Full Report
of the Classis BCNW
Study Committee on Cohabitation

Introduction and Background

In an era when many institutions of society are undergoing change, our churches are increasingly involved with people who choose to live together in relationships that from the outside look much like what we traditionally called marriage but are not. These relationships often exist without certification by either civil authorities or a church ceremony. We are accustomed to those being required for a marriage to be recognized by the church.

As views toward - and practices of - marriage change in our surrounding culture, our church councils feel seriously challenged in dealing with such situations in which the church's values appear to be in conflict with the values lived out by some of its members and affiliates. In their struggles with this, churches find there are a wide range of varying situations to deal with, and few resources to help guide them. The practice of cohabitation without 'certification' -- also known as living common-law -- presents itself in a range of scenarios from youth 'trying it out' to seniors living together for personal, practical convenience and various options in between. While we have official position statements on homosexuality and on marriage and divorce to guide us in those situations, there are no official denominational guidelines on cohabitation situations. It is difficult for individual councils to discern when sanctions or disciplinary steps are needed in dealing with individuals in a particular relationship. As councils struggle with this issue there is often a wide range of interpretation as to what is scripturally required to constitute a marriage.

In the fall of 2004 the Smithers Christian Reformed Church submitted an overture to Classis BC NorthWest asking for help in dealing with the issue. In it they stated that councils could benefit from a thorough study of what scripture says about marriage and cohabitation. That overture was approved at the September 21-22 meeting of Classis BCNW, and a committee was struck to *"study the issue of cohabitation or common law living from a Biblical perspective"*.

1. The Committee and its Mandate

The committee consists of the following members:

Rev. Pete VanderBeek, Pastor, Mundy Park Christian Fellowship, Coquitlam, BC.
Virginia Lettinga, Campus Chaplain, University of Northern B.C., Prince George, BC.
Harry Kruisselbrink*, Elder, Smithers Christian Reformed Church, Smithers, BC.
Rev. Peter Sinia, Pastor, New Westminster CRC, New Westminster, BC.
Janet MacPhee*, Former Minister of Outreach, First CRC, Vancouver, BC.

The committee was mandated to study the issue as stated above. In addition, the committee was asked to:

- evaluate the reasons why cohabitation/common law living is so popular in our society, reviewing statistics to determine if these relationships are usually lasting ones, and

- recommend guidelines on how church councils should deal with members and regular attenders who cohabit or live in common law relationships. *[1]*

Your committee gathered information, including: studies and reports by others, denominational studies, articles found on the web, books on the subject, along with anecdotal accounts from churches and personal experiences of committee members. Much of this information and correspondence was gathered into a world wide web location known only to the members, so it could readily be accessed by them and commented on. Because of distance and full schedules meeting face to face was difficult, but technology, particularly email served us well. Your committee managed to meet together twice.

As we began to discuss the task given us we came to understand how time consuming it would be. We decided we could not deal with the item of reviewing statistics, especially with an aim to looking for whether cohabitation relationships held together any better than traditional marriages. We had no expertise in statistics on the committee, and in fact some suspicion of their interpretability. Also we felt that portion of the mandate had little to do with dealing with the situations. It was decided we could not address that portion of the mandate. The Committee also simply accepted that cohabitation was more popular than ever, without exploring too deeply why. Dropping some of those aspects of our mandate allowed us to focus our efforts a little more on the (still broad) area of how the issue of cohabitation is encountered, how troth relationships are dealt with in scripture and through western history, finishing with a few guidelines for how cohabitation situations can be approached by councils.

We decided on a two-phase report, one a Summary Report and the other a Full Report with more detail and explanation. This gave us the opportunity to put something out to the churches while we took time to sort through and organize our information into a second Report that had more detail and background in it.

We recognized the best place to start exploring these matters was with definitions of the categories we would be studying.

2. Defining Marriage and Cohabitation

a) Marriage

As Christians, we believe marriage was instituted by God when Eve was created out of Adam.*[2]* In the pattern established there the one became two and then the two became one, a pattern that repeats itself in mothers giving birth to children, who then find another with whom to become one. The Christian Reformed Church's official definition of marriage reflects God being the origin of marriage as well when it says: *"Marriage is an institution created by God. It is a covenant relationship established by mutual vows between a man and a woman united by God."* *[3]*

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1 For a copy of the complete overture, please see Appendix A "The Overture" attached to the Summary Report.
2 Genesis 2:18-25
3 Denominational statement found on the CRCNA.org web site

The Bible additionally describes the following as elements which constitute marriages that are pleasing in the sight of God. Marriages are to be relationships which:

- **are intended to last until one of the partners dies**.

    Romans 7:2-3 (*All Bible quotations are from the New International Version*) For example, by law a married woman is bound to her husband as long as he is alive, but if her husband dies, she is released from the law of marriage. *3* So then, if she marries another man while her husband is still alive, she is called an adulteress. But if her husband dies, she is released from that law and is not an adulteress, even though she marries another man.

