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Cohabitation and the Church¹

Keith Warrington

The Social Context

In the 1976 survey by Dunnell,² in which 6,589 single women were interviewed, 2% were cohabiting. By 1988/9, the figure had risen to 7.7% for women aged between 18-50 and 12.4% for women aged between 18 and 24. The Government publication *Social Trends 21*³ published in 1991 shows the figure, ascertained in 1987, of 53% of women who cohabited with their husband to be. According to *Social Trends 24* (1994), cohabitation is defined as a trial marriage or even a marriage itself while *Social Trends 25* describes a family as 'a married or cohabiting couple...'. This is also to be considered against the background of a fall in the number of people getting married, a trend that has been growing in the last 25 years.⁴ The current figures are higher and rising. This trend may not be reversed but it can be redeemed. I hope to explain how.

As a caveat, we should bear in mind that not all cohabitees have entered into the relationship casually or promiscuously. Some have chosen this arrangement out of financial considerations or because of previous traumas caused by earlier marriages or the break-up of the parental home through divorce. Some have entered into a formal relationship but not through the ecclesiastical or state mechanisms for the establishment of marriage out of ideological reasons or a desire for privacy. Indeed, it was only in 1753 that a legal framework for marriage was established in England while the Church described it as a sacrament only 400 years earlier. Do we deduce from this that, prior to this date, all marriages were invalid because they lacked a legal or ecclesiastical framework? I think not. In fact, for centuries before this, the Church 'had been able to live with relationships very like cohabitation'.⁵ Thus, in different cultures and in different eras, marital expectations and norms change.

1 A pastoral treatment of this topic is contained in 'Cohabitation and the Church' N Hudson and K Warrington *Epta Bulletin: Journal of the European Pentecostal Theological Association* 13 1994 pp 63-73.

2 Karen Dunnell *Family Formation 1976* (London: HMSO 1979)

3 Government Statistical Service (London: Central Statistical Office)

4 *Social Trends 24* (1994); *Social Trends 25* (1995); *Population Trends 74* (1993)

5 Greg Forster *Cohabitation and Marriage, A Pastoral Response* (London: Marshall Pickering 1994) p 141

Old Testament

Marriage was assumed to be normative in Judaism, and Rabbinic literature confirms this in many cases. Marriages were often arranged by the parents,⁶ often from the same extended family,⁷ the marital partners generally being aged 12-18,⁸ though this did not necessarily exclude the possibility of a love-match.⁹ Generally, marriage within the family group was preferred, though when this was not possible, marriage to one in another Israelite family was deemed acceptable. Marriage to foreigners was practised in the Old Testament era, though it was fraught with danger and sometimes expressly forbidden.¹⁰

Details concerning the marriage ceremony are limited. A dowry or 'bride-price' was an integral part of the arrangement.¹¹ More can be identified from Jewish Talmudic history, though the symbolic elements in the ceremony are varied and quite different from modern Western practices. De Vaux¹² comments that in this era 'marriage was a purely civil contract, not sanctioned by any religious rite', the only specific reference to a written contract being found in Tobias 7:13 (though others have been located in Elephantine, dating back to the fifth century BC). In the Talmudic period, the ceremony was in two parts, the first called the betrothal, the second the marriage proper. Moreover practices and beliefs within the Talmudic era must, to an extent, have existed some time earlier as is apparent from the nature of Talmudic writings and thought.

The second element of the ceremony normally took place one year after the betrothal while the betrothal functioned similarly to the modern practice of engagement in Western society. The betrothal was a legally binding contract, between both sets of parents, owning the legal status of marriage.¹³ However, it was distinct from the actual marriage of the betrothed couple. The *Nisu'in* (the marriage proper) was the occasion when the couple began to cohabit and share all the privileges and responsibilities of full partnership.

6 Gen 21:21; 24:4, 57f; 34:4ff; 38:6

7 Gen 24:4; 28:2; 29:19; Judg 14:3. This, however, was not an obligatory element – see Gen 26:34; 41:45; Ex 2:21; Ruth 1:4; 2 Sam 3:3; 11:3; 1 Kings 11:1. Close relations were forbidden to marry (Gen 20:12; Ex 6:20; Lev 18:6-18).

