The Contentious Triangle

CHURCH, STATE, AND UNIVERSITY

A Festschrift in Honor of
Professor George Huntston Williams

Edited by
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ANGLICAN MARRIAGE IN THE MAKING
Becon, Bullinger, and Bucer

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In THE RADICAL REFORMATION, George H. Williams captures the essential contribution of the Reformation to Western marriage and family life:

The Reformation as a whole, while not at the start intending to change marriage or sexual roles, or family life, impacted them significantly. The classical Reformation... was accomplished in part through the incorporation of the clergy, increasingly and at length normatively married, into communities and civic life. Pastors renounced their status in the medieval sacerdotium as a priestly caste, under separate canonical jurisdiction set apart from the urban and village citizenry under the common law, and eagerly became members of selected guilds, thereby directly involving themselves in civic duties and privileges. The married ministers of the Magisterial Reformation thus participated integrally in the consolidation of the reformed sacra civitas. 1

The reformation of marriage and family life was, indeed, a central occupation of the "classical" Lutheran, Calvinist, and Anglican Reformations. The leading magisterial reformers—Martin Luther and Philip Melanchthon, Martin Bucer and John Calvin, William Tyndale and Thomas Cranmer—all wrote and preached at length on the subject. Scores of sixteenth-century jurists took up legal questions of marriage in their legal opinions and commentaries, often working under the direct inspiration of classical Protestant theology and theologians.

The controversy over clerical marriage was, indeed, one of the catalysts of the reformers' early preoccupation with the place of marriage and family life within the "reformed sacra civitas." Among the earliest Protestant leaders were ex-priests

and ex-monastics who had forsaken their orders and vows, and often married shortly thereafter. It soon became an important symbolic act of solidarity with the new Protestant cause for former Catholic clergy as well as laity to marry (or to divorce and remarry) in open violation of the prevailing canon law rules of the Catholic Church. King Henry VIII of England's famous flouting of the traditional canon law of annulment and Prince Philip of Hesse's knowing violation of the canon laws of bigamy were only the most sensational cases. Such acts of deliberate disobedience were quite common in the early years of the Reformation, among clergy and laity, nobles and commoners alike. As Catholic Church courts began to prosecute these canon law offenses, Protestant theologians and jurists rose to the defense of their coreligionists—producing a welter of writings that denounced traditional canon law norms and pronounced bold new Protestant civil norms of marriage and family life.

This essay—dedicated to Professor Williams for his pathbreaking work on the Reformation—explores one small part of this story. My subject is the new Anglican theology and law of marriage that emerged in the wake of King Henry VIII’s great battle with Pope Clement V over the annulment of his marriage with Catherine of Aragon. Henry’s battle, from 1527 to 1534, was the catalyst of the English Reformation in general and of the English reformation of marriage in particular. It triggered an explosion of new Protestant literature in England both on marriage and its dissolution and on the canon law of marriage and its reformation. Some of this literature was indigenous, building on a two-century tradition of English antipapalism and anticanonicalism inaugurated by John Wycliff, William of Ockham, and others. Some of this literature was of Continental origin.

Both genres of literature are reflected in the writings of three figures active from 1525 to 1565—Thomas Becon, Heinrich Bullinger, and Martin Bucer. These three figures do not figure prominently in conventional accounts of Tudor marriage doctrine and law. Yet, taken together, their writings provided a fertile seedbed out of which would grow many of the distinctive features of Anglican theology and English law of marriage.

**Thomas Becon**

Thomas Becon—student of Anglican divines Hugh Latimer and George Stafford and chaplain to Archbishop Thomas Cranmer—anticipated many of the more famous formulations of marriage doctrine offered by John Jewel, Edmund Grindal, John Whitgift, and other leaders of the Church of England. Becon peppered many of his seventy-odd devotional and catechetical tracts with a variety of spicy

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Anglican Marriage: Becon, Bullinger, & Bucer

Protestant sentiments on marriage, which he drew together in a late-life title, *The Booke of Matrimonye* (c. 1560). Several of Becon’s tracts were bestsellers in Tudor and Stuart England, and remain among the classics of Anglican theology. Becon also helped to produce English editions of the influential marriage tracts of Continental reformers Heinrich Bullinger and Martin Bucer.

Like his Continental brethren, Becon inveighed bitterly against the decay of marriage in his day, and laid much of the blame on the Catholic canon law. In Becon’s view, the canon law had “most filthily corrupted, mangled, and defiled all the misteries of God, of his holy worde, and blessed Sacramentes” and had “moste vilely and most wickedly embosed, caste downe, and made almost of no reputation—the most holy state of godly Matrimony.” “[T]he glory of this christen matrimony is now greatly obscured, yea almost utterly exting[cit] and quenched through the abominable whoresom, stinking adultery, wicked fornication, and all kindes of uncleanness, which is used now a dayes among us.”

