

Calvin Speaks



vol. 2, NO.6

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June, 1981

The Sanctity of Marriage*

(Part 2)

**Title not in original manuscript*

Sermon 129. 15 January 1556. Deuteronomy **22:25-30**.

There is no need for a summary, since this short section of the sermon stands alone. The verse Calvin is expounding is Deut.22:30, "A man shall not take his father's wife; he shall not uncover the skirt of his father's garment."

Incest Forbidden

In the last verse Moses declares that men must observe such an honesty of nature in marriage that the son must not have sexual relations with his stepmother.⁷ At this point only one kind of incest is mentioned, but in the twentieth chapter of Leviticus there are more degrees spoken of. This brief notice, however, serves to put them in mind of what had been taught them before. For Moses in this book rehearses the law which he had already written. And I have told you before that this is necessary, because men's memories are so short, and they so quickly forget what God has taught them. it was therefore expedient that Moses, to make the teaching more secure, should repeat it here in this book. Here he only touches on the subject, so that men should keep order by holding incest accursed.

For the Pagans themselves knew that if marriages were made without making distinctions, there would be incest (as they called it) committed, so that marriage would be defiled before God and become worse than whoredom. They had this knowledge implanted in them by nature, and although they had not been taught the will of God in purity, yet they had some spark of it. God did not want mankind to become totally beastly, but saw to it that they always had a light to make them without excuse, and to increase their condemnation the more, as St. Paul discusses in the second chapter of the epistle to the Romans.

Now to treat of all the degrees spoken of in Leviticus is not necessary at this time. It will suffice briefly to bear in mind the overall effect, which is that we ought to make a distinction in marriage and observe a kind of honesty so that degrees of kindred are not mingled and confused, that a father not take his daughter to wife, nor a brother his sister, nor an uncle his niece, nor a father-in-law his daughter-in-law, nor a mother-in-law her son-in-law. For if we do not observe this order, we are no different from brute beasts.

Some, however, will object, saying, "What is wrong with it, as long as the couple is legally married?" Indeed, but since marriage is a holy thing, it must be kept with a great reverence; so that it is doubly bad if a man defiles himself like a brute beast under the banner of marriage. It is as if a man were to rob his neighbor, all the while maintaining that it was just to do so, like this: he commences a false action against him, and when he has cast him [into prison] he says, "Well, I won the suit; I have acquired nothing except what was justly due men." Indeed, such wickedness is worse than that of the simple cutpurse, for not only does the theft endure, but what is worse, the name of

⁷Intercourse with the father's wife had a particular meaning in Biblical times which Calvin does not bring out. It was a way of saying publicly that the father was impotent, and thus the leadership for the family had fallen to the son. To expose the father to public shame in this way was to "uncover his nakedness" (cf. Gen. 2:25;3:7).

Reuben, for example, went in to Jacobs concubines, thus trying to usurp his father's rule before Jacobs death (Gen.35:22). For this sin he lost the right to rule altogether (Gen. 49:3-4). Absalom, too, when he had defeated his father, took David's concubines in full view of all Israel, as a sign that power had passed to him (2 Sam. 16:21-22), and a sign that David was impotent to protect his own women, and that leadership was now in Absalom's hands. In Deut.22:30, God forbids the use of this pagan practice.

God has been abused and the seat of justice defiled. You can see what a great treachery this is. So then, just as a man is a double thief who by pleading a false cause and through perverse means rakes to himself another man's goods, so also doubtless those who violate the order of nature do worse than if they had committed whoredom, as when a father married his daughter, or when an uncle companies with his niece, or when a brother takes his sister.

And why? First of all because the thing itself is beastly and can never be lawful. Secondly, the land is as it were defiled and infected where such wickedness reigns. Briefly, then, men ought to detest and abhor it. And yet, notwithstanding, to whom do men offer injury when they venture to confound marriage, which is so holy a thing, which is the living image of that Spiritual union which we have with our Lord Jesus Christ, which God (as we know) ordained at the beginning and blessed; if men intermingle it with such filthiness, if they make a joke of it, whom do they offend? Do they not offend God, Who is the Author of marriage, and Who commanded that it be maintained in all purity? You see then what we have to bear in mind concerning this verse.

But now, God has provided a law concerning the matter, and not without reason. For in those countries there was more corruption concerning incest than has ever been in any other nations. I say, that neither in Greece nor in Italy did men ever use such lawless and villainous liberty in this kind of wickedness as those in Asia and in the other Eastern countries did. For it was nothing for a brother to marry his sister. It was therefore necessary for God to reign His people with a short bridle. And from this we may see again how custom is not to serve us as an excuse for sin. If a thing displeases God, even if it is frequently found among men, this does not lessen the fault; for God will always remain the final Judge. It is God's will that we should do Him this honor and cleave to His simple will, even if men draw totally away from it.

