together, ‘wholly and for ever.’ There is no true marriage without this element. However, marriage is a *moral act based upon the foundation of a natural reality*. ‘Marriage does not consist in the mere fact that two persons feel that they are bound to each other in love; marriage only exists where the divine order of marriage is recognized as binding in itself, and when two people know that they are bound by it: the ‘state of matrimony’.

Marriage springs from love, but its stability is based not on love but on fidelity. Through the marriage vows the feeling of love is absorbed into the personal will. Marriage based only on love is inevitably accompanied by the fear that love may fade.

Marriage, and sex relations, are matters which concern not only the two interested parties, but the community as a whole. While law and custom can never create a marriage, it is necessary that, so far as it lies within its power, the State should protect the meaning of marriage by its law, and society should do so by its customs. (359).

It is worth reflecting at this point on the distinction between what we may call a 'theology of marriage relationship', built on what Brunner calls 'eternally valid' elements, and a 'theology of the wedding ceremony', which is more to do with historically changeable social responsibilities, a State's right to regulate the legal context of any marriage relationship, to say who may not marry whom, and a couple's sense of responsibility to their social order.

#### 4. Reflections from a contemporary C/E perspective

Brunner's primary case is that, in the Divine Order, sexual love, marriage and parenthood belong in principle together; they are held together by committed faithfulness - what the Book of Common Prayer called 'troth'. This divine Ordering in which love, creativity and a communion of personal relationships belong together within a covenant of trust and faithfulness, can serve as a symbol (in part) of the life of the divine Trinity (in which personal love is creative), and indeed of the covenant of God with God's people, Christ's with his church, which are characterized by steadfast faithful love - and all that goes with that: patience, jealously guarded love, forgiveness, a movement towards interpersonal communion and fulfillment.

Today, of course, it is possible to have sex without marriage or parenthood, marriage without sex or parenthood, parenthood without sex or marriage. But the Christian vision, which is worth celebrating, is that when all three come joyously and creatively together in principle if not always in practice, they can be a context for human flourishing, personal growth, communion and creative social order which is supremely worth arguing for and safeguarding.

The Church's views and practice have changed over time.

1. The theology of marriage has changed over Christian history. Augustine spoke of marriage as a sacramental oath (marriage should not be broken); the medieval church spoke of marriage as an indissoluble ontological bond (valid marriage cannot be broken; so when it does let's provide procedures for annulment); the Reformers spoke of the marriage covenant - a relationship which should not be broken but which sinfully can be, so that divorce may sometimes be a responsible last resort.

2. The statutory framework and social order of marriage have also changed over time, especially in regard to divorce and remarriage.

If Cranmer's proposals for a new Canon Law (*Reformatio Legum Ecclesiasticarum*) had ever become law, they would have allowed divorce with right of remarriage following adultery, desertion, deadly hostility, prolonged ill-treatment of a wife by her husband.

The Canons Ecclesiastical of 1603 said that in all sentences for Divorce, neither party

shall, during each other's life, contract matrimony with any other person, and a Bond was to be taken to that effect.

From then until 1857, the only way marriages could be dissolved in England was by private Act of Parliament – and several hundred were passed. The Matrimonial Causes Act of 1857 allowed divorce on the grounds of Matrimonial Offence of the wife's adultery. This remained unaltered until 1937 with Herbert's Bill extended matrimonial offence to include desertion, cruelty and incurable insanity.

The abuses of 'matrimonial offence', among other things, led to the appointment by Archbishop Michael Ramsey in 1964 of a group to make recommendations. *Putting Asunder* was published by C/E in 1966, recommending 'irretrievable breakdown' as the grounds for all divorce. This formed a significant basis for the Divorce Reform Act of 1969.

The Church of England's approach to divorce and remarriage has changed from general acceptance in C18th, to a rigorist approach by T A Lacey in 1912 arguing that 'in the order of nature' marriage is indissoluble save by death. Abp Fisher's Act of Convocation in 1956 forbade the remarriage of divorced persons in church - a position maintained until the responses to the Root Report in 1972 and the Litchfield Report of 1978 both of which recommended a relaxing of the pastoral position; the present pastoral practice was agreed by General Synod in 2002 'that there are exceptional circumstances in which a divorced person may be married in church during the lifetime of a former spouse.'

### 3. The establishment of civil marriage in England

Until the Hardwicke Marriage Act of 1753, Canon Law recognized as valid those marriages where the parties said that they took each other as husband and wife, regardless of the presence of any witnesses. Hardwicke required that all marriages were to be performed in an official ceremony in a religious setting (C/E, Jews, Quakers). In 1836 this requirement was removed, and registrars were permitted to register civil marriages.

