

Parental Consent in the Formation of Marriage: A Forgotten Legacy

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In January 1544, a beleaguered Martin Luther wrote his friend George Spalatin: “You perhaps do not know how we are driven, but I may tell you that never in my life have I had more worry in connection with the gospel than in the year upon which we have entered.” The statement is remarkable for more than one reason. In the first place, Luther was nearing the end of his life and labor. His had been a ministry filled with frequent anxiety, danger, strife and burden. What conflict could cause him to say, two years before his death, that all of it had been less than what he was dealing with at present? Secondly, in Luther’s mind, the issue at hand was closely connected with the preservation and defense of the gospel. It goes without saying that Luther often had gospel concerns at heart, but when we learn that his distress was caused by an upsurge in the incidences of secret engagements and clandestine marriages, we are apt to pause and wonder why he should deem the state of affairs comparable in significance with the cardinal motivations of the Reformation. “For I have a very hard battle with the lawyers over secret engagements,” he writes.¹

To understand Luther’s deep concern, we must appreciate that the Reformation for which Luther and the other Reformers spent their lives was a full spectrum assault on the false doctrine of the medieval church, not only in the areas of worship, soteriology, the sacraments, and the government of the church,² but in ethics—especially the ethics of marriage. True enough, marriage doctrine does not have anything like its own locus among the Five Solae, but in terms of the amount of time the Reformers spent dealing with it in their personal ministries, and specifically countering the false doctrines of marriage bequeathed them by the medieval Roman Catholic church, the nature of marriage and its proper formation were among the chief questions of practical divinity that they handled. For example, outside of cases of sexual immorality and intrafamily quarrels, matters of disputed engagements comprised by far the single-most common matter brought before the consistory of Geneva in the time of Calvin.³ As will be shown, the reformation of marriage is a question that the Reformers wrote much about, it found its way into the civil law of every government where the Reformation held sway (though imperfectly in the case of England—for reasons to be described),⁴ and the Reformed and Lutheran creeds and confessions nearly all concerned themselves with it in one way or another, often addressing questions as specific as the necessity for parental consent, which is the focus of the present study.

¹ *The Letters of Martin Luther*, selected and trans. Margaret A. Currie (London: MacMillan and Company, 1908), 436-37. See also other letters on the same subject during this time, *ibid.*, 434-35, 457-58.

² John Calvin discusses these elements of the Reformation and their relative priorities in his *Necessity of Reforming the Church* in *Calvin’s Selected Works*, 7 vols. (Grand Rapids: Baker, 1983), 1:126.

³ Subject matter treated by case in the Genevan consistory is tabulated in John Witte, Jr. and Robert M. Kingdon, *Sex, Marriage, and Family in John Calvin’s Geneva* (Grand Rapids, Michigan: Eerdmans, 2005), 75-76.

⁴ Lawrence Stone, *The Family, Sex and Marriage in England, 1500-1800* (New York: Harper and Row, 1977), 32. Stone, a standard reference on this topic, should be used with care due to explicit description in parts of his treatment.

Apart from the intrinsic importance of marriage for the well-being of the individual, the family, the church, and society, there are two additional reasons for the attention paid to it by the Reformers: 1) the significant departures from biblical marriage that had been taught by the Roman Catholic Church in the centuries preceding the Reformation, and 2) the take-over of marriage litigation by Catholic canon law courts beginning in the tenth century,⁵ disenfranchising the civil courts of these cases, and leaving an adjudication vacuum in Reformed jurisdictions where canon law courts no longer operated.⁶ It is therefore necessary to consider the nature of marriage under Roman Catholic rule at the time of the Reformation to appreciate the Reformation's response to it, and to put the specific question of parental consent in its context.

I. Marriage Under Medieval Roman Catholicism

The extent of declension from the biblical model of marriage by medieval Roman Catholicism is arresting when the list of aberrations is set down in one place. It includes the following:

1. Clergy were not allowed to marry, and if they did, their wives and children were, by some statutes of canon law, subject to enslavement.⁷
2. Concubinage among the clergy, although forbidden, was rampant and tacitly permitted by the regular periodic acceptance by the bishops of penal fees which allowed the practice to continue unabated.⁸

⁵ James Brundage, *Law, Sex and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1987), 137.

⁶ Steve Ozment, *When Fathers Ruled: Family Life in Reformation Europe* (Cambridge, MA: Harvard University Press, 1983), 30; Martin Luther, *Luther's Works*, vol. 54, *Table Talk*, ed. and trans. Theodore G. Tappert (Philadelphia: Fortress Press, 1967), 363-64.

⁷ Brundage, 69, 110-11, 183, 251; Christopher Brooke, *The Medieval Idea of Marriage* (Oxford: Oxford University Press, 1989), 67-68; Natalie Zemon Davis, introduction to *The Knight, the Lady and the Priest: The Making of Modern Marriage in Medieval France*, by Georges Duby, trans. Barbara Bray (New York: Pantheon Books, 1983), viii-ix.

⁸ This is demonstrated not merely from the complaints of the Reformers (which were voluminous), but by visitations and surveys by the Roman Catholic hierarchy: "Archbishop Albrecht of Mainz, rarely noted for his reformist tendencies, complained to Nuncio Morone in 1542 that all of his priests were *concupinatos*. Jesuit Peter Father was equally dismal in his assessment of Worms: 'Grant God, that in this city of Worms there are only two or three priests who aren't living in forbidden relationships or other public depravity.' The diocese of Speyer was no exception. In his 1583 visitation of the rural chapters of Hambach and Deidesheim, Vicar-General Beatus Moses found that at least twelve of the twenty-two clerics he interviewed lived openly with their concubines and children in their rectories. Indeed, according to witnesses, his very first subject, the pastor of Hambach, had already had at least two concubines before his current partner, a runaway wife and recently mother of a child by him. Moreover, despite the Church hierarchy's equation of such concubinage with 'licentious heresy,' many laypersons apparently accepted the practice as unexceptional. When questioned by the vicar-general, the bellringer of Hainfeld, for instance, readily admitted that his pastor lived with his cook and their four children, 'as is customary with pastors,'" [Joel F. Harrington, *Reordering Marriage and Society in Reformation Germany* (Cambridge: Cambridge University Press, 1995), 245-46]; "The Duke of Bavaria's representative declared publicly during the council [Trent] that a recent visitation had shown that ninety-six or ninety-seven Bavarian priests out of a hundred had concubines or clandestine wives," (Brundage, 568). "Clerical marriage would have been a great financial loss to the bishop of Constance. . . . The basic concubinage fee was one and one-half gulden a year, with the relationship permitted to continue as the fee was paid," [Steve Ozment, *The Reformation in the Cities* (New Haven: Yale University Press, 1975), 60]; "Critics raised the accusation of institutionalized greed and corruption, citing as proof the 'whore' and 'cradle' taxes collected by many bishops from clerics in their diocese with concubines or illegitimate children," (Harrington, 34-35).

3. Concubinage among the laity was not strictly forbidden until the Fifth Lateran Council (1514).⁹
4. Nuns, many of whom had been consecrated as children, could not renounce their orders and marry unless they were able to demonstrate that their vows had been taken under duress, and monks, in orders or not, were similarly forbidden ever from marrying.¹⁰
5. Married couples could effectively dissolve their marriages if both partners agreed to take religious orders.¹¹
6. Following Jerome, Augustine and other early church fathers, sexual relations in marriage were approved only for the purpose of procreation and grudgingly accepted as a necessary evil to prevent fornication.¹²
7. Marriage for several centuries was prohibited within seven degrees of consanguinity, counted such that a couple with a common fifth great grandparent would be forbidden to marry. This was later changed to four degrees at the Fourth Lateran Council in 1215, which is still significantly wider than the biblical prescription of two degrees—if we understand the Bible implicitly to disallow marriages between first cousins—counted in the same manner.¹³
8. Marriages found afterwards to have occurred within the extrabiblical forbidden degrees of consanguinity were annulled, despite the length of time or numbers of children involved.¹⁴
9. The minimum age of consent for marriage was just seven years old, with the lawful minimum age at which the marriage could take place at only twelve years for girls, and fourteen for boys. Those having given their consent as young children, and now wishing not to marry, had positively to repudiate the vow upon reaching marriageable age.¹⁵
10. Marriage was increasingly viewed as a sacrament and was finally declared to be such at the Council of Florence in 1439. This decision was full of ramifications, entailing a number of further errors.¹⁶ For example,

⁹ Brundage, 514.

¹⁰ Brooke, 75-76; *Luther's Works*, 54:142. In canon law, marriage to a former monk or nun was a prohibitive impediment to marriage (Witte and Kingdon, 35).

¹¹ John Witte, Jr., *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition* (Louisville: Westminster John Knox Press, 2012), 173; Brooke, 68.

¹² Brundage, 80-101, 182-83, 240; Duby, *The Knight*, 27, 30; Georges Duby, *Medieval Marriage: Two Models from Twelfth-Century France*, trans. Elborg Forster (Baltimore: Johns Hopkins University Press, 1978), 137; Stone, 136; Brooke, 73. Brooke notes a softening of this view in the later medieval period, p. 132.

¹³ Constance Bouchard, *Those of My Blood: Creating Noble Families in Medieval Francia* (Philadelphia: University of Pennsylvania Press, 2001), 40-44; Jack Goody, *The Development of the Family and Marriage in Europe* (Cambridge: Cambridge University Press, 1983), 135-37, 144-45; Brundage, 191, 355-56; Duby, *Medieval Marriage*, 17; Brooke, 58-59; Duby, *The Knight*, 35-36.

¹⁴ Brundage, 191-92; Goody, 135. The nobility in particular were manipulated and harassed by this near universal impediment to marriage. See Duby, *Medieval Marriage*, ch. 2.

¹⁵ Brundage, 238; Brooke, 137-38; Holly Brewer, *By Birth or Consent: Children, Law and the Anglo-American Revolution in Authority* (Chapel Hill: University of North Carolina Press, 2005), 297; An example of this practice in early America, following anachronistic British law, is found in Brewer, pp. 288-89. Brewer notes (p. 301) that the Reformers sought in general to raise the minimum age for valid marriage.

¹⁶ Brundage, 270, 433; Goody, 167; John Calvin, *Institutes of the Christian Religion, 1536 Edition*, trans. Ford Lewis Battles (Grand Rapids: Eerdmans, 1986), 174-75 (art. V.71).

11. Divorce was not allowed even in the case of adultery,¹⁷ an embattled view nonetheless upheld at the Council of Trent.¹⁸
12. The sacrament of marriage was sealed by exchange of “present promise” between the partners, which could be done privately by the couple alone.¹⁹
13. Since the essence of marriage, including its sacramental nature, involved only the exchange of promise between the couple, clandestine marriages without ecclesiastical ceremony or sanction of civil authority, while officially disapproved of, were nonetheless regarded as valid.²⁰
14. Consequent upon the definition of marriage as simple exchange of promise, sex between engaged couples prior to the marriage ceremony was accepted as ordinary and common, such couples considering themselves “married in the sight of God,” and canon law supporting their point of view.²¹
15. The exchange of promise, which was sometimes considered as having been accomplished by gestures as casual as taking a drink together in the name of marriage, constituted a binding obligation to marry, and was strictly enforced by the courts.²²
16. Consummation was not necessary to a valid marriage. After all, according to the Church, Mary had remained perpetually a virgin, yet her marriage to Joseph had to be viewed as valid. This consideration had the practical effect of strengthening the binding nature of privately exchanged vows.²³
17. Parental consent was not necessary to the formation of marriage. Objections by parents to marriage vows made against their wishes were discountenanced by the church and canon law. Supposing parents to be informed of an impending marriage to begin with, couples whose parents objected to any circumstance respecting the proposed marriage, *e.g.*, the age of the couple at the marriage, could defy their parents’ wishes and marry without parents’ permission or knowledge, all with the sanction of the church and the acquiescence to the church’s sentence by the civil authority.²⁴

¹⁷ A. Esmein, *Le Mariage en Droit Canonique*, 2 vols. (Paris: Larose et Forcel, 1891), 1:64-67; Thomas Aquinas, *Summa Contra Gentiles*, IV.78, quoted in Witte and Kingdon, 32.

¹⁸ Brundage, 513-14, 567;

¹⁹ Brundage, 264-70, 338; Ozment, *When Fathers Ruled*, 25-26; Witte and Kingdon, 31, 33.

²⁰ Brundage, 276-77, 361-64, 441-43, 499-502; Jeffery Watt, “The Marriage Laws Calvin Drafted for Geneva” in *Calvinus Sacrae Scripturae Professor: Calvin as Confessor of Holy Scripture*, ed. Wilhelm H. Neuser (Grand Rapids: Eerdmans, 1994), 246-47; Ozment, *When Fathers Ruled*, 42; Goody, 151; Witte and Kingdon, 31.

²¹ *Registers of the Consistory of Geneva in the Time of Calvin*, ed. Robert M. Kingdon, vol. 1, 1542-1544, eds. Thomas Lambert and Isabella Watt, trans. M. Wallace McDonald (Grand Rapids: Eerdmans, 2000), xix; Ozment, *When Fathers Ruled*, 35-37, 42; R. B. Outhwaite, *Clandestine Marriage in England: 1500-1850* (London: Hambledon Press, 1995), xx; Witte, *From Sacrament to Contract*, 145. Harrington, 29, 184 n. 45. Robert M. Kingdon, *Adultery and Divorce in Calvin’s Geneva* (Cambridge: Harvard University Press, 1995), 131; Heinrich Bullinger, *Christen State of Matrimonye*, trans. Myles Couerdale (1541), G4r; Will Durant, *The Story of Civilization*, vol. 6, *The Reformation* (New York: Simon and Shuster, 1957), 762.