On the one hand, Becon charged, the canon law requirement of clerical celibacy had unleashed all manner of sexual pathos upon England.

The synagou[es] of Satan are such and so great enemies to matrimony, that they had rather have their subdeacons, deacons, and priests, their monks and their friars, their canons and nuns... to be most filthy fornicators, abominable adulterers, stinking sodomites, and to be defiled with all kind of beastly and unnatural uncleanness, than once to suffer them to embrace holy wedlock.

England’s “plage” of prostitution, bastardy, homosexuality, syphilis, and much else was, in Becon’s view, “ayded and abeted” by the “evyl commaund” of clerical celibacy.

On the other hand, Becon charged, the canon law had confused lay marital life through its imposition of unwieldy and unbiblical impediments to marriage, its recognition of secret marriages without church consecration, and its prohibitions against divorce for adultery and against the remarriage of widows and widowers. Becon condemned, with particular vitriol, the “evyl canons” that allowed the “child” to marry secretly, often driven more by lust than by love. When the inapty married party comes to “see [an]other whom they coude finde in theyr


harte to fansie and love better, than many of them beginne to hate one another." This, in turn, Becon charged, ushered in an insidious pattern of easy annulments for the rich who can pay for a dispensation, and of permanently unhappy households for the poor who have no payment to dispense. Such households feature "frowning, ouerwharting, scolding, and chiding," and such prevalent abuse of wives and children "that the whole house is filled full of these tragedies eye unto the toppe" and "shortly after the whole towne is in a rere." "What a wicked and hellyke life."6

Becon set forth a familiar roll of Protestant principles to end this perceived wickedness. He summarized his suggestions in a series of pithy paragraphs contrasting "The Acts of Christ and of Antichrist [the Pope]" on questions of marital formation and dissolution:

Christ saith: "Honor thy father and thy mother": in which comandment is required of children that they give not themselves to marriage without the consent of their godly parents. ... Antichrist in the bestowing of children in marriage, requireth not the consent and good-will of the parents ...

Christ, by being present at a marriage with his mother and with his disciples, teacheth evidently that matrimony ought to be solemnly and openly proclaimed and celebrated, and that it ought not to be done in corners. Antichrist, for money, granteth dispensations for all men for to marry where they will, when they will, and with whom they will. All things are decent and lawful, if money come. All things obey money.

Christ in his doctrine did never forbid marriage to be contracted between any persons, except those degrees only which his heavenly Father had tofore forbidden by his servant Moses. Antichrist in his law prohibiteth many and divers degrees to marry together whom God hath set at liberty ... except they purchase a license of him for money; for money maketh all things lawful in the court; neither are his laws any other thing than nets for money.

[Christ] suffereth those that be god-fathers and god-mothers (as they term them) to be one child at baptism, to marry together, if they be loose and at liberty, and not forbidden by the law Levitical. [Antichrist] plainly forbiddest this thing, and maketh the matter a spiritual consanguinity and a ghostly kindred, of much more force and strength than any carnal strength or fleshly consanguinity is.

Christ freely permiteth marriage to all degrees, none excepted, if they have not the gift of continency: neither doth he appoint any time where

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6 Books of Matrimony, folios CCCCLxxii, CCCCLxxv-Dxxii.

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it shall not be lawful to solemnize matrimony, but giveth liberty to all men at all times freely to marry. Antichrist ... denieth marriage to all his clattering clergy, rather suffering them to burn and sun awhoring. ... He forbids at certain times of the year to celebrate matrimony; insomuch that whosoever presumeth in those forbidden times to marry is not only accursed, but his marriage also is not lawful.

[Christ gives] liberty to the guiltless and innocent man, having an harlot to his wife ... not only to be divorced from that harlot, sometime his wife, but also to marry again. ... Antichrist in his law saith, If a man have an whore to his wife, it shall be lawful for him to be divorced from her, both from bed and board; but he may by no means marry again, live as he may ....

[Christ gives] liberty to the faithful man or woman [to divorce an idoler and remarry]. Antichrist will by no means suffer any divorcement so to be made so that marriage shall follow, although the guiltless person burn so greatly.