8 R de Vaux *Ancient Israel: Its Life and Institutions* (London: Darton, Longman and Todd 1974) p 29

9 Gen 34:4; Judg 14:12; 1 Sam 18:20

10 Ex 34:16

11 Gen 29:1-30; 34:12; Deut 22:28f; 1 Sam 18:25; R de Vaux *Ancient Israel: Its Life and Institutions* (London: Darton, Longman and Todd 1974) pp 26ff

12 de Vaux p 33

13 Deut 22:23ff; 28:30

A celebration seems to have been in order.¹⁴ This may have lasted for seven days¹⁵ and included music and processions.¹⁶ Certain principles may be drawn from this, including the public element of the union, though no direct description of the ceremony is offered. This may be due to the fact that it had not received a fixed form.

However, it was certainly expected to be a time of celebration and was preceded by the bride being brought veiled by her companions¹⁷ to her husband to be.¹⁸ The marriage was expected to be consummated on the wedding night¹⁹ and was valid only if the couple had lived together as man and wife for a week.²⁰

The question to be addressed relates to the relevance of such a marriage ceremony to a twentieth century Western situation. What makes the arrangement acceptable in the Old Testament and can it be applied to the United Kingdom?

According to Genesis 2:24, the central elements in the formalizing of a permanent heterosexual relationship involve a man 'leaving his father and mother and clinging to his wife'.²¹ The leaving is not necessarily a spatial movement but an indication of a social change. The word translated 'cling' refers to a close relationship though not only in a relational sense.²²

The final element in the relationship is that of the two becoming one flesh. This has generally been understood to refer to the act of sexual intercourse. However, the term has a wider connotation in Hebrew thought and practice as well as in the language. Elsewhere in the Old Testament, the term is used to refer to the aspect of corporeality and the establishment of a close relationship.²³

New Testament

There was considerable ambivalence concerning marriage in the first century. There is no systematic presentation of marriage in the New

14 Gen 29:22; Song 3:11; Is 61:10; 1 Macc 9:39; John 2:1ff

15 Gen 29:27; Judg 14:12

16 Ps 78:63; 1 Macc 9:39

17 Ps 45:15f

18 Gen 24:65; 29:23ff; Song 4:1, 3; 6:7

19 Gen 29:23; Tob 8:1

20 Gen 29:27; Judg 14:12,18

21 Gen 2:24; Ex 2:1; Deut 24:1

22 2 Sam 20:2 (the people cling to their king); 23:10 (a soldier clings to his sword); Ruth 1:14 (Ruth clings to her mother-in-law); 2:8,21 (Ruth clings to the servants); Lam 4:4 (a thirsty tongue clings to the roof of the mouth)

23 Gen 37:27 (Judah notes that Joseph is 'our brother, our own flesh'); cf also 29:14; 2 Sam 5:1; 19:12.

Testament, nor is it possible to discover the elements of a marriage ceremony. Jesus provides little information concerning marital matters though he does confirm Old Testament teaching especially with regard to its indissolubility.²⁴ 1 Corinthians 7 provides information concerning a number of marital issues, though this is in response to questions from the church in Corinth, the exact nature of which are unknown to us.

Neither Jesus nor Paul provide information concerning cohabitation as such, though both exalt the partnership of man and woman, viewing it as God-ordained and reflective of the relationship between Christ and his Church. The reference in 1 Corinthians 6:16 may be pertinent to the discussion in that Paul assumes that a physical relationship with a prostitute results in a 'one-flesh' situation being established, terminology that he elsewhere restricts to a marital situation.²⁵ The thrust of the New Testament teaching is directed to monogamous relationships based on fidelity, mutual support and love which are initiated with a view to their being ended only by death.²⁶

It is important that the twentieth century reader of the New Testament should not impose Western based traditions of marriage upon a first century context. The marital framework of the Corinthian Christians, for example, is unknown to us. It may be assumed that Roman marriage forms were predominant as models for cities such as Corinth but in such a cosmopolitan, slave-dominated and independent thinking era and location, the determining factors for 'marriage' may have been wide, varied and non-normative. Such diversity is to be expected, especially in a context where moral and human values are distinctly different from our own.