    Malachi 2:13-16 Another thing you do: You flood the Lord's altar with tears. You weep and wail because he no longer pays attention to your offerings or accepts them with pleasure from your hands. *14* You ask, "Why?" It is because the LORD is acting as the witness between you and the wife of your youth, because you have broken faith with her, though she is your partner, the wife of your marriage covenant. *15* Has not *the LORD* made them one? In flesh and spirit they are his. And why one? Because he was seeking godly offspring. So guard yourself in your spirit, and do not break faith with the wife of your youth. *16* "I hate divorce," says the LORD God of Israel, "and I hate a man's covering himself with violence as well as with his garment," says the LORD Almighty. So guard yourself in your spirit, and do not break faith.

    Matthew 19:8-9 Jesus replied, "Moses permitted you to divorce your wives because your hearts were hard. But it was not this way from the beginning. *9* I tell you that anyone who divorces his wife, except for marital unfaithfulness, and marries another woman commits adultery."

- **have the man and the woman sexually faithful to each other.**

    Exodus 20:14 "You shall not commit adultery.

    Matthew 5:31-32 "It has been said, 'Anyone who divorces his wife must give her a certificate of divorce.' *32* But I tell you that anyone who divorces his wife, except for marital unfaithfulness, causes her to become an adulteress, and anyone who marries the divorced woman commits adultery.

    Hebrews 13:4 Marriage should be honored by all, and the marriage bed kept pure, for God will judge the adulterer and all the sexually immoral.

- **are intended to produce offspring who know God.**

    Malachi 2:15 Has not *the LORD* made them one? In flesh and spirit they are his. And why one? Because he was seeking godly offspring. So guard yourself in your spirit, and do not break faith with the wife of your youth.

    1 Corinthians 7:14 For the unbelieving husband has been sanctified through his wife, and the unbelieving wife has been sanctified through her believing husband. Otherwise your children would be unclean, but as it is, they are holy.

The New Testament further develops the pattern for marriage by emphasizing that they are to be relationships:

- **that are characterized by mutual love and respect.**

  Ephesians 5:23-24 For the husband is the head of the wife as Christ is the head of the church, his body, of which he is the Savior. [24] Now as the church submits to Christ, so also wives should submit to their husbands in everything.

- **between one man and one woman to the exclusion of all others.**

  1 Timothy 3:2, 12 Now the overseer must be above reproach, the husband of but one wife, temperate, self-controlled, respectable, hospitable, able to teach ... [12] A deacon must be the husband of but one wife and must manage his children and his household well.

b) Cohabitation

The definition of cohabitation that came to us in the overture is: "*any unmarried, heterosexual couple who consistently share a common residence and engage in sexual intercourse.*" [4] What that essentially describes is a couple who live together in what appears to be a full marriage relationship without either a Christian covenant ceremony or a civil certification sealing it.

3. The Purpose of Marriage

The God-ordained purpose of marriage is beautifully described for us in the forms in the back of the Psalter Hymnal. The 1912 version of the marriage form states that God established marriage to:

- **extend the human race;**
- **advance the kingdom of God**, and
- **enrich the lives of those entering this state.**

The 1979 version adds that God intended marriage to provide a:

- **context within which husband and wife can help and comfort each other and find companionship;**
- **setting within which we may give loving and tender expression to the desires God gave us;**
- **secure environment within which children may be born and taught to know and serve the Lord;**
- **structure that enriches society and contributes to its orderly function.**

The 1912 form also tells us that *"Marriage, then, is a divine ordinance intended to be a source of happiness to us, an institution of the highest significance to the human race and a symbol of the union of Christ and His church."* [5] These are wonderful blessings indeed and God obviously delights in happy marriages.

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4 This is the definition used in the overture from Smithers. See Appendix A to the Summary Report.

5 Form for the Solemnization of Marriage (1912), page 1007 of the (grey) Psalter Hymnal.

Cohabiting couples can, of course, meet these Biblical requirements and many of them certainly do. In fact, some common law relationships can put some marriages to shame, judging by the present-day high divorce rates. Nevertheless, in actual practice, many (probably most) common law relationships lack the lifelong commitment that God requires of marriage partners and these relationships tend to be much more casual - a sort of "if it works, fine. If it doesn't, we can always find other partners!" arrangement.

4. Examples of how the problem is experienced, with indications of why cohabiting is popular.

When the study committee was formed, a request was sent to all the churches in Classis, asking for examples of how the problem of cohabitation has been encountered. Only a few written replies were received. A couple of anecdotal accounts were shared verbally with committee members as well. Also, several personal encounters with such situations were shared between members.