Each of these Protestant principles—parental consent to marriage, church proclamation and consecration of marriage, limitations of impediments to biblical forms, permission for clergy to marry, propriety of divorce for cause with

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7 Becon, Early Works, 2:232–33. (order slightly revised); see also idem, 3:198–99, 235–36.


rights of remarriage,¹² and propriety of remarriage by widows and widowers¹³—found substantial endorsement in the writings of contemporary Anglican divines. William Tyndale, Thomas Cranmer, John Hooper, John Jewel, Hugh Latimer, and Edmund Grindal in particular adduced an ample arsenal of ancient Christian and classical sources in support of many of these reforms. Several others took the further familiar step, on which Becon dithered,¹⁴ of denying the sacramental character of marriage altogether, and thereby also questioning the propriety of the church's jurisdiction over marriage.¹⁵

Having critiqued at length the canon law, Becon outlined what he considered to be a more proper understanding of marriage. Marriage was not a condition to be despised or subordinated in dignity to the single, contemplative life. To the contrary, Becon wrote, marriage is the "best estate," a "thynege of great excellency and incomparable dignitie," created by God to "mayntyn," "presurr," and "proottyze the common weale and also set forth the glorye of God, of nature, and of man." Marriage is a "great vocation and destine," which clergy and laity alike should embrace and enjoy. This institution is an hie, holye and blessed order of life, ordayned not of man, but of God...wherein one man and one woman are coupled and knit together in one fleshe and body in the feare and loue of God, by the free, loutyng, harty, and good consente of them both, to the extent that they may dwel together, as one fleshe and body of one wyll and mynd in all honesty, vertue and godliness, and spend ther lynces in equal partaking of all such things as god shall send them with thankes geuynge.¹⁶

God ordained marriage for three causes, Becon wrote: love, procreation, and deterrence from sin. "The first cause" of marriage is that forasmuch as the solitary life is a sorrowfull and uncomfortable life, and man in nature is desirous of company, and gladly liveth not alone: God...appointed this most holye order of life, and commanded one man and one woman to live in the same, and that one of them might be a comfort, joype and help to another in all honest and godly things...[To] have his familie and name extended, is great gladnesse and felicitie, and the sweete consolation of travalle.

Becon stressed these virtues of marital love several times, treating love as the sine qua non of human marriage and the sacramental symbol and seal of Christ's love for His church. The second cause of marriage, said Becon, is procreation, which must continue not only to perpetuate one's family name, but also that "the number of the elect and chosen people of God be fulfilled." The third cause of marriage is to avoid "fornication, adultery, incest, Sodomity, and all other kindes of uncleanenesse."¹⁷

Becon left it mostly to others to define the legal steps for forming and maintaining this ideal state of matrimony. His own advice was mostly homiletic. To wit:

Art thou a father or mother, master or mistress? Bring then up thy family in the nurture of the Lord, and so art thou truly faithful. Art thou a married man? Look how thou cleave unto thy wife: love her as they own flesh, and as Christ loved the congregation. So shall thy faith appear to be unfeigned. Art thou a married woman? Be obedient to thine own husband, and seek above all things to please him, and so shall thou shew thyself to be truly faithfull.¹⁸

In his famous catechism, he further urged husbands to love, support, and defend their wives and children in an exercise of true godliness. He urged wives, in turn, to obey their husbands, to educate their children, and "to be chaste, pure and honest in dede, in word, in gesture, in apparell and in all her behaviour."¹⁹

Becon offered more substantial advice in his several glosses on the Commandment, "Thou shalt not commit adultery." Like his Catholic and Protestant

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¹²Bocon, Books of Matrimonys, folios DC xiviii-xlix, DCxxvi, DC l-b-li, DCliv-b. See also Bocon, Books of Matrimonys, DCliv-b-xlii, DClv, DClvi-b-xlii. For marital faithfulness, see Becon, Early Works, 1:272. Cf. Becon, Early Works, 371 (on marital faithfulness). Becon did offer a more substantial digest of domestic duties grounded in the familiar passages of St. Paul and St. Peter. His four-hundred-page A New Catechism (1560) devotes some thirty pages to the exposition of household duties—"Husbands toward Their Wives,""Wives toward Their Husbands,""Fathers and Mothers toward Their Children,""Children toward Their Parents,""""Masters or Householders toward Their Servants"—followed by sections on the offices and duties of widows, young unmarried men, maides, and young unmarried women. Becon, Early Works, 7:344-77, with summary in idem, 3:130-35. He summarizes this section on duties in his Boke of Matrimonys, DClxiii-b-xxvii. But this contribution was largely derivative and duplicative of Tyndale's and Bullinger's work, discussed below.