²² Witte and Kingdon, 42; Brundage, 268-69, 352; Martin Bucer, *De Regno Christi* (1550), English translation in *The Library of Christian Classics, Melancthon and Bucer*, ed. Wilhelm Pauck (Philadelphia: Westminster Press, 1949), 320. See references *ad loc.*, supplied by the editor, to the *Corpus Juris Canonici*.

²³ Witte, *From Sacrament to Contract*, 93. Brundage, 188-89, 274; Ozment, *When Fathers Ruled*, 26.

²⁴ Brundage, 265, 268, Plate 12, 332-33, 335-36, 364, 397, 414, 443; Witte, *From Sacrament to Contract*, 249; Harrington, 180; Jeffrey R. Watt, “The Control of Marriage in Reformed Switzerland, 1550-1800” in *Sixteenth Century Essays and*

II. Marriage and the Gospel

It is no surprise, then, that Luther should object to legalized clandestine marriage as exemplary of much that was wrong with the Roman Catholic notion of marriage. He had addressed the issue as early as 1519: “Children should not become engaged without the knowledge of their parents. You are not ashamed, are you to ask your parents for a coat or a house? Why be foolish then, and not ask for what is far greater, a partner in marriage?”²⁵ He wrote more strongly in 1521 in his Epiphany postil:

But the question is here whether the father has the power to annul the marriage, when the child became engaged contrary to his will. The pope answers no! releasing the child from obedience to the father; but I say, yes, and do not release the child from obedience to the father. . . . That cannot please God which is contrary to parents, if God has not commanded it. Therefore God speaks through Jeremiah, Chapter 29:6, to the parents: ‘And take wives for your sons and give your daughters to husbands,’ *etc.*, so that the children may not take them themselves, but that the parents have the power to dispose of them.²⁶

In Luther’s mind, the manner in which the false marriage doctrine of the Catholic Church affected the progress of the gospel concerned many aspects of the Church’s doctrine. High on the list was the sexual immorality of a supposedly celibate clergy. “The pope’s regulations about chastity have hardly produced a single priest in a thousand who has observed chastity in public, not to speak of the unchastity that is practiced in private. Is it any wonder then, that some do not make proper use of our gospel?”²⁷ The Roman church, wrote Luther to Pope Leo X, “has become the most licentious den of thieves, the most shameless of all brothels, the kingdom of sin, death, and hell. It is so bad that even Antichrist himself, if he should come, could think of nothing to add to its wickedness!”²⁸

On the level of the ordinary church member, Luther believed the *status quo* marriage law was responsible for creating violated consciences and deep spiritual confusion:

It often happened that a married couple came to me . . . one or both of whom had previously become secretly engaged to others and now there was misery and distress. Then we confessors or theologians were supposed to counsel these captive consciences. But how could we do this? There was the law and custom of the officials which decreed that the first secret betrothal was a true marriage in God’s

Studies, Vol. XXII, Later Calvinism: International Perspectives, ed. W. Fred Graham (Kirksville, Mo: Sixteenth Century Journal Publishers, 1994), 31-32; Brooke, 138; Goody, 151; Witte and Kingdon, 31.

²⁵ Martin Luther, *A Sermon on the Estate of Marriage (1519)*, in *Luther’s Works*, vol. 44, ed. James Atkinson (Philadelphia: Fortress Press, 1966), 11.

²⁶ *The Sacred and Precious Writings of Martin Luther*, vol. 10, ed. J. N. Lenker (1905; reprint, 2 vols. in 1, as *Complete Sermons of Martin Luther*, vol. 1, Grand Rapids: Baker, 2000), 1.1:385-87.

²⁷ Martin Luther, *Receiving Both Kinds in the Sacrament (1522)*, in *Luther’s Works*, vol. 36, ed. Abdel Ross Wenz (Philadelphia: Fortress Press, 1959), 261. In a similar vein, see also in the same volume, pp. 97, 114, 206, 303.

²⁸ Martin Luther, *The Freedom of a Christian (1520)*, in *Luther’s Works*, vol. 31, ed. Harold J. Grimm (Philadelphia: Fortress Press, 1957), 336.

sight, and that the second one was an open act of adultery. . . . What should a poor conscience do in a case like this? How could the situation be more confused than by such contradictory laws and decisions?²⁹

Luther also perceived the sporadic but tenacious recognition of canon law as precedent in marriage litigation to be a threat to the safety of the gospel settlement of the Protectorate.³⁰

Perhaps most germane to Luther's gospel concern, and one which has abiding application in our own day, was his belief that a well-ordered and soberly-considered marriage is a spiritual haven where spouses are protected from sexual immorality, and that such a marriage constitutes a means by which the eventual children of the marriage are brought to Christ:

But the greatest good in married life, that which makes all suffering and labor worthwhile, is that God grants offspring and commands that they be brought up to worship and serve him. In all the world this is the noblest and most precious work, because to God there can be nothing dearer than the salvation of souls. . . . In short, there is no greater or nobler authority on earth than that of parents over their children, for this authority is both spiritual and temporal. Whoever teaches the gospel to another is truly his apostle and bishop. Mitre and staff and great estates indeed produce idols, but teaching the gospel produces apostles and bishops. See therefore how good and great is God's work and ordinance!³¹

In Luther's thinking, sexual immorality was inevitable for the vast majority of people who did not marry. Parents therefore had an obligation to provide spouses for their young adult children in such a manner that both parent and child were satisfied:

Parents should understand that a man is created for marriage, to beget fruit of his body (just as a tree is created to bear apples or pears), unless his nature is altered or hindered by God's supreme grace and special miracle. Therefore, they are in duty bound to assist their children to marry, removing them from the perils of unchastity. . . . The father also has the authority to prevent his child from marrying this one or that one; but he does not have the authority to forbid him to marry altogether. On the contrary, he is duty bound to get his child a good mate who will be just right for him, or who seems to be just right for him.³²

Luther denies that parents are given *carte blanche* in the selection of their children's marriage partners. "The parents, on the other hand, should not be unyielding and rude. They should not urge their

²⁹ Martin Luther, *On Marriage Matters (1530)*, in *Luther's Works*, vol. 46, ed. Robert C. Shultz (Philadelphia: Fortress Press, 1967), 270-71.

³⁰ Harrington, 148-49, and Luther, *Letters*, quoted above.

³¹ Martin Luther, *The Estate of Marriage (1522)*, in *Luther's Works*, vol. 45, ed. Walther I. Brandt (Philadelphia: Fortress Press, 1962), 46.

³² Martin Luther, *That Parents Should neither Compel nor Hinder the Marriage of their Children, and that Children Should Not Become Engaged without their Parents' Consent (1524)*, in *Luther's Works*, 45:390-92.

children to contract marriage with those whom they do not love; nor should they rashly restrain them from loving decent people unless they have chosen persons who are not suited to them.”³³

III. Parental Consent in Reformed and Lutheran Civil Marriage Ordinances

Luther’s burden to set marriage on a biblical foundation was common to all the Reformers. Protestant marriage courts, or their functional equivalents, were operating across Lutheran or Reformed Germany and Switzerland before the end of the 1530’s, and specific ordinances on marriage were enacted for use by these courts.³⁴ The earliest of the ordinances, the Zurich marriage ordinance of 1525, incorporated Zwingli’s views on the necessity of parental consent, which became a model for many cities in the Swiss Confederation:³⁵

No one shall marry, engage or give to another his son or daughter without the favor, knowledge and will of the father, mother, guardians or others, who are responsible for the young people. Whoever transgresses this shall be punished according to the manner of the case and the marriage shall be invalid.³⁶

Though Geneva lagged Germany and most of the Swiss cities by roughly 25 years in enacting a formal marriage ordinance (1561), the ordinance was drafted by Calvin in 1545 (revised 1546), and in the absence of other legislation, acted as the basis for Genevan marriage jurisprudence in the interim.³⁷ The first article of the Geneva marriage ordinance concerns parental (and especially for Calvin, paternal) consent:

Regarding young people who have never been married, none, whether sons or daughters, who have a father still living shall have the power to contract a marriage without the permission of their father unless they have attained the legal age, that is twenty years for a son and eighteen for a daughter [twenty-four and twenty in the 1545 draft]. And if after reaching this age they have asked their fathers or had them asked to marry them, and their fathers have not attended to it, in that case it shall be lawful for them to marry without their fathers’ authority.³⁸

The third article provides for the dissolution of marriages contracted without such consent.³⁹

³³ *Lectures on Genesis Chapters 21-25 (1539)*, in *Luther’s Works*, vol. 4, ed. Jaroslav Pelikan (St Louis: Concordia, 1964), 226.

³⁴ An informative table listing these courts and ordinances and their dates is found in Harrington, p. 138.

³⁵ Ulrich Gabler, *Huldrych Zwingli: His Life and Work*, trans. Ruth C. L. Gritsch (Philadelphia: Fortress Press, 1983), 104; Watt, *Marriage Laws*, 254; Witte, *From Sacrament to Contract*, 144 n. 103.

³⁶ *Selected Works of Huldreich Zwingli*, ed. Samuel Macauley Jackson (Philadelphia: University of Pennsylvania, 1901), 120.

³⁷ Witte and Kingdon, 40-41, 51-61; Philip E. Hughes, ed. and trans., *The Register of the Company of Pastors of Geneva in the Time of Calvin* (Grand Rapids: Eerdmans, 1966), 72-81; Watt, *Marriage Laws*, 245-46.

³⁸ Witte and Kingdon, 51-52.

³⁹ Witte believes, based on letters written by Calvin in 1557 and 1560 in answer to inquirers seeking his counsel, that Calvin later softened his view of the power of parents to annul clandestine marriages [John Witte, Jr., “Honor Thy Father and Thy Mother? Child Marriage and Parental Consent in Calvin’s Geneva,” *The Journal of Religion* 86, no. 4 (October 2006): 589]. The letters, found in *Calvin’s Ecclesiastical Advice*, trans. Mary Beatty and Benjamin W. Farley (Louisville: Westminster/John Knox, 1991), 134-36, 147-48, do not bear out Witte’s conclusion. The parents in the cases treated are not said to have objected to the marriages, which is necessary for the annulment provision in the marriage ordinance to take effect. Calvin takes the same line as Luther in these instances, explaining that couples who have

As John Witte, Jr. notes, the substance of the Reformation era marriage ordinances, including the requirement of parental consent, “remained standard provisions in the next three centuries, not only in Germany but also in many other Western nations.”⁴⁰

IV. Age of Majority

The reference to “legal age” in the Geneva marriage ordinance brings up the important question as to whom was intended as subject to the parental consent provision. Nearly all of the Reformed and Lutheran marriage statutes refer to legal age, or age of independence, or age of majority for the young adults in question. There was no universal agreement on this arbitrarily selected age. Depending on the jurisdiction, it ranged from twenty-seven down to nineteen for men, and twenty-five down to eighteen for women.⁴¹ Scripture itself specifies no set age of majority at which young adults are supposed free to make all of their own decisions, and particularly in the selection of marriage partners, there is reason to suggest that responsible parents are always to be involved in some manner. However, because of the legal nature of the documents in question, with their purpose being the guidance of courts of law facing wide varieties of circumstances, the inclusion of a catch-all surrogate condition like a specific age of majority was necessary for the sake of simplicity. Obviously, the lower the specified age, the fewer the number strictly required to abide by the ordinance. In fact, the instrument of a low age of majority, coordinate with a raising of the minimum legal age for marriage, was the formal means by which parental consent laws eventually were rendered inoperative in the United States early in the twentieth-century.⁴²

Calvin recognized the nullifying tendency of setting a given age of majority, and initially, in the 1545 draft, he attempted to set it slightly higher than the middle of the range for similar laws in Germany and Switzerland. The value in Calvin’s draft was twenty-four for men, and twenty for women. The expected age of marriage in the sixteenth century must be taken into account when reckoning the relative age and maturity of a prospective marriage candidate. Luther’s advice, for example, was that “a young man should marry at the age of twenty at the latest, a young woman at fifteen to eighteen.”⁴³

married without their parents’ consent deserve the consequences of their ill-conceived choices and cannot self-initiate divorces on that basis (Luther, *On Marriage Matters*, in *Luther’s Works*, 46:278-79).

⁴⁰ Witte, *From Sacrament to Contract*, 145.

⁴¹ Ozment, *When Father’s Ruled*, 38; Witte, *From Sacrament to Contract*, 144 n. 102; Zwingli, ed. Jackson, 120. In Roman Catholic France, where the nobility were frustrated by the refusal of the Council of Trent to impose a parental consent requirement for marriage, Henri II in 1556 enacted a civil statute requiring parental consent up to the ages of thirty and twenty-five respectively for men and women. In early Puritan Massachusetts, the marriage laws included no provision for an age of majority beyond which parental consent was not required (Brewer, 313). The Westminster Assembly, in its *Directory for Public Worship*, under “The Solemnization of Marriage” explicitly exempts all first marriages from age of majority exceptions to the requirement for parental consent.

⁴² Brewer, 333.

⁴³ *The Estate of Marriage in Luther’s Works*, 45:48.

