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Government Should Punish the Destructive Societal Crime of Adultery

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What if you find out that your neighbor, who has been married for 25 years, is committing adultery? He has two sons and a daughter. His wife is ashamed and afraid to do anything, but it's clearly devastating the family. He is a longstanding member of your church. The neighbors are talking. Your children are whispering. What should be done?

What if you and the church confront this man? What if he admits his affair, but is deaf to pleas for piety and love of Christ, unmoved by the reminder of his matrimonial vow, and defiant to the elders' exhortation to repent and reconcile with his wife and the church? What if he leaves his family for the other woman? What can be done about it?

There are several implications here. First, this man's adultery is not truly private – it is not purely personal. His affair affects his family, his church, and his society. He does not live in a vacuum, and the consequences for the lustful things he does in secrecy are ultimately pervasive. They hurt everyone. Second, if this man does not submit to the church and repent, what recourse is there to stop such behavior? Surely, the church is God's prophet, proclaiming His will for man to live by. But the State, according to Romans 13, has been given the sword to execute punishment, justice, and protection of its people. For many sins that God has declared to be grievous offenses against Him in the Decalogue, our society does bring swift penalty. However, adulterers are essentially excused in modern society because they face no serious threat of recourse by the authorities. The disastrous effects of infidelity thus ripple throughout society.

In Exodus 20:14, among nine other moral laws God wrote in stone to always be obeyed by man, the seventh commandment states: You shall not commit adultery. It is to be taken seriously. It comes just after "thou shall not murder", and also is grouped among other forbidden societal sins that destroy our fellow man: theft, lying, and coveting. This

commandment for sexual purity is eternally binding, because, as with the other Ten Commandments, it reflects God's eternal character. Adultery is a sin that not only rebels against God and His express command, but it also flies in the face of the health of a nation, and so it should be dealt with by a nation's rulers with severe punitive measures. If adultery goes unpunished, the nation is in danger of God's wrath, and will deteriorate while the putrid infection is allowed to fester.

Adultery a Violation of God's Law and a Societal Crime

The seventh commandment was given to a nation, and it was intended, as each individual honored it, to keep and preserve healthy nations under God. "Thou shall not commit adultery" was not given for private, personal piety alone. As with breaking the other commandments, committing adultery infects families and the entire society with a vicious, pervasive virus. To honor this commandment, as with the others, we are not only responsible not to break it ourselves, but we also are our brother's keeper to preserve societal purity before God. The answer to the Westminster Shorter Catechism question number 71 states that the seventh commandment "requireth the preservation of our own *and our neighbor's* chastity, in heart, speech, and behavior" (italics mine). To honor God's commandment, we are responsible, as a society, to preserve purity by punishing those in our society who break it in an effort to rid the evil from among us. As a society, we are guilty by association and deserving of God's wrath on earth if we do not punish adultery. And, according to Romans 13, God has established the magistrates with the authority to punish those in society who do not obey his Word that is proclaimed by the Church. The Belgic Confession agrees; Article 36 on The Civil Government says:

We believe that because of the depravity of the human race our God has ordained kings, princes, and civil officers. He wants the world to be governed by laws and

policies so that human lawlessness may be restrained and that everything may be conducted in good order among human beings. For that purpose he has placed the sword in the hands of the government, to punish evil people and protect the good.¹

In Deuteronomy 18, God lists various forms of adultery in some detail so that there is no mistaking what would be breaking the seventh commandment. And he warns that it is because of such sins that He is getting rid of other pagan nations (which did not have the commandments, but nonetheless were punished for breaking them) in the land they were to be given: “Do not defile yourselves in any of these ways, because this is how the nations that I am going to drive out before you became defiled. Even the land was defiled; so I punished it for its sin, and the land vomited out its inhabitants” (Lev. 18:24, 25). And God warns that Israel will reap the same wrath on themselves if they fall and become a nation of adulterers: “And if you defile the land, it will vomit you out as it vomited out the nations that were before you” (vs. 28). And he expressly commands what the nation is to do to its individuals who would bring such danger on their people: “Everyone who does any of these detestable things – such persons must be cut off from their people” (vs. 29). God has given the rulers of a nation the authority to cast off such adulterers to preserve a holy nation – and He has even prescribed capital punishment as the means in cases of infidelity: “If a man commits adultery with another man’s wife – with the wife of his neighbor – both the adulterer and the adulteress must be put to death” (Lev. 20:10). Again, in Deuteronomy 22:22, “If a man is found sleeping with another man’s wife, both the man who slept with her and the woman must die. You must purge the evil from Israel.” Notice in both Scriptures cited that God commands severe and swift punishment – the death penalty – to *cleanse* the nation. Again, the sin of adultery by

¹ Richard L. Pratt, ed., *NIV Spirit of the Reformation Study Bible* (Grand Rapids: Zondervan, 2003) , 2161.

individuals defiles the nation in God's eyes. And so, the nation must rid itself of such criminal evil.