What we do know is that forms of marriage radically different from ours in the modern West were the accepted and respectable norm at that stage of the early Church and included certain forms of cohabitation. This also applies to Judaism.

A recent Greek document discovered in the Cave of Letters in the Judaean desert, designated *Papyrus Yadin 37-Marriage Contract*, has offered fresh information concerning the marital norms in the Judaism of the early Christian period. It has generally been believed that husbands for prospective Jewish brides were selected by their fathers and that 'seldom did the bride get the chance to meet her prospective husband, let alone live with him, before nuptials took place'.²⁷ However, the above document

24 Matt 16:18; Gen 1:27; 2:24

25 Eph 5:31

26 1 Tim 3:12

27 T Ilan 'Premarital Cohabitation in Ancient Judea: The Evidence of the Babatha Archive and the Mishnah (Ketubbot 1.4)' *Harvard Theological Review* 86.3 1993 p 249

includes the statement that: 'Jesus son of Menahem... has taken Salome... to live with her... before this time.' Although the Jewish norm was that a man and woman could not live together unless they had been betrothed, had gained a marriage contract and had consummated their marriage,²⁸ a tension appears to have existed in first century Judaism within the context of marital conventions. Ilan states: 'Some men and women in Jewish society of second century Palestine did indeed live together out of wedlock.'²⁹ Indeed, Rabbinic Law itself notes, though not uncritically, that sexual intercourse is a valid form of the establishing of a marriage.³⁰ Furthermore, Ilan³¹ notes that different marital conventions were observed in Judaea and Galilee, the claims being substantiated from the Mishnah³² and the Tosefta³³ respectively.

As a final example of varying marital practices in Judaism, it is possible that the Palestinian Talmud excuses 'the circumstances that compelled the Judaeans to resort to sex out of wedlock'.³⁴ Thus, it advises bridegrooms-to-be to engage in sexual intercourse with their prospective virginal brides in times of war out of concern that they may be raped by enemy soldiers. In order to avert the danger of Jewish maidens losing their virginity to Gentile soldiers and even conceiving by them, 'the prospective couple was encouraged to practise sexual intercourse and cohabit out of wedlock in the very house of the bride's father'.³⁵ The destruction of Jerusalem in AD 70 may have been the scenario for the creation and implementation of such advice.³⁶ Although this was intended to be relevant only for times of war, the practice continued, involving even the families of Rabbis.³⁷ It is therefore possible to deduce that marital norms in the Judaism of the early Christian period were not as clearly determined as many have thought.

An even greater variety of conventions is located in the marital frameworks of Graeco-Roman society. We may, on examination, come to realize that Paul's advice to the young Christians in Corinth, where he exhorts his readers to remain in their marital relationships, was to people who were involved in a variety of partnerships, many of which, because of societal norms, would be inappropriate in our day. It is therefore important

28 Jacob Neusner *A History of the Mishnaic Law of Women* (Leiden: Brill 1980) 5.266

29 T Ilan 'Premarital Cohabitation in Ancient Judea: the Evidence of the Babatha Archive and the Mishnah (Ketubbot 1.4)' *Harvard Theological Review* 86.3 1993 p 256

30 M Qidd 1.1, 12b

31 T Ilan 'Premarital Cohabitation in Ancient Judea: the Evidence of the Babatha Archive and the Mishnah (Ketubbot 1.4)' *Harvard Theological Review* 86.3 1993 pp 256ff

32 M Ketub 1.5

33 T Ketub 1.4

34 T Ilan 'Premarital Cohabitation in Ancient Judea: the Evidence of the Babatha Archive and the Mishnah (Ketubbot 1.4)' *Harvard Theological Review* 86.3 1993 p 261

35 Ilan p 262

36 J Ketub 1.5, 25c

37 J Ketub 1.5, 25c

that we do not assume that our form of marriage is the Christian tradition. Normative forms of marriage predated Christianity. In fact, the culturally acceptable tradition of the United Kingdom is less than 250 years old and within that time has seen considerable development. It is to the Bible that we must turn to establish a valid basis for a Christian relationship that we may term a marriage.

