

By The Power Invested in Me

We are all familiar with the words at the closing of a newly inaugurated marriage “by the power invested in me I now pronounce you husband and wife”. Unless these words are pronounced by a religious figure or state official we do not accept any relationship as a binding marriage. By the overseer’s declaration he considers himself authoritative to inaugurate the marriage institution. As well-meaning as the official and we might be is it really a biblical concept? After many years of researching the topic one has to concede that it is not. The idea that God invested the power in the religious or civil authorities is completely absent from the biblical record. For one to assert that it is biblical is beyond a stretch.

If we look at the details of the marriages that are contained in the bible then we simply cannot see this practice. Two marriages in Genesis are given great attention from start to finish and not a hint of modern perceived authority (Gen 24, 29). The first is Isaac and no religious or civil authority is present for the inauguration of the marriage. The same detail is given to Jacobs’s marriage and still it is not inaugurated by a religious or civil official. Examination of both detailed accounts leaves with only four requirements.

1. Agreement with the virgins father
2. Transfer of custody
3. Sexual relations
4. Cohabitation

There are examples of celebrations but these are not ceremonies as we think of. These were celebrating the fact of the matter not ceremonies inaugurating it.

Once agreement with the father was made, custody had been transferred and sexual relations sealed the union, they would throw a seven day celebration honoring the union. This custom is seen in Genesis and continued even unto the time of Christ. His first miracle is when he shows up on the third day of a marriage celebration and turns the water into wine (John 2).

Sure one might appeal to the fact there was no organized religion with officials at this point in history and also they are not living under a civil government but tribal, clan conditions. However, as one continues the biblical record God creates a nation and institutes a priesthood. As one reads they will find the inaugurating

of marriage remains the same even though politics and organized religion are instituted in national Israel.

Here is the challenge, God provided in great details the duties of the priest in the Mosaic Law but nowhere can one find inaugurating marriages as one of them. Not only are the prescriptive commands absent but any example of a priest doing such a thing is absent as well. God provided very thorough details concerning the duties of the priest, even down to how he was to wash his hands and wear his head gear properly. It would make no sense for God to go into such great detail in minute matters and neglect to instruct them concerning the most important institution if it was part of their duty.

All the prescriptive commands in the Law and descriptive examples from Genesis remain consistent containing the 4 elements above.

As will be seen, the only one invested with the authority to inaugurate a marriage is the virgin's father, not a priest or government official. The first text in the Law to be observed is Deuteronomy 7:3-4

You must not intermarry with them. Do not give your daughters to their sons or take their daughters for your sons, for they will turn your sons away from me to worship other gods. Then the anger of the Lord will erupt against you and he will quickly destroy you. Deut 7:3-4

At first we might think there is no point to be made here in this text but quite the contrary there is. Notice God is instructing marital regulations to parents not to priest. Had the priest oversight of marriage then we should see instructions to them yet we do not. It is vital that the parental authorities be clear on these issues because they are the only ones invested with the authority to do such things. If the giving and taking was merely symbolic, as it is in our culture, then this warning would have no weight to it at all, but it carries a lot of weight, destruction! The very extreme nature they will be held to speaks of God considering them as truly authoritative and not just symbolically.

When sexual seduction of a virgin occurred in Israel God gives specific instructions about his expectations and the proper authority in Ex 22:16-17.

"If a man seduces a virgin who is not engaged and has sexual relations with her, he must surely endow her to be his wife. If her father refuses to give her to him, he must pay money for the bride price of virgins.

The man who seduced a virgin was required by law to go to her father and pay the bridal price and accept responsibility for her as his wife. However, the father had the right to refuse the union and still require him to endow his daughter. This no doubt would be because losing her virginity would diminish her desirability and potentially reduce another man's willingness to endow her abundantly. This insured she received a full endowment even though she is no longer a virgin. Why didn't God send the couple to the priest? Why isn't the priest the authoritative figure? The answer is simple, because he does not have invested authority to inaugurate this couple or annul them. This authority according to scripture solely belongs to her proper parental authority.