It is also necessary to consider that when speaking of marriage, determining majority is a different question than that of determining competence to sign ordinary contracts, or to obtain such a thing in the modern world as a driver's license. A marriage contract is a lifetime commitment with serious implications for the couple, any children they may have, and their extended families. Young people capable of contracting marriage, by definition, are not children in the immaturity sense of the word. If parental consent is required for marriage, it is not because a parent is guiding an immature and unstable young person, who by right ought not to get married anyway. The young couple are presumed mature enough to be married, and they still require parental consent because wider interests demand it.

It is not clear why the ages of majority were reduced in Calvin's 1546 proposal, which became, with small modifications, the 1561 ordinance. It is likely that it met with disagreement in the Geneva Council, with whom Calvin was to contend for fifteen years on the enactment of the legislation.⁴⁴ Nonetheless, Calvin's ordinance was so provisioned as to prevent marriages without parental consent from occurring in many cases even when the ages of the couple were above the age of majority. Note that the age of majority exception was only effective "if after reaching this age they have asked their fathers or had them asked to marry them, and their fathers have not attended to it, in that case it shall be lawful for them to marry without their fathers' authority." The age of majority provision was intended to deal with negligent parents, not parents who were actively involved in helping their children to find acceptable spouses.⁴⁵ The age of majority provision in the Zurich marriage ordinance is conditioned in the same manner.

The age of majority provision was not a panacea for older young adults in Geneva to escape their parents' authority with respect to marriage. This becomes even clearer from article 10 of the ordinance, which concerns the remarriage of young adults who have lost a spouse. Not only must such previously married young adults be above the age of majority to be freed of the paternal consent requirement, but they must be emancipated, *i.e.*, no longer live in the father's house. If that were not enough, even if these requirements are met, Calvin adds, "it would be more fitting to let themselves always be governed by the advice of their fathers."⁴⁶ The Westminster Assembly, 100 years later, would deny that age of majority provisions should permit anyone with living parents to contract a first marriage without parental consent, and such provision was only applicable to second and subsequent marriages.⁴⁷

⁴⁴ Calvin considered his dealings with the Geneva city council to entail compromise. In a letter to Myconius in 1542 he had written: "Now we have such a court of ministers and form of discipline as the infirmity of the times would bear" (Kingdon, *Registers*, p. xxxi n. 48).

⁴⁵ Luther writes similarly to the Genevan ordinance, "The child may take this course only if he has previously besought his father, or had him besought and admonished, so that the fact may be established that the father or relative refuses to do anything about it, or repeatedly puts him off with empty words. . . . Parents are guilty of unparental conduct when they see that their child is grown up and is fit for and inclined toward marriage, and yet are unwilling to assist and counsel him thereto," (*That Parents Should neither Compel nor Hinder the Marriage of their Children*, in *Luther's Works*, 45:387, 390).

⁴⁶ Witte and Kingdon, 53.

⁴⁷ "The Solemnization of Marriage" from the Westminster Assembly's *Directory for The Publick Worship of God in The Confession of Faith* (Free Presbyterian Publications, 1983), 387.

While it was evidently necessary to include an age of majority provision in the civil statutes to prevent negligent or abusive parents from taking advantage of their children, this language is sparse in other treatments of the subject: discussion, presentation and admonition found, for example, in pamphlets, polemical writings, monographs, letters, statements of faith, sermons, and commentaries. The exegesis of Scripture, after all, is what laid the basis for the Reformers' views of marriage formation, and while the independence of older children may be inferred from some few Bible passages, more often than not we find in Scripture the kind of deference on the part of children which led Calvin to say that such ought always to be guided by their parents' advice. It is to the Scriptural ground for the Reformed doctrine that we now turn, referring here onward to both Lutheran and Reformed teaching on marriage simply as "Reformed," since the two are identical on this question.

V. The Exegetical Basis for Parental Consent

The uniformity of Reformed teaching on marriage, stated and codified within only a few years of the dawn of the Reformation, is not the accident of history and half a millennium of canon law development that may be said to characterize the Roman Catholic doctrine. The Reformed consensus was based on a straightforward exposition of Scripture, resting on the assumption that God, in delivering his word to mankind, intended them to receive both Scripture's explicit directives, and the examples of godly men and women narrated in it, as authoritative for their faith and obligatory for their practice. The Reformers argue the case from three complementary angles: 1) biblical example, 2) inherent authority from the fifth commandment, and 3) explicit directive.

A. The Hermeneutics of Biblical Example

The application of biblical example, of course, is complicated by the fact that not all of the chronicled acts, even of godly Bible characters, were commendable. Nonetheless, the writings of the Reformers, and the Puritans after them, are filled with appeals to examples of the behavior of God's people recorded in Scripture as forming binding obligations on contemporary believers to emulate them in detailed areas of ethics and faith. They did this, it seems evident, for the simple reason that the Bible itself does so (*e.g.*, Ex 1:20,21; 1 Kin 11:38; Job 1:8; Jer 15:1; Ezk 14:14; Mk 2:25; Jn 8:39; Rom 4:12,16; Gal 3:9; Heb 11; Js 2:21,25; 5:10-11; 1 Pet 3:6).

The episode recorded in the passage from Mark, which the Holy Spirit thought well to include in all three Synoptics, merits special attention. In it, Jesus chastises the Pharisees with his formulaic rebuke, "Have ye never read?" and then proceeds to display their hermeneutical illiteracy respecting the example of David and his men taking and eating the show bread to nourish themselves as they fled from Saul. One may discern, in the reproof, an echo of Jesus' previous words to Nicodemus, "Are you the teacher of Israel and do not know these things?" The example is particularly rich because one might plausibly wonder whether it were lawful for David, or his men, to do what they did. Yet, Jesus expects the Pharisees to have understood the passage and to have made from it an application resting on a recognition that David's behavior was lawful and that his example was

extensible. Certainly, the Reformers and Puritans did not hold all the works of generally godly Bible characters as unimpeachable, but they did, as Jesus does here, confidently treat biblical narrative under the assumption that positive and negative examples are self-evidently distinguishable, and that good examples contain, at the least, a perspicuous, normative and abiding general equity.

This is not the received wisdom in some sectors of twenty-first-century Evangelicalism, where even “enterprise level” example is discounted as simply “descriptive,” rather than “prescriptive.” The descriptive/prescriptive distinction is used in one popular modern manual of hermeneutics, for instance, to deny that the practice of the early church to meet on the Lord’s Day obligates us to do the same, or that the appointment of men to the function of deacons in Acts 6, or the Jerusalem Council in Acts 15, have anything to say about a divinely approved form of church government.⁴⁸

Another form of obligation reduction, often applied even to explicit biblical directive, is the suggestion that much of the ethics modeled in biblical example is culturally bound, and therefore does not apply to modern men and women.⁴⁹ To defend, or even fairly to describe, the Reformed and Puritan method in this aspect of hermeneutics and Bible application, interesting and valuable as it would be, is a subject in itself and cannot be treated at length here. Suffice it to say that neither of these sorts of considerations inhibited men like Luther or Calvin, or their colleagues and successors, from using biblical example as central arguments in settling the doctrine of marriage formation. I will venture to observe that perhaps the chief sanctified purpose of historical theology is to examine the manner in which great exegetes, godly Christians, and yesteryear heroes of the faith interpreted and appropriated Scripture, precisely that we may learn from their examples and methods. When such men speak in unison over the course of centuries, it stands to reason that we should have good cause indeed before we reject their conclusions.

⁴⁸ “[Luke] has little or no interest in church organization or polity. . . . How do the individual narratives in Acts, or any other biblical narrative for that matter, function as precedents for the later church, or do they? . . . Unless Scripture explicitly tells us we must do something, what is only narrated or described does not function in a normative way. . . . The problem with all this of course, is that it tends to leave us with little that is normative for those broad areas of concern—Christian experience and Christian practice,” Gordon D. Fee and Douglas Stuart, *How to Read the Bible for All It’s Worth* (Grand Rapids: Zondervan, 2003), 113, 118-22. A corrective to this perspective is administered in William W. Klein, Craig L. Blomberg and Robert L. Hubbard, Jr., *Introduction to Biblical Interpretation* (Grand Rapids: Zondervan, 2017), 539. Interestingly enough, in contrast to those Evangelicals who believe in the historical reality of the biblical narratives, while denying their relevance to Christian experience and practice, we are seeing the emergence of “secular Christians” who disbelieve the historical reality of the narratives, but hold them as teaching essential, applicable truth for guiding ethical behavior (albeit in a less specific and hermeneutically sound manner compared to the Reformers whose approach we are examining), e.g., Jordan B. Peterson, “The Psychological Significance of the Biblical Stories,” video series, May-Nov, 2017, https://www.youtube.com/playlist?list=PL22J3VaeABQD_IZs7y60I3IUrrFTzkpat; Daniel C. Maguire, *Christianity without God: Moving beyond the Dogmas and Retrieving the Epic Moral Narrative* (New York: SUNY Press, 2014), 153-57. Maguire represents a greater aberration than Peterson, claiming biblical support for the ethics of Marxism and radical environmentalism.

⁴⁹ A valuable discussion of culturally-based limitation of Bible application is found in J. Robertson McQuilkin, “Problems of Normativeness in Scripture: Cultural Versus Permanent,” in *Hermeneutics, Inerrancy and the Bible*, ed. Earl D. Radmacher and Robert D. Preus (Grand Rapids: Zondervan, 1984), 219-40.

B. The Reformers on Biblical Example and Marriage Formation

Luther argues explicitly for the hermeneutic of normative biblical example when he writes, “The Holy Spirit did not cause such an example [Rebecca’s giving consent to her own marriage] to be written down in vain; he wished by this to confirm the natural law, which he created in such a way that marriage partners are to be joined together without force or compulsion, but willingly and with pleasure.”⁵⁰ Luther considered the example of Abraham’s provision of a wife for Isaac to be preeminent. Commenting on Genesis 24:1-2 he writes,

It is the first passage—and one that is completely clear—concerning the duty of parents toward their children and, on the other hand, concerning the proper and respectful attitude of parents toward their children when a marriage is contracted. . . . It states that Isaac does not take a wife where it pleases him but is forbidden by his father to marry a Canaanite woman, that the father anxiously concerns himself about a wife for his son, and that the son obeys his father with the greatest willingness.⁵¹

Luther continues, “Therefore let parents remember that the right and authority to give their children in marriage has been assigned to them by God and betrothals entered into without their consent are valid neither by divine nor by human right.”⁵² He beseeches the young with this pastoral counsel,

Just as this servant, who is being sent by Abraham, prayed—and Abraham undoubtedly taught him to pray—Isaac, too, prayed. Then there should come the counsel, the will, and the consent of your parents; and you should undertake nothing contrary to their wish or opposition. Consider what great kindnesses have been heaped upon you, how much you owe them, and how unbecoming it is to trouble or offend the heart of those who have given you kindly care, reared you, and love you most ardently.⁵³

Instances of the use of biblical example could be multiplied throughout Luther’s writing on the subject.⁵⁴

Calvin makes the same application from Genesis 24 as Luther does:

Now this example [Abraham’s taking a wife for Isaac] should be taken by us as a common rule, to show that it is not lawful for the children of a family to contract marriage, except with the consent of parents; and certainly natural equity dictates

⁵⁰ *On Marriage Matters*, in *Luther’s Works*, 46:305.

⁵¹ *Lectures on Genesis*, in *Luther’s Works*, 4:218, 220.

⁵² *Ibid.*, 224.

⁵³ *Ibid.*, 225.

⁵⁴ *Sermon on the Estate of Marriage*, in *Luther’s Works*, 44:12; *On Marriage Matters*, in *Luther’s Works*, 46:269; *That Parents Should neither Compel nor Hinder the Marriage of their Children*, in *Luther’s Works*, 45:390; *Lectures on Genesis*, in *Luther’s Works*, 4:72; *Lectures on Genesis Chapters 26-30 (1541-42)*, in *Luther’s Works*, vol. 5, ed. Jaroslav Pelikan (St Louis: Concordia, 1968), 193-95.

that, in a matter of such importance, children should depend upon the will of their parents.⁵⁵

Calvin, just a few pages earlier, spends a paragraph justifying his exegetical method:

Irreligious men, partly because they do not hold marriage sufficiently in honour, partly because they do not consider the importance attached especially to the marriage of Isaac, wonder that Moses, or rather the Spirit of God, should be employed in affairs so minute; but if we have that reverence which is due in reading the Sacred Scriptures, we shall easily understand that here is nothing superfluous: for inasmuch as men can scarcely persuade themselves that the Providence of God extends to marriages, so much the more does Moses insist on the point.⁵⁶

Calvin's remark on the importance of Isaac's marriage is not a suggestion that it was unique with respect to teaching on marriage formation. He writes also of the marriage of Ishmael,

In saying that Hagar took a wife for Ishmael, Moses has respect to civil order; for since marriage forms a principal part of human life, it is right that, in contracting it, children should be subject to their parents, and should obey their counsel. This order, which nature prescribes and dictates, was, as we see, observed by Ishmael, a wild man in the barbarism of the desert; for he was subject to his mother in marrying a wife. Whence we perceive, what a prodigious monster was the Pope, when he dared to overthrow this sacred right of nature.⁵⁷

Here we see peeping through the biblical argument another argument that we will not have the opportunity to explore in detail, but which played a large role in the thinking of the Reformers on this matter, that of general revelation, *i.e.*, the teaching of nature itself. Nature, as it turned out, received a confirming expression of the self-evident authority of parents in the fifth commandment, and while Calvin is curiously silent explicitly on the relation of the fifth commandment to the necessity of parental consent to marriage, he does mention the natural equity of it on numerous occasions.⁵⁸

C. The Reformers on the Fifth Commandment and Marriage Formation

Heinrich Bullinger was the successor of Zwingli at Zurich. According to Carrie Euler, Bullinger's *Der Christlich Eestand* (1540) was "the most extensive vernacular book on marriage published by a

⁵⁵ John Calvin, *Commentaries on the First Book of Moses*, trans. John King, vol. 2 (1554; Edinburgh: Calvin Translation Society, 1847; reprint, 2 vols. in 1, as *Calvin's Commentaries*, vol. 1, Grand Rapids: Baker Book House, 1984), 1.2:14.