From what was shared it seems there are two primary categories of cohabitation. It is practiced by the young, and by the more mature. The reasons for cohabiting seem to vary according to age. The young seem to have more of distrust of the institutional components of marriage. They also simply don't feel a need to have such institutional stamps on their relationship. They express a need to "be sure before they commit for life," and once they reach some degree of certainty that the relationship is right, will sometimes formalize it with a ceremony. Older cohabiters point to 'financial' reasons for not marrying formally. For instance, they will say that one or the other would have to give up some source of income if they married, so they don't. Others point to 'family' reasons for not marrying, such as the children not liking the idea of a new spouse.

Regardless of the reasons, in almost all cases, two people end up living together in a relationship that looks a lot like marriage, but without the sanction of either the law or the sanction and blessing of the church.

Beyond these given categories, other complications enter the picture, such as when one person in the relationship is not a professing believer while the other is, and the believer wants formal marriage but the other does not. Traditionally we have referred to these as situations in which the two are "unequally yoked together" [6] and such situations complicate the approach a church might take. Other relational dysfunctions and sinful behaviours may certainly be present in any cohabitation situation as well. For instance there could be a power imbalance between the partners which would affect how the situation needs to be dealt with. All of these make writing a concise guide to handling cohabitation situations more than a significant challenge.

5. The Key Question: What Begins a Marriage?

Your committee found itself repeatedly bogged down in its discussions. When we were able to begin identifying what was making things difficult, it was realized that the question the committee had been wrestling with was this: What act or rite (if any) is it that establishes the union of a man and a woman as "one" in the eyes of the Lord? Or put another way, which of the following is truly <u>necessary</u> to establish a relationship as a marriage before God?

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6 2 Corinthians 6:14

Is it:

- **(a) The sharing of living space and finances?**
- **(b) An understanding between two people for a time - a trial marriage, so to speak?**
- **(c) Sexual intercourse?**
- **(d) A private agreement between a man and a woman to move in together?**
- **(e) A commitment to a growing and evolving relationship with one another?**
- **(f) Raising children together?**
- **(g) A solemn commitment between two people to create a permanent relationship (oral? written? witnessed?)**
- **(h) A vow made together before God?**
- **(i) A wedding ceremony or feast before family and friends?**
- **(j) A signed legal contract between a man and a woman?**
- **(k) The public exchange of vows between a man and a woman, either before an ecclesiastical or civil authority such as the Christian Reformed Church's definition of marriage requires?**
- **(l) A particular combination of the previous elements?**
- **(m) Something else?**

The answer to this question is crucial since those who cohabit seem to see no necessity for any sort of public commitment or religious involvement to solemnize their relationship. They appear to be satisfied with one or several of the other categories as being equivalent to marriage. Even Canadian civil law recognizes that common law relationships exist and makes provision for the protection of the rights of the partners should they decide to part ways after they have lived together for X number of years.[7] The church has, for some time now, required some form of item (k) as a seal of a marriage. No scriptural evidence directly calls for item (k) though, and scripture-based arguments can be made in support of several of the others as being sufficient to constitute marriage before God. Some of the characteristics listed above are clearly not in keeping with Biblical imperatives for marriage. Still others are in a *"grey zone"* in that they could be compatible in certain situations but not in others depending upon the motivation of those who want to live together. While the Bible gives good direction as to what makes a marriage pleasing in God's sight, it does not directly address the issue of what constitutes the start or institution of a marriage.

From identifying this matter as the crucial dilemma, the committee turned to history, to see how the institution of marriage had been dealt with, not only in scripture, but in the time since the closing of the canon up to the present day.

6. An historical review of the marriage relationship

God-fearing people throughout history, along with Christians universally, agree that God instituted a special relationship between Adam and Eve when Adam was found to be incomplete

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7 The Legal Services Society of Vancouver booklet entitled **"Living Common Law"** states: *To be legally married, you must have a legal marriage ceremony (religious or civil). After that you stay married until one partner dies or until the marriage is legally ended by a divorce. So if someone tells you: "If you stay together X number of years, you're legally married," it isn't true. If you didn't have a legal marriage ceremony, you're not in a legal marriage*.
See Appendix 4, attached at the end of this document for a more detailed summary.

somehow within the good creation. Eve was created from him to complete him. Their relationship is the basis of what we call marriage today: A man and a woman becoming one before God and establishing a household together.

Since the beginning of time the institutional shape of the marriage relationship has varied a lot. In Old Testament times, even God's people practiced polygamy for centuries without God seeming to frown on it.