In order to appreciate the Pauline guidelines in 1 Corinthians, the life-setting of the period must first be explored. Although in the Graeco-Roman world marriage carried legal implications, marriage itself was fundamentally a private affair between free people (ie non-slaves) though parties often followed the *sponsalia* or marriage in our understanding. Epigraphic evidence shows that while most men married between 25 and 30, the minimum legal age for women was 12. Not only the couple to be married gave their consent but also the fathers or grandfathers. 'After the betrothal agreement but before the wedding itself, the couple might exchange gifts, and the *sponsus* would send the *sponsa* a ring as a pledge of his intentions and fidelity. There could be other rites and customs accompanying a betrothal, but they depended solely on the wishes of the families involved and not on any legal or religious requirement.'³⁸ Neither formal contracts nor ceremonies were necessary to confirm a betrothal or to give it a valid basis. 'As long as the couple consented and there were no impediments arising from prohibitions based on legal status or kinship connections, the union would be considered valid.'³⁹ A document was often kept recording the fact that a union had been publicly attested and perhaps for insurance for the woman if her husband left her.

Marriage itself was therefore largely a matter of intention. Thus, if two people lived together intending to do so as husband and wife, they were understood to be married. Cohabitation, rather than consummation, was understood as providing the necessary validity for marriage and 'there is evidence that family units based on *contubernia* survived many years'.⁴⁰ 'The most common form of marriage involved no essential ceremonial and was based on enduring cohabitation.'⁴¹

Legislation was introduced by the Roman government mainly to determine the legitimacy of children who would thus be eligible to inherit from their father's estate. It was not initiated to be an integral factor in determining the legitimacy of the marriage *per se*, but only to guarantee inheritance.

38 Judith Evans Grubbs "'Pagan" and "Christian" Marriage: The State of the Question' *Journal of Early Christian Studies* 2.4 Dec 1994 p 363

39 Grubbs p 365

40 Greg Forster *Cohabitation and Marriage, A Pastoral Response* (London: Marshall Pickering 1994) p 20

41 B Rawson *The Family in Ancient Rome* (London: Croom Helm 1986) p 1

When Paul gives relational advice to the Corinthian Christians, we must resist the temptation to assume the context of modern weddings and marriage. Indeed, the earliest undisputed reference to a Christian marriage is at the end of the fourth century. The Corinthian situation would have included Jewish, Gentile and slave marital arrangements, each of which was different from the others, all of which are different from Western marriage, involving Christians or non-Christians. 'Different marriage laws were applied to citizens... freemen, freedmen, slaves....'⁴² To marry across social divides was impossible unless alternative forms of marriage were entered into. These may have involved similar or higher pledges of monogamous fidelity but because of the law of the land could not be viewed as 'marriage'.

This is to be borne in mind in considering the impact that this kind of thinking had on the early Christians, many of whom were slaves and thus treated differently from others. It affected, for example, the decision of a free woman/man who may have wanted to marry a slave. Legally, they could not. They had only one option – to live together illegally, to cohabit! As a result of this, the member of the partnership who was not a slave could be reduced to slavery. The early Church had a dilemma. Were they to be treated as man and wife insofar as they had followed the biblical principles of monogamous fidelity? Many decided 'no' because the *State* had determined that they could not even though the Bible had said they could. This is a healthy warning to those who see the involvement of the law as being of positive significance for the determining of Christian marriage.

The Greek terms often translated as 'husband' and 'wife' in Ephesians 4:22f could as easily be translated 'man' and 'woman'. This is borne out in the Hebrew also where the translators of the Old Testament have tended to translate the Hebrew word *'iššah* as 'wife' when the normal rendering is 'woman'. In fact, there is no word in Hebrew or Greek, and thus in either Old Testament or New Testament, that may exclusively be rendered 'wife' or 'husband'. A re-reading of 1 Corinthians 7 with this in mind is a most useful reminder that Paul may be dealing with marital relationships which are less than normative, let alone Christo-centrally instituted.