I challenge any student of scripture to read all the prescriptive commands in the Law and descriptive examples in the historical narratives and they will not find precedent or declaration of state or religious officials possessing "invested authority concerning marriage".

The previous instruction concerns the marriage of a virgin, but a divorced woman or widows have completely different stipulations. The former was under her father's responsibility the latter two were not. Once a woman had been given away she was in her husband's custody, if she found herself in a situation where he was no longer with her she attained responsibility for herself (Numb 30, Deut 24:1-4).

As we move into the "New Testament" we find the same principle understanding about marriage in place. Joseph and Mary follow the exact example in the narratives and the explicit instructions contained in the Mosaic Law (Matt 1:18-25). They are betrothed; this is agreement with her parental authority. After assurance from the Angel Joseph goes and takes possession of Mary, this is transfer of custody. Then she dwells with him, cohabitation. The celebration is missing but I am sure it was because of the unexplainable pregnancy; however the celebration only celebrated the fact and had no bearing on the fact of the marriage itself. The lack of celebration did not mean a lack of marriage. Of course the sexual relations are put off until after the birth of Christ but the covenant was with her father and the sexual relations merely solidified the agreement. This is the covenant aspect of marriage, notice in the Law it was considered adultery to lie with a betrothed woman (Deut 22:22) and a divorce would have been required from Joseph to nullify the agreement with her father.

The marriages Jesus references in his parables are consistent with the observed record thus far (Matt 22). The Apostle Paul also employs these 4 elements of marriage to convey spiritual truth (2 Cor 9).

Lest we accuse biblical marriage as barbaric we must keep in mind Jesus himself personally attended a marriage celebration and blessed it (John 2). Our disdain for marriage as seen in scripture is purely a belief that our culture is superior. Yet our Lord thought these marriages as proper and “fair”, any judgment on their way of marriage is a judgment on our Lords discernment.

Thus we can find no precedent for alteration in the New Testament books concerning examples. Also when observing the examples we are still faced with the absence of a religious figure or civil authority in their process. The investment still remains in the proper parental authority. We begin our observations of explicit text noting the fact of their absence.

As the Law contained specific instructions concerning the duty of priest and marriage was not part of those instructions, so the New Testament contains specific instructions for church leaders. 1 Tim and 2 Tim give detailed commands and expectations concerning the duties of church leaders and marriages are absent from their duties. Paul instructs concerning, prayer for men, prayer for women, ordination of elders, ordination of deacons, preaching, excommunication, how to care for widows and much more. With all the duties provided in detail and entrusted to the oversight of the elder, proper inauguration of a marriage is not one of them.

The explicit instruction of the Apostle Paul is consistent with all the previous marital instruction in scripture, thus remaining in the hands of the proper parental authority. Let us observe 1Cor 7:36-39.

But if any man think that he behaveth himself uncomely toward his virgin, if she pass the flower of her age, and need so require, let him do what he will, he sinneth not: let them marry. Nevertheless he that standeth stedfast in his heart, having no necessity, but hath power over his own will, and hath so decreed in his heart that he will keep his virgin, doeth well. So then he that giveth her in marriage doeth well; but he that giveth her not in marriage doeth better. The wife is bound by the law as long as her husband liveth; but if her husband be dead, she is at liberty to be married to whom she will; only in the Lord.-1Cor 7:36-39)

Here Paul explicitly retains the idea that the invested authority to declare (inaugurate) a marriage is the virgin's father. This is Apostolic instruction to a New Testament church that ends with an authoritative declaration in verse 40 "...and I think that I too have the Spirit of God!"

Notice marriage for a virgin and a widow is very different in Paul's instructions. The virgin or unmarried girl must be given by her father and if he chooses not to give her that is his right as the proper authority. Yet a widow he says is "free to marry whom she will, only in the Lord" of course. The widow's freedom stands in contrast to the virgin's submission to her father's will. Lest I offend anyone read the text and take issue with it please.