The following historical review elaborates on the wide range of practices and it attempts to categorize them. A full research paper by Bert den Boggende, written for First Christian Reformed Church in Hamilton Ontario when they investigated this issue, was our main source. It is used with permission. It was attached to the Summary Report as Appendix 3. The three main models Mr. den Boggende identifies are: Social covenant (which den Boggende calls the Lay Model), Ecclesiastical (church regulated), and State/legal. We will begin by giving a brief elaboration of each model.

a) *The Social Covenant Model of Marriage*

The research paper demonstrates that marriage has existed for most of human history as a social agreement between two families or clans wherein a woman moves from her family of origin into the family of her husband. In those times marriage seems to have been strictly a social and economic institution. The men made agreements or covenants that literally resulted in a man acquiring a wife. Such an agreement, when fulfilled, seems to have been recognized as a constituted marriage. This was the case for God's people in Old Testament times as it was among the peoples around them. Religion did not seem to have a large role in these customs aside from proscribing behaviors related to marriage and prohibitions around it, such as warnings about rape, adultery and divorce, but giving no clear descriptions of how the social contract of marriage was formalized.

b) *Ecclesiastical and State/Legal Models*

During the early centuries of the church, religious leaders gradually began to play a greater role in endorsing marriages involving Christians. Governments also took greater roles in managing marriage as a civil institution. By the middle ages the institutional church in Europe had gained much political power - including the governing of marriage ceremonies. As a result the church began to play an important legalizing function in matters of inheritance, something that was increasingly important to the developing economies within Europe. There was an ebb and flow and a blending and crossover of powers between Church and State during this age, so that at times the Church was essentially the State. During this time, marriage began making a slow shift from the realm of social contract to that of a State-controlled or Church-controlled institution. Also during this time churchmen began to argue that marriage was a sacrament instituted by God.

The Protestant Reformers rejected the notion of marriage as a sacrament. For Reformed folks marriage remained essentially a civil or social contract that viewed the church's participation or blessing as desirable but not essential to making a marriage. This can be labeled a "mixed model," and a completely secular marriage – civil or state – remained a viable option for Protestants. For many, primarily poorer people without significant property – which could create legal complications for inheritance – the social covenant model remained

the norm. A form of it remains today in common-law marriage and cohabitation. Various mixtures of the three models exist in 21st century societies.

Having briefly elaborated on the three models proposed by Bert den Boggende, we will now look at the development of these models in more historical detail.

c) Marriage as Social Arrangement in the Ancient Near East

We do not have much of a written record of how marriage was viewed in the cultures around God's people in OT times. Some of the earliest recorded laws from the time of the dynasty of Ur-Nammu (2112-2095 BC) deal, much like the Old Testament does, with violations of marriage such as rape and adultery, but not with what marriage is formally.[8] A little later (between 2000 and 1750 BC)**,** we find in the laws of Eshunna, which was east of modern Baghdad, laws about bride money and a formal marriage contract:

> If a man takes a(nother) man's daughter without asking the permission of her father and her mother and concludes no *formal marriage contract* with her father and mother, even though she may live in his house for a year, she is not a housewife. *On the other hand*, if he concludes a formal contract with her father and her mother and cohabits with her, she is a housewife. [9]

These and other similar records from Ancient Near Eastern countries indicate marriage was largely the purchase of a wife as property functioning as an offspring-producer.[10]

Though at times the state seemed to play a role in setting laws concerning marriage customs and transactions so that family units were orderly and stable organizations, the state played no role in making a marriage official.

No mention is to be found of a religious component to these social arrangements in the cultures existing alongside God's Old Testament peoples. Bert den Boggende says that marriages in the cultures surrounding the Old Testament peoples were in fact very similar to each other, and even similar to some modern forms of common law marriage today.[11]

d) Jewish Marriage Customs

We know little about what transpired in an ancient Jewish wedding. It appears that in Old Testament times, even among God's chosen people, marriage was a social rather than a legal or religious arrangement, although it occasionally had some contractual aspects. We know that sometimes a banquet was part of either betrothal or marriage, that it involved some kind of blessings from family and friends - there is no scriptural evidence a priest was involved - and sometimes, as in the case of Samson, [12] marriage could be done without parental blessing. The one time Scripture mentions priests involved with marriage, it was to break up mixed

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8 James B. Pritchard, ed., *Ancient Near Eastern Texts* (Princeton: Princeton University Press, 1969): 524. See also 526. Dates are taken from *ANET.*

9 Ibid.: 162; italics by the editors.

10 See e.g. John A. Wilson, *The Culture of Ancient Egypt* (Chicago: University of Chicago Press, 1951): 94. But see I.E.S. Edwards, ed., *The Cambridge Ancient History* (1973) Vol. II pt. 1: 204-208.

11 E. Schillebeeckx, *Marriage, Human Reality and Saving Mystery* (New York: Sheed and Ward, 1965): 83.

12 Judges14 to 16

marriages. [13] The people, in community, worked out the marriage relationship and, it seems fair to say, with some social ceremonies of commitment, and two people moving in together, a marriage was made.