Texts such as 1 Corinthians 7:12f need to be read carefully and the question asked as to whether it may be safely assumed that this mixed marriage of a believer with an unbeliever was initiated in anything other than a secular context. Yet Paul argues for its continuance on the basis that it is valid (verse 14) and that the children of such a union are legitimate, thus proving the integrity of the marital union. Similarly, verse 17 needs to

42 Greg Forster *Cohabitation and Marriage, A Pastoral Response* (London: Marshall Pickering 1994) p 19

be read in the context of a potentially wide selection of marital unions or partnerships, some of which would be quite unacceptable to a Western reader of the text, especially arranged/enforced marriages between slaves.

Ephesians 5:22-33 is the most profound presentation of the union of man and woman in the New Testament. Paul incorporates the following important elements that seem to constitute a valid union as far as God is concerned, though it need not be assumed that this is an exhaustive catalogue:

love, respect and submission

one flesh relationship

leaving one's parents in order to enter into the new relationship

It is these qualities, not ceremonial, legal or ecclesiastical issues, that figure as the central elements in a Pauline perception of a divinely accepted partnership between two heterosexual people and that are symptomatic of marriage *per se*. Nevertheless, I would suggest that a marriage between Christians can potentially best express these aspects because of the active presence of God within the relationship.

Biblical Marital Principles

The following list is a suggestion only and not intended to be a descriptive presentation of all the essential characteristics of marriage, though those included are fundamental. The process of marriage and the determining of the timing of when a courtship becomes a marriage has varied considerably throughout the centuries. In the Middle Ages, for example, marriage was a 'process rather than a simple act... the spouses initiated their marriage by their betrothal and they consummated it by sexual intercourse'.⁴³ Other elements including courtship and the nuptial liturgy occurred somewhere between the two central events. Here, they reflect Old Testament Jewish belief/praxis,⁴⁴ confirmed in the writings of Tertullian.

1 Sexual act of intercourse⁴⁵

The Old Testament and Ancient Near Eastern evidence provide the conclusion that sexual union is the indispensable means for the consummation of marriage; it is probable that this was because it functioned well as an oath – sign and symbol of that which marriage was

43 P L Reynolds *Marriage in the Western Church* (Leiden: Brill 1994) p 315

44 Deut 22:23f; Hos 4:14

45 1 Cor 6:16

meant to represent: complete unity between two partners. Similarly, Augustine stated that marriage was specifically for the purpose of child rearing. To determine when fornication is not adultery is a very difficult issue given the wide variety of marital forms in ancient and contemporary cultures. Similarly, if sexual intercourse is a determining factor for marriage, does this lend weight to the idea that in the eyes of God, a cohabiting couple are already 'one flesh' and do not thus need to get married but to have their relationship Christianized?

2 The act of leaving

The element of leaving is first introduced in Genesis 2:24. It may be extended to involve a uniting and becoming one flesh, all of which when combined constitute a valid union and it is generally a fundamental basis for a couple who cohabit.

3 A public declaration of enduring fidelity, sexual exclusivity and responsibility to one another

The public element of such a commitment is always found in biblical and post-biblical marriage. However, the Bible does not expressly stipulate the use of declaration formulae in marriage. Nevertheless, it is possible that such *verba solemnia* were in fact employed in Jewish marriages. This need not be removed by default from cohabittees. We should recognize that their decision not to marry may not be based on questionable grounds nor result from selfish motives.

4 Mutual consent of the spouses

They effect the union. This is a covenantal rather than a contractual relationship. It is an elected relationship of obligation to each other under oath. The covenantal nature of this relationship is vital to an understanding of the ethics of marriage. Without a covenant, there has been no marriage. This element has more significance however in the democratized West than it had/has in more parentally controlled societies in both biblical times and our own.

5 The legal and institutional aspects of the marriage ceremony as initiated by a government are not essential to it in order to confirm that a marriage has occurred in the eyes of God

Although these aspects are potentially supportive of it in that they emphasize the commitment of the two concerned, they are not fundamental to the establishing of the relationship in the eyes of God as far as the Bible, Judaism or the culture of the first century are concerned. (In theory, two

people on a desert island could marry each other validly, though their commitment may be less tested.)