David Hall warns us not to neglect our responsibility as citizens to preserve sexual purity as a people: "States that ignore [the seventh commandment] imperil their own health ... No governing unit can survive long without legal support for moral actions, along with legal sanctions against immoral actions ... [various] sexual sins are deserving of death, being so serious in their damage to the individual, the family, and the society."² Society is an extension of the family, which is made up of individuals. When individuals break God's moral societal codes, the family and nation are affected, and rulers are responsible to punish these law breakers: "... the law covering adultery in Israel was unique in the ancient Near East, adultery being treated as a crime and not as a civil offence. Consequently it demanded community – not private – action leading to the execution of the adulterer, and after the Deuteronomic reform, of the adulteress too."³

The nation who does not punish adultery will experience God's wrath. So we see in the United States of America, and Britain, two nations with laws still on the books set up to punish adultery, but that are largely permissive of the evil by lack of prosecution today.

Permissiveness of Adultery Brings Curse on a Nation

According to Franklin Foer, senior editor of the *New Republic*, the United States inherited English common law that made adultery a punishable crime. Twenty-six states still have laws on the books that make infidelity illegal. But these laws are rarely

² David Hall, *Savior or Servant? Putting Government in Its Place* (Oak Ridge, TN: The Covenant Foundation, 1996), 50.

³ Anthony Phillips, "Another Look at Adultery," *Journal for the Study of the Old Testament* 20 (July 1981): 19.

enforced today, and as Foer states, “In practice, adultery laws matter little.”⁴ But the laws used to matter. Jonathan Turley of the *Washington Post* notes: “In the Colonies, adultery was once a capital crime and there are at least three recorded cases of people who were executed for adultery, and others were branded with an ‘A’ on their foreheads.”⁵

Regarding more recent times, while he acknowledges that adultery cases have been recorded in the U.S. since 1980 (including in Pennsylvania), and that Georgia prosecuted an anti-fornication case in 2003, he points out that they are not standard practice.⁶

Demonstrating his disdain for “outdated” laws in modern society, he points to how pervasive adultery is in America:

A famous 1953 study by Alfred Kinsey found that 50 percent of married men and 26 percent of married women had engaged in adultery by age 40. A recent study by Ball State University reported that women under 40 have caught up to men in adulterous affairs. Other studies have shown that between 5 to 15 percent of married couples have “open marriages” ... premarital sex [according to a 1988 study] was practiced by more than 75 percent of women and more than 80 percent of men by the age of 19.⁷

Turley mocks the idea of enforcing adultery laws as impractical because of the sheer magnitude of offenses, with courts “inundated with divorce cases of proven and admitted adultery by individuals who are never prosecuted.”⁸

The editors of *The Marriage and Family Experience* point out that, “Most people decry extramarital affairs, but many engage in [them]. In fact, one researcher (Sponangle, 1989) estimates that at least 52 million Americans have engaged in extramarital sex at least once during their marriages.”⁹ While they qualify adultery as a

⁴ Franklin Foer, “Adultery,” (15 June 1997), <http://slate.msn.com>.

⁵ Jonathan Turley, “Of Lust and the Law,” *Washington Post*, 5 September 2004.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Christine DeVault and Bryan Strong, eds., *The Marriage and Family Experience*, 5th Ed. (St. Paul, MN: West Publishing Co., 1992) , 221.

symptom of marital problems, not necessarily the main cause of divorce (even though infidelity is a high incidence in divorce), they touch on the terrible consequence of broken marriages: “The overwhelming majority of single mothers have become poor as a result of their marital disruption.”¹⁰ Also significant, their research points out that the divorce rate has risen to an astronomical 50 to 60 percent during the 20th century, and concludes that “such a dramatic change points to the need for societal rather than individual explanations.”¹¹ This non-Christian text book acknowledges some change in societal standards and practice must account for such a hike in divorce – and it is, of course, predominantly due to “no fault” divorce laws introduced in the 70’s that made it easy to break a marriage contract. An executive summary on the effects of divorce on America in 2000 by The Heritage Foundation, which connected children of divorce directly with juvenile delinquency, adult crime, earlier loss of virginity, poorer performance in school, and higher levels of victim abuse, concluded that *society* must do something:

Restoring the importance of marriage to society and the welfare of children will require politicians and civic leaders to make this one of their most important tasks ... Policymakers at the federal and state levels have ample evidence to lend weight to efforts to change the culture of divorce. Even the legal system seriously neglects the interests of children. State officials should greatly expand effective marriage education and divorce prevention programs. They also should end the legal status of “no fault” divorce for parents who have children under the age of 18.¹²

The results are similar across the ocean. In a 1998 research report in England, entitled *Do Families Matter?*, The Cheltenham Group found that the breakdown of marriage and family through single-parent units caused by a large spike in illegitimate

¹⁰ Ibid, 521.