New Testament statements allow us to see that by that time, the promise to marry – betrothal, was considered to have the same weight or import as we today would consider marriage. Joseph, we are told, considers 'divorcing' his betrothed Mary, for instance.[14] Bert den Boggende writes:

> "According to Louis M. Epstein in *The Jewish Marriage Contract*, the betrothal represented the full legal consummation of the marriage." [15] Once the betrothal arrangement was made and gifts were exchanged, the covenant of marriage was sealed. Sleeping together [16] appears to also to be enough to constitute a marriage. According to Epstein, in antiquity cohabitation without a ceremony was socially common and legally sanctioned. [17]

Clearly marriage ceremonies were a part of Jewish culture in Jesus' time, although there again we have few details. There is no evidence of a priest playing a key role, though many have assumed that since other blessings were given at a ceremony, religious officials would be asked to give theirs as well.

e) Greek and Roman Marriage

The social model of marriage appears to have dominated western cultures until about 400 BC when, in Greece and Rome, we begin to find evidence of marriage as an institution instated by 'the gods' with priests called upon to bless them. In Roman society there was a notable shift away from the contractual agreement between families to marriage by mutual consent, a process that involved a betrothal and then a marriage. These ceremonies had some religious rituals, such as eating sacred foods and sacrificing animals, but were not yet fully religious ceremonies.

f) The Early Church and Marriage

The writings of early church leaders, although coloured at times by their high esteem of celibacy, were generally favorable to marriage. Origen (185-254) said:

> "It is God who united the two into one, so that from the time the woman is joined to her husband, they are two no longer. And since God united them, therefore those who have been united by God have received grace." [18]

Here we see reflected the view of early Church fathers that God presided over the union, ratifying the promises to bride and groom in some way. That the church and the bishops

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13 Ezra 10:10

14 Matthew 1:18, 19

15 Louis M. Epstein, *The Jewish Marriage Contract* (New York: Arno Press, 1973): 12.

16 Cf. the Germanic notion of "sleeping under one blanket." See Edward Westermarck, *The History of Human Marriage*, Vol. 2 (New York: The Allerton Book Co., 1922): 437. See also endnote 68.

17 Epstein, *Jewish Marriage Contract*: 18.

18 Origen, *Commentary on Matthew*, t. XIV, c. 16, in Joyce, *Christian Marriage*: 161; see also 159-160.

represented God's involvement in the making of a marriage is also clear when we read Ignatius, who wrote in a letter to Polycarp (c. 117) that:

> "it becomes men and women..., when they marry, to unite themselves with the consent of the bishop, that the marriage may be after the Lord and not after concupiscence." [19]

Or in the words of Tertullian (160/170-215/220):

> "Where shall we find power to declare the happiness of that marriage, which the Church arranges, which the oblation confirms, the benediction seals, which the angels proclaim, which the Father ratifies?" [20]

It seems that as the early church aged, bishops began to use marriages as opportunities to exert church influence over what had been a social covenant with religious ceremonies. According to C.J. Cadoux, there is evidence of the "Church's growing consciousness of independence and power over against the State." [21] Emperor Constantine gave the bishops almost judicial authority [22] and after the fall of the Roman Empire (ca. 476 A.D.), the bishops emerged as leaders into the political vacuum and the institutional church assumed an increasingly powerful and dominant role over western society.

As the church gained power its attitude towards marriage turned negative, with abstinence from sexual intercourse elevated as a higher norm than marriage. So the church worked harder to regulate marriage. Although marriages still followed a Roman pattern, retaining Roman civil transactions, pagan rites were replaced with Christian ones or blended with them. The Church's involvement in marriage and the blessing of it never quite became obligatory though, and many still stayed only with civil transactions. Some in the church opposed the civil portion, but it is clear civil marriages were never seen as invalid.

Although the social covenant model of marriage remained common, the church-regulated model was becoming established. Over time marriage came to be viewed as a sacrament and the church-regulated model displaced the social model in Europe.

g) The Middle Ages

After the fall of the Roman Empire, the church split geographically into Eastern (Orthodox) and Western (Roman) factions. In the East, in 866, the key question became whether a marriage was really a marriage without the sacred blessing. Pope Nicholas I gave the Eastern church a clear position when he declared a sacred blessing unnecessary, effectively saying the social model was sufficient. In the West, there were those who began to argue that (sexual) consummation was the essential component of marriage. [23] In the face of these unresolved disputes among church leaders, many lay people continued to practice marriage as a social contract with religious components. "According to Jonas of Orleans (d. 844), the great majority of marriages took place without religious rites of any kind." [24]

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19 J.B. Lightfoot, *The Apostolic Fathers* (Grand Rapids: Baker Book House, 1974): 87. (reprint from 1891).

20 Tertullian, *Ad Uxorem*, lib. ii, c. 9, in Joyce, *Christian Marriage*: 163.

21   C.J. Cadoux, *The Early Church and the World* (Edinburgh: T. & T. Clark, 1925): 444.

22 Joyce, *Christian Marriage*: 216.

23 Hincmar, *De Nuptiis Stephani et Filiae Regimundi Comitis*, in Joyce, *Christian Marriage*: 54-55.

24 Jonas of Orleans, *De Institutione Laicale*, in Joyce, *Christian Marriage*: 104.

Within the Italian states most influenced by the church in Rome, there was a gradual transition away from viewing marriage as the transfer of a possession – woman/daughter to woman/wife—to a pledge of mutual consent between a man and a woman. In Germanic Europe such a transition came centuries later. Those areas retained the notion of women as property and the handing over of a daughter by her father as a central requirement of marriage. Remnants of this custom can still be seen in many North American weddings. Eventually mutual consent wove itself into the Germanic customs as well, with a lot of adaptations and a variety of arrangements within different communities: basic social contracts, witnessed social covenants, rings or cups given in pledge, private or public ceremonies. These witnessed social covenants evolved into the notarized marriage, witnessed by a public official.