To suggest that a union achieved in an ecclesiastical context or with the blessing of the State establishes validity and integrity ignores the possibility that, in the eyes of God, the union may be illegitimate (because of kinship or social or moral impediments) and not according to his will. Church marriages do not proclaim the validity of a union in the eyes of God nor guarantee his blessing any more than water baptism can make a person a Christian.

At the same time, one notes that in the United Kingdom the State legally accepts very short term relationships as marriage and accepts and enables their demise through divorce, neither of which conform to the Christian ideal. The State is a very uncertain partner in things matrimonial. To see it as providing an integral characteristic of marriage is inappropriate though it may be offered as a possible valid support of it. To view it otherwise would imply amongst other things that if the State refused to sanction a legal framework for marriage, unions valid to God would be non-existent for the lack of such an integral element. The covenant of marriage precedes and supersedes societal law, though if the latter were governed by wisdom, it would support it.

Nevertheless, this truth is no reason to ignore the potential benefits of the legal and institutional elements relating to the formalization of a marital union. Furthermore, there are no biblical injunctions presupposing that legal elements are necessary for a marriage to be confirmed. Rather, such legal institutions may be understood as supports of the marriage union and deriving from it rather than integral to it. In the era of the early Church, no law stated the necessity of a written contract or ceremony to conclude a betrothal.

Thus, Jewish (ie Talmudic) Law similarly incorporates aspects as part of the marriage ceremony which in English Law are not. These include the bridegroom presenting a deed of covenant to the bride. However, these are supportive of the consecrational and covenantal commitment of the one to the other in the union and not to be recognized as foundational elements without which the covenantal commitment is null and void.

Legal elements were not part of early Christian marriages or non-Christian marriages, but are institutions of government. If the government in the future removed the necessity of legal aspects in the marriage ceremony, would the Church continue to include them and, if so, why?

No full marriage service is recorded as taking place in England until

AD 866 when it is noted in a letter by Pope Nicholas which speaks of the giving of rings, the presentation of witnesses and the celebration of a Mass. Marriage did not have to be conducted in a church for it was a civil, not an ecclesiastical, institution though the Church tried to Christianize it, thus making incest, adultery and forced marriages unacceptable.

For the first 1000 years, the distinction between cohabitation and church blessed unions was very blurred. In England, it was not until the seventeenth century that the Christian norm was established that sexual intercourse did not take place until *after* a nuptial ceremony. 'For many people, it was the contractual arrangement which preceded it which legitimated the relationship... made privately but known publicly. After these, intercourse and a common roof were widely accepted.'⁴⁶

The implication, drawn by some, that law (secular or biblical) is necessary as a determining factor to decide if a relationship is acceptable to God is valid only if God has instituted that legal framework. God has not instituted governmental laws though they may coincide with his will. More importantly, it is difficult to determine any Old Testament law that makes the covenant between two 'marital' partners legally binding. The presentation in the Bible is rather intended to show that God's ideal is that such a relationship is to be based on trust and a covenant enacted in a commitment to exclusive fidelity one to the other.

Passages in the Old Testament⁴⁷ that may offer frameworks for marital covenants relate to the covenantal partners, not to societal laws. The unfaithful partner is presented as betraying his wife, not breaking the law!

Covenants in the context of Judaism and the Old Testament were legally binding *only on the basis of their internal standards*. Nobody, other than the members of the covenant, had any right to interfere, unless that right were so incorporated within the covenant itself. This latter element is generally lacking in biblical covenants. Thus, for example, the covenants between God and the Church are 'legally' binding only from an internal perspective; societal or governmental laws are irrelevant.