¹¹ Ibid, 516.

¹² Patrick F. Fagan and Robert Rector, “The Effects of Divorce on America,” *The Heritage Foundation Backgrounder Executive Summary*, no. 1373 (5 June 5 2000). Page 1, ?.

births and skyrocketing divorce rates was reaping an enormous financial tax burden on the country (15 billion pounds per year). The institution also recognized that immoral sexual behavior of individuals has severely impacted their society: “What has led to this situation in the last 30 years is the abandoning of the previous rules of society, particularly of responsible behaviour and loyalty towards others.”¹³

Clearly, the leaders of nations who abandon enforcing the seventh commandment by punishing their subjects who break it bring severe consequences on their nation. They forsake their God-given responsibility to protect their people from the devastating effects of such devious crimes as adultery when they provide no serious deterrent.

Reformers Emphasized Punishment of Adultery as Necessary Deterrent

Martin Bucer, a German reformer and contemporary of Luther and Calvin, wrote in great depth about civil government being established by God to bear the sword of societal discipline for His moral law as a servant to the Church. He taught that the government must use all its authority to create a pious people with laws that help them revere God and respect their neighbors.¹⁴ With Bucer, laws serve to instruct the people that “they were not born for themselves but for God, church, country, and neighbor.”¹⁵ This focus is striking compared to the emphasis on “civil liberties” today.

Bucer recognized that only the Gospel is able to convict people’s hearts to obey, and not the government, but he asserts that only the government can foster an environment for honoring Christ.¹⁶ And the way that Bucer argues is vital to create an

¹³ The Cheltenham Group, *Do Families Matter? A Response to the Report ‘Family Matters’ [1] from The Lords and Commons Family and Child Protection Group, 15 July 1998 (28 September 1998)*, Section 2, www.ukmm.org.uk.

¹⁴ H.J. Selderhuis, *Marriage & Divorce in the Thought of Martin Bucer* (Kirksville, Missouri: Thomas Jefferson University Press, 1999), 253.

¹⁵ *Ibid*, 253.

¹⁶ *Ibid*, 253.

environment inducing obedience to Christ is by providing punitive measures against disobedience. When it came to adultery, Bucer urged the magistrates to purge it from society by reinstating the Biblical prescription of capital punishment against such a criminal offense. His main reason for such a penalty is its deterrent value.¹⁷ In his work, *De Regno Christi*, Bucer even devotes a chapter to make the case for the very necessary punishment of adultery with death. The victim, the church, and the state are infected when they do not combat adultery with a severe penalty which, according to Bucer, also is good for the guilty party who doesn't benefit with sins left unpunished:¹⁸

By means of these [penalties], in addition to changing and arousing to true repentance those who have sinned, [God] will strike the others with fear and dread of sinning; thus he will seek to burn away, i.e., deeply exercise and exterminate, not only all licentiousness and boldness in wrongdoing, but also all yearning and desire for it. This is the purpose of penalties and punishments which God proposes in His law.¹⁹

Bucer is vehement that adultery is a wicked evil that reaps havoc on a nation and therefore must be met with capital punishment:

For those who are involved in such enormous crimes cannot but inflict great ruin on mankind. By the responsible cooperation of all good men, these pests are therefore to be exterminated from human society no less than fierce wolves, lions, tigers, dragons, and crocodiles which occasionally attack men in order to tear them to pieces and devour them.²⁰

While the severe recourse of death for adultery may seem too extreme to our modern ears, this only reveals that we don't fully appreciate how evil adultery is in God's eyes, and how destructive it is to society by undermining its foundation – the family.

Bucer also would argue that capital punishment is God's prescription for adultery, and

¹⁷ Ibid, 312.

¹⁸ Ibid, 314.

¹⁹ Martin Bucer, "De Regno Christi," in *Marriage in Church and State*, T.A. Lucey (London: William Clower & Sons, Ltd., 1959) , 383.