⁵⁶ *Ibid.*, 11.

⁵⁷ *Commentaries on the First Book of Moses*, 1.1:551.

⁵⁸ The Holy Roman Emperor, Charles V in the *Adultero-German Interim* (1548), had written "Wherefore, as the father's power (*patria potestas*) justly yields to this union between the spouses, they are not to be listened to who insist at this time that marriage or contracted espousals are dissolved and nullified, if the consent of the parents does not follow." Calvin's reply addresses "espousals rashly contracted by young people," where he denies that they should be binding "against the authority of parents," appealing to "nature herself," "the law of nations," and "the testimony of Scripture." He says that it is "contrary to law and right." We would take "right" again, for Calvin, to mean nature. For both the *Adultero-German Interim* and Calvin's answer, see *Calvin's Selected Works*, vol. 3 (Grand Rapids: Baker, 1983), 220, 302, 331.

major continental Protestant reformer in the first half of the sixteenth century and was the most frequently published continental Protestant work in the reigns of Henry VIII and Edward VI.”⁵⁹ Chapter five, in Miles Coverdale’s translation, is entitled “To a right marriage, must children also have the consent of their parents.” Bullinger writes,

Now doth the obedience or disobedience of children at no time declare itself more than in contracting of wedlock. Greater honour canst thou not show unto thy parents, than when thou followest them herein: neither greater dishonour than when thou herein resistest them. Esau displeased his parents very sore, in taking his wife without their consent. Jacob followed their mind and was commended, etc.⁶⁰

Bullinger, as he summarizes here, mixes two of the exegetical arguments for parental consent, that of example, and that of the general obligation of children to their parents expressed in the fifth commandment.

Theodore Beza, Calvin’s successor at Geneva, published two separate works on marriage, *Tractatus de Polygamia* (1568) and *De Repudiis et Divortiiis* (1569). In the second work he considers the question of parental consent:

We now have to speak of clandestine promises to marry which are made without the consent of those who have power over those making the promises. Since those promises are diametrically opposed to God’s will and commandment and to natural equity itself, it seems that they cannot be reconciled with God as our creator. They are therefore void and (as they say) have no standing in law.⁶¹

Beza mentions natural equity and the fifth commandment together, and goes on to offer a biblical argument for parental authority from the case of Job’s children.

The argument from Job is expressed in terms that grate on the modern ear, namely that children are considered part of the “property” of the parents, but it is clear from the qualifications and the acknowledged rights of the children, that Beza does not mean so in an absolute sense. In fact, the property argument was very commonly used in the Reformation period and among the Puritans. Harrington states, “In language strikingly similar to Luther’s, the Elector’s 1563 marriage ordinance unabashedly condemned the suitor ‘who prowls in corners and the darkness or takes in secrecy; he is a marriage-thief [*ehe diep*] and has dishonestly stolen her, contrary to God and His Word.”⁶² This line of reasoning was used as early as William Tyndale in his *The Obedience of a Christian Man* (1528), where, in the context of a discussion of the duty of children under the fifth commandment, and in the context of a discussion of marriage, he reminds the young to count their parents “worthy of all

⁵⁹ Carrie Euler, “Heinrich Bullinger, Marriage, and the English Reformation: *The Christen state of Matrimonye* in England, 1540-53,” *Sixteenth Century Journal* XXXIV/2 (2003): 367-93.

⁶⁰ Bullinger, B3r.

⁶¹ The translation is found in Witte and Kingdon, 185-86.

⁶² Harrington, 188. Harrington writes, “Luther’s analogy of clandestine vows to theft (rather than rape) obviously struck home with Protestant secular authorities who frequently repeated the characterization of children as property.”

honour, remembering that thou art their good and possession, and that thou owest unto them thine own self.”⁶³

We find the argument from property as late as Thomas Boston, 200 years later. We may not place Boston in the Reformation period, but he states the case with careful nuance, and so well, that we will assign him the temporary honor of their company and quote him at large:

That children ought not to dispose of themselves in marriage without the consent of parents is the constant doctrine of the Protestant churches. And the reasons are these. (1) The Scripture gives the power of making marriages for children to the parents (Dt 7:3; Jer 29:6; 1 Cor 7:37-38). Yea, even after parties have consented, it is left to the parent whether to give his abused daughter to him that has been guilty with her (Ex 22:16-17). (2) The most approved examples of marriage in Scripture go this way (Gen 24:3-4; 28:1-2; 29:19; Jdg 14:2). *Lastly*, the reason is plain; for the child cannot give away anything that is his parents’ against their will. Now, the child himself is the parents’, a part of their self-moving substance, in which they have a most undoubted property. So, when the devil was permitted to fall upon what was Job’s, he fell upon his children, and killed them in the first place. Yet, upon the other hand, no parent can force a child to marry such and such a person; for consent makes marriage, and that which is forced is no consent. The child must be satisfied as well as the parent (Gen 24:57). So the short of it is that the consent of both is necessary, and that the parent must neither force the child, nor the child rob the parent.⁶⁴

The argument from property, fundamentally, is a derivative of the authority of parents given them in the fifth commandment and by natural law.

To return to Tyndale, and the Reformation proper, it is a testimony to the sharp difference on marriage between the Reformers and their Roman Catholic adversaries that the charges of heresy against Tyndale by the bishops (which were to lead to his martyrdom in 1536) read in part, “He saith, that children ought not to marry without the consent of their parents.”⁶⁵ The charge was based on passages from *The Obedience of a Christian Man* wherein he treats the subject of parental consent to marriage, writing,

The marriage also of the children pertaineth unto their elders; as thou mayest see 1 Cor. 7 and throughout all the scripture, by the authority of the said commandment,

⁶³ William Tyndale, *Doctrinal Treatises and Introductions to Different Portions of the Holy Scriptures* (Cambridge: The Parker Society, 1848), 168.

⁶⁴ *The Complete Works of the Late Rev. Thomas Boston, Ettrick*, 12 vols. (reprint, Wheaton, IL: Richard Owen Roberts, 1980), 2:221. This is found in Boston’s exposition of the Shorter Catechism, under the fifth commandment. The argument from property is found among many of the Puritans, some of whom are quoted later in this paper, and was embodied in the English Interregnum 1653 “Act Touching Marriage” (Brewer, 313-14).

⁶⁵ John Foxe’s *Book of Martyrs*, quoted in Tyndale, 170 n. 1.

Child, obey father and mother. Which thing the heathen and gentiles have ever kept, and to this day keep, to the great shame and rebuke of us Christians.⁶⁶

And again, “Let [fathers and mothers] teach their children to ask marriages of their fathers and mothers. And let their elders provide marriages for them in season; teaching them also to know, that she is not his wife whom the son taketh, nor he her husband which the daughter taketh, without the consent and good-will of their elders, or them that have authority over them.”⁶⁷

Luther writes,

Although I have spoken of this also in the Postil, I must repeat it here. The [fifth] commandment here stands strong and firm, ‘Honor and obey your father and your mother.’ This is why in all of Scripture we find not a single example of two young people entering into an engagement of their own accord. Instead, it is everywhere written of the parents, ‘Give husbands to your daughters and wives to your sons,’ Jeremiah 29, and Moses says in Exodus 21, ‘If a father gives a wife to his son,’ *etc.* Thus, Isaac and Jacob took wives at the behest of their parents.⁶⁸

To round out the Reformation witness of the application of the fifth commandment and its concomitant natural equity respecting parental consent in marriage formation, we quote lastly from Martin Bucer, the Strasbourg Reformer, writing from exile in England,

But it is obvious that it is repugnant, not only to the laws of pious emperors, but also to the law of God and of nature and to every law of nations, that children who are in the power of their parents do or attempt anything of great moment outside the knowledge and will of the parents, much less emancipate themselves completely from the power of their parents and withdraw themselves from their control, as occurs in matrimony. . . . It ought to be a shame and reproach to them so to despise their parents and so to violate both human and divine right according to their fancy as to pledge themselves to marriage without the counsel and consent of parents and those who properly take the place of parents.⁶⁹

Bucer employs the argument from property when he says,

Therefore, the laws of the early Church and of pious emperors define it as rape if anyone joins a woman to himself in matrimony without the knowledge and consent of parents, even if the woman consents. Since the laws provide such a severe punishment if anyone against the will of another takes just a little money, or some beast, or some other thing that in no way can be compared with children, how much more severe a punishment ought to be inflicted on those who take from parents

⁶⁶ Tyndale, 169.

⁶⁷ *Ibid.*, 199-200.

⁶⁸ *That Parents Should neither Compel nor Hinder the Marriage of their Children*, in *Luther's Works*, 45:390.

⁶⁹ Bucer, 321, 323.

their own children, than whom they hold nothing in the world more dear or more precious.⁷⁰

D. Explicit Directive for Parental Consent

We come finally to the third argument from biblical exegesis, that of explicit directive. In fact, we have already seen it interspersed in quotations above from Luther. This is the argument from Jeremiah 29:6 in which parents are explicitly commanded as follows: “Take ye wives, and beget sons and daughters; and *take wives for your sons*, and *give your daughters to husbands*, that they may bear sons and daughters; that ye may be increased there, and not diminished.” In Calvin’s lectures on Jeremiah to the students at the Genevan academy, he understands the verse to teach the obligation of parental consent for marriage:

In bidding them to take wives for their sons, and to give their daughters in marriage, he speaks according to the usual order of nature; for it would be altogether unreasonable for young men and young women to seek partners for themselves, according to their own humour and fancy. God then speaks here according to the common order of things, when he bids young men not to be otherwise joined in marriage than by the consent of parents, and that young women are not to marry but those to whom they are given.⁷¹

The command in Jeremiah 29 is given in an historical context, but both Luther and Calvin judge it to be of abiding force insofar as the manner of its execution was concerned.

While I have not located references by the Reformers to Deuteronomy 7:3 on this topic, several of the Reformers’ Puritan successors found in the verse an argument of like kind to Jeremiah 29:6. Thomas Boston’s remarks quoted above are one instance. William Perkins, discussing Jesus words in Mt 19:6, was to cite the verse as follows:

If it be asked, how God that is in heaven, should bring and join together man and wife upon earth; I answer that he doth it not immediately by himself, as he brought Evah unto Adam, but in and by some solemn and lawful means. And this means, is that great and ancient power and prerogative of parents. And the law of God hath given them this power, not in civil contracts and in compositions alone, but even the beginning and accomplishing of marriages (Dt 7:3; Jer 29:6; 1 Cor 7:36).⁷²

Deuteronomy 7:3, says, “Neither shalt thou make marriages with them; thy daughter thou shalt not give unto his son, nor his daughter shalt thou take unto thy son.” This is a negative example which

⁷⁰ *Ibid.*, 321.

⁷¹ John Calvin, *Commentaries on the Prophet Jeremiah and the Lamentations*, trans. John Owen, vol. 3 (1563; Edinburgh: Calvin Translation Society, 1847; reprint, 2 vols. in 1 as *Calvin’s Commentaries*, vol. 10, Grand Rapids: Baker Book House, 1984), 10.1:419.

⁷² William Perkins, *Oeconomie: Or, Household-Government. A Short Survey of the Right Manner of Erecting and Ordering a Family According to the Scriptures*, in *The Workes of that Famous and Worthy Minister of Christ in the University of Cambridge, M. W. Perkins*, vol. 3 (London: John Haviland for James Boler, 1631), 684-85.

nonetheless refers to the standard biblical manner of marriage formation. God is not here condemning the standard process, but the misuse of it to transact forbidden marriages. It is significant that the culture of marriage formation had not changed in the 800 years between the writing of Deuteronomy and Jeremiah's prophecy.

E. A Summary of the Biblical Teaching

Having established the Reformed consensus, and the hermeneutical grounds on which it was based, it is valuable to set the biblical case on its own footing. Thus far it has been described in piecemeal fashion, citing excerpts from various exponents of Reformed doctrine on the topic. We will assume that the application of the fifth commandment and the directive in Jeremiah 29 have been explained well enough above, and will concentrate on the data pertaining to biblical example, where synthesis and explanation may perhaps be helpful.

In surveying the way particular marriages take place in the Bible, it is evident that there are some deviations from what we will call the "approved pattern." A few of the deviations are necessitated by extenuating circumstances, some of them the result of rebellion on the part of the persons marrying, some of them due to neglect by injudicious parents, but the Bible does contain a pattern that governs the process of marriage formation. This pattern is expressed in Scripture under the designation, for a young man, of "taking" a woman as a marriage partner (Gen 21:21; 24:40; 28:1-7; Jdg 12:9; 14:2; 2 Chr 24:3; Ezr 9:2). The young man is not the only one doing the taking; his parents, in fact, are often the only ones described as "taking," though by implication and necessity the young man, in such a case, "takes" as well (Gen 25:20). The young woman, by contrast, is "given" by her parents (Jos 15:6; Jdg 1:12; 21:1; 1 Cor 7:38), but it is also true, even as the young man "takes" the young woman, she "gives" herself to the young man (Gen 24:58). Both sets of parents are involved in the giving and taking, and both the young man and the young woman are involved in the giving and taking.

