

HISTORY OF MARRIAGE IN WESTERN CIVILIZATION

Marriage, as we know it in our Western civilization today, has a long history with roots in several very different ancient cultures, of which the Roman, Hebrew, and Germanic are the most important. Western marriage has further been shaped by the doctrines and policies of the medieval Christian church, the demands of the Protestant Reformation, and the social impact of the Industrial Revolution.

When we look at the marriage customs of our ancestors, we discover several striking facts. For example, for the most of Western history, marriage was not a mere personal matter concerning only husband and wife, but rather the business of their two families which brought them together. Most marriages, therefore, were arranged. Moreover, the wife usually had much fewer rights than her husband and was expected to be subservient to him. To a considerable extent, marriage was also an economic arrangement. There was little room for romantic love, and even simple affection was not considered essential. Procreation and cooperation were the main marital duties.

On the other hand, it may surprise many modern couples to learn that in earlier times divorce was often easily granted. Here again, men usually had the advantage when they could simply dismiss their wives, but in many instances women could also sue for divorce. In ancient Rome couples could even divorce each other by mutual agreement, a possibility that has not yet returned to all European countries. Another notable historical fact is the nearly universal stress on the necessity of marriage and the resulting pressure on single persons to get married. This pressure was partially lifted only under the influence of Christianity which, at least for some time, found a special virtue in celibacy. Christian doctrines have, of course, also had their effects on marriage itself, and some of these will be discussed below.

Marriage in Ancient Greece and Rome

In ancient Greece marriage was seen as a fundamental social institution. Indeed, the great lawgiver Solon once contemplated making marriage compulsory, and in Athens under Pericles bachelors were excluded from certain important public positions. Sparta, while encouraging sexual relationships between men, nevertheless insisted on their marrying and producing children. Single and childless men were treated with scorn.

However, while marriage was deemed important, it was usually treated as a practical matter without much romantic significance. A father arranged the most advantageous marriage for his son and then had a contract signed before witnesses. Shortly thereafter a wedding celebration was held and the young couple (who might never have met before) was escorted to bed. All marriages were monogamous. As a rule, the bridegroom was in his thirties and the bride was a teenager. In addition to this disparity in ages there also existed an inequality in education and political rights. Women were considered inferior to men and remained confined to the home. Their main function as wives was to produce children and to manage the household while their husbands tended to public affairs. For their erotic needs, men often turned to prostitutes and concubines. As Demosthenes, the orator, explained it: "We have prostitutes for our pleasure, concubines for our health, and wives to bear us lawful offspring." Many men also cultivated intense emotional and sexual relationships with male adolescents (paiderastia). The legal inequality of the sexes was further reflected in the divorce regulations. It was always easier for a husband to divorce his wife than vice versa. However, since a divorced woman could take her dowry back with her, men normally asked for a divorce only in cases of female adultery and infertility.

1 | Excerpt taken from *The Sex Atlas* by Erwin J. Haeberle (1981).
http://www2.hu-berlin.de/sexology/ATLAS_EN/html/history_of_marriage_in_western.html

The marriage laws and customs of ancient Rome are not easily summarized, because they were rather varied and underwent significant changes in the course of time. Still, without simplifying the issue too much, one may say that marriage and divorce were always personal, civil agreements between the participants and did not need the stamp of governmental or religious approval. Early in Roman history, a husband had considerable power over his wife and children, whom he could punish, sell, or even kill as he saw fit. However, eventually women came to enjoy a better legal position and gained more and more control over their lives and property. Thus, in imperial times husband and wife approached marriage as equals. Yet it seems that there was also a decline in marriage and birth rates, since the emperor Augustus found it necessary to pass drastic laws compelling people to marry and penalizing those who remained single. There were several forms of marriage, the first of which (by *usus*) involved no ceremony at all. It was established simply by the couple's living together for one year. Divorce was just as informal. A more formal kind of marriage (by *coemptio*) began with a ceremony in front of witnesses and was also dissolved with a ceremony. Members of the upper classes usually preferred an elaborate ceremony and thus married by *confarreatio* in front of ten witnesses and a priest. In the case of a divorce, another great ceremony was required. However, all three forms of marriage and divorce were equally valid. All marriages were monogamous. Both men and women usually entered their first marriage in their late teens.

While the Romans tolerated prostitution and concubinage, and had no qualms about homosexual relationships, their marriage laws were remarkably fair to women and thus greatly contributed to their emancipation.

Marriage in Ancient Israel

As we can learn from the Bible, the ancient Israelites had a patriarchal family structure. The status of women was low—they were regarded as the property of their fathers or husbands and could do nothing without their consent. The main purpose of marriage was procreation and the perpetuation of a man's name. Every healthy person was expected to marry. Single men and women were despised. A man could have several wives and concubines. (Jacob married two sisters, Leah and Rachel, and Solomon had 700 wives and 300 concubines.) Divorce was not encouraged, but permitted if a man found some "uncleanness" in his wife. In such a case, he simply wrote her a bill of divorce and sent her out of his house (Deuteronomy 24:1). However, it was virtually impossible for a wife to divorce her husband.