²⁰ Ibid, 379.

not to be taken likely, “For who would wish to claim that humans are more merciful and just than God?”²¹ In fact, Bucer argues that it is only loving to enforce the death penalty against adultery. Selderhuis summarizes:

Bucer’s conclusion is that only obedience to his commandments brings well-being and that this therefore also applies to his commandment to punish transgressions. The death penalty in case of adultery is not inconsistent with faith and love, for it effects conversion and deterrence, and viewed in this light, it is precisely the leaving of sin unpunished that is inconsistent with love toward God and one’s neighbor.²²

Calvin’s Geneva agreed with Bucer’s take on capital punishment for adultery in both theology and practice. Calvin insisted that his Consistory be created to control the behavior of the Genevans.²³ Adultery was regarded as a crime so serious that charges were regularly referred to the Small Council to investigate and legislate.²⁴

While the first few divorce trials based on adultery charges in the new Protestant and Reformed Geneva were dealt with swiftly (including Calvin’s own brother, for whom he provided legal representation in court), Geneva was first leery to execute capital punishment; Calvin did argue for it from Scripture. After Calvin died, however, legal provision for punishing adultery with death did develop.²⁵ And Geneva criminal records show that the death penalty was enacted for several years even before it later became law. From 1560 to 1561, there were a cluster of criminal trials of adultery where both men (by beheading) and women (by drowning) were convicted and put to death.²⁶ Often, the adulterers in question were guilty of repeated, unrepentant offenses.

²¹ Selderhuis, 316.

²² Ibid, 316.

²³ Robert M. Kingdon, *Adultery & Divorce in Calvin’s Geneva*, (London: Harvard University Press, 1995) , 4.

²⁴ Ibid, 5.

²⁵ Ibid, 116.

²⁶ Ibid, 117,118.

Severe penalty as deterrence was the main motivation in Geneva, “to furnish an example to others who might wish to commit similar acts.”²⁷ They understood that people needed to know there would be consequences for breaking God’s command and bringing evil into their society. It is worth noting that during Calvin’s ministry in Geneva from 1541 to 1564 that only 26 divorces were granted for adultery – just more than one per year, and only a few others for other reasons.²⁸ These numbers are miniscule compared to the rampant adultery and divorce we see today. In fact, Swiss marriage was nearly 100 times more likely to end in divorce in the early twentieth century than in the time of the Reformation.²⁹ Kingdon is right to point out that “[it is] remarkable how few repeat offenders were called before the Consistory – they either shaped up for good or left town.”³⁰ And so, by dealing with adultery swiftly and severely, Calvin and the Genevan Consistory helped the nation keep it somewhat at bay, and purged the evil when it did arise for the sake of national purity, as God has commanded should be done.

Government Should Punish the Destructive Societal Crime of Adultery

It could be argued that the threat of punishment doesn’t reach the heart, and that the answer to ridding our nation of unbridled adultery is only in preaching to see lives changed from the inside out. Of course, this is the call of the church, but it is naive to think that the threat of severe punishment by authorities isn’t a necessary component of the remedy. Again, God Himself prescribed capital punishment to purge a nation of adulterous crimes. Common sense and experience show that we need to back up teaching of doing right with correction for doing wrong. While I desire for my 2-year old to obey

²⁷ Ibid, 126.

²⁸ Ibid, 176.

²⁹ Ibid, 176.

³⁰ Ibid, 180,181.

out of a desire to do right, I have learned that there are times when only consistent spanking corrects misbehavior; in fact, I rarely need to use it after she has experienced that I will. Often, I need only remind her that spanking is an option to curtail disobedience. Without the “sword” of discipline, there would be no recourse, and she, as do childish adults in our nation, could respond to appeals for repentance and obedience in defiance: “What are you going to do about it?”

Why not implore the states in our nation to in fact prosecute with their laws severely against adultery crimes, at least the many often proven and admitted to in divorce hearings? It is a matter of familial and national health. As Pastor Eugene Harder writes, “Adultery is a primary cause of the breakdown of our social order.”³¹ Perhaps the death penalty need not be the punitive method, but our civil government nonetheless ought to prosecute adultery – the injurious breaking of a lifelong contract – as swiftly and vigorously as we do murder, perjury, child porn, pedophilia, theft, prostitution, and polygamy. It is essential to protect the family, our fellow citizens, and the nation as a whole. Hall puts it this way: “The state should support the seventh commandment as it would a protective fence around an essential institution.”³² Otherwise, our neighbors will continue to destroy our nation with licentiousness without consequence.

³¹ Eugene Harder, *Adultery is a Social Cancer*, (17 February 1996) : www.newhope.bc.ca.

³² Hall, 44.

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