¹³Becon, Books of Matrimonys, folios DClxii-b, DClxiii-b-DClxviiii.
contemporaries, he viewed this Commandment as a source and summary of a biblical ethic on sexuality and marriage. The Commandment helped to systematize sundry biblical and natural commandments and counsels for married persons. Becon summarized its lessons in sweeping terms:

And forasmuch as matrimony is a holy state of life, God in the aforesaid precept requireth of all married persons, that they lead a pure, clean, and blameless life, that they be faithful and loving one to the other, that they break not the marriage vow, that they know not the company of any strange flesh, that they defile not themselves in mind with evil lusts and in the body with uncleanness; but that they be pure both in body and spirit, utterly estranged from all adultery, incest, whoredom, and whatsoever is unclean in the sight of God, living together in all godliness and honesty. And that the married folk may the better this do, God requireth also of them in this precept, that they suffer no fleshly thoughts to rise and rule in their hearts, but that they suppress them straightways through earnest and hearty prayer, and through the diligent consideration of God’s holy will, and through the fervent meditation of the sacred scripture; again, that they frequent the company of no lewd or ill-disposed persons, whereby they may be the rather provoked unto the breach of this commandment and unto dissolution of life: Item, that they avoid all wanton pastimes, all filthy communications, all uncomely gestures, all nice and lascivious apparel, all reading of wanton books, all beholding of unpure images or pictures, all banqueting and excess of eating and drinking, and besides, whatsoever may entice or move unto the filthy pleasure of the flesh; and finally, that in all their words and deeds there appear nothing in them but gravity, modesty, and honest behaviour, unto the good example of such as be their youngers and inferiors. ... [T]hat God may bless them and their marriage, and make them joyful parents of many children, which in this world may be good members of the Christian commonweal, and in the world to come blessed citizens of that glorious and heavenly Jerusalem.

The Commandment similarly enjoined unmarried persons against the “mortall folly” of fornication, incest, “and such other corporall uncleanness” as well as “filthy talk, wanton countenances, singing of bawdy ballads, reading of amorous books, idle jesting, vain pastimes, and whatsoever maketh unto the provocation of fleshy appetite.”

In other glosses on this same Commandment, Becon thundered prophetically against “the louse and lascyvous lyving” of his countrymen, particularly their habits of glibly contracting and dissolving marriages to “the great dishonour of God’s institution.” He even courted treason charges by intimating that the life of Henry VIII was both an illustration and instigation of undue sexual license. He called for a return to the “ancient byblycal remedyes” of severe punishment for sexual sinners, execution for convicted adulterers and fornicators. In cases of proven adultery, he followed the Gospel literally, allowing the innocent spouse to divorce and remarry, after all attempts at reconciliation had failed.

Besides offering his own writings, Becon helped to introduce two systematic Protestant tracts from the Continent that came to work a considerable influence on later Anglican theology of marriage: (1) The Golde Boke of Christen Matrimonye by Zurich reformer Heinrich Bullinger, an eighty-page exposition of a covenantal model of marriage; and (2) On the Kingdom of Christ by Strasbourg reformer Martin Bucer, nearly half of which was devoted to elaborating a social model of marriage based on the evangelical doctrine of the two kingdoms.

**Heinrich Bullinger**

Heinrich Bullinger’s Golde Boke of Matri­monye set out, in accessible terms, a covenantal model of marriage. Bullinger built his model on the foundation of Uldaricus Zwingli’s work, and used it to advocate several legal reforms in Zurich in the 1540s and 1550s. Bullinger was also, as Professor Williams points out, “a perceptive but tendentious chronicler and lifetime opponent of Anabaptism,” and several of his teachings on the covenant of marriage were designed to counter those of the Anabaptists.

“Wedlocke,” Bullinger wrote, “is a couvenante, a couplinge or yokynge together” of one man and one woman “by the good cosente of the bothe.” “Holy wedlocke was ordyned of God himselfe in Paradise... God was the first causer of wedlocke, and [spliced] and knyt them together, & blessed them.” It is thus an “honorabe and holy” estate, enjoyed by the “honest, & most vertuous, the wysest

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20 Becon, Early Works, 3:5-6; “A Homily of Whoredome and Undenness” in Certayne Sermons, or Hymilies, appointed by the Kynges Maiestie (London: Richard Grafton, 1547), c.i-iii (STC 13639); Preface to Bullinger’s The Golde Boke, folios A.iii.b-B.vi.b.

21 Becon, Book of Matrimonye, folios Dcxi-Dcxxxii provides a long discussion of Catholic and Continental Protestant views, quoting at length from several Church fathers and councils, and then Erasmus, Luther, Bucer, Melanchthon, Calvin, Bullinger, Brenz, and others.

22 Heinrich Bullinger, Der christlich Eestand (Zurich, 1540), translated as The Christen State of Matri­monye (London, 1541) (STC 4045), by Miles Coverdale, one of the early translators of the Bible into English, and as The Golde Boke of Christen Matrimonye (London, 1542) (STC 1723) under Thomas Becon’s pseudonym, Theodore Basille. Bullinger’s tract is the first magisterial Reformation writing that I have encountered to elaborate, in detail, a covenantal theology of marriage. Calvin’s covenant theology of marriage emerged in his sermons and commentaries of the 1550s and 1560s. See Witte, From Sacrament to Contract, chap. 3. Both Bullinger and Calvin referred to the brief discussion of the marriage covenant in Zwingli’s De vera et falsa religione commentarius (1525), in Huldreich Zwinglis Sämtliche Werke (Zürich: Theologischer Verlag, 1982), 3:590, at 762–63.