Abraham was participating in the biblical culture of taking a wife for Isaac when he sent his servant to Syria for Rebecca. Abraham was 140 years old, and it may be fairly supposed that he was not capable of making the journey himself, or if he were, he felt that having left Syria to sojourn in the land of Canaan, God did not want him to return there himself, even for this specific purpose. Instead, he sent a highly-trusted servant. It is likely that this is the same servant that was spoken of prior to the birth of Isaac as Abraham's heir, Eliezer of Damascus (Gen 15:2-3). This servant was Abraham's proxy in taking a wife for Isaac: "The LORD, before whom I walk, will send his angel with thee, and prosper thy way; and thou shalt take a wife for my son of my kindred, and of my father's house" (Gen 24:40). Abraham did not know Rebecca in particular, but her family was well-known to him, and this is a principle to be observed in general: The family of the prospective mate makes a significant contribution to whom he or she is, and parents are usually better placed than their children to make the wider evaluation that includes the family.

The words of Abraham's servant upon locating Rebecca in Haran bring out an aspect of marriage formation that deserves more attention by present day Christians. The good marriage of Isaac was looked upon, in the first place, as a blessing to the parent, to Abraham himself: "Let the same be she that thou hast appointed for thy servant Isaac; and thereby shall I know that thou hast shewed kindness unto my master" (Gen 24:14). "And he said, Blessed be the LORD God of my master Abraham, who hath not left destitute my master of his mercy and his truth" (Gen 24:27). "And now if ye will deal kindly and truly with my master, tell me" (Gen 24:49). While it is certain that the marriage to Rebecca was a blessing to Isaac (Gen 24:67), Isaac's blessing in it is not even mentioned by the servant, whereas Abraham's blessing is declared several times.

It was stated above that there is a mutual giving and taking in arranging a marriage. It involves both sets of parents and both son and daughter. It requires consent all the way around. Laban, after himself agreeing to the proposal of Abraham's servant, said to Rebecca, "Wilt thou go with this man?" (Gen 24:58). Matthew Henry, in discussing these words, makes application of them as follows: "As children ought not to marry without their parents' consent, so parents ought not to marry them without their own."⁷³

Essentially the same procedure was followed in the case of Isaac and Rebecca sending Jacob back to Syria to get a wife from the same family. He was forbidden by his parents—literally, "thou shalt not," they said—to take a wife from the surrounding region. His parents told him to go back to Rebecca's family and take a wife specifically from the daughters of Laban (Gen 28:2). In doing as they told him to do, Jacob was said to have "obeyed his father and his mother," and he received their blessing (vv. 6-7).

Someone might suggest that the examples of Isaac and Jacob simply demonstrate that God's people are not to marry unbelievers, nothing more. This idea ignores the fact that Abraham's household was very large and contained many God-fearing members. When Lot was captured by the four kings, Abraham was able to muster 318 trained men from those born in his house (Gen 14:14) to go and rescue him. These men and their families were, by and large, believers. God says of Abraham, "For I know him, that he will command his children and his household after him, and they shall keep the way of the LORD, to do justice and judgment" (Gen 18:19). We may estimate the quality of the faith of these men by the wisdom and godliness of Abraham's servant, Eliezer, and we cannot doubt that there were many believing daughters among them whom Isaac could have married if that were the only requirement Abraham deemed necessary to observe. Yet Abraham believed it important that Isaac take a wife from his own country and kindred (Gen 24:4). To the suggestion that Christian faith in a mate is all that is necessary, it may be replied that a son or daughter would not be satisfied with making such a generic selection. Why should a parent be so? Abraham was not.

The examples of Abraham, Isaac and Jacob are not isolated examples. Ishmael, with an absentee father, relied on his mother to find him a wife: "His mother took him a wife out of the land of

⁷³ Matthew Henry, *Commentary on the Whole Bible*, 6 vols. (reprint, MacLean, Virginia: MacDonald, n.d.), 1:151.

Egypt” (Gen 21:21). Note that the verb is again “take.” Hamor, belatedly, tries to take a wife for his son, Shechem, who in his impatience could not wait for his father to transact the marriage (or for her to be given) before he took the woman himself (Gen 34:8). The comment in the Geneva Bible at this place reads, “This proveth that the consent of parents is requisite in marriage, seeing the very Infidels did also observe it as a thing necessary.”⁷⁴ In the days of the Judges, the Judge Ibzan of Bethlehem, with 30 sons, “took in thirty daughters from abroad for his sons” (Jdg 12:9). The inclusion of the word “abroad” indicates that Ibzan went to some trouble to locate suitable mates. There is plausible speculation that this Judge Ibzan was, in fact, Boaz the husband of Ruth, which is relevant to our study, since some take the marriage of Boaz and Ruth to be an exception to our approved pattern. Whether Boaz and Ibzan are the same person or not, Boaz is not an exception to the rule, as discussed below.

There is the case of Sampson. Here we have a good example of an attempt by Sampson’s parents to exercise the process, and Sampson recognizing that there was such a process (“now therefore get her for me to wife,” Jdg 14:2). William Perkins writes, “Samson, though he was inflamed with the love of the woman in Timnath, whom he saw to be beautiful in his eye, yet he durst not take her to his wife, till she was given him of his parents (Jdg 14).”⁷⁵ The problem in Sampson’s case was not the process itself. It lay in the fact that Sampson refused to abide by his parents’ counsel, and that his parents finally gave in, participating in the transaction of a marriage that they knew to be wrong. Matthew Henry, while criticizing Sampson’s specific choice, commends Sampson, not only for seeking his parents’ concurrence, but for not initiating the relationship before doing so:

Yet it was wisely and well done not to proceed so much as to make his address to her till he had first made his parents acquainted with the matter. Herein is an example to all children. Conformable unto the law of the fifth commandment, children ought not to marry, nor to move towards marrying, without the advice and consent of their parents; those that do (as Bishop Hall here expresses it) ‘wilfully unchild themselves, and exchange natural affections for violent.’⁷⁶

The same process is the one that Jehoiada followed as the foster father of king Joash: “And Jehoiada took for him two wives” (2 Chr 24:3). Israel as a people are reported to have abused the same process in Ezra 9:2, 12 to transact marriages with unbelievers. And finally, this process may be what Jesus is referring to incidentally in the parable he tells in Mt 22:2 of the king “which made a marriage for his son.” “Marriage” here can be a marriage celebration, as it evidently is in the following verse, but it also refers to marriage in general (*c.f.*, Heb 13:4), which is how the AV translators take it in verse 2.

⁷⁴ *The Geneva Bible*, first part (London: Christopher Barker [*Herbert 248*], 1599), 13 (margin note at Gen 34:4).

⁷⁵ Perkins, 685.

⁷⁶ Henry, *Commentary on the Whole Bible*, 2:208. Henry adroitly adds, “He that, in the choice of a wife, is only guided by his eye, and governed by his fancy, must afterwards thank himself if he find a Philistine in his arms.”

F. Counter Examples

There are examples in the Bible of men taking wives, apparently without parental input. We don't include here cases where it is simply said that so and so took a wife, because these could well be cases in which parents also took the wife for the son. Here we consider those instances where parents are overtly, or at least likely, left out. These are, almost all of them, examples of disobedience and disaster. Most of them are egregious examples, where the wife taken was not even part of the visible church, but they serve to illustrate generally the folly of making a mistake of this type. These include cases like the "sons of God" taking them "wives of all which they desired" in Gen 6:2. Esau took wives of the daughters of Canaan which were "a grief of mind" to Isaac and Rebecca. Even here, we find Esau wanting to rectify this by an attempt to please his parents in the choice of a third wife (Gen 28:9).

The case of Shechem we have already discussed. There is the case of Judah "departing from his brethren" and taking the daughter of Shuah as a wife. We do have an example of a good marriage where it does not seem that a parent of the son is involved in transacting it, namely, that of Boaz and Ruth, but we know in this case that Boaz was at least of middle age, and maybe older (Ruth 3:10), and had likely been married at least once before. Ruth, of course, is obeying her mother-in-law in seeking the marriage. Similarly, Abraham's marriage to Keturah could not have happened with the concurrence of his parents, but Abraham was an old man at the time of this marriage.

VI. The Reformed Confessions

The Reformed confessions, like the legal reforms in the cities controlled by the Reformation, demonstrate wider consensus than simply a quote from one Reformer or another. The confessions, when they address it, speak with unanimous voice regarding the necessity of the consent of parents to marriages of their children.⁷⁷ In this section we will catalogue the Continental confessional treatment of parental consent to marriage, and also discuss the Westminster Assembly's treatment of it, though it came in the following century.

William Farel's Summary (1529)

"[God desires] that the marriage made by the consent of the parties, of the father and of the mother of those who marry (if they are still under the charge and guidance of them), may come into effect without ever being put asunder."⁷⁸

⁷⁷ There is an apparent disharmony, and only an apparent one, with respect to the Irish Articles which contain a clause that allows a person "to marry at their own discretion, as they shall judge the same to serve better to godliness," but here it is evident that what is being addressed is the question of whether to seek marriage at all or whether to remain single.

⁷⁸ James T. Dennison, Jr., ed., *Reformed Confessions of the 16th and 17th Centuries in English Translation*, 4 vols. (Grand Rapids: Reformation Heritage Books, 2008-2014), 1:99.

The Confession of Saxony (1551)

“Therefore we give leave to priests and other persons to marry, which had rather live godly in marriage, than in a single life have wounded consciences, so that they cannot invoke God, and live holily. In affiances, even according to the ancient laws, we will have the consent of parents also, whensoever parents are moved with a probable reason.”⁷⁹

The Confession of Württemberg (1552)

“Also we teach that those which be young ought not to marry without the authority of their parents; and that the marriage which is contracted by a rash and unlawful consent of young parties, without the authority of them in whose power they are, is not to be counted as ratified. For although there be certain cases, wherein it is lawful to marry without the consent of parents; yet it seemeth not good to make a general rule thereof, as though every consent of young parties should ratify the contract of marriage, and as though privy marriage were to be approved. For not only the commandment of God doth exact that children should honour their parents; but also natural reason doth command that the consent of parents should be required in making a marriage.”⁸⁰

The Geneva Bible (1560)

The notes in the Geneva Bible represent the views of many of the English and Scottish Reformers. They do not represent a confession as such, but they do represent wide agreement on the part of the translators, collaborators and publishers of this early and popular Bible in English. In addition to what is quoted above from the comment at Genesis 34:8, there is a relevant remark in the margin at 1 Cor 7:36:

Now he turneth himself to the Parents, in whose power and authority their children are, warning them that according to the former doctrine they consider what is meet and convenient for their children, that they neither deprive them of the necessary remedy against incontinency, nor constrain them to marriage, whereas neither their will doth lead them, nor any necessity urgeth them.⁸¹

The First Scottish Book of Discipline (1560)

Public inhibition must be made that no persons under the power and obedience of others, such as sons and daughters, [and] those that be under curators, neither men nor women, contract marriage privily and without knowledge [of their parents, tutors, or curators, under whose power they are for the time]: which if they do, the censure and discipline of the Church [ought] to proceed against them. If the son or daughter, or other, have their heart touched with desire of marriage, they are bound to give that honour to the parents that they open unto them their affection, asking of them counsel and assistance, how that motion, which they judge to be of God, may be performed. If the

⁷⁹ Peter Hall, *The Harmony of the Protestant Confessions* (Edmonton, AB: Still Waters Revival Books, 1992), 461.

⁸⁰ Hall, 468.

⁸¹ *The Geneva Bible, New Testament* (London: Christopher Barker [Herbert 248], 1599), 72 (margin note at 1 Cor 7:36).

father, friend, or master, gainstand their request, and have no other cause than the common sort of men have (to wit, lack of goods, or because they are not so high-born as they require), yet must not the parties whose hearts are touched make any covenant till further declaration be made unto the Church of God.⁸²

The Hungarian Confessio Catholica (1562)

“The formal cause [of marriage]: those brought together by consent and their legitimate parent. . . . For the purpose of such a bond entered into to this end, there are desired the ordinance of God, the laws of the ruler and the country, and the consent of parents, relations, and guardians, and then of the persons to be joined. We do not approve the agreement and pledging of superiors (*i.e.*, parents) contrary to the wishes of inferiors (those to be joined) because parents may not forcibly give their children in marriage. Therefore, the law of God, the example of saints and the decrees of the emperors and popes all require the consent of parents and those to be joined. Eve was led to Adam, which testifies to consent. Rebecca’s consent was confirmed by her parents. On the other hand, we do not approve the secret and furtive consent of two persons without parental consent (resolutions of the council of Elvira; Boniface, Gregory, Gratian), especially when the parents object to the union for good reasons.”⁸³

The Confession of Tarcal (1562) and Torda (1563)

“In addition, [with respect to marriage] parents will exercise complete authority over their children, with the exception, nevertheless, of abuse of that parental right (Ex 22:16; Dt 22:16).”⁸⁴

The Second Helvetic Confession (1566)

“Let marriages be made with consent of the parents or such as are in the place of parents; and for that end especially for which the Lord ordained marriages: and let them be confirmed publicly in the church with prayer and blessing.”⁸⁵

The Sandomierz Consensus (1570)

“We confess that marriages are to be taken and joined duly, in order, in the fear of God, not against the law of God or laws that forbid marriages of certain degrees (of consanguinity), so that marriages would not be defiled by a close relation or kinship. In addition, they must be taken with the permission of parents or those who are in their place, and not to any other end or for any other reason than the end and reasons for which God instituted them.”⁸⁶

⁸² *The Works of John Knox*, ed. David Laing, vol. 2 (Edinburgh: Wodrow Society, 1846), 245-46.