Legally notarized marriages addressed the concerns of the state and of its wealthy citizens, regulating the legalities of inheritance and the transfer of possessions associated with marriage. For poor folks, such legal rituals were often deemed too expensive and thus unnecessary. The less wealthy continued to practice less formal marriages and kept the social covenant model alive.

By 900, there is evidence that the church had enough civil power in Europe that a marriage without the church's blessing could be declared null and void. This power protected women from undesired spouses – and increased the church's influence within western culture. By the eleventh and twelfth centuries, marriage as social covenant had faded away, except for isolated communities and among the poorest people. For most people the church-regulated or ecclesiastical model, which emphasized the divine ordering of the world, took over. Records show there were plenty of social unions still occurring, but the church was working to firm up its hold. [25]

By the time of Thomas Aquinas (1224-1274) marriage was viewed as an institution conferring grace (a sacrament) and the church's solemnization of the marriage was required.[26]

The Council of Trent in 1563 articulated the details of the doctrine of marriage as sacrament. Its statement summarizes what had been the common clerical view during the two centuries prior to the Protestant Reformation.

h) The Reformers and Marriage

Martin Luther attacked the idea of marriage as sacrament. He saw marriage as a natural social institution better left to the jurisdiction of civil leaders. He wrote: "there is no Scriptural warrant whatsoever for regarding marriage as a sacrament..." nor did he think that "the rite of matrimony contain(ed) any hint that that ceremony is of divine institution." [27] In his own wedding in 1523 he emphasized the social covenant aspect.

John Calvin largely agreed with Luther, asserting that marriage is non-sacramental, a social institution requiring only parental consent. [28] Calvin, however, also considered marriage

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25 The Lateran Council of 1215 decreed that banns should be published, that priests who blessed a clandestine union were to be suspended for three years, and that the couple of such a union should be punished. A clandestine marriage was a private marriage before a few selected witnesses.

26 Ibid.: 270, 357-358; Bailey, *Sexual Relation*: ch. IV; see the Decretum Gratiani, the medieval canon law.

27 Luther, *The Babylonian Captivity*, 1520, in John Dillenberger, *Martin Luther* (Garden City: Anchor Books, 1961): 326. This does not mean that marriages as such were not divinely instituted.

28 Calvin, *Institutes*, esp. IV. 19. 34. According to the Council of Trent, parental consent was a moral duty not a necessary condition for the validity. Luther and Calvin differ on this point.

as a holy estate. Writing on the seventh commandment, Calvin described marriage as "contracted in the Lord" (I. 8. 44) and when "entered under his (God's) authority ... also sanctified with his blessing" (I. 8. 41).

Reformation history shows a struggle to discover a scriptural view of marriage in the face of varied traditions and the social/financial changes taking place in Europe. What emerges is a mixing of marriage traditions, demonstrated well in Calvin's own marriage in 1540. The civil magistrates played a central administrative function in the marriage, but he invited colleagues to be there to bless the marriage, and the emphasis was on the religious covenant of the wedding.

A mixed model became established in 1580 in the Netherlands when civil marriage was endorsed. People had to get permission to be married from the city, upon which banns would be published and after three weeks of public announcement, they could get married. A city clerk could, by this time, solemnize marriages as well as a minister.

Through the 16th-17th century, Dutch evidence suggests that both the mixed model and the social covenant model persisted in Protestant areas. Roman Catholic countries retained the ecclesiastical model, a form of which was adopted by the Anglican church in Britain as well. During this time the church strengthened its hold over the moral conduct of the population and enlisted the help of the state for that. Still, it was hard for the church to get lower class members to drop the practice of consensual unions made without the blessing of the church.

i) Marriage more recently in Canada

The British Parliament passed an Act in 1753 that made only church weddings valid, [29] and this regulation – and the role of the minister as the agent of the state in legalizing marriage – came to Canada as the natural inheritance of a British colony. "Although civil marriage was made optional by a law of 1835 (nearly half a century after the French Revolution which had ushered in the period of the civil marriage proper), the repercussions of the 1753 act can still be observed in Canada: many unchurched couples still expect to get married in church, and see the minister's function as that of a civil servant." [30]