23 Quote is from Williams, The Radical Reformation, 311; also see 1291–98 summarizing Bullinger’s critique of Anabaptists, and 776–88 summarizing Anabaptist views on “covenantal marriage.”
& most noble menne” in the Bible, and commended to all persons—clerical and lay, young and old, single and widowed, rich and poor.26

God created marriage so that a man and woman “may lyve together honestely
and frendlye the one with the other, that they maye avoyde uncleannesse, that
they maye brynge up children in the feare of God, that the one maye helpe and
comforte the tother.” Bullinger followed conventional arguments regarding
the marital purposes of protection from lust and procreation of children—arguing
that marriage is God’s “remedy & medicine unto our feble and weake flesh” and
that children are “the greatest treasure” of a marriage. But, like Becon, he placed
special emphasis on marital love and friendship, returning to the theme several
times in this and other writings. At creation, he insisted, God planted in Adam
and Eve “the love, the harte, the inclination & natural affacion that it besemeth
the one to have towards the other.” The “mouthe of God thereby declareth the
dewy knot and covenant of married folkes, namely that the highest love, bonde,
and unite among them should be this, that no man separate them sounder, but
only death. . . . The loue therefore in mariage ought to be next unto God above
all loves;” couples rendering to each other “the most excellent and unpayneful
seruice, diligence and earnest labour. . . . one doyng for another, one louinge,
dependyng, helpyng & forbearynge another, sufferyng, also lyke joye and lyke
payne one with another.”27

Such an ideal state of matrimony, Bullinger insisted, could be achieved only if
the covenant of marriage were “framed ryght accordyng to the word and wyll of
God.” Bullinger recognized the conventional steps of betrothal, wedding, and
consummation, and glossed each step with ample avuncular advice based on bib-
lical sources. Parties should enter marriage only by a “mature and mutual con-
sent,” that is free from coercion, fraud, or the inducements of “carnall lust, mony,
good, [or] flattery.” They should marry only follow believers, since “marriage also
cerce[s] the soule and inwarde man,” and be incontinent that their spouse show
true “feare of God” and a whole host of Godly virtues. They should avoid mar-
rriages with blood or family relatives listed in Leviticus, ending unions immedi-
ately if such a relationship is discovered. They should procure their parents’
consent, which ought to be given fairly, soberly, and with due admonition of the
solemnity of the union. They should be married in a public church wedding offi-
ciated by “Gods minister” and “receave the blessyng & commytte themselves to

26Bullinger, The Golle Bokes, folios v, i.b–ii, iii, folios xxii.b, xxiii, xxxviiib, lxvii, lxviii. The chapter commending clerical marriage (and criticizing mandatory celibacy and chastity) is included only in the 1541 edition at 27.l–31.
course of Duties in Marriage, Called the Flower of Friendshippe (London: 1571), folios Biiib–Biiic, Biiia.

Anglican Marriage. Becon, Bullinger, & Bucer

the common prayers of the congregation, and entone the same.” By so doing, it is
“openly declared in the sight of all the world, that it is God which knytteth the
knot of mariage” and that “euerie one is warned, faithfully to kepe his promysse,
made and given to his spouse.” After a suitable and “sober” celebration, they must enter their “first dwellyng together.”28

Bullinger did not leave the newly married couple untutored. The first few
months of cohabitation are a “moost daungerous” time, he believed, and he thus
devoted a third of his tract to describing the interlocking “dutyes of domesticyt”
required by the marital covenant among husband, wife, and God. Bullinger went
on for several pages advising couples about sex, food, dress, and other details of
domestic economy, warning against excess in any of these. He then set out the
couple’s respective duties of “ordinaty obedience and coniugall love mutuall,”
following New Testament leads, and holding up the relationship of Christ and his
Church “for an ensample or myrrour to the state of wedlocke and conjugal cove-
nental love.” The wife owes her husband the duties of obedience, service, respect,
devotion, modesty, courtesy, support, faithfulness, and honesty. The husband is
the head of the wife, “her defender, teacher, and conforter,” called to exhibit the
selfless sacrificial love of Christ himself and the virtues of clemency, wisdom,
integrity, and faithfulness. The wife must give proper care to the home, exhibiting
cleanliness, industry, thrift, and judiciousness in her treatment of servants and
neighbors. The husband must “laboure for the common weale” of his family, exhib-
itng industry, honesty, integrity, and charity. Couples with children could turn to
a dozen pages of Bullinger’s instructions on the parental duties of breast-feeding,
nurture, discipline, education, and dress of children, and, later, their courtship
and contracting of marriage with a suitable partner.29