Let us therefore learn to yield ourselves to the Law of God concerning this matter. And if a man says that we are not to be held enslaved to the order of Moses, I grant it. At the same time, we ought at least to admit to the warnings God gives us, and to use His counsel. Although we are indeed free from bondage to the civil law of Moses, yet He will have us to bear always in mind this principle, to consider for what reason God has forbidden this or that thing.⁸ For it is because the thing itself is intolerable. We must, therefore, frame our minds to what we know is acceptable to God, and keep away from that which He forbids.

Incest Abominated Even Among Many Pagans

Yet there is a double condemnation to fall on those who disobey this injunction, as St. Paul says, speaking of the man who had taken his step-mother to wife in Corinth. "But now," he says, "are you not ashamed that such fornication should exist among you, and that so villainous an act should be committed, since the very pagans cannot abide to hear such things spoken of." Indeed, sometimes such things did occur among men, but they still abhorred such wickedness. Seeing then that the unbelieving wretches have been taught, byways they knew not

of, with neither Scripture nor preaching, God driving them to keep this honesty in the degrees of marriage, what ought we to do?

Indeed, we see that the pagans stand even further in condemnation of those who practice such evil. For there was a certain Emperor of Rome, who, because he wanted to commit the same incest himself, made a law that the uncle might marry his niece. And this liberty thus granted was never taken advantage of by any but himself. Even though he had all countries of the world under his rule, yet he could never make the law of sufficient authority to persuade any but himself and his woman that it was all right for uncle to marry niece.

Now what shall we say of this, except that our Lord has a secret bridle for men, as if He should say, "I will that there remain some honesty in nature in spite of all those who bear rule in the world and would make such a confusion that men should become like brute beasts, yea even like dogs and swine. Do what they can, yet will I be above them, and cause My law to be so printed in the hearts of men that for all their wickedness and blindness they shall yet retain some honesty in that which I have principally commanded them." Behold, I say, how God has held sway in such a way that men, however unbelieving they may have been, have yet had some remorse, so that they would not altogether go against that which was forbidden them in this law.

Indeed, men might have alleged, "This thing is lawful for us. The law has been passed, the sentences of it proclaimed, liberty is granted to all men to do so," and yet we see how God overrules all and shows that He Himself will so awaken men and summon them to appear before Him, that they will not fall into such confusion. And therefore let us humble ourselves unto Him, and keep in mind that He will call us to account and draw us to keep His will by force, if we do not prevent His judgment now by walking in such fear and carefulness that we make it our pleasure to serve and honor Him, so that there will be a clean lifestyle among us, so that not only will the order of nature be observed, but also that we may show that it is not for nothing that he has shoveled us out from among the unbelieving wretches, and wills that we should be a holy people to Him and dedicated to His service.

Prayer

But now let us kneel down in the presence of our good God, with acknowledgement of our faults, praying Him to make us feel them more and more, and asking Him to draw us away from them, and so to rid us of them that we may increase from day to day, and be reformed to His righteousness; and that He will, in the mean time, bear with us in our infirmities, and not deal with us severely, but pardon us for our sins, until He has cleansed us altogether from them. And so let us all say: Almighty etc.

⁸See the essay by James B. Jordan, "Calvin and the Mosaic Judicials," included in this edition of *Calvin Speaks*.

CALVIN AND THE MOSAIC JUDICIALS

by James B. Jordan

In recent issues of *Calvin Speaks*, we have seen Calvin again and again affirm the need for Christian states to enforce the Mosaic penalties against various crimes. At the same time, we read such statements as the one in this issue, to the effect that we are free from the necessity of keeping the civil law of Moses. The purpose of this essay is to attempt to resolve this tension as much as possible.

To start with, there is a problem with the division of the Mosaic law into three categories: moral, civil, and ceremonial. This division is not found in Scripture, and arose during the Medieval period. Calvin very seldom used it, and this is reflected in the *Belgic Confession*, which distinguishes only between moral and ceremonial laws. The three-fold division does, unfortunately, achieve confessional status in the *Westminster Confession of Faith*, which says that God gave to Israel, as a body politic, certain laws which have expired with the expiration of the state of Israel, though the "general equity" of these laws continues to be "required" for Christians (chapter 19:4).

Few Old Testament scholars can agree with this statement. First, there is no judicial section in the Law; so-called civil laws are scattered throughout. Second, the laws in Scripture do not form a corpus of judicial law. There is far too much omitted. Religious ("ceremonial") laws are mixed in with the civil teaching, unlike all other Ancient Near Eastern law codes. Third, the laws frequently have motivations attached to them "Do such and such, and remember that you were a slave in Egypt"), unlike any other law code. Fourth, frequently some matter is forbidden, but no penalty is attached, requiring the magistrate to come up with a civil penalty from some other passage of Scripture. This is utterly unlike any other law code. Thus, we must agree with Umberto Cassuto when he says that the case laws, insofar as they have a judicial application, are "ethical instructions in judicial matters." [See Bibliography at the end of this essay.]