Summary

If one has followed thus far I am sure some interesting points have been made and if one accepted the challenges seriously they are left puzzled by the complete disconnect of marriage and religious or civil authorities. One has to wonder when an agent declares he has the "authority invested in him by God" to declare a marriage where does he get this? It is abundantly clear in my mind the only one who God has "invested authority" to declare a marriage would be the girl's father, unless she is a divorced woman or widow. So, if she were a virgin a biblical marriage would be.

1. Agreement with the proper parental authority
2. Transfer of custody
3. Sexual relations
4. Cohabitation

If she were a divorced or widowed woman

1. Agreement with her
2. Her submission to the man's custody
3. Sexual relations
4. Cohabitation.

The creation of the ecclesiastical marriage

The Catholic Church seized power over marriage in 1563 at the council of Trent in response to the reformation. In light of the massive departure of people, the Catholic Church saw the need to set in place some reforms itself. This council was held to address needed reforms in the Catholic Church and solidify some old traditions as well. One of the issues on the reform list was the marriage concept.

At this time a debate over the nature of marriage had been heating up over the past century and the church sought to settle it at Trent. The Church redefined marriage, redirected the authority over it and changed the process completely. It was no longer to be considered a contract (covenant) but a sacrament. Even at Trent they conceded to the fact that marriage was not a religious matter in scripture or history. Notice marriages previous to this council and in the Mosaic Law were not considered sacraments.

How much the Sacrament of Matrimony is superior to the marriages made both previous to and under the (Mosaic) Law may be judged... their marriages never had any sacramental value.

Among the Jews the laws of marriage were observed far more religiously, and it cannot be doubted that their unions were endowed with more holiness...Still their unions also fell short of the real nature of a Sacrament.-1563 Council of Trent p213

The example of the Fathers of the Old Law, who esteemed marriage as a most holy and religious rite, although it had not then been raised to the dignity of a Sacrament,-p 218

It will now be necessary to explain that Matrimony is far superior in its sacramental aspect and aims at an incomparably higher end.-P 212

By declaring marriage to be a sacrament they then redirected the oversight of it to 'officers of the sacraments', hence ecclesiastical marriages performed by priest. As stated on page 217:

But above all, lest young persons, whose period of life is marked by extreme indiscretion, should be deceived by a merely nominal marriage... the pastor cannot too frequently remind them that there can be no true and valid marriage unless it be contracted in the presence of the parish priest, or of some other priest commissioned by him, or by the Ordinary, and that of a certain number of witnesses.-p 217

Summary

I am left puzzled by the complete disconnect of marriage and religious or civil authorities in the bible. One has to wonder when a pastor declares he has the "authority invested in him by God" to declare a marriage where does he get this? It is abundantly clear in my mind the only one who God has "invested authority" to declare a marriage would be the girl's father, unless she is a divorced woman or widow. Any claims a pastor would make about this "invested authority" is made without and against scripture. I can understand a Catholic priest making these claims because he believes the Papacy has the authority to alter marriage

but an evangelical minister who claims this and yet cries “sola scriptura” absolutely puzzles me. He does so completely ignorant to the fact he is upholding Roman Catholic tradition not biblical principle. If a pastor would like to contend with the previous statement I would love for him to produce any texts that suggest he has anything to do with inaugurating a marriage. Having the information creates dilemmas though, what of the marriages where the father said no yet the preacher “declared” them husband and wife? If this authority solely belonged to the proper parental authority then it seems to say no. Also, what about the scenario where the father gives the girl to a man yet they have not been declared by a pastor, can he really define their relationship as fornication? Not according to scripture.

The state cannot solve any of the above issues because it was never given authority over the institution of marriage either. State license marriage was created even more recent in history than the ecclesiastical marriage. The issue of state license is purely a political one not a theological one. Had God intended for the state to oversee marriage why didn't he invest this authority in the state he himself created? The constitution and government of Israel was organized directly by him yet within this nation marriage was laid upon the proper parental authority. This is the fact of the matter whether one researches the Theocratic kingdom or the Monarchy established through David. Search the New Testament as well and one is still left absent of these concepts. I am not the only student of scripture to recognize this.