Bullinger’s tract, Professor Williams writes, “stabilized Reformed ideas of
husbands and wives and household management.”30 His description of the inter-
locking covenantal duties of husband and wife, and of parent and children within
the household—a blending of catechism, confessional book, and instructional
manual into a sort of spiritual “Dr. Spock”—became a trademark of the English
tradition thereforther. The “dutyes of domesticyt” that Heinrich Bullinger pressed
into thirty pages of terse text in 1540 became the subject of some six hundred
pages of prolix prose by William Gouge eighty years later.31 Dozens of such books
flowed from the pens of English divines in the later sixteenth and seventeenth
centuries.32

28Bullinger, The Golle Bokes, folios vi–vii, xiiib–xliii. See also The Decades of Henry Bullinger:
The Fith Decade, ed. T. Harding for the Parker Society (Cambridge: Cambridge University Press,
1852), Tenth Sermon, 310.
29Bullinger, The Golle Bokes, folios i.b–ivii.
30Williams, The Radical Refomration, 773.
32For earlier prototypes—see John Wycliff’s Of Wedded Men and Wives and of Here Children in
the later fourteenth century to the section in Tynale, Doctrinal Tresises, 168–200—see Powell, English
Even properly contracted marriages and dutifully maintained households can be rent asunder, Bullinger continued. The "shamefull, viciuous and abominable" sins of adultery, harlotry, and lust can affect even the noblest couple, and drive them to defy their "sacred covenantal duties to" God, spouse, and children. In the event of one party's adultery or malicious desertion (which is tantamount to adultery), Bullinger wrote, "[d]ivorce is permitted of God." Christ allowed divorce "for the helth & medicyne of man, and for amendment in wedlok," even though this was a "perilous & pitefull" regimen. This "medicynce" of divorce could not be administered by the couple themselves, but by a disinterested judge, who had to hear their petitions and find adequate cause for the dissolution of their marriage. Adulterous parties must be put to severe punishment-execution in egregious cases. Innocent parties must be free to remarry, for to prohibit remarriage is "violently to cast a snare about poor peoples neckes and to drive them unto yce and synne." 32

The first English edition of Bullinger's tract was printed anonymously in 1541. It was censored immediately, doubtless because of its open advocacy of clerical marriage and of divorce and remarriage—teachings (let alone practices) that remained illegal in England until 1547. 33 The book was reprinted in 1542 under a new title, The Golde Boke of Christen Matrimonye, and (at the instance of "the hungry printer") 34 under Thomas Becon's pen name, Theodore Basille. The suspect chapters on clerical marriage and divorce were quietly dropped from the new edition, together with two other chapters on impediments to marriage. This Becon edition of Bullinger's tract was regularly reprinted, and various abridgements and summaries of it became standard texts for Anglican clerics for the next two centuries. 35

Becon added a long preface to this 1542 edition of Bullinger's Golde Boke, which enthused marriage not only for the spiritual good of the couple and their children, but also for the civil good of the commonwealth and church. By marriage, Becon wrote with ample bombast, many noble treasures chance unto us, virtue is mayntayned, vice is excheued, houses are replenished, cities are inhabit-

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32Bullinger, The Golde Boke, folio xxiiii.-xxviiii. b. See also 1541 ed., folio lxxviiii. b.
33See editor's notes in Bullinger, The Fifth Decade, xviii.-xix. 34Heavy Viii. 14 (1539) prescribed, inter alia, maintenance of clerical celibacy and vows of chastity. This was repudiated by Edward VI 12 (1547), as well as subsequent legislation mandating the Thirty-Nine Articles.
35Becon, Early Works, 1:29.

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decades. According to conventional evangelical lore, God has ordained two kingdoms or realms in which humanity is destined to live, the earthly kingdom and the heavenly kingdom. The earthly kingdom is the realm of creation, of natural and civic life, where a person operates primarily by reason, law, and passion. The heavenly kingdom is the realm of redemption, of spiritual and eternal life, where a person operates primarily by faith, hope, and charity. These two kingdoms embrace parallel temporal and spiritual forms of justice and morality, truth and knowledge, order and law, but they remain separate and distinct. The earthly kingdom is fallen and distorted by sin. The heavenly kingdom is saved, and renewed by grace—and foreshadows the perfect kingdom of Christ to come. A Christian is a citizen of both kingdoms at once, and invariably comes under the structures and strictures of each.  