In more recent history a number of changes in worldview have played a role in shaping and reshaping how 21st century Christians perceive marriage. Major changes in our views toward women's place in society (further distancing us from the Germanic, "transfer of possession" model), increasing individualism (which in spite of some harmful strands of effect also increased personal responsibility and brought new levels of accountability and equality in marriage), along with a fresh, alert and thoughtful reexamination of the portions of Scripture which had been interpreted in ways that justified the ecclesiastical model are some of those changes. Dr. James Olthuis is an articulate example of the results of those changes in thinking. He is a modern reformed believer who finds ground on which he is both a faithful Christian and speaking within his culture when he writes, "male and female *together* constitute 'man' and reflect the image of God." [31] According to Olthuis, this relationship is characterized by troth or fidelity, "the staying power which gives special joy and color to

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29 Stone, *The Family*: 32. Cf. Lawrence Stone, *The Family, Sex and Marriage in England 1500-1800* (Harmondsworth: Penguin, 1979): 29; Joyce, *Christian Marriage*: 52; James, *Marriage Customs*: 120.
30 Page 11 of Bert den Boggende's report
31 See Olthuis, *I Pledge You My Troth*: 15.

intimacy in family, friendship, and marriage...[and] is the moral expression of love." [32]
Clearly, Olthuis has moved away from viewing marriage as a strictly legal or ecclesiastical institution, and is pointing to elements such as troth and fidelity as being crucial to making a marriage.

Summary Conclusion
This review of marriage through scriptural history through to Modern western world history shows that the ecclesiastical and state models are comparatively recent developments. For the vast majority of time some version of social contract governed the making of a marriage. This is a crucial fact to keep in mind when considering how the church today can best guide and interact with adherents who practice cohabitation or common-law living. This is a humbling realization to come to.

7. The Key Question Revisited

We now realize that when we deal with situations of people cohabiting, we are basically dealing with those who are functioning within something close to the social covenant model of marriage. We have an expectation of a church or civil ceremony. They chose neither. The main question that remains then is: is this model an offense to God? Is it outside of what God desires? To answer that question, each council must address what the essential components of marriage are. A list of some options has been given earlier in this report.

Something else that has become clear is that making a commitment or a covenant of some sort has in fact been a crucial element of marriage throughout time. Even Adam's exclamation "This is now bone of my bone, flesh of my flesh" in Genesis 2:23 can be read as a statement of commitment. Therefore some form of stated commitment could be said to be a must in marriage and marriage-like relationships along with other essential elements such as sexual intimacy (intercourse).

A case could be made, based on most of western history, that the social covenant model is most problematic to churches that perceive marriage as a sacrament. But in the Reformed strand of the church this has never been the case. The ecclesiological model certainly seems to have emerged to solidify the church's social and political dominance and to enable her to hold people subservient. That is not typically the Reformed way of approaching things. So we ask, could we come to a place where we acknowledge that it seems fair to say that God is fine with variations on what begins a marriage, and the social covenant model may not be offensive to God? And if we come to such a place, are we able to adjust our expectations of the forms marriage takes? Can we help cohabiting couples find ways of making a form of commitment to each other before God?

Further, can we help shape some form of mutual accountability between the faith-professing couple and it's faith community as a way of adapting the social/individual covenant models to suit what we find to be essential elements of marriage? How do we achieve that? Your committee is not able to fully answer such questions for you. We can only suggest that we, as a church in a changing time, come to understand marriage or marriage-like relationships as practiced in our culture as being on a continuum. At one end of the continuum are the various complex, sometimes acrimonious, hard-to-categorize couplings that we so often encounter in a fallen world – and on the other, the ideal relationships which reflect the perfect, loving, covenant

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32 Ibid.: 22.

relationship between Christ and his Bride, the church. We feel this fresh discussion must be had in the church. And out of that discussion perhaps a process can be created that helps couples move from the actual relationships they find themselves in toward the ideal. Such a view eliminates the need to decide if a particular relationship is within the acceptable range or not. Taking this approach would allow us to see all our troth relationships and needing ongoing movement toward the ideal, until the fulfilling of all of God's Kingdom promises.

8. Guidelines on how to deal with problem situations

When the church encounters people whose relationships deviate from what the church has considered normal, its leaders are often perplexed about how to show grace and how or whether to exercise discipline. We want to promote what we believe God is all about and what we believe God requires. We feel strongly about some things. At the same time we want to obey Biblical directives to be compassionate. We want to bring people toward the ideal, and we don't want to be difficult or harsh if it can be avoided. Complicating things further is the fact that each encountered cohabitation situation will have unique features and circumstances to consider. Knowing these things, we always begin our task with humility before God. The challenge of the current situation calls us to reflect anew about what we expect marriage to look like.

There is a sense in the air in these days that besides taking a fresh look at what really constitutes a marriage in God's eyes, our approach to accountability between believers needs refining. In the past the rules and expectations of the church seemed to be as natural as the air we breathed. But more and more, our churches are blessed with new believers who have not breathed that same cultural air and so don't know our rules so automatically.

