
The Monogamous Family : a Historical Perspective

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The reasons and consequences of the Catholic Church's historical position on marriage among relatives since the 4th century have been extensively debated by many socio-historians. The assertions made by Jack Goody that the Catholic Church's position on Marriage among relatives was based merely on economic reasons, has been amply debated. Against Goody's hypothesis history shows that during the early medieval age other Christian Churches and certain Jews proposed similar rules on marriage as the Catholic Church. On the other hand Christianity's rebellion against religious preponderance of lineage has had a great influence on the advance of the said prohibitions.

Matrimonial Prohibitions in Early Christianity

Based on Christian scriptures, Jesus seemed oblivious of endogamy since he neither advances nor rejects nor makes any statement with regard to the practice. Upon enquiry on marriage to sisters-in-laws by the Sadducees, he only replies that they have erred since they do not know neither the Scriptures nor the power of God; because in the resurrection they do not marry nor are they given in marriage, but are like the angels of God in heaven. It was not Jesus but John the Baptist who opposed Herod's marriage to Herodias, his brother Philip's wife. John only condemns the marriage from the stand point that Philip was still present when Herod Antipas took his wife Herodias. As a matter of fact she was not only his sister in law but also his niece and none of the Apostles seemed to have condemned this

extreme case of incestuous endogamy. It seems that marriage to nieces was tolerated in the Mosaic Law and the Herod families made frequent use of it. Only a few groups opposed it such as the “community of new blood in Damascus”. Even then marriage among blood relatives was strictly prohibited unlike the Eastern cultures or the Roman law as Herod Antipas had recourse to.

However, it seems that three centuries later during the reign of Constantine (324), marriage to nieces was prohibited and so were marriages between brothers/sisters and their in-laws in all the possible permutations there are. Constantine went on to prohibit marriage among uncles and nieces under pain of death. It seems that the Christian laws on marriage preceded and informed those of the Christian emperors. Around the year 370 Saint Basil the great established the theory governing law on marriage and St Ambrose severely criticized marriage to nieces (397). However, certainly there was no divine law that prohibited this type of marriage with nieces.

In the early and later medieval ages these prohibitions among relatives was extended very far to include increasing the span of consanguinity to the ‘union which exists between two or more persons and which derives from their common origin. In the 6th century this was extended to the sixth degree of kinship calculated in the Roman manner or the 3rd in the German or canonical method. By the 11th century it had been pushed to the 7th Canonical degree.

Critic of Jack Goody

Goody proposes that these changes of matrimonial prohibitions had a great effect on the family in Europe and through those new prohibitions the church accumulated enormous property. According to Goody,

- i) Forbidding unions with in-laws, was contrary to the levirate law, Judaism and was customary in Islam and therefore was an 'innovation in the 4th century' of the church
- ii) Widows could not be remarried because rich widows made their rich contributions to the Church as the example of Clotild the wife of Clovis the great who went to the church of St Martin of Tours where she remained all her life giving her wealth to the Church.
- iii) That although adoption was widely accepted by the Greeks and therefore the Romans the abrupt end to it is attributed to the influence of the Catholic Church because of the introduction of the practice of god-parenthood where the widows adopted orphans.
- iv) Pope Gregory forbade Concubinage – that is women not married according to the full rules of the “game” and thereby any rights of inheritance of their issue – especially among the “clergy” because it was “the simplest mode of averting the danger [of misusing church property] ... cutting asunder all the ties of family and kindred, to bind him [the priest] completely and forever to the Church and to that alone.”
- v) He concludes that the four major aspects of marriage and the family; the close marriages; union with affines and the fate of the widows, adoption and Concubinage ran contrary to those of earlier Mediterranean practice and apparently to those of German and Celtic lands and these changes were based on reasons of economic advantage to the Church, political influence and social control.