Bucer regarded marriage as a social estate of the earthly kingdom alone. Though divinely ordained to serve a holy purpose, he wrote, “marriage is a res politica,” “a civil thing,” directed to “human ends, not spiritual goods.” As an earthly estate, marriage serves the “common good,” which Bucer defined as both the “internal good” of members of the household and the “external good” of subjects of the commonwealth. “[H]oly wedlock is the fountain of and seminary of good subjects,” designed for the “dececy and well-being of the commonwealth,” for the “springing up of good men, and a right constitution of the commonwealth.” “[W]ho knows not that chastity and pureness of life can never be restored or continued in the commonwealth, unless it first be established in private houses, from whence the whole breed of men is to come forth.”

This emphasis on the social utility of marriage was hardly startling. Many fellow divines, including Becon and Bullinger, said things similar, and one could trace these sentiments back to John Chrysostom, among other Church Fathers, whose writings had come to new popularity in England. But Bucer pressed this logic to conclusions most radical for his own day. Marriage must be maintained if it caters to the common good, Bucer said. But it must be dissolved if it detracts from the common good. Serving the common good became, for Bucer, not an aspirational goal of marriage, but an essential condition for its continuance.

There are “four necessary properties” to any “proper and useful” marriage, he wrote,

1. That the [couple] should live together. . . . 2. That they should love one another in the height of dearness. . . . 3. That the husband bear himself as

42Bucer, De Regno Christi, bk. 1, chaps. 2, 5; bk. 2, chaps. 15, 21, 28, 47.
43John Chrysostom, for example, wrote: “The love of husband and wife is the force that weds society together. Because when harmony prevails, the children are raised well, the household is kept in order, and neighbors and relatives praise the result. Great benefits, both for families and states, are thus produced.” Homily 20, in St. John Chrysostom on Marriage and Family Life (Crestwood, NJ: St. Vladimir’s Press, 1986), 43, 44. Both Bucer and Becon cite this tract repeatedly.

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the head and preserver of the wife, instructing her to all godliness and integrity of life; that the wife also be to her husband a help, according to her place, especially furthering him in the true worship of God, and next in all the occasions of civil life. And 4. That they not defraud each other of conjugal benevolence.

Marriages that exhibit these four properties must be maintained and encouraged. But “where only one [property] be wanting in both or either party it cannot then be said that the covenant of matrimony holds good between such.” Improper separation, loss of love, or defiance of religious devotion, marital duty, or conjugal debts: each breaks the marriage bond. For each of these lapses betrays an essential condition of marriage and thus denies its reason for being.

To perpetuate the formal structure of marriage after a “necessary property” is lost is a destructive custom, Bucer believed. It is also an unbiblical practice. “[T]he Lord did not only permit, but also expressly and earnestly commanded his people, by whom he would that all holiness and faith of the marriage covenant be observed, that he [who] could not induce his mind to love his wife with a true conjugal love, might dismiss her that she might marry to another” who is more meet and good.

On this foundation, Bucer advocated the replacement of the canon law of divorce with the more liberal divorce provisions of the earlier Christianized Roman law. He dismissed the canon law remedy of separation of bed and board, with no right of remarriage, as just the kind of destructive custom that should be avoided. He likewise replaced the small list of causes for separation recognized at Catholic canon law with the more ample role of causes for divorce recognized at Christianized Roman law. Bucer intimated strongly that divorce should be granted on grounds of “mutual consent alone,” as earlier Roman law had (for a time) allowed. He confirmed a wide range of causes for divorce recognized at Roman law that were considered deleterious to the common good of family, state, or church:

If the husband can prove the wife to be an adulteress, a witch, a murderer, to have bought or sold to slavery any one free born, to have violated seculpher, committed sacrilege, favored thieves and robbers, devisors of feasting with strangers, the husband not willing, if she lodge forth without a just and probable cause, or frequent theaters and sights, he forbidding, if she be privy with those that plot against the State, or if she deals falsely, or offers blows [he may divorce her]. And if the wife can prove her husband guilty of any of those forenamed crimes, and [he] frequent

44Bucer, De regno Christi, bk. 2, chap. 38, 39.
broaden community, created to serve the ends of mutual love, mutual protection from sin, and mutual procreation and nurture of children.

Bullinger and Bucer added their own variations on these common themes. Bullinger stressed the internal covenantal duties of domestic love, devotion, and support between husband and wife, parent and child. Bucer stressed the external common goods of the household for the church, state, and broader commonwealth. Bullinger stressed the church's role in the communication and enforcement of biblical duties of the domestic covenant. Bucer vested the state with principal governance of the formation and dissolution of marriage. Bullinger adduced primarily biblical sources for his construction of marriage. Bucer added a variety of norms from natural law, the law of nations, and Christianized Roman law. Bullinger focused on marital formation and adjudicated various biblical norms governing betrothals, weddings, and initial cohabitation. Bucer focused as well on marital dissolution and added various historical norms justifying separation, divorce, and remarriage.