The Bible indicates that the marriage laws and customs of Israel changed somewhat in the course of time. Thus, divorces were increasingly frowned upon, and there was a general trend toward monogamy. Another change concerned the so-called levirate (i.e., the man's obligatory marriage to his brother's widow). This kind of marriage was at times required (Deuteronomy 25:5) and at other times prohibited (Leviticus 20:21). This change was probably related to changing economic conditions.

It was usually the patriarch who selected a bride for his son and who paid a "bride price" to her father. The acceptance of this bride price constituted a legally binding betrothal, which was followed by some wedding celebration when the bride took up residence with her new family. Both males and females married in their early teens, shortly after puberty. Theoretically, therefore, neither sex was subjected to any lengthy period of sexual frustration. Still, because of an unquestioned sexual double standard, men had a far greater opportunity for sexual fulfillment than women.

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Marriage in Medieval Europe

The rise of Christianity produced a profound change in European marriage laws and customs, although this change came about only gradually. The first Christian emperors were more or less content with the traditional Roman law. However, under varying political and religious pressures, they alternately broadened and restricted the divorce regulations. They also repealed older laws which had penalized the unmarried and childless, since the new Christian asceticism favored virginity and sexual abstinence over marriage. In most other respects they resisted change. Marriage and divorce continued to be civil and private matters.

In the following centuries, however, marriage came more and more under the influence of the church. Compared to Rome, the newly Christianized countries of Northern Europe had rather barbaric marriage customs and treated women little better than domestic slaves. In Germanic law, for example, marriage was essentially a business deal between the bridegroom and the bride's father ("sale marriage"). The symbol of a successful "bride sale" was the ring (a form of down payment) which was given to the bride herself. Acceptance of the ring constituted betrothal. The full payment of the "bride price" was made on delivery, i.e., when the actual wedding took place. (Since then, the ring has acquired many other symbolic meanings and, indeed, is still used in our modern marriage ceremonies.) The civilizing influence of the church soon refined these primitive customs. According to Roman law and Christian belief, marriage could be built only on the free consent of both partners, and this doctrine was bound to raise the status of women. Furthermore, theologians increasingly found a religious significance in marriage and eventually even included it among the sacraments. This also endowed a formerly rather prosaic arrangement with a new dignity.

Unfortunately, at the same time the church created two new problems: It abolished divorce by declaring marriage to be insoluble (except by death) and greatly increased the number of marriage prohibitions. Now there were three basic impediments to marriage: "consanguinity", "affinity", and "spiritual affinity". Consanguinity (i.e., relationship by blood) was interpreted very broadly up to the 6th or even 7th degree. This meant that nobody could marry anyone more closely related than a third cousin. Affinity referred to a mysterious closeness between the two families of husband and wife. Since the latter were seen as having become "one flesh", all relatives on both sides also became related to each other, a circumstance which made marriage between any of them impossible. Spiritual affinity was said to exist between godparents and godchildren with their families.

As a result of these new regulations, the influence of the church on marriage was greatly strengthened. Very often extensive clerical investigations were necessary to prove or disprove the existence of impediments. For example, marriages that had been entered in ignorance or defiance of such impediments were considered null and void. In these cases the church was therefore willing to pronounce an "annulment". Since divorce was no longer permitted, an annulment was the only way of dissolving a marriage, and thus many married couples who had tired of each other sooner or later conveniently discovered some previously overlooked marriage impediment. The church also began to post so-called banns before each wedding, inviting anyone with knowledge of an impediment to come forward. The growing church involvement in marriage could further be seen in the development of a special religious wedding ceremony. In the first Christian centuries marriage had been a strictly private arrangement. As late as the 10th century, the essential part of the wedding itself took place outside the church door. It was not until the 12th century that a priest became part of the wedding ceremony, and not until the 13th century that he actually took charge of the proceedings. Nevertheless, it remained understood that, even as a sacrament, marriage sprang from the free consent of the two partners, and that therefore neither the parents nor the priest nor the government could affect its validity. It thus

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became possible for couples to get married secretly if they could not obtain anyone else's approval. It also became possible for very young children to be married, if their parents could coax the necessary consent out of them. Especially aristocratic families often took advantage of this possibility when they found a politically advantageous match for their little sons or daughters. On the average, however, males married in their mid-twenties, and females in their early teens (i.e., soon after their first menstruation).

