

In our age of deep moral confusion, it is necessary for all Christians to give ‘a reason for the hope that is within them’ (1 Pet. 3:15) about what marriage is and why the classical Christian account of marriage, which some have called ‘conjugal union’,¹ is good news. We affirm that marriage is a covenantal and total union between one man and one woman that is open to the gift of children. As almost each part of this definition is contested and can create confusion, we will carefully explain each element of it and how each element is integral to the gospel itself in the sections that follow.

Marriage Is a Covenant, Not a Contract

Nothing has been more catastrophic for marriage in our society than the reduction of marriage to the status of a mere contract. John Witte, Jr. has argued that in the history of the west, a number of different ‘models’ have been proposed by Christians for understanding what marriage is.² In various Christian societies, marriage has been understood as a sacrament, a covenant, and a miniature commonwealth. Only since the Enlightenment has marriage been understood as a contract like any other. Of these different ‘models’ of marriage, the covenantal model has the deepest roots in Scripture.

God’s covenant with Israel at Sinai (Ex. 19-20) becomes the basis among the prophets for speaking as though God were married to Israel, and for speaking of Israel’s idolatry and covenant breaking as if it were adultery (Jer. 3:8; Ezek. 16; Hos. 2:2-23; Isa. 57:7-17). Indeed, the steadfast covenant love of God for Israel is seen as paradigmatic of the husband’s love for his wife. This marriage covenant between God and Israel becomes the basis for reading the Song of Songs allegorically among the Rabbis and the early Christians. The historian Jaroslav Pelikan has argued that by the time this text was included in the canon, the song was already read as an allegory of God’s love for Israel.³ The love between husband and wife in marriage, especially in Hosea and Malachi, is then expressly seen as a microcosm of this love of God for Israel (Hos. 1:2; 3:1; Mal. 2:14-16). In the New Testament, this theme continues as the covenant love of marriage is framed as a microcosm of God’s steadfast love for his people in Christ (Eph. 5:21-33).

Paul tells us that the fact that this covenant includes one male and one female is not arbitrary, but rather shows us something significant about this relationship between God and his people. As Gerald Hiestand has recently argued, there are different kinds of power – physical, intellectual, emotional, and so on – but physical power creates and sustains the domains

¹ Patrick Lee and Robert George, *Conjugal Union: What Marriage Is and Why It Matters* (Cambridge: Cambridge University Press, 2014).

² John Witte, Jr., *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition*, Second Edition (Louisville: WJK, 2011).

³ Jaroslav Pelikan, *Whose Bible Is It? A Short History of the Scriptures* (New York: Penguin, 2006), 43.

wherein these other forms of power can be expressed for the flourishing of relationships and communities. Husbands are almost always endowed with greater physical strength than their wives, and Paul is commending to them to love their wives in such a profound way that they use that superior physical strength to protect and enable the expression of their more supple strengths to create the flourishing of families and surrounding communities.

The disparity in physical strength between husband and wife is not inherently degrading to women, and Paul's point is that the marriage relationship should be structured in such a way that husbands use their strength to empower their wives' strengths to come to the fore: "Christ doesn't just deploy his power on behalf of his bride; he *shares* his power with his bride."⁴

Although there are similarities between a contract and a covenant, the differences far outweigh the similarities. A covenant is permanent, public, sacred, and sacrosanct in a way that contracts are not. Covenants were like contracts in that they were pacts freely entered into, established by solemn and binding oaths. However, in addition to the parties entering into the covenant, the community to which the covenanters belonged, and God himself, were witnesses and enforcers of the covenant. Malachi 2:14 explicitly tells us that God is witness to and enforcer of the marriage covenant: "the Lord was witness between you and the wife of your youth, to whom you have been faithless, though she is your companion and your wife by covenant."

The responsibility of the community to support and guard marriages are among the historic reasons for the practices of the publication of "the banns of marriage" (from the middle English word meaning 'proclamation') and godparents, who were thought of as 'co-parents' and kin to the children of the matrimonial union and were included within the prohibited degrees of consanguinity of the children for whom they served as sponsors at baptism.⁵

Even in our own nation, where the contractual model of marriage has held sway almost since our inception, the marriage contract has always been seen as different than other contracts. In 1834, Chief Justice Joseph Story of the U.S. Supreme Court wrote that "all civilized societies" have viewed marriage as "a peculiar and favored contract." It is "in its origin a contract of natural law," and "it is the parent, and not the child of society; the source of civility and a sort of seminary of the republic." Because it is such a singular type of contract, Story continued, "It appears to me something more than a mere contract. It is rather to be deemed an institution of society founded upon the consent and contract of the parties; and in this view it has some peculiarities in its nature, character, operation, and extent of operation, different from what belongs to ordinary contracts."⁶

⁴ Gerald Hiestand, "Put Pain Like That Beyond My Power: A Christocentric Theodicy with Respect to the Inequality of Male and Female Power," in *Beauty, Order, and Mystery* (Grand Rapids: IVP Academic, 2017), 115-116.

⁵ See Claudia Rapp, *Brother-Making in Late Antiquity and Byzantium* (New York: Oxford University Press, 2016), 11, 35.

⁶ Joseph Story, *Commentaries on the Conflict of Laws, Foreign and Domestic*, quoted in John Witte, Jr., "More than a Mere Contract: Marriage as Contract and Covenant in Law and Theology," *University of St. Thomas Law Journal* 5 (2008), 599.

The contemporary understanding of marriage, by contrast, reduces marriage to the status of other contracts. It can be negotiated with whatever stipulations the parties negotiate, and the vows may contain whatever content the parties prefer. Seen through this lens, it is arbitrary historical contingency that marriage is between a 'husband' and 'wife' who are themselves male and female, respectively, or that the union is between two people alone. As Andrew Root says, marriage as pure contract "is unbound to anything other than the free negotiation of the individual selves that choose to find intimacy with each other."⁷

Marriage for Christians is a covenant, not a contract. The basis for the fidelity of husband and wife to each other is God's steadfast, faithful love for his people in Christ. The monogamous, male-female duality at the heart of this covenant is essential to the biblical vision, both in the creation ordinance of marriage and in its renewal and reaffirmation in Christ (Gen. 2:24; Mat. 19:5; Eph. 5:31).

The beauty of marriage within God's ultimate plan to reconcile all things to himself in Christ is marred when Christians acquiesce to a culture of 'no-fault' divorce or profess 'irreconcilable differences' as the basis for the dissolution of the union. The beauty of marriage is marred when Christians accept the normativity of physical or emotional abuse within marriage unions. The beauty of the marriage covenant is marred when we refuse to take responsibility for one another and inquire into the health of each other's marriages. The beauty of marriage is marred when we begin to treat it as a 'mere contract' that can be modified in whatever way we want.

Marriage Is a Total Union, Not a Partial One

If marriage is a covenant, rather than a mere contract, it must also be said that the kind of union it envisions between the couple is a *total* union rather than a *partial* one. Covenants in the ancient world were always sealed by a 'covenant sign', and we see this in covenants throughout Scripture. Covenant signs indicate the total commitment of the self required by the covenant. The covenanter holds nothing back of him or herself when entering into the covenant, whether the covenanter is God or a human being or community.

When God covenants with his creation not to destroy it through flood again, the sign that he puts in the heavens is the rainbow, representing the hunter's bow, no longer turned downward in wrath toward the creation, but pointed upward into the heart of heaven, in symbolic judgment of God should God ever fail in his promise (Gen. 9:13-17). When God covenants with Abraham, an animal is split into two and the parties walk through the sacrificed animal as if to say, may it be unto me as with these animals if I fail to uphold the covenant. In a dramatic gesture, however, God puts Abraham to sleep, and only he passes through the sacrificed animal (Gen. 15).

Abraham, Moses, and the Israelites are also to circumcise themselves and their families as a covenant sign, of their complete covenantal allegiance and devotion to God. This sign was used

⁷ Andrew Root, *The Children of Divorce: The Loss of Relationship as the Loss of Being* (Grand Rapids: Baker, 2010), 38.

throughout the ancient near east, but in Israel it took on a particular meaning. It was like pruning a plant so that it could be more fruitful.⁸ But the specific kind of fruitfulness indicated by circumcision was a fruitfulness of soul - hence the constant exhortation by the prophets to have our hearts circumcised (Deut. 10:12-17; 30:6; Jer. 4:1-4; Rom. 2:25-9; 3:30; Col. 2:11-13).

From Scripture it is clear that the covenant sign accompanying the covenant of marriage is sex. Sex is the sign which manifests one's commitment to the total union envisaged in the marriage vow.⁹ Gordon Hugenberger draws our attention to several places in which this relationship between sign and vow is crucial to understanding OT laws. For instance, in the provision that a man who has sex with an unbetrothed virgin in Deut. 22:28, the law requires that the man pay the bride price and marry her because he has professed with his body his commitment to the covenant, and now his life must follow: he must commit himself to a total union with her.¹⁰

This total union, which the marriage vows profess and the body consents to in sexual act, is what it means to be 'one flesh'. This same logic, that one must not profess with one's body what one has not consented to with one's lips and with one's whole life, is what grounds Paul's admonition to the men of Corinth not to sleep with prostitutes, because in doing so one becomes 'one flesh' with her (1 Cor. 6:16). This 'one flesh' dynamic in marriage means that one partner cannot withhold anything from the other. A full and complete interdependence between husband and wife is envisioned in the Scriptural vision of marriage.

There are any number of ways that husbands and wives may withhold some part of themselves from the other. Paul addresses the withholding of sex in 1 Corinthians 7:4-5, but we also withhold some part of ourselves from this total union when we withhold affection, or transparency about our financial dealings. We withhold a part of ourselves when devote ourselves overzealously to our work at the expense of our families.

The fact of this total union in the marriage covenant means that, second to God, our spouses are our first priority, and that consent and mutual submission to one another is the expression of this total union through which the covenantal union between God and his people is magnified. This is the reason that Jonathan Grant can say that more than any legislative changes to secure the sanctity of marriage, the quality of our marriages that most magnifies God and makes his gospel attractive: "it is perhaps in our marriages that we can most clearly witness to the gospel of peace and reconciliation."¹¹

Marriage Requires Openness to Children

In our day perhaps the most glaring way in which we withhold ourselves from the total union that marriage requires is by withholding ourselves from the fertility that the covenant sign of sex entails. Since the 1950s, it has been possible through technological means, in most cases, to

⁸ See the analysis in Peter Leithart, *Delivered from the Elements of the World* (Downers Grove: IVP, 2016), 88-90.

⁹ Gordon Hugenberger, *Marriage as a Covenant: Biblical Law and Ethics as Developed from Malachi* (Grand Rapids: Baker, 1994), 265, 281, 343.

¹⁰ *Ibid.*, 253.

¹¹ Jonathan Grant, *Divine Sex* (Grand Rapids: Brazos, 2015), 71.

detach sex from procreation. This has led, perhaps unsurprisingly, to what Mary Eberstadt has helpfully called a 'recreative' rather than a 'procreative' vision of the sexual act.

Many authors, including Eberstadt and Kay Hymowitz, have argued that the ability to detach sex from procreation has had the most pronounced consequences for men, for whom fatherhood has typically triggered a more robust work ethic as well as a protective instinct. Hymowitz notes that "adult manhood has almost universally equated with marriage and fatherhood," and Eberstadt argues that the 'atrophy of the protective instinct' in many men has occurred 'because many have nothing to protect.'¹²

Protestants have too quickly assumed that birth control is a matter for couples to decide about on their own without the guidance of the church community. In one sense Scripture does not tell us, as the Roman Catholic church argues, that each and every sexual act must be open to fertility, but there is a powerful argument to be made from scripture that permanent frustration of the connection between sex and fertility is inconsistent with the total union required by marriage. Children are, according to Scripture, are "a gift from God; they are a reward from him. Children born to a young man are like arrows in a warrior's hands. How joyful is the man whose quiver is full of them!" (Psa. 127:3-5).

If we permanently refuse the gift of children, there is a sense in which we are refusing a part of ourselves from one another. More importantly, we cut ourselves off from a principle reason that Scripture and Christians through the ages have held the conviction that marriage is between a man and a woman. Just as this total union can only be given between a couple, so the fertility that springs from the covenant sign of this union can only happen as husband and wife become one flesh in the sexual encounter. The older term for marriage in the Christian tradition is 'holy matrimony'. It is no accident that this term derives from the Latin word for 'mother' – it is in this union, in which the husband is bound to his wife and the children that result from this union, that the role of mother is sanctified and dignified.

Our Commitment to Covenant Marriages

Because we confess that marriage is a total, lifelong, covenantal union between one man and one woman that is open to children, we endorse Louisiana's covenant marriage guidelines and require every wedding that happens at First West to be a covenant marriage. In essence, the Louisiana provision recognizes that marriage is a lifelong commitment, and therefore the statute requires intentionality before entering marriage, and it makes it difficult to get divorced.

Prior to getting married, premarital counseling is required. Secondly, the couple must sign a Declaration of Intent which states their intent to live as husband and wife forever, that they have disclosed all information which could 'adversely affect' the decision to marry, and that

¹² Hymowitz, *Manning Up: How the Rise of Women Has Turned Men into Boys* (New York: Basic Books, 2011), 127; Mary Eberstadt, *Adam and Eve after the Pill* (San Francisco: Ignatius, 2012), 55.

they are committed to preserve their marriage, including marriage counseling, should marital difficulties arise. In order to obtain a divorce, a legal separation of two years is required.

In order to obtain that separation, a spouse must prove adultery by the other spouse, commission of a felony that gives rise to a sentence of hard labor or death, physical or sexual abuse of the spouse seeking the divorce, or a child of either spouse, or habitual 'intemperance', a term that includes drug or alcohol abuse, cruelty, or other severe mistreatment by the other spouse. Thus, only after reasonable efforts have been made to preserve the marriage, including a lengthy period of separation wherein spouses have an opportunity to reconcile, will divorce be granted.

Our conviction at First West is that these requirements substantially align with the biblical vision of marriage, and we require all members who desire to get married at First West to commit to covenant marriage. Furthermore, as we believe that the heightened requirements for divorce in Louisiana are a help to those who might be tempted to leave their marriages in a season of difficulty, we encourage all members who were not married covenantally to take advantage of the legal process that enables couples to convert their marriages into covenant marriages. The pastors at First West would be happy to discuss this process with you and to help you work towards strengthening your marriage.