The writings of Becon, Bullinger, and Bucer provided a fertile seedbed out of which would grow a rich Anglican theology of marriage. The "companionate view of marriage" was usually traced to seventeenth-century Puritan communitarianism and eighteenth-century "affective individualism." But Becon, Bullinger, and Bucer had already emphasized that marital love was a necessary, even indispensable, condition of marriage, and this theme recurred throughout sixteenth-century Anglican theological and English popular literature. The "covenantal construction of the household" is often treated as the unique contribution of Puritanism in England and New England in the seventeenth and eighteenth centuries. But Bullinger and Bucer had rendered this construction commonplace among Anglican theologians by the later 1550s. The "commonwealth model of marriage," which treated the domestic household as the prototype and progenitor of the broader English commonwealth, is usually described as the signature contribution of English divines at the turn of the seventeenth century. But, half a century before, Becon and Bucer had already described the household as "a little commonwealth," and "seminary of the republic," that catered to the common good of the couple, their children, and the broader community.

The writings of Becon, Bullinger, and Bucer also provided a fertile seedbed for the growth of a new English law of marriage. The fullest expression of their legal principles came in the aborted Reformatio of Ecclesiastical Law (1552/1571).

49 See sources and discussion in Witte, From Sacrament to Contract, chap. 4.
drafted by a commission led by Archbishop Thomas Cranmer. This document included every legal reform of marriage advocated by Becon, Bullinger, and Bucer, and much more—save Bucer’s insistence on removing jurisdiction over marriage from church courts to civil courts. Parliament twice refused to pass this Reformatorio. Yet many of its discrete reforms of marriage law slowly soaked into the English law in subsequent decades. The Elizabethan Parliament mandated the Thirty-Nine Articles (1562/71), which denied that marriage was a sacrament. The same Parliament also mandated The Book of Common Prayer (1559) that required publication of marital banns, a public wedding in the face of the church, and a prescribed marital liturgy featuring ritualized blessings, Bible readings, formulaic prayers, a homily, and public celebration of the Eucharist.

The Elizabethan Parliament also confirmed a number of the specific reforms passed earlier during Henry VIII’s and Edward VI’s reigns: impediments of consanguinity and affinity were restricted to those set out in Leviticus—with no expansions or dispensations allowed. The canon law impediment of precontract, which had earlier allowed fully consummated marriages to be broken on discovery of a prior contract to marriage, could now be enforced only if the subsequently married couple had no children. Parishes were ordered to keep a marriage registry, putting the public on notice of existing marriages. Priests were granted freedom to marry, without prejudice to their person, property, or profession, and guaranteed the same punishment as the laity if convicted for adultery or fornication. Children of properly solemnized and consecrated marriages were to be treated as presumptively legitimate; all others were to be treated as bastards who were subject to severe civil restrictions and deprivations. Various sexual crimes, particularly buggery, bestiality, and sodomy, were newly and repeatedly condemned as capital offenses. All these legal reforms had antecedents or analogues in the writings of Becon, Bullinger, and Bucer.

Subsequent legislation introduced several of the other marital law reforms they had advocated. The 1604 Canons mandated marital formation requirements of parental consent, two witnesses, marital licenses, and church congregation—provisions underscored forcefully by Lord Hardwicke’s Act of 1753. The 1653 Civil Marriage Act, passed by the Commonwealth Parliament, consigned marital jurisdiction to civil judges—a change outlawed by the Restoration of 1660, but reintroduced into English law in the Matrimonial Causes Act of 1857. This same 1857 Act also introduced private causes of action for divorce and the right to remarry on proof of adultery—with subsequent divorce reform legislation slowly embracing other causes beyond adultery. Only in the Divorce Reform Act of 1969 did Parliament accept what Bucer had urged in 1550: divorce by mutual consent alone.

The writings of Becon, Bullinger, and Bucer were by no means the only sources of this distinctive lore and law of marriage. But, taken together, their writings were among the most profound, prescient and prophetic to be offered in the Tudor Reformation.

53Arts. XXIII, XXV (1571 ed.); Art. 31 (1652 ed.).
552 Henry VIII c. 36, repealed by 2 & 3 Edward VI c. 3 and 1 & 2 Mary c. 8, partly confirmed in 1 Elizabeth c. 1; 32 Henry VIII c. 10, 19 & 2 & 3 Edward VI c. 21; 1 Edward VI c. 12, repealing 35 Henry VIII c. 25 Henry VIII c. 6 & 7, and 2 & 3 Edward VI c. 29, confirmed in 5 Elizabeth c. 17.