When churches experience people whose relationships deviate from basic consensus they are perplexed about how to show grace and how or whether to exercise discipline. In the synodical reports on divorce and re-marriage, documents which offer the general denominational stance on other complex challenges to the institution of marriage, the positional statement was notably wary of setting hard and fast rules of discipline. Speaking of divorce and remarriage, the report warns church councils to exercise "formal discipline only when there is disdain for biblical teaching and when repentance is beyond hope. The church must be a place of acceptance and support." [33] Surely this principle is equally true as councils meet cases of cohabitation.

We do well to take an approach that each situation creates an opportunity for learning by both the church and the members. True accountability would be an open discussion of the matter, centered on the Spirit's leading and God's word, that taught both parties something. In days that are long gone for most of us, the church used to be able to pronounce how things were to be, and had the power to enforce those rules with what was called church discipline. This led to the church encountering problems that were outside of its definitions less frequently. However, social and cultural changes have reduced the church's social power, and left it less able to exercise discipline in the ways which limited such problems in the past. So, new ways of discipling, teaching, training, coaching and shaping each others walks with God are eagerly being sought.

There is a danger of Councils become mired in disagreements about how to deal with cohabitation situations. Some will long for a return to a past with clearly defined and enforced expectations and boundaries; others will argue that the church must find a new way of graciously discipling people into living closer to the norms we believe God has made clear; while still

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33 See http://www.crcna.org/whoweare/beliefs/position_marriage.asp?WhoWeAreMenu

others wonder if it is time to redefine the norms or ignore them altogether. How do we find our way through the messiness? Your committee hopes it is giving, in this report, information and some tools that will help.

Your committee feels the ideals laid out by the church as purposes for marriage are valid and good. We find it helpful to start with the understanding that all "troth" or marriage-like relationships are somewhere on a continuum and all need to be helped to move towards God's given ideal. However, there may be situations in which a congregation has to accept that the relationship they are dealing with is far from the ideal and that they may not move much. There may be others where, with conversation, prayer and a study of God's word, couples, without coercion except by the Holy Spirit speaking through the word and the clear love of his people, suddenly realize they need to make a change. Such experiences are common in church plants across the continent and are refreshing to hear about.

With that understanding, some questions can be brought to the encountered situations that could shape the elder's pastoral approach to the couple. For instance, the question could be asked: Is the chosen form of relationship primarily the response to past wounds, or is it a defiance of custom? If rejection of traditional marriage is revealed to be due to past wounds, such as the pain of loss to death or divorce, or past abuse, a different approach would be taken than if it was revealed to be an outright rejection of the church's authority, or of God's authority. Defiance of God's authority is a serious matter. Defying custom is inconvenient, but allows for some leeway. We must sort out what God actually requires, and examine if that is consistent with what we have become accustomed to. In each individual case, the core issue would need to be identified and worked with even as the council needs to ask similar questions of itself, such as "Why do we want this person to comply with our expectation?" It may be discovered that the real issues are something quite unrelated to not choosing marriage as the church has understood it. Imposing a requirement for compliance in such situations could only increase the damage and would not move things along well.

There is a danger of the church setting such clear filters in place that they never have the "burden" of dealing with messy situations. Our Lord, ministering on this earth, seemed drawn particularly to the messy situations, such as with the Samaritan woman at the well. The church is wise to check if it is merely scaring away the messy people, in a sense chasing away the one lost sheep in the belief they are protecting themselves and the ninety-nine.

Other factors may complicate pastoral care of a cohabiting couple. The multitude of possible combinations of these factors prohibits any kind of full review. For instance, one of the individuals may not be a professed believer, and so little understanding or compliance could be expected from them. Yet their expectations can put extra pressure on the person who is a believer and trying to live a life pleasing to God. It is also entirely possible to find oneself dealing with a couple that has no idea of God's guidelines, and they may in fact be stunned to discover them in their own reading of the Bible and become convinced to make changes to bring them into compliance. These are exciting moments in ministry among God's people.

9. Concluding Comments to the Full Report

It seems best for council members who are working with cohabiting couples to keep before themselves the idea of the overall goals of Christian marriage, namely to create a context for serving God and raising the next generation of God-fearing women and men; in marriage, a man and a woman commit themselves to a serve God in a shared life of faithfulness, mutual affection

and support. With sensitivity to other matters which complicate the relationships involved, they need to humbly, carefully and prayerfully take an approach that has as its goal the moving of the couple step by step towards actions and understandings that would facilitate the achieving of that goal in their relationship. If, by God's guiding Spirit and Grace, even small steps toward moving relationships along are made, God's Kingdom purpose is being served, and that is worthy of celebration.

It is our sincere hope that what we have pulled together in this fuller, more in depth report will well serve the Christian Reformed churches in Classis British Columbia North West. We close off with a clear sense that we have still, even in these 16 pages, just scratched the surface of the issues tied in with the question of how to relate to cohabiting couples affiliated with our churches. We have been educated and enlightened in our service to our Lord's church in preparing it and hope and pray that it facilitates good discussion and great work among us all, work which serves to bring Glory to God's name in our communities.

Humbly submitted:

Your Committee

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