⁸³ Dennison, 2:539.

⁸⁴ Dennison, 2:746.

⁸⁵ Dennison, 2:879.

⁸⁶ Dennison, 3:255.

The Westminster Assembly (1643, 1644)

The Westminster Assembly addressed parental consent to marriage to the same effect, but by a differently route than some of the earlier confessions, two routes to be precise. In the first place, the circumstances of the calling of the Assembly made it possible for them to petition Parliament to enact marriage legislation. The Assembly was initially bogged down in an attempt to revise the Thirty-Nine Articles, but laid it aside early in October 1643, a few months after convening. They thereupon took up the question of church government. It was near the beginning of that debate that the Assembly sent to Parliament a petition requesting that they enact legislation against clandestine marriages.⁸⁷ Given the contentious nature of the church government debate, it may have been gratifying to the Assembly that they could unite on this question. The House of Commons referred the Assembly's petition to a committee, but it was not until ten years later, during the Barebone's Parliament, that a marriage ordinance containing the requested provisions was enacted.⁸⁸

The Separatists, as distinct from the Puritans, had regarded the celebration of marriage as exclusively a matter of civil government and had eschewed the involvement of the church altogether.⁸⁹ However, as the Reformers had done, so had most Puritans recognized both a civil and an ecclesiastical function in marriage formation, and a practical pastoral necessity of teaching biblical principles of marriage to those considering it. Therefore, in addition to their request of Parliament in 1643 to enact Protestant marriage laws, the Westminster Assembly debated and passed marriage guidelines at the end of 1644, including them in the *Directory for Public Worship* under the heading of "The Solemnization of Marriage."⁹⁰ The *Directory* reads,

Before that publication of such their purpose [*i.e.*, marriage], (if the parties be under age), the consent of the parents, or others under whose power they are, (in case the parents be dead), is to be made known to the church officers of that congregation, to be recorded. The like is to be observed in the proceedings of all others, although of age, whose parents are living, for their first marriage. And, in after marriages of either of those parties, they shall be exhorted not to contract marriage without first acquainting their parents with it, (if with conveniency it may be done), endeavouring to obtain their consent. Parents ought not to force their children to marry without their free consent, nor deny their own consent without just cause.⁹¹

As was observed under the discussion of the age of majority, it is notable that the Westminster Assembly considered age of majority provisions for parental consent inapplicable to first marriages.

⁸⁷ Chad VanDixhoorn, ed., *The Minutes and Papers of the Westminster Assembly 1643-1652*, 5 vols. (Oxford: Oxford University Press, 2012), 2:27.

⁸⁸ George Elliott Howard, *A History of Matrimonial Institutions*, vol. 1 (University of Chicago, 1904), 418. Brewer claims that the Long Parliament did indeed outlaw clandestine marriages, but does not cite a source (Brewer, 314).

⁸⁹ Richard L. Greaves, *Society and Religion in Elizabethan England* (Minneapolis: University of Minnesota Press, 1981), 179. The 1653 Barebone's Parliament "Act Touching Marriage" under Cromwell also made all marriages subject to civil authority alone, with no role in the ceremony for ministers of the church.

⁹⁰ This was similar to the inclusion of such guidelines in Archbishop Cranmer's 1549 *Prayer Book* under the "Forme of Solemnizacyon of Matrimonie," (Euler, 390).

⁹¹ *The Confession of Faith*, 387.

All people of whatever age, as long as their parents were living, were required to receive parental consent for a first marriage, and were to endeavor to obtain such consent for subsequent marriages (in which cases, so long as the parties were of age, consent was evidently not strictly required if it could not be obtained).

VII. England and The Puritans

The inclusion of the Westminster Standards in the list of Reformed confessions addressing the issue of parental consent is indicative of the fact that parental consent requirements did not cease with the sixteenth century or at the borders of Continental Europe. The development of Protestant marriage doctrine in England is an involved and interesting history, but it culminated among the Puritans, and more Reformed thinking Anglican establishment theologians, along the same essential lines as on the Continent. Like the English Reformation itself, marriage policy in England was subject to the influence of strong partisan factions. During the reign of Edward VI, marriage reform reflecting Continental policy, especially the teaching of Bullinger and Bucer, came to be expressed in a document commissioned by Edward's privy council, the *Reformatio legum ecclesiasticarum*.⁹² The commissioners included such men as Thomas Cranmer, Nicholas Ridley, Miles Coverdale, Matthew Parker, John Alasko, and Peter Martyr Vermigli.⁹³ The document was a radical reform of English canon law, addressing much more than marriage, but it failed to pass Parliamentary muster due primarily to the influence of the Duke of Northumberland, just as similar marriage legislation was to fail in 1571 by the opposition of Queen Elizabeth.⁹⁴ English civil law on marriage, except during the Protectorate, did not reach the level of sixteenth-century reforms on the Continent until 1753 with Lord Hardwicke's Marriage Act.⁹⁵

In the meantime, the Puritans found themselves in an environment corresponding in certain respects to that of the early Reformation, with biblical marriage doctrine being subverted by poorly conceived, badly written, and unenforceable civil law. It is true that the Anglican establishment had done away early on with prohibitions on clerical marriage (to the dissatisfaction of Elizabeth), and in 1604 Parliament had passed a statute requiring parental consent. However, the 1604 law, like the Roman Catholic canon law before it, nonetheless recognized the legitimacy of marriages transacted without such consent, rendering the statute ineffective. Moreover, the statute provided an avenue

⁹² Euler, 390-92.

⁹³ James C. Spalding, "The *Reformatio Legum Ecclesiasticarum* of 1552 and the Furthering of Discipline in England," *Church History* 39 no. 2 (Jun 1970): 162-71.

⁹⁴ "In each instance it was a single strong layperson who led the opposition on largely political grounds—the Duke of Northumberland in the House of Lords in 1553, Queen Elizabeth herself in 1571," (Witte, *From Sacrament to Contract*, 248); Gerald Bray, "The 1552 Reform of English Church Discipline," *Churchman* 116 (2002):212.

⁹⁵ Lorde Hardwicke's Marriage Act is responsible, in the 1813 Jane Austen novel, *Pride and Prejudice*, for the supposition by the Bennet family that the eloped Lydia and her suitor/abductor had "gone to Scotland" to escape the requirements of bans, parental consent, and a church wedding. The Marriage Act explicitly exempted Scotland. Places like Gretna Green, just over the border, became famous for celebrating illicit unions between runaway couples from England. A summary of the confused state of English marriage law leading up to Lord Hardwicke's Marriage Act may be found in Stone, 32-35.

for obtaining licenses outside the ordinary process, which were abused to a great extent, further diminishing the value of the law.

During the Civil War and Commonwealth periods, the Puritans were also forced to deal with a surge of heretical sects, some of which promoted unbiblical ideas of marriage. Witte cites the case of Gerrard Winstanley, leader of the Diggers, claiming “against prevailing patterns of arranged and male-initiated marriages” (and, it might be observed, in strikingly modern notes) that “Every man and every woman shall have the free liberty to marry whom they love, if they can obtain the love and liking of that party whom they should marry, and neither birth nor portion shall hinder the match, for we are all of one family mankind.”⁹⁶

In Puritan New England, marriage law was strict with respect to parental consent, and even addressed the wooing, let alone the marrying, of young women without parental permission, imposing a large fine on offenders. The 1647 law reads,

And whereas God hath committed the care and power into the hands of parents for the disposing their children in marriage, so that it is against rule to seek to draw away the affections of young maidens, under pretence of purpose of marriage, before their parents have given way and allowance in that respect; and whereas it is a common practice in diverse places for young men irregularly and disorderly to watch all advantages for their evil purposes, to insinuate into the affections of young maidens, by coming to them in places and seasons unknown to their parents for such ends. . . . It is further ordered, that whatsoever person from henceforth shall endeavor, directly or indirectly, to draw away the affection of any maiden in this jurisdiction, under pretence of marriage, before he hath obtained liberty and allowance from her parents or governors or, in absence of such, of the nearest magistrate, he shall forfeit for the first offence five pounds.⁹⁷

With this background, what follows is a selection of quotes from English Reformers, establishment Anglicans, Separatists and Puritans addressing the question of parental consent in marriage.

Hugh Latimer, Martyr (Sermon Preached before King Edward VI, 1549)

“And other there be that inveigle men’s daughters, in the contempt of their fathers, and go about to marry them without their consent: this marrying is ungodly. And many parents constrain their sons and daughters to marry where they love not, and some are beaten and compelled. And they that marry thus, marry in a forgetfulness and obliviousness of God's commandments.”⁹⁸

⁹⁶ Witte, *From Sacrament to Contract*, 268.

⁹⁷ *The Charters and General Laws of the Colony and Province of Massachusetts Bay* (Boston, 1814), 151, quoted in Brewer, 312.

⁹⁸ George Elwes Corrie, ed., *Sermons by Hugh Latimer* (Cambridge: The Parker Society, 1844), 170.

John Hooper, Martyr (A Declaration of the Ten Commandments, 1550)

“But this matrimony is contemned now-a-days, which provoketh the ire of God; for three manner of ways men offend in this behalf. First, men woo and covet matrimony for affection. Then be they well conjoined together of their own consent; their parents’ and fathers’ good will either neglected or avariciously blinded, rather with the respect of honour and riches, than well persuaded for estimation of virtue.”⁹⁹

Archbishop Matthew Parker (An Admonition to All Such as Shall Intend Hereafter to Enter the State of Matrimonie, 1563)

“First, that they contract not with such persons as be hereafter expressed, nor with any of like degree, against the law of God, and the lawes of the Realme. Secondly, that they make no secret contracts without consent and counsaile of their Parents or elders, vnder whose authoritie they be: contrarie to Gods Lawes, and mans ordinances. Thirdly, that they contract not anew with any other, vpon diuorse and separation made by the judge for a time, the lawes yet standing to the contrarie.”¹⁰⁰

Dudley Fenner (The Order of Householde, 1584)

“The proper obedience, is that which springeth from a cheerfull, naturall, continuall, and childlike love and reverence. Contrarie to this is, disobedience, vnnaturall behaviours or affections, &c. (2 Tim 3:2; Col 3:20; Eph 6:1). This obedience must shewe itself, especiallie in being governed by them in the matter of calling, & mariage, according to the rules prescribed in the word of God, & all such matters of waight and moment. Chiefly vntill by the fathers authority and consent, more full power be geven to their children because of their yeers and discretion (Num 30:4-6; 1 Cor 7:36-38; Gen 24:51).”¹⁰¹

Henry Barrow, Martyr (Separatist; A Brief Discoverie of the False Church, 1590)

“I have alwaies found it the parentes’ office to provide mariages for their children, whiles they remaine in their charge and government: and that the parties themselves affianced and betrothed ech other in the feare of God, and the presence of such witnesses as were present, and that in the parentes’ or other private houses, without running to church to the priest after this manner.”¹⁰²

John Greenwood, Martyr (Separatist; A Collection of Certaine Sclaunderous Articles, 1590)

“Wherfore, seing the action is meere civile, wee see not whie we may not after the (a) examples of the godly in the Scriptures marrye in all (b) places, at all tymes in the Lord by the direction or

⁹⁹ Samuel Carr, ed., *Early Writings of John Hooper* (Cambridge: The Parker Society, 1843), 381.

¹⁰⁰ Parker Medieval Manuscripts: Cambridge, Corpus Christi College, Parker Library, CCCC MS 113.

¹⁰¹ *Certain Godly and Learned Treatises Written by that Worthie Minister of Christe, M. Dudley Fenner* (Edinburgh: Robert Waldegrau, 1592), 57-58.

¹⁰² Henry Barrow, *The Writings of Henry Barrow 1587-1590*, vol. 3 of *Elizabethan Nonconformist Texts*, ed. Leland H. Carlson (London: George Allen and Unwin, 1962), 455.

consent of parents (unless it be by their owne manifest defaults), before faithfull witnesses, *etc.* ... (a) Ruth 4:9-12; Jn 2:1-2, (b) Heb 13:4; 1 Cor 7:9; 1 Tim 4:3.”¹⁰³

Bishop Gervase Babington (Certaine Plaine Notes On Genesis, 1592)

“It is if you marke it, not onely sayde, that God made Woman, but that hee brought her to Man, and thereby we are taught, that marriage is not euery meeting of man and woman together vpon theyr owne heades, but when God bringeth them together, eyther to other: and God bringeth not together, except in his feare they meete with consent of Parents, and such as are interested in them, and all due circumstances and order appointed by God, and vsed by his Church wherein they liue.”¹⁰⁴

“Passe not ouer againe in this talke of Abraham about the mariage of his sonne without noting, what power the parent then had ouer the childe in guiding his choise, and not leauing him libertie directly without cause to stray from his liking, oppose it against the licentious rage of children in these dayes, whose wit and onely wit in this case must be folowed, say parents to the contrary by graue experience whatsoever they can. Yet standeth it fast euen in this matter as in all other, hee that despiseth me, shall be despised of me, and hee that despiseth parents, despiseth God who hath sayde, thou shalt honor thy father and thy mother &c. Now shall children thinke that honor of word, cap, or knee, is due, and the greatest matter of all others eyther to their owne good or parents comfort, belongeth no further to them then they list? It cannot be. Therefore who so in this matter taketh not parents good aduise and consent, he despiseth God, and the curse doth rest vpon him without repentance.”¹⁰⁵

“Then they called the maide, and asked her consent therein, leauing this for the godly euer, and all to marke, that as children owe a dutie to parents, to aske their consents, so euen parents also owe this to their children not violently to force them against theyr liking: for who so marrieth, marrieth for himselfe, and not for his parents, and good reason then the heart should loue, whom the life must indure till dying daye.”¹⁰⁶

William Perkins (Oeconomie: Or, Houshold-Government, 1609)

Perkins is cited above in the exegetical argument in support of explicit directive and in the exegetical summary. His influence among subsequent generations of Puritans, and the length at which he treats the topic, merit inclusion of these further statements, and a recommendation that his entire connected argument be consulted:

¹⁰³ John Greenwood, *The Writings of John Greenwood 1587-1590*, vol. 4 of *Elizabethan Nonconformist Texts*, ed. Leland H. Carlson (London: George Allen and Unwin, 1962), 171.