Therefore, neither State nor society can be the final arbiter in determining marriage. Germanic Law in the patristic and early medieval periods permitted abductions to result in marriage given certain agreements with the woman and her family.⁴⁸ Similarly, informal marriages outside churches were accepted as normative if the suitor

46 Greg Forster *Cohabitation and Marriage, A Pastoral Response* (London: Marshall Pickering 1994) p 26

47 Prov 2:17; Mal 2:14

48 P L Reynolds *Marriage in the Western Church* (Leiden: Brill 1994) p 101

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conferred a dowry and made this agreement before witnesses. Neither would be acceptable today and help to confirm the fact that neither the State nor society can determine marriage. That is the role of the Bible.

6 Christian marriage or that which may be understood as marriage constituting the potential ideal is a combination of a public commitment of a man and woman to each other including fidelity, exclusivity and monogamy, in a context of loyalty, love and covenantal responsibility with the addition of a recognition of God's presence, values and love.

How Does this Affect the Issue of Cohabitation?

Clearly non-Christian marriage or cohabitation can incorporate similar foundational elements to those integral to Christian marriages – exclusivity, fidelity, public covenantal commitments to monogamy and each other. That which regrettably is missing in the relationship between the partners is the awareness of God, although this does not necessarily negate the validity or integrity of the relationship.

If the latter element is integral to the establishment of a valid union in the eyes of God, then only Christians can be considered to be existing in unions acceptable to God. However, 1 Corinthians 7:12-14 states that the children of mixed marriages (non-Christians and Christians) are 'holy' (hagios). If, as is preferable, this term is translated as 'set apart', it implies thereby that the relationship of the parents, though initiated in a non-Christian secular environment, is also legitimate. Marriage existed before Christianity. Jesus did not institute marriage in his lifetime. His presence at Cana enhanced that which was already being practised.

Christian marriage or the marriage between two Christians may be deduced to contain the following elements that make it the preferred framework, though only the first three elements confirm its validity as marriage; the final aspect exalts it to the ideal relationship with the possibility of its achieving the highest potential for all concerned:

Exclusivity⁴⁹

Unity of the partners in 'one flesh'⁵⁰: the joining of two lives. Their individuality is enhanced rather than undermined.

Enduring relationship⁵¹

49 Gen 2:24; Ps 128; Prov 12:4; 18:22; 19:14

50 Gen 2:24

51 Matt 19:6

The symbolism of the unity of Christ and the Church⁵² in the marriage suggests that the marriage act also includes a potential spiritual union with God. It is this latter element that may be deduced to be absent from a marriage between non-Christians, since by definition the active, vertical relationship between them and God is unavoidably missing.

Cohabitation and the Church

Cohabitation may be variously defined; it may range from frequent partnerships akin to ‘promiscuity in slow motion’⁵³ to a relationship between a man and woman which extends over a period of time based on commitment and fidelity. It is the latter that forms the basis of these concluding comments.

1 Cohabitation of non-Christians need not be deemed unacceptable *per se* as a form of partnership/‘marriage’. It is not to be rejected simply because it lacks a ceremony, a legal element or a church context. It is conceivable that the true intent of cohabitantes is to be exclusively committed to each other in a context of fidelity, support and love.

At the same time, a marriage entered into in a church with the ecclesiastical ceremony and legal requirements that is immediately renounced or rejected is no more a marriage in the eyes of God, even though the State or Church may deem it to be so, than is a promiscuous relationship of cohabitation. The point is that both of them are wrong. The distinctions between cohabitation and marriage are progressively less significant. Both relationships may be based on mutual consent, involving fidelity, a commitment to a supportive family life, and be established in a context of permanency and love. Thus Forster notes: ‘The relationship can show sufficient functional characteristics of marriage to be given the moral dignity of marriage.’⁵⁴

On an anthropological level, marriage and cohabitation can be viewed as achieving the same purposes and *de facto* the latter a legitimate variant of marriage, though not with regard to the marriage of Christians.