Thus, it is simply not the case that God gave to Israel, as a body politic, a civil law code. Rather, He gave to them, as a religious community, teaching pertaining to all areas of life, from which they would have to erect a civil law code. The same is true of the Church today.

Unfortunately, this was not as clear to the Reformers as it is to us today. The Reformers had inherited a notion that there was a "civil law code" in the Old Testament, and they had to answer the question of what to do with it. This led to some imprecise formulations of doctrine, such as we saw in the Westminster Confession.

Whether we consider the case laws as a civil law code or as ethical instruction bearing on civil matters, there are several options open to us. First, we can say as some do that the Old Testament laws have nothing to do with us. We live by the New Testament alone, without reference to the Old Testament. This is a very difficult position to maintain.

Second, we can take the position that the Old Testament case laws continue to teach us right from wrong, explaining in further detail the Ten Commandments, but that the civil penalties attached to some of the case laws no longer have any reference to us. This is the most common position today.

Based on Ex. 21:22-25, most Christians agree that abortion is evil, but few would go all the way and call for the death penalty for abortion, though Ex. 21:23 clearly teaches it.

Third, we can say that the Old Testament case laws show us what things ought to be outlawed and punished by the state, but that we are not bound to the particular punishments. We ought to punish theft, for instance, but we don't have to use restitution; we might use imprisonment or hanging as punishments for theft. This view is close to that held by Calvin and the other Swiss reformers, but not quite.

Fourth, we can say that the Old Testament not only shows us what sins are to be regarded also as civil crimes, but that some penalties are still binding on Christian states. I believe, from my studies [see Bibliography], that this was the position of the Reformers. They believed that God alone was the Author of life and death, and so if God had specified the death penalty for some crime we dare not fly in the face of God and spare the criminal. On the other hand, if God had not commanded the death penalty for a certain crime (such as theft), we dare not take life and death in our own hands and institute the death penalty for it. In short, the death penalties of the Mosaic Law are binding on Christian states, but the other penalties may be altered as circumstances seem to require.

Fifth, we can take the position as some of the Reformers and as some modern writers do, that all the penalties are valid, since the nature of crime today is the same as it was then, and since the Law is perfect and its penalties are perfectly just, according to Heb. 2:2. If the penalties are perfectly just, to change them at all would be to move in the direction of injustice. The great Reformer Martin Bucer, who strongly influenced Calvin, took this position.

How should we summarize Calvin's position? First, of all, when Calvin attacks the notion of framing a commonwealth according to the political system of Moses (*Institutes* 4:20:14), he has in mind the Anabaptists, for he goes on to say that such people are seditious and foolish. He is arguing against an unthinking fanaticism, not against a careful application of the Mosaic teaching. One need only read the sermons on Deuteronomy to see that Calvin generally follows the Mosaic system.

Second, Calvin believes that Christians have a duty to reform society and work to institute a Christian state, a "theocracy" of some sort, ruled by Christian law.

Third, Calvin believes that Christian law must be based on the Bible, and in particular on the civil teachings of the books of Moses. This is why he preached through Deuteronomy in the first place. The general wisdom of the Mosaic laws is certainly binding on Christian societies.

Fourth, Calvin believes that there is a "common law of nations" based on the "law of nature," which we can also consult in forming our laws. Note, however, that this "law of nature" never contradicts Scripture. As we have seen in the sermon in this issue of *Calvin Speaks*, Calvin rejects paganism when it contradicts Scripture, and only appeals to the "law of nature" when it agrees with Scripture. Thus, there is never a contradiction between Biblical law and the "common law of nations."

Fifth, Calvin believes that Christians are not bound to the Mosaic civil teachings in some meticulous fashion. If circumstances seem to warrant it, modifications in the Mosaic teachings can be made. At the same time, Calvin almost always winds up advocating the same things as are advocated in the Mosaic laws. People who reject the Mosaic teachings are, in his opinion, most unwise, as the sermons we have reprinted in the various issues of *Calvin Speaks* make clear.

Sixth and finally, Calvin always takes the death penalties with utmost seriousness.

In summary, Calvin always winds up giving back with one hand what he took away with the other. It is as if he were saying, "All right, we are not really strictly bound to the Mosaic Law; but what fool wants to be governed by anything else? Can man improve on the laws dictated by God Himself? Surely not. Any sane man seeking to construct a Christian civil order will surely begin with a study of the laws God gave to ancient Israel."

We at Geneva Divinity School agree with this position. We believe in working for a Christian Republic under the Law of God. We don't want to try to turn the clock back and reinstate the Old Covenant, but we do believe that these laws were recorded for our instruction, and can hardly be improved upon. A society governed by God's law would not only be a clean and safe society, it would also be a society in which people were constantly confronted with the reality of Divine judgment, a society in which evangelism would be much easier than it is today. It is in the interest of restudying these laws that we are reprinting Calvin's sermons on Deuteronomy in *Calvin Speaks*.

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