¹⁰⁴ Gervase Babington, *Certaine Plaine, Briefe, and Comfortable Notes Vpon Euerie Chapter of Genesis* (London: Thomas Charde, 1592), 17.

¹⁰⁵ *Ibid.*, 95.

¹⁰⁶ *Ibid.*, 100-101.

“Consent of the Parents, is that act whereby they give their word and promise, to bestow their children in marriage, and in regard of right, do indeed presently bestow them. Therefore private contracts, that are made without free and lawful consent of parents, are not only unprofitable and unlawful, but even by the law of God mere nullities. Reasons: I. They are contrary to the express will and commandment of God, ‘Honor thy father and thy mother,’ (Ex 20). II. They are flat repugnant to natural equity; which teacheth, that he who hath not power, nor right over himself, cannot bind himself by promise to another. Now children have not power over themselves, but are under the government and at the disposition of their parents; therefore the covenants which they make, are not made and appointed of God, and those which God maketh not, are indeed and truth none at all.”¹⁰⁷

“It was an express law of God, that if a man enticed a maid that was not betrothed, and lay with her, he should endow her, and take her to his wife: But how? mark in what manner the holy Ghost proceedeth, ‘If her father refuse to give her to him, he shall pay money according to the dowry of virgins,’ (Ex 22:16-17, Dt 22:28-29). In which text, Moses plainly teacheth, that the consent of the two parties is not sufficient, no not though they have had society together, unless they have the free consent of their parents also. In like manner it was ordained by God (Num 30:4-6) that if a woman vowed a vow unto the Lord, being in her father’s house, and her father hearing it, holdeth his peace concerning her, that is, approveth her vow by winking at it, her vow shall stand. But if her father disallow her, that is, giveth no approbation or consent unto the vow made, it shall be of no value, and the Lord will forgive her, because her father consented not. Now, if the vow of children made unto God, and pertaining to his worship, cannot be ratified without the parents approbation; of how much less force shall any private contract or marriage be, without their allowance?”¹⁰⁸

John “Decalogue” Dod (A Plaine and Familiar Exposition of the Tenne Commandements, 1612)

“And as in other matters the parents are to bee obeyed, so especially in marriage. As Isaac, being a man of discretion of fortie yeeres olde, would not once goe about to take a wife for himselfe, but was content to stand at his fathers chusing. And Jacob would not dispose of himselfe in marriage, till Isaac and Rebeckah had consulted upon the matter, and directed him where, and among whom, hee should chuse his wife. Ruth being but a daughter in law, yet would not be at her own disposition, to take what husband liked her best, but was willing to be disposed by Naomie in her marriage. Though Ismael was a sinfull man, and justly excommunicated from his fathers house; yet verie nature and ordinarie civilitie made him submit himselfe to his mother for the choice of his wife, when he could not have his fathers direction. Therefore children must give this honour to their parents, to think them wiser and better able to provide for them then themselves. And as in matters lesse weightie, so especially to take their counsell, and be directed by them in this great matter, that so neerely concerns their estate.”¹⁰⁹

¹⁰⁷ Perkins, 682.

¹⁰⁸ *Ibid.*, 685.

¹⁰⁹ John Dod, *A Plaine and Familiar Exposition of the Tenne Commandements* (London: Thomas Man, 1612), 194.

Richard Rogers (Commentary on Judges, 1615)

“Here, [Sampson’s] practice, that he attempteth not the matter [of initiating a marriage] without acquainting his parents with it (when he liked the woman), doth condemn the common attempts of the most of our age about this matter, who have so degenerated and turned away from this dutifulness of seeking their parents’ consent in their match, as Sampson did, that they have made an end, and done what they desired with their wives. . . . The Lord hath, by commanding them to seek their parents’ consent, provided that they should not rashly and unwisely cast themselves into danger, and be led (as unexperienced youth easily is) into depth of evils and sorrow.”¹¹⁰

John Robinson (Separatist; Observations Divine and Moral, 1628)

“Herein [in choice of a spouse], parents specially must both preserve the right which God and nature hath given them, and do the duty which the one and the other hath laid upon them; as accounting their children theirs, most of all other things, whom if they this way bestow conveniently and in due time, they provide well both for them and themselves: for them, in preventing two dangerous evils, uncleanness and unfit matching: for themselves, according to the saying of Democritus, that he who gets a good husband to his daughter, finds another son: as he loseth his daughter, that gets an ill one.”¹¹¹

George Swinnock (The Christian Man’s Calling, 1662)

“Especially in marriage, be obedient to thy parents. Do not, like profane Esau, make an ungodly match to vex thy mother; believe, thou wilt at last vex thyself most (Gen 28:8-9). By Moses’ law the daughters’ vow was not valid unless the father did ratify it (Num 30:6). Hagar took a wife for Ishmael (Gen 21:21). Rebecca took a wife for Jacob. And, indeed, children that match without their parents’ consent may expect to meet with God’s curse; and such men have sometimes found that their wives, instead of being guides to rule their houses, have been griefs to cut their very hearts. . . . Tertullian, writing to his wife a discourse of marriage, closeth it with this: ‘Oh, how shall I be able sufficiently to describe the happy state of that couple whom the church hath married, prayer confirmed, angels in heaven proclaimed, and parents on earth approved?’”¹¹²

Richard Baxter (A Christian Directory, 1664)

“Marry not without your parents’ consent. Nay, if it may be, let their choice determine first of the person, and not your own: unexperienced youth doth choose by fancy and passion, when your experienced parents will choose by judgment.”¹¹³

¹¹⁰ Richard Rogers, *A Commentary upon the Whole Book of Judges* (London: Thomas Man, 1615; facsimile, Edinburgh: Banner of Truth, 1983), 659. Note that gaining parental consent for marriage, in Rogers’s estimation, was countercultural in 1615.

¹¹¹ John Robinson, *New Essays, or Observations Divine and Moral in The Works of John Robinson*, ed. John Ashton, 3 vols. (London: Reed and Pardon, 1851), 1:238.

¹¹² George Swinnock, *The Christian Man’s Calling, part II*, in *The Works of George Swinnock*, 5 vols. (Edinburgh: Banner of Truth, 1992), 1:452.

¹¹³ *The Practical Works of Richard Baxter*, 4 vols. (1673; reprint, Ligonier, PA: Soli Deo Gloria, 1990), 1:456.

Richard Adams (The Duties of Parents and Children, 1674)

“In the great business of marriage, it is very requisite to observe their [parents’] counsel and advise. Parents certainly should sway much in this weighty matter, as they did in Isaac’s matching with Rebecca, and Jacob’s with Laban’s daughter (Gen 24:6-7,63-67; 28:1-3; 29:11,18-19). Ruth, though a daughter-in-law, was willing to be disposed of by Naomi in the change of her condition, observing her orders in that affair (Ruth 2:21-23; 3:1-6,18). Yea, even Ishmael would take his mother’s advice for a wife; and Samson moved for his parents’ consent (Gen 21:21; Jdg 14:2). Tamar’s words in striving with her lustful brother, imply the gaining of her father’s consent requisite; and Shechem’s words to his father, when he had wickedly deflowered Dinah, whom he met-with in her idling visit, do import he was convinced it was equitable to have her father’s consent to marry her (2 Sam 13:13; Gen 34:11-12). For children ought in reason to think their parents wiser, and better able for the most part to provide for them, than they themselves are; because likely, as they have more experimental knowledge, so, if parents be not cankered with the love of this world, their affections are more governable, and not so easily biased from moving in the fairest way, as children’s often are in their youthful and sprightly age, when their inward emotions are apt to be more turbulent, unless sanctified with grace, and moderated with virtue. And further, here it may be considered that parents, who brought-forth and bred-up their children, should by no means be bereft of them without their consent; since they are so much their goods and possessions, that it were a kind of purloining to give themselves away without their parents’ leave.”¹¹⁴

“Some rigorous ones are apt, for their own worldly advantage, to use their awful [fear-inspiring] authority in matching, to constrain their obedient children contrary to their affections and dispositions; but they should rather learn of their heavenly Father, who disposeth all things sweetly, and would have them to do so too. In the disposal of their children, he would have them do more with the sway of love than power; and to be rather affectionate than imperious in their government.”¹¹⁵

“Wherefore, professing parents, who are charged by the prophet in the name of the Lord, to take wives to their sons, and give their daughters to husbands (Jer 29:6; 1 Cor 7:36), should study this prime canon [of marrying one’s children only to believers], as they really design the promotion and spiritual advancement of their offspring.”¹¹⁶

James Durham (Practical Exposition of the Ten Commandments, 1675)

Question 2. Whether is the father or magistrate most to be obeyed, if they command contrarily?

Answer. If that which is commanded be a thing belonging to the magistrate’s place to command in, as where such a one should live, what charge or office he should bear in the commonwealth, and

¹¹⁴ Richard Adams, “What are the Duties of Parents and Children; and How are They to be Managed According to Scripture?” in *The Morning Exercises at Cripplegate*, vol. 2 (1674; reprint, Wheaton, IL: Richard Owen Roberts, 1981), 310-11.

¹¹⁵ Adams, 342.

¹¹⁶ Adams, 340.

such like ... the magistrate is to be obeyed. . . . But if it be a thing that belongs to the father, and not the magistrate to command in, as what husband or wife a child should marry, and such like, that belongs to the father as a father, and so is to be obeyed, notwithstanding the contrary commandment of the other.¹¹⁷

Thomas Manton (d. 1677; Clerk, Westminster Assembly of Divines; A Wedding Sermon, 1685)

“As to consent of parents, God here in the text [Gen 2:22], as the common parent, taketh himself to have the greatest hand in the bestowing of his own children. He brought her unto the man; and ordinary parents are his deputies, which must bring and give us in marriage, especially when young, and under their power.”¹¹⁸

Matthew Poole (d. 1679; Annotations on the Whole Bible, 1685)

His mother took him a wife; by which we see both the obligation that lies on parents, and the right that is invested in them, to dispose of their children in marriage in convenient time. Compare Gen 24:4; 28:2; Jdg 14:2.¹¹⁹

Thomas Watson (The Ten Commandments, 1692)

“As children must hearken to the counsel of their parents in spiritual matters, so in affairs which relate to this life as in the choice of a calling, and in case of entering into marriage. Jacob would not dispose of himself in marriage, though he was forty years old, without the advice and consent of his parents (Gen 28:1-2). Children are, as it were, the parents’ proper goods and possession, and it is great injustice in a child to give herself away without the parents’ leave.”¹²⁰

Matthew Henry (Commentaries, 1708-1710)

Matthew Henry was quoted above in the exegetical discussion of the cases of Rebecca and Sampson. He had much to say on the subject of parental consent to marriage.

“Parents, in disposing of their children, should carefully consult the welfare of their souls, and their furtherance in the way of heaven. Those who through grace have escaped the corruption that is in the world through lust, and have brought up their children accordingly, should take heed of doing anything by which they may be again entangled therein and overcome (2 Pet 2:20).”¹²¹

“Parents have a property in their children as parts of themselves. In marriage this property is transferred; for such is the law of the relation that ‘a man shall leave his father and his mother and cleave to his wife.’ It is therefore not only unkind and ungrateful, but very unjust, to alienate this

¹¹⁷ James Durham, *Practical Exposition of the Ten Commandments*, ed. Christopher Coldwell (1675; reprint, Dallas: Naphtali Press, 2002), 311.

¹¹⁸ Thomas Manton, *A Wedding Sermon*, in *The Works of Thomas Manton*, vol. 2 (Edinburgh: Banner of Truth, 1993), 164.

¹¹⁹ *Matthew Poole’s Commentary on the Whole Bible*, 3 vols. (reprint, Maclean, Virginia: MacDonald, n.d.), 1:50, on Gen 21:21.

¹²⁰ Thomas Watson, *The Ten Commandments* (1692; reprint, Edinburgh: Banner of Truth, 1981), 129-30.

¹²¹ Henry, *Commentary on the Whole Bible*, 1:144 (at Gen 24:6).

property without their concurrence; whoso thus ‘robbeth his father or mother,’ stealing himself from them, who is nearer and dearer to them than their goods, and ‘yet saith, It is no transgression, the same is the companion of a destroyer’ (Pr 28:24).”¹²²

“The apostle is thought to give advice here about the disposal of children in marriage. In this view, the general meaning is plain. Children should seek and follow the directions of their parents as to marriage. And parents should consult their children’s wishes; and not reckon they have power to do with them, and dictate just as they please, without reason.”¹²³

Thomas Boston (d. 1732; An Illustration of the Doctrines of the Christian Religion)

Boston’s most incisive remarks on the topic of parental consent to marriage have been quoted above in the exegetical treatment. Two more are added here.