4. Changes to rules about kindred and affinity, particularly 'that annual blister, marriage to deceased wife's sister'. This was allowed in 1907 after a 65-year struggle to change the law.

5. Changes in attitudes to contraception. Whereas in 1908 the Lambeth Conference recorded its alarm at the 'growing practice of artificial restriction of family' (partly motivated by concern about falling birth rates), by Lambeth 1930 there was a reluctant agreement that contraceptive methods could be used if abstinence were not possible. By 1958 contraception was a way of life amongst most Anglicans, and a resolution was passed saying this was a matter for individual consciences. The 1968 Lambeth conference criticized the Papal Encyclical *Humanae Vitae* (1968) for saying that contraception other than abstinence or 'rhythm method' was against the will of God.

6. Changes in attitudes to the Family, illustrated by the groundbreaking study in 1958 (*The Family in Contemporary Society*), which took sociology seriously, and then in

*Something to Celebrate* (1995), which explored the growing variety of patterns of family life, and offered pastoral guidance on the Church's responses.

## 7. Gay Marriage?

Many of the 'goods' of marriage are present in some Christian gay couples: loving sexual relationship, faithful commitment, parenthood (through IVF, surrogacy or adoption), personal growth and fulfillment.

However, what is common to all the earlier discussion is the assumption that – despite all the changes in theology and social context - marriage is between one man and one woman. Brunner refers back to the teaching of Jesus in Matthew 19, which draws on the Genesis texts.

So one question for today, therefore, is what – if anything - justifies extending the meaning of marriage to cover same sex couples? Is there something 'given' about gender differentiation that needs to be 'safeguarded'? What is that? What is the theological rationale for believing that? What would be the theological grounds for departing from that?

(i) Simply to argue that 'two people love each other' was regarded by Brunner as far too fragile a foundation on which to build a marriage. And why stop at two? If 'love' is the only argument it could easily be extended (as it is now in some places, notably parts of the USA) to cover polyamory, polygamy, polyandry and commune living.

(ii) It could be argued that our fresh knowledge of biology and gender, and that for some people a gay orientation is not chosen but discovered, brings a new dimension into what we may regard as "given".

(iii) The Gloucester Report *Homosexual Relationships* (1979) - criticized by the BSR for its treatment of Scripture, but in many ways a good report - said "In the light of some of the evidence we have received we do not think it possible to deny that there are circumstances in which individuals may justifiably choose to enter into a homosexual relationship with the hope of enjoying a companionship and physical expression of sexual love similar to that which is to be found in marriage.....Such a relationship could not be regarded as the moral or social equivalent of marriage. (para. 168).

(iv) *Issues in Human Sexuality* (1992) argued that 'there is in Scripture an evolving convergence on the ideal of lifelong, monogamous, heterosexual union as the setting intended by God for the proper development of men and women as sexual beings.' (2.29).

(v) One way to argue for same sex marriage would be with a recognition that all marriages fall short in some way or other of what Brunner calls the 'idea of marriage' because we all live in a fallen world. Is it sufficient to see same sex marriage as the closest some people can come to the 'idea', or as the best way to make moral sense of life in a less than ideal world? That would not satisfy many gay Christians, but if the 'trajectory' discerned in *Issues* is right, it is hard to see what else to say.



(vi) Of course the State can redefine marriage as it wishes, and provide civil marriage ceremonies for whomever it wishes. It can also offer civil partnerships for heterosexual or homosexual couples. What the difference is between a civil marriage and a heterosexual civil partnership is not easy to discern, and the various UK governments could be rightly seen as creating confusion. What The State cannot do is require the Church to change its understanding of what marriage means in 'the Divine Order'.

Now that same sex marriages are legalized in this country, though not solemnised by the Church of England, one option in the current confusion might be to move towards a system of universal civil weddings, followed by whatever religious ceremony is thought appropriate to celebrate marriage in a Christian context.

Alternatively, thought could be given to building on the recommendation of the Gloucester Report quoted earlier by providing an addition to Canon B.30:

'The Church of England also recognizes that there are circumstances in which an individual may justifiably choose to enter into a covenanted partnership, permanent, exclusive and life-long, with a person of the same sex, with the hope of enjoying loving companionship similar to that which is to be found in marriage. Such a partnership is not incompatible with the doctrine of Holy Matrimony that is affirmed in Canon B 30.'

END.