Evangelical commentator, M. G. McLuhan observes:

...we have in most cases totally overlooked the divinely stated elements of that relationship... Not one word in the entire Bible implies that a legal record should be kept."—Marriage and Divorce: God's Call, God's Compassion, pg. 31

Tom Shipley

“One of the things that has greatly agitated Bible commentators who have undertaken an exposition of the subject of marriage is the seeming "silence" of the Scriptures concerning the lawful means of commencing or inaugurating a new marriage. The absence of commands having to do with legal or ceremonial procedures, or public oaths.... Consulting the prescriptive commands of the Law and prophets does not alleviate the agitation.”-Man and Woman In Biblical Law

Collier's Encyclopedia p 441 concerning legal marriage

“This situation is relatively recent in western world. The cannon law under which all Western Europe lived till the reformation permitted marriage by consent, as the Roman law had done. This rule was accordingly general throughout the countries of the continent where the Roman or civil law was “received”.

“In 1753 Lord Hardwicke’s Act was passed by the English Parliament. It required “banns or license” and a church of England ceremonial as conditions of a valid marriage. The act, however, applied only to England, and Quakers and Jews were exempted. Subsequent amendments have permitted solemnization according to the ritual of any recognized religious or by registrar.....”

Latter parliament decisions of 1844 and 1866 served to solidify the legal aspect of marriage concerning the English populace. These latter acts served to completely cancel the practice of common law marriage which consisted of simple consent and cohabitation regardless of ceremony or license. What was deemed common law marriage was the “common marriage” until these bills.

“The common-law marriage i.e. marriage by simple contract, continued to be general throughout the colonies and continued to be so after the revolution. A dictum of Chancellor Kent of New York in 1809 specifically declared that consent, if followed by cohabitation, was as good as a ceremonial marriage.... This may be said to have been the accepted rule in America.”

“Beginning in 1875, however, statues were passed in some states practically abolishing common law marriage.”

Beginning in 1875 until 1923 the issue was debated and slowly adopted by all the existing states eventually becoming the standard for all new states joining the United States.

Conclusions and practical thoughts

When we read the term ‘marriage’ in the bible their definition is much different than ours. We must understand marriage in terms of the biblical writers not our present culture. Ignoring this implicitly denies that marriage is a divine institution and makes it subject to social norms rather than divine requirement. This shows our hypocrisy in light of the current debate of gay marriage. We as evangelicals are denying (rightfully) the states authority to redefine marriage yet marriage that we preach is a product of redefinition. We also deny (rightfully) the validity of gay marriage even if a church official performed a ceremony, because we claim it is a divine institution and anything contrary to the original institution is not valid regardless of who says so. Yet our “modern marriages” are often contrary to the original institution and we accept them. Really in essence we want people to

accept the states authority as long as it agrees with our tradition. I believe the state has right to alter mere custom and tradition but not divine requirements.

Not understanding marriage in concert with the biblical authors causes us to define 'marriage', fornication and adultery differently than the bible writers themselves. They had specific ideas in mind when speaking of such things and if our definitions are distorted we cannot truly claim we are teaching what they taught. If we are not teaching what they taught then we are absent from biblical authority.

Defining marriage is going to determine how one defines "fornication", "adultery" and "divorce". If one does not have a proper definition of "marriage" he cannot have a proper definition of the other three concepts, thus leading to misleading God's people concerning morality.

If marriage is truly a divine institution then we can only bind people to the divine requirements. Requiring anything beyond the requirements is elevating tradition to the level of commandments which is strongly opposed by Christ (Matt 15). If we are found doing such a thing then we are also found rebuked by our Lord.

Not only are we limited to the biblical requirements we cannot accept anything less than the biblical requirements either. We cannot require ecclesiastical or state ceremony to validate a marriage neither can we accept as valid one the father does not consent to unless it pertains to a divorced or widowed woman.

A THEOLOGIAN