“Let parents and masters do what they can to prevent the ruin of their children and servants, by rebuking any lightness about them, exhorting them, and praying for them; keeping them out of ill company, not suffering them to be idle or vague, and seasonably disposing of children in marriage.”¹²⁴

“But there want not other sinful practices participating of the nature of this sin [man-stealing], such as running away with persons for marriage, whereby their parents are robbed of what is their own.”¹²⁵

William Gouge (Vice-moderator, Westminster Assembly of Divines; Of Domestic Duties, 1622)

Gouge is catalogued last, quite out of chronological order, due to the length of the quotation. Gouge’s remarks on the sinfulness of ministers in marrying young people without their parents’ consent are sobering.

“16. Of parents’ consent to the marriage of their children.

That children ought to have their parents’ consent unto their marriage is without all question evident. For,

1. God himself hath given us herein a pattern: He first brought the woman to the man (Gen 2:22) whereby he would shew that he who gave a being to the woman had right to dispose her in marriage: which right parents now have: for from them, under God, children receive their being. In this case parents stand in God’s room, and are as it were God’s hand to join their children in marriage.

¹²² Henry, *Commentary on the Whole Bible*, 2:208 (at Judges 14:2).

¹²³ *Matthew Henry’s Concise Bible Commentary* (Grand Rapids: Christian Classics Ethereal Library), 1078.

¹²⁴ Boston, 2:280. Found in Boston’s exposition of the seventh commandment.

¹²⁵ Boston, 2:295. Found in Boston’s exposition of the eighth commandment.

2. God hath given express laws concerning this point. To omit that general moral law, *Honour thy father and thy mother* (which, as it is the ground of all other duties appertaining to children, so of this also) the authority and charge which God by his Law (Dt 7:3) hath laid upon parents, *to give their daughters to husbands, and to take wives for their sons*, hath the force of a law to bind children from taking wives or husbands without or against their parents' consent. This law was not proper to the Jews only; but as a branch of the moral law it is pressed upon Christians (1 Cor 7: 36-37). To this may be added the judicial law (if it be to be accounted merely judicial) of a parent's power in giving his daughter, or refusing to give her in marriage to him that had deflowered her (Ex 22:17).
3. Answerable to the Law hath been the practice of God's Saints recorded and approved in Scripture. *Isaac* married the wife which his father provided (Gen 24:67). *Jacob* both obeyed his father in going to *Laban's* house for a wife (Gen 28:2) and also when he came to *Laban* asked his daughter of him (Gen 29:18, etc.). Though *Samson* saw a daughter of the Philistines which pleased him well, yet would he not marry her before he had his parents' consent (Jdg 14:2).
4. These words of *Tamar* (2 Sam 13:13) *Speak unto the King* (who was her father), *for he will not withhold thee from me*, shew that children were not wont to be married without consent of parents: Which is further confirmed by this oath of the Israelites, *There shall not any of us give his daughter unto Benjamin to wife* (Jdg 21:1).
5. The ancient fathers of the Church have in their ages taught children this duty, and pronounced marriages of children without consent of parents to be unlawful.
6. The very heathen have observed the equity hereof. Though *Shechem* loved *Dinah*, and had deflowered her, yet would he not marry her without the consent of his and her father (Gen 34:3). *Ismael* had learned as much either by the instruction he had received out of *Abraham's* house, or else by the light of nature: for he stood to the choice which his mother made for him (Gen 21:21).
7. Though Papists in other cases make the authority of parents to be of no effect, yet in this case they count it utterly unlawful for children to marry without or against their parents' consent: and have thereupon made Canons against it.
8. The law of nature and nations, the civil and canon law, the common and statute law of our land, all manner of law is agreeable to God's Law in this point.
9. It hath been a custom in all Christian Churches throughout all ages, for the parent, or some in the parents' room, to give the bride to the bridegroom at the time of the marriage: whereby the parents' consent is openly manifested.
10. Many Divines of good note and name have judged such marriages as have been made simply without, or directly against parents' consent (especially if parents have just cause of exception against those marriages) to be of no force till the parent be brought to ratify them: and in many Churches upon due examination of the matter, they use to account them as no marriages. Experience hath manifested the boldness of many children in setting light by their parents' consent in those places where marriages once consummated are ratified, and made indissoluble, though they have been made simply without or directly against

parents' consent. Many children think, though it be unlawfully done, yet being done it shall stand. Whereupon, if they doubt of their parents' consent, they will cast how to get their marriage consummate, so as their parents may not know of it to hinder it before it is done: and after it is done, impudently resolute to bear out as well as they can, the storm of the parents' displeasure. To prevent such contempt of the power of parents, and to establish that authority which God hath given them over their children, marriages without or against parents' consent as aforesaid, are in many Churches made void.

“17. Of the equity of the point, and reasons why children should have their parents' consent unto their marriage.

1. By marriage children are put from their parents: for *Man must leave his Father and Mother and cleave unto his wife* (Gen 2:24). Is it not then great reason that they from whom children had their being, and by whom they have been maintained and trained up till the time of their marriage, should have notice of that kind of leaving them, and consent thereto?
2. A parent's power by the marriage of his child is passed over to the husband or wife of the child. And shall such a power be taken away without consent of parents?
3. Children for the most part being heady and rash for want of experience; and seeking more to satisfy their present carnal desire, than to provide a good lasting help for themselves: but parents by the instinct of nature loving their children as well as children love themselves, and having by much experience better understanding of a meet help and better able to use their discerning gift in this case, because it is not their own case, and yet the case of one whom they love as themselves, and to whom they wish as much good as to themselves; is it not meet even for the child's good, that in a matter of such moment as marriage, the parents should have a stroke?

“19. Of the sin of children in marrying without their parents' consent.

Contrary is the mind and practice of such children as over lightly esteeming their parents' power, take matches of their own choice: and that sometimes privily without giving any notice at all to their parents: and sometimes most rebelliously against their parents' mind and charge: not much unlike those who in the old world are condemned for *taking wives of all that they chose* (Gen 6:2) (which was one branch of that wickedness for which the world was drowned) or rather like *Esau* who took such wives as proved a grief to his parents (Gen 26:35). What blessing can be expected to fall upon such marriages? Or rather what curse may not be feared to follow them? God's law is transgressed thereby: his image in parents despised, that which is more proper to them than any goods; or fraudulently, or violently taken from them: their souls grieved thereat: and they oft provoked to cast off their children, and curse their marriages. Now God's curse doth oft follow the just curse of a parent.

“20. Of objections for children's marrying without parents' consent, answered.

3. *Object.* Children marry for themselves and not for their parents, why then should parents' consent be so much stood upon?
 - a. *Answ.* Though they marry not *for* their parents, yet they marry *from* their parents (see the second reason in Section 17): by marriage they are freed from the power of their parents.
 - b. *Answ.* Children are not their own: they are *the inheritance of the Lord* (Ps 127:3): the Lord hath given them to parents as an inheritance: a child therefore may no more marry for himself without consent of parents, than alienate his parents' goods for himself.

“21. Of stealing children from parents for marriage sake.

To the forenamed sin, and to the vengeance thereof, do they make themselves accessory, who fraudulently allure, or violently take away children to marry them otherwise than their parents would. This is a worse kind of felony than stealing away the goods of a man. For children are much more properly a man's own, than his goods: and dearer to him than any goods can be: yea and so much more highly to be esteemed, by how much reasonable creatures are to be preferred before senseless, and sensual things. Our statute law expressly condemneth this, and imposeth a severe punishment on such as shall offend therein. And justly do such offenders deserve to be severely punished, both in regard of the heinousness of the sin, and also in regard of the many mischiefs which follow thereon, as, *Alienation of parents' affection from their children, Disinheriting heirs, Enmity betwixt the friends of each party so married, Litigious suits in law, Ruin of families,* and (if the personages, whose children are married without their parents' consent, be great and noble) *Disturbance of whole towns, cities, and nations.* Instance the destruction of the *Shechemites* (Gen 34). This is said to have been the cause of the ten years' war betwixt the Grecians and Trojans, and of the ruin of Troy.

“22. Of Ministers' sin in marrying children without parents' consent.

Such Ministers also as through *carelessness*, not taking due account of the parties whom they marry, whether they have their parents' consent or no; or, through *bribery*, being hired by reward, do marry such children as they know have not their parents' consent, do in an high degree make themselves accessory to the forenamed sin (see Section 19). Their fact is as bad as the fact of the principals themselves. Their solemnization of such marriages emboldeneth both the parties that are so married, and also all the persons that are present thereat. They highly dishonor God's holy ordinance, in that bearing the person of God they say of such as God hath forbidden to be so joined together, *Those whom God hath joined together let no man put asunder.* If Ministers had not their hand in such unlawful marriages, they could not be made: for our Church ratifieth no marriage but what is made by a Minister. Wherefore some Minister or other is guilty of this soul sin, whensoever any child is married without consent of parents. Well

therefore doth our Church (to prevent this sin) expressly forbid Ministers to marry any without parents' consent: and inflict a severe censure on them that shall offend therein."¹²⁶

VIII. Concluding Thoughts

It does not take an acute cultural observer to discern that opinion, even within the church, on the nature of marriage has undergone a sea change since the days of the Reformers and Puritans. Indeed, if we are to judge by what is now recognized in law as constituting a marriage, Western society finds itself in a period that might be better compared with pre-Lutheran culture, or even pre-Abrahamic culture, than with what was acceptable even as recently as the 1950's. Witte grimly reflects,

Indeed, in some respects, the Western legal tradition of marriage in the past millennium has simply come full circle. Secret and private marriages were tolerated at the beginning of the last millennium, were condemned by Catholic and Protestant leaders in the middle of the millennium, but have now returned to prominence under Enlightenment theories of privacy. The single life was the celibate ideal of Catholics at the beginning of the millennium, was condemned by Protestants in the middle of the last millennium, and has now returned to social prominence under the inspiration of modern liberalism and privacy doctrine. Sexual pathos was prominent at the opening of this second millennium, with widespread concubinage, prostitution, voyeurism, polygamy, adultery, fornication, sodomy, wife and child abuse, teenage pregnancy, abortion, and much else. Sexual pathos has returned with equal pungency at the opening of the third millennium with the wildest frontiers of sexual prurience now only a mouse click away.¹²⁷

Even if we are to ignore the radical measures introduced since the late twentieth century Sexual Revolution, it is evident that neither Evangelicalism nor modern Reformed Confessionalism fully embrace the doctrine of marriage as set forth by the architects and early adherents of the Protestant confessions. The necessity for parental consent to marriage is a novel idea to our generation. In certain instances, this may be because of an unconscious reception from the culture of values with Enlightenment ancestry. In other cases, it proceeds from outright hostility to the view of the historic Reformed faith. Some who are otherwise friendly to Evangelical and Reformed doctrine do not hesitate to label these beliefs as "patriarchal," ironically adopting the same vocabulary as modern feminists who apply it to the entirety of the Christian worldview.

Ultimately, this has come about, as Witte describes of the culture at large, through the adoption, conscious or not, of Enlightenment notions of freedom and privacy rather than humble submission of the question to the scrutiny of the teaching of the Bible. The natural law of Calvin and Beza, augmented by and in conformity with scriptural teaching, is not the natural law of the

¹²⁶ William Gouge, *Of Domestic Duties* (1622; reprint, Puritan Reprints, 2006), 324-28.

¹²⁷ Witte, *From Sacrament to Contract*, 326.

Enlightenment. Enlightenment philosophy, at bottom, teaches the independence of man from God. It is no surprise that such philosophy should promote the independence of child from parent, with a consequent compromise in the biblical foundation of the institution of marriage.

The burden of this study has been to demonstrate the nature of that biblical foundation by appealing to the teaching of the Reformers and their successors, and directly to the Bible itself. The principle of mandatory parental consent to the marriages of their children was, as Thomas Boston wrote 300 years ago, “the constant doctrine of the Protestant churches.” The analysis has been set in historical context to demonstrate that both the Reformers and the Puritans were contending against the cultures of their day. Biblical marriage ethics have been countercultural in virtually all times and in all places. Even after the triumph of the Reformation, strong undercurrents of resurgent Catholic doctrine and canon law threatened to undermine newly formulated civil law which was based on biblical principles. Remnants of Catholic doctrine surviving in the thinking of the English political and church establishment retarded the acceptance of Protestant marriage doctrine in the time of the Puritans. We cannot look back and say that the Reformers or the Puritans believed in parental consent to marriage because it was the cultural norm. It was not. Their advocacy was based on careful study and understanding of Scripture, over and against the social mores of the period.

It has been demonstrated that the Bible contains an approved pattern for initiating a marriage. As in many things on which the Bible speaks, small details in given circumstances might vary, but the grand principles are clear. One of those principles is that the parents of both the young man and the young woman seeking to marry must be consulted and grant their consent. The parents’ roles in the match-making process are active, lending the wisdom of years to the fledgling couple, a wisdom that requires input from both sides of the family. This is referred to in the Bible as “taking” a wife for a son, or “giving” a daughter to her new husband. It is incumbent upon parents to adopt the perspective of Martin Luther as they consider their responsibility in the formation of the marriages of their children: It is a gospel issue. Stable, godly marriages are the building blocks of the future generations of the church.

To our sons and daughters, we say, as Robert Harris the Westminster Divine and president of Trinity College, Oxford once said, “When you are youths, choose your callings; when men, choose your wives; only take me along with you: it may be, old men may see farther than you.”¹²⁸

20,569 words

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¹²⁸ Quoted in Adams, 342.