Mitterauer uses religious experience and reasons to refute Goody. In brief, he shows the Church's position on Matrimony was based on their rigorous

understanding of the nature of their doctrine, the teaching of Christ, the relationship between the Old and the New Testament and the application of these principles according to the extant environment then. In fact he shows that the Church's teaching was contrary to all the environments it found itself and its doctrine prevailed. Finally he refutes Goody's shallow analysis of the family practices prevalent among the Jews, the Copts, the Armenians, Germans and Islam. He shows clearly that the matrimonial laws were not very far from what the Christian teaching was.

He turns to David Herlihy's critic on Goody. Herlihy doubts Goody's assertion of economic advantage to the Church and whether in fact the church really benefitted materially. David proposes that the Church's teaching on Endogamy encouraged great circulation of women in society and allowed even the poor to find a wife easily but more so that in the new regulations the Church stood to lose just as much economically. Further Mitterauer quotes Georges Duby as critical of the idea that the Church may have changed the law primarily for economic reasons. Referring to Lynch, J.H. as another critic of Goody's theory, mentions that Lynch proposes that there be a distinction between intentions and effects of the said regulations.

Lynch explains that the new sexual taboos arose because of two reasons; on the one hand the differences in character and attitudes of the later antiquity period and the early medieval age and on the other hand the distinction that Christians made between birth of the "flesh" and "by the spirit". He further proposes that there was evidently a pessimistic sense of sexuality and that the church had to distance itself from the aspect of impurity during the early medieval period.

Mitterauer proposes that the Church's teaching was used by other religious institutions and that it was extended in various societies such as the byzantine fundamentally distinct from the west. He proposes that one cannot attribute the Church's development on changing marital law for economic advantage. Besides the Bishop of Worms (Buchard) had edited a collection of the Father's of the Church and distributed it to German, Italians and French. In it incest was prohibited up to the 6th degree. He had used the Roman law of inheritance and in doing so he had connected the laws on inheritance with those of matrimony. The Germans, according to Joyce, also adopted the prohibitions up to the 7th grade. Flandrin produced 2, 731 prohibited unions. It was then that the Lateran Council of the Catholic Church reined in the limited the prohibited unions to the 4th degree in 1215 and certainly put more obstacles to the "artificial" parentage which had become an obstacle to the sacredness of Christian marriage. He therefore concludes that incestuous relationship were to be found in all Christian churches in the early and late medieval age in different degrees in Rome, byzantine, Armenian and also among the Nestorians, Jacobites and Copts.

Among the Jews too there were great differences in the application of marriage prohibitions, especially among the Jews of Karaites and between Rabbis based on the model to use. The idea was to move away from the rabbinical teaching and go back to scripture. The purity of their race depended on the rigorous fulfillment of the law-Talmud. It was generally agreed among the Jews, with the exception of the inheritance of a dead brother's wife, that marriage with relatives was prohibited. The exception in marrying a dead brother's widow was to maintain the lineage of the dead brother. When the tension between endogamy and exogamy increased the Jewish tradition of exogamy prevailed.

The Meaning of Consanguinity and Alliance in Western Society

Prof. Dr. Antonio Moreno Almácegui, in his article on time and the family explains that Western European society has over time forgotten the meaning and role consanguinity and alliance as foundational concepts of the formation of their societies. The result has been the weakening of the nature and role of the family to the extent that the Western European Christian family is facing destruction.

According to him, consanguinity and alliance have formed the two categories of relatives that until recently form the foundation upon which all human family systems are organized. By consanguinity and alliance he means relatives by the blood and relatives by marriage. Consanguinity constitutes the fundamental reference on which the past is based, whereas the future social categories are based on alliance. However, as mentioned above his assertion is that this is slowly being destroyed in Western European Society.

He maintains that there is a certain agreement between the specialists, or between historians¹ anthropologists² or canon lawyers³, in which the specific characteristic of the western familiar system is the centrality of the marriage; that they form the personal and social identity of the people. The loss of these concepts has resulted

¹ HERLIHY, David *The Famiglia nel Medioevo* . Universale library laterza, Rome, 1989

² GOODY, J., *the evolution of the family and the marriage in the West*. Herder, Barcelona, 1986

³ ESMEIN, A. *Him mariage in Droit canonique* . Bowl I, Recueil Sirey, Paris, 1929 and Dictionnaire de Théologie Catholique contenant l'exposé DES you indoctrinate of the théologie catholique. Leurs preuves ET leur histoire, Letouzey ET Ané, Paris, 1967, Voice "mariage", Bowl IX

in; lowering of the birth rates in Europe; breaking up of the social cohesion; the alteration of the roles of man and woman in society; breaking up of the family cell and diverting its energies to other social institutions such as companies; and finally, this has resulted in the loss of the original meaning of sexuality and marginalization of the spiritual and material hypostatic union giving way to the “materialization of the human body”.