We may question whether cohabitation *per se* is to be identified as fornication. The identity of ‘the fornicator’ is difficult to determine in that it may describe the single or unmarried person. However, a definition of an

52 Eph 5:22-33; see also Is 61:10; 62:5; Hos 2:21f where marriage is used as a metaphor for God’s attachment to Israel.

53 Greg Forster *Cohabitation and Marriage, A Pastoral Response* (London: Marshall Pickering 1994) p 3

54 Forster p 79

'unmarried' person depends for its interpretation on the culturally accepted form of marriage. In our culture, until recently, it has been identified in a particular way, though this has now largely been undermined by that same cultural context which has, until now, accepted it. Perhaps fornication may be understood as relating to transitory, casual and uncommitted relationships undertaken in contexts that involve no attention to a one-flesh relationship of an enduring nature. Indeed, one member of a cohabiting couple who has been living in the context of a covenantal relationship and who engages sexually with another person, may more appropriately be identified as an adulterer. The question of why the cohabiting couple do not conform to the governmentally inspired legal element, or begin their relationship in the context of a church, must not be allowed to cloud the issue and obscure the fact that the basic elements of a relationship that is accepted by God may be incorporated in their covenant to each other.

2 If the latter is true, cohabitees who become Christians do not need to 'get married', as though their previous lifestyle, if it incorporated the above elements, had been less than valid. Their relationship does not need to be normalized; rather it is to be Christianized. Instead of it being, as previously, duo-centric, it is to become Christo-centric. This element, of course, is also applicable with regard to non-Christians who are married in traditional venues such as a church or registrar's office.

This provision of a Christo-centrally structured relationship is most important and acts as a support of the previous context of fidelity and monogamy. However, it also extends it to a higher level of relationship, because God is now actively involved. The potential of the relationship is thereby expanded as God's resources are drawn on.

On a more functional level, there are legal constraints hindering some financial benefits and various areas of protection for cohabitees. Similarly, the children of cohabitees are illegitimate and a child does not have the privilege or authority to apply for probate if the parents die; nor does the father have an automatic right to become the sole guardian of the child if the mother dies. These are ancillary reasons for entering into a more formal and thereby legally acceptable form of marriage. It is to be noted that proposed new legislation will significantly reduce legal differences between cohabitation and marriage.

3 Cohabitation entered into as an opportunity to test a relationship seems logical but it is integrally flawed. To assume the possibility of failure with the option of removing oneself from the relationship undermines the biblical principles of the covenant relationship undertaken before cohabitation occurs. The former option actually predisposes the cohabitees

to failure rather than success, for the commitment to each other is fatally undermined by the readiness to close the relationship if it fails.

4 Cohabitation for Christians, outside the normal marriage context, is unacceptable even if it is entered into in the context of principles of fidelity, monogamy and in the public setting of a loving and enduring covenant relationship. This is for the following reasons:

i The legal/institutional elements of marriage are potentially supportive of it and therefore should not be ignored.

ii The social culture of Britain today is such that, for Christians, marriage in a church setting is normative and therefore to be encouraged.

iii The context of a church is appropriate for Christians to make their covenantal vows before God for they will also be joined by fellow believers.

iv The testimony before other Christians is important; reactionary measures are inappropriate when Christian testimony and fellowship are endangered.

v The legal commitment has been initiated by government and, insofar as Romans 13 teaches that the Christian has a duty to uphold the law, such acquiescence on the part of the Christian is required.

5 The role of the Church is to:

i Exalt biblically based marital principles and not hide behind legal or ecclesiastical norms.

ii Support non-Christian cohabittees. They need not be assumed to have committed an unforgivable sin. Indeed, their unions may put to shame some normatively based unions. 'Maybe it is not from cohabitancy that we should like people to be starting out from on their journey towards a Christian marriage, but to walk with them gives them a greater chance of reaching that destination.'⁵⁵

iii Condemn casual cohabitation.

iv Challenge the jaundiced views of marriage by those who reject it.

55 Greg Forster *Cohabitation and Marriage, A Pastoral Response* (London: Marshall Pickering 1994) p 153

Churchman

v Become pro-active in the debate; otherwise we shall be seen as antiquated and merely attempting to maintain traditions. Nothing could be further from the truth. The fact is that, although the marriage ceremony is not revealed in the Bible, the mind of God is presented and it is our privilege and responsibility to present this to a secular environment that longs for the best. We can work with the developing norm but offer biblically based insights to make it the best.

KEITH WARRINGTON lectures in New Testament Studies at Regents Park Theological College, Cheshire.