

- 2. M. Scott Peck, The Road Less Traveled, 81.
- 3. Ibid., 83.
- 4. See Thomas J. Tyrrell, Urgent Longings, 17-18. Tyrrell asserts that the etymological roots of "infatuation" could be ignis fatuus or "false fire." He says: "An ignis fatuus was known to the nomadic tribes and pilgrims who crossed the desert in caravans guided by the only signposts that were reasonably dependable, the stars. . . . Often the desert pilgrims would observe what appeared to be the flickering light of a campfire. This becoming light was such a strong inducement to depart from the chosen route that even seasoned travelers would have to discipline themselves to be guided only by their planned route and their knowledge of the stars."

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# 12

## Cohabitation: A Reassessment

Kieran Scott

Marriage in the Christian tradition is a remarkably flexible institution. Marriage customs have changed. Ceremonies have developed. Historically, there has not been one standard path into marriage for Catholics. Entry more often reflected local custom than universal Christian norms. In the second millennium, marriage became a sacrament. The requirement of a church representative at the ceremony and the stipulation of two conditions, consent and consummation, for a valid marriage became definitive only at the Council of Trent (1563) after centuries of debate.

Today our contemporary understanding of marriage as covenant is a post-Vatican II development. The role of friendship, equality of partners, and just love in marital relations has come to the fore with renewed emphasis in our current theology of marriage and sexuality. Furthermore, the church has made exit from marriage permissible, through the annulment process, under an expanded array of conditions. The story of Christian marriage, then, is not one of stasis but of flexibility and development. That is the meaning of authentic tradition.

The question at the heart of the chapter is: Can this sense of tradition assist us in dealing constructively with the pervasive reality of premarital cohabitation in our society? Can it enable us to reframe the issue? Can an inclusive meaning of marriage encompass premarital cohabitation? The prefix before marital would seem to exclude it. On the other hand, could the question be reconsidered if set in a larger developmental marital framework that has emerged in the latter half of the twentieth century? Within this broader context, could the intention of the couple to marry be seen as having already embarked on the process? Could the (possible) next

step be the sacramentalization of the marriage? And, during this inbetween time, could the sexual activity of the couple be loving, faithful, and morally responsible?

This chapter seeks to answer these questions with a fresh moral reassessment. Some may read the proposal as accommodating to the spirit of the age. However, tradition is the basis for the argument put forth here. The conviction is: the Christian tradition deeply and richly reclaimed can be a wise guide in our postmodern marital situation.

Widespread cohabitation is a fairly recent phenomenon. It has become a major social phenomenon in the past twenty-five years. Its upsurge spans hoth sides of the Atlantic Ocean, and even most parts of the Western industrialized world. Churches seem perplexed, if not paralyzed, in their response to the phenomenon. Pastoral ministers are still learning how to address the issue in marriage preparation. Many of them identify cohabitation as the most difficult issue they deal with in marriage preparation programs and pre-marriage counseling.<sup>2</sup>

This chapter, then, takes a fresh look at cohabitation. It makes some critical distinctions as a way of seeking a moral reconsideration of the issue. First, a framework is set for our proposal by offering a stage theory of marriage. Second, current social science research is presented on the topic. Third, some traditional pastoral solutions by the churches are described. Finally, a moral reassessment of the issue is proposed in light of historical precedent and contemporary personal and pastoral needs.

#### A STAGE THEORY OF MARRIAGE

The celebration of a couple's marriage in church is generally the high point of their growing union. It is the point of no return. It solemnizes this union as the couples mutually administer the sacrament. The assumption, bowever, that marriage begins at this point is false. This assumption has gravely weakened our theology of marriage, and the efforts of the churches in commending marriage and ministering to couples in postmodern times. A wide and deep sense of our own Christian history tells us: the marriage nuptial in church is not the beginning of marriage. Contemporary psychological theory, legal proposals, and faith development perspectives support this historical perspective.

Evelyn and James Whitehead, in *Marrying Well*,<sup>3</sup> write about the demise of marriage as a state and its survival as a journey. Marriage as a stable state is gone. Divorce functions in our consciousness as one of the outcomes of marriage. Married couples find fidelity a new and unexpected challenge. New resources are needed to navigate the unexpected turns, detours, and passages. These continuing shifts and challenges give marriage the appear-

ance of journeying. It is not a location in life, a place where we live, but rather a relational pattern of movement, a way we travel through life.