The legitimization of contraception justifies conjugal union without reference to the paternity and maternity of the spouses. As a result human life has also become dispensable through abortion; the family is no longer the center of human reproduction; the concept of family is allowed to include homosexual relationships; cloning opens the possibility of creating “human farms” away from the family unit and the meaning of father and mother have become obscured.

Family and society have their founding moment in marriage and this is naturally in marriage. And since the formation of family cannot be based on the union of “relatives” or people of the same consanguinity, then alliance provides us the “other” where the spouse will come from. Consanguineous relations are the foundation of father-mother, husband-wife, brother-sister, son-daughter relationships, and such terms are universal in all human cultures. They set the standard social positions and rolls that a person can has in human family systems. Thus we have our identity as human beings.

Consanguinity gives us our history (past), alliance gives us our future; the way in which consanguinity and alliance articulate to each other constitutes the way in which culture is constructs personal identity, the relations between both sexes, and the relations between the past and the future.

Almácegui explains that the foregoing concepts have been maintained throughout the history of the European family despite the changes wrought from the 4th century onwards. Whereas in the classical Roman period 1st Century B.C to 4th Century A.D. the family structure was based on a matrilineal structure and paternal families, from the 4th century on Christianity began to change this paradigm towards one based on conjugal relationship of families arising from mutual consent of husband and spouse in a monogamous structure. The relationship between husband and wife is analogous to that of Christ and the church. During the medieval age a certain negative clericalism arose and the common priesthood of the faithful was burnished. The protestant movement, highly anticlerical gave the momentum for change although ultimately denied the church's doctrine. The result was the strengthening of the family unit but also the foundational roots of divorce based on a contractual perception of the family union. The latter formed the roots of the future destruction and desacralization of the family that European society experiences today.

Almácegui aptly draws us to the foundational principles of the decadence of the family in the west. What clearly needs to be formulated in his proposition is a distinction between the theological aspects of Christian history of marriage and the natural cultural level that Jack Goody undertakes. To mix the two is to discourse at cross purposes where the terms are used differently from one level to the other.

From a natural human structure perception which is the work of social historians Almácegui has maintained the foundational principles of European Christian society; it is firm foundation on the Christian moral concept of social structures and the effects of the demise of this content in Europe today giving a definite new and albeit

negative twist to the nature of the family. The consequences are horrendous to imagine.

From the stand point of theology, probably the concept of Love as the foundational principle of human flourishing should be over-emphasized. It is Love, understood as the dedication of oneself for the other that bonds the family unit and the society; that gives meaning to consanguineous relationship and trust in the alliance: trust in the future flourishing of society through alliance. As the Catechism of the Catholic church teaches “A man and a woman united in marriage, together with their children, form a family. This institution is prior to any recognition by public authority, which has an obligation to recognize it. It should be considered the normal reference point by which the different forms of family relationship are to be evaluated⁴. It is a community of faith, hope, and charity. It forms the nexus of the celestial (perfect and exemplary) and the terrestrial (the militant and imperfect) communities.

This being the case any prognosis of a stable human Christian community has to be founded on a new understanding of alliance; it should include all people as does the universally perfect community and reiterate the perennial bond of communal life which is Love or sacrifice for the common good. Suffice it to propose that even if all the human natural principles of monogamous Christian family life, truly based on a Christian concept of consanguinity and alliance, if there is no reassessment of the nexus of community, which is the common good morally speaking, then the world would not stand the torture and destruction of human greed. This human greed has its root on the misconception of human life as purely material.

⁴ CCCh, 2202