Today it may be tempting to see medieval marriage in the light of certain lofty religious doctrines and the poetry of the troubadours. However, throughout most of the Middle Ages and for the greater part of the population marriage remained a practical, economic affair. Romantic love hardly had any place in it. Moreover, the social and legal status of women, while somewhat improved in some countries, continued to be very low.

Marriage in Modern Europe and America

The Protestant Reformation of the 16th century rejected the prevailing concept of marriage along with many other Catholic doctrines. Martin Luther declared marriage to be "a worldly thing . . . that belongs to the realm of government", and a similar opinion was expressed by Calvin. The English Puritans in the 17th century even passed an Act of Parliament asserting "marriage to be no sacrament" and soon thereafter made marriage purely secular. It was no longer to be performed by a minister, but by a justice of the peace. The Restoration abolished this law and reverted to the old system, but the Puritans brought their concept of marriage to America where it survived. Luther and other Protestants also reduced the number of marriage impediments. Affinity and spiritual affinity were no longer considered obstacles, and consanguinity was interpreted much more narrowly than before. Thus, even marriages between first cousins became possible.

The Catholic Church, in response to the Protestant challenge, took its stand in the Council of Trent and, in 1563, confirmed its previous doctrines. Indeed, it now demanded that all marriages take place before a priest and two witnesses. Among other things, this virtually eliminated not only secret marriages, but also the formerly common informal marriages. These, similar to the old Roman marriages by *usus*, were based simply on mutual consent without formal ceremony. In England they came to be called "common law marriages", and since Henry VIII had broken with Rome, they continued to be permitted until 1753, when the Church of England was put in charge of all marriages (including those of Catholics, but excluding those of Quakers and Jews). This development did not affect the English colonies, however, and thus common law marriages remained possible in America. (As recently as 1970 they were still recognized in several states.)

In most of Europe marriages continued to require a religious ceremony until the French Revolution in 1792 introduced the compulsory civil marriage. Germany followed suit in the 19th century when Bismarck diminished the influence of the Catholic Church. Eventually, marriage before some magistrate or government official became the only valid form of marriage in most of the Western world. Religious weddings were still permitted, but only after the civil ceremony had taken place.

Another contested issue was that of divorce. In opposition to Catholic doctrine, the Protestant Reformers did not believe that marriage was insoluble, but favored divorce under special circumstances. The Puritan John Milton in his *Doctrine and Discipline of Divorce* (1643) even advocated self-divorce without the involvement of either church or government. For him, marriage rested entirely on the full compatibility of both partners. Where mutual love was lacking, marriage was a sham and had to be dissolved. However, this philosophy was too far ahead of its time. The English

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Parliament began to grant some divorces, but the procedure was so cumbersome and expensive that few couples could take advantage of it.

UNCONVENTIONAL FORMS OF MARRIAGE IN 19TH-CENTURY AMERICA

Marital experiments are nothing new. Especially the United States has an interesting history of attempts at marriage reform.



The Oneida Community

Founded by John Noyes in 1848, the Oneida colony in upstate New York cultivated a form of group marriage called "complex marriage" in which theoretically every woman was married to every man. The community also practiced "scientific breeding" in which potential parents were matched by committee for physical and mental health. The picture shows this special breed of children playing in front of their proud parents.



Mormon Polygamy

The members of the Mormon Church were relentlessly persecuted, harassed, and ridiculed because of their polygamy. Finally, they were forced to abandon the practice. The picture is a satirical cartoon commenting on the death of Brigham Young in 1877. It shows twelve widows in the same marital bed mourning the death of their husband.

A more efficient divorce court was not established until the middle of the 19th century. In colonial America the Puritans permitted divorce in certain specific cases, but it remained prohibited in all Catholic countries until the French Revolution and the Napoleonic code introduced it to France. After Napoleon, divorce was abolished again by the restored monarchy, but it was reinstated by the Second Republic in 1884. Still, divorce remained impossible in Italy, Portugal, and Spain, until Italy finally legalized it in 1970.

Monogamy was and still is the only accepted form of marriage in both Catholic and Protestant countries, although Luther condoned polygyny in exceptional cases. (He "unofficially" permitted Landgrave Philip of Hesse to take two wives.) Nevertheless, such old biblical customs had become repugnant to most modern Christians, and when, in the 19th century, the Mormons revived the practice of polygyny in America, they were so relentlessly persecuted that they abandoned it.

The gradual emancipation of marriage and divorce laws from the control of the church resulted in greater individual freedom and further raised the status of women. The parents began to lose influence over the marital choices of their children, and romantic love became an important factor in marriage. Even so, for most couples until well into the 19th century marriage was still basically an economic arrangement. Moreover, the husband was usually the one who profited most, because he was the

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"head of the household" and controlled his wife's property. He also had many other rights denied to his wife and was favored by a moral double standard that allowed him considerable sexual license. Under the circumstances, women continued to press for further reforms, a process which even today has not yet fully reached its goal.