The Whiteheads capture well this rich developmental psychological perspective. They write: "Understood as an institution, marriage has been a state that one either did or did not inhabit. Legally, a person is either married or not married; there is no in-between. The Christian Church, influenced by this legal orientation toward marriage, came to view marriage as an either/or situation." They proceed to note: "Outside this well-defined state no sexual sharing was permitted; once inside this institution, one could even demand one's sexual rights. There seemed no gradualness or development in this commitment; one was either in or out. The period of engagement and of marriage preparation were anomalies; little effective attention and ministry could be given to these 'borderline' events." The fundamental thesis of the Whiteheads' is to oppose this legal framework and to propose marriage as relational process. In theological language, marriage is a personal covenant between individuals.

Some decades earlier, Margaret Mead sensed the emergence of some crucial cultural changes that were impacting marriage. In particular, she named shifting attitudes toward sex and commitment. Sex, for most Americans, has become a natural activity, like eating and sleeping. "We have come to believe also," she wrote, "that asking physically mature young people to postpone sex until their middle twenties is neither fair nor feasible. . . [Also] we believe in commitment, but we do not believe that commitments are irrevocable." The succeeding years would bear out Mead's observations. She discerned an emerging gap between belief and experience, between precept and practice in relation to the style of marriage at the time. She asked: "How can we invest marriage forms with new meaning?" Can we create new patterns that would: 1) give young couples a better chance to come to know each other, and 2) give children a better chance to grow up in an enduring family? In response to her own questions, Mead proposed marriage in two steps.

We need two forms of marriage, Mead wrote: an *individual marriage* and a *parental marriage*. One can develop into the other—though it need not. Each has its own possibilities and special forms of responsibility.

The first step in marriage would be the *individual marriage*. It might be called a "student marriage" or a "companionate marriage." It would be a licensed union, a serious commitment, entered into in public and validated and protected by law, and, for some, by religion. The central obligation of the couple to each other would be an ethical, not an economic one. Each partner would have a deep and continuing concern for the happiness and well being of the other as long as they wished to stay together. Children and commitment to future parenting are not part of this marital form. In the individual marriage, the couple has a chance to know each other, grow into

each other's life, and develop meaningful relationships of choice. It could also open the way to a more complex marital form, namely, a parental marriage, or it may allow the couple to part without guilt or recrimination.

The parental marriage is the second step in Mead's analysis of marriage. It is explicitly directed toward the founding of a family. This second type of marriage always follows on an *individual marriage*—no matter what stage in life. It would have its own license, ceremony, and responsibilities. It would be more difficult to contract. The couple needs to demonstrate their economic ability to support a child and marital skills to foster a quality marital relationship. This would be a marriage that looks to a lifetime relationship with links to the wider community.

While I have reservations with some of Mead's proposal, I affirm three aspects of it. First, her concern that couples have a better chance to come to know each other; second, her concern that children have a better chance to grow up in an enduring family; and third, her recognition that marriage is a development journey.

On the canonical and liturgical levels, there has also been a growing awareness of the depth and development of faith in relation to Christian marriage. The issue tends to surface when a baptized Catholic couple requests a nuptial for their church wedding. The couple is ready to enter into the covenant of marriage with each other. However, they may not possess a faith sufficiently alive to affirm that their relationship is a reflection of the love of Christ and the church. In other words, they are unable to state that their marriage is an explicit participation in that covenant. The only choice facing the couple at this stage is: celebrate a sacrament in which they really do not believe or enter a marriage relationship not recognized by the Christian community.

James Schmeiser<sup>7</sup> describes a marriage program initiated by the diocese of Autun, France that permits these baptized Catholic couples a further option in order to respond to this situation. The Autun diocesan pastoral team believes it was important to develop a notion of church as "catechumenal" or as a "place of welcome and freedom." This would offer each person a way of experiencing himself/herself as he/she is and provide a structure that offers a real choice. The diocese proposed diverse forms of reflection and celebration in accordance with different situations. It would recognize different choices and respond to these choices. No longer would there be only two possibilities: sacramental marriage in the church or civil marriage. The diocese of Autun proposed three forms of marriage.

The first form of marriage is *civil marriage*. The marriage takes place at city hall and is registered with the state. The church recognizes the value of this commitment and its permanence. The married couples are welcomed publicly in church. An implicit affirmation or openness to faith is required; in

as much as they are one with family and friends, for whom faith is a living reality.

The second form of marriage is welcomed civil marriage. This may not be the most appropriate naming, but it follows the civil marriage. In this case, the baptized couple believes in God but is very distant from church practice and is not receptive to celebrating the sacrament of marriage. It has little or no meaning for them. Yet, they desire a religious ethos and a religious manner of expressing their commitment and personal beliefs before family and friends. The church welcomes and opens itself to the couple, helps them to reflect upon their faith and discover the realities of their love, as it testifies to its own faith. The couple is asked to declare their intentions before the community. The celebration may take place with the full participation of the assembly in the ritual. The ritual has a rich religious dimension to it. But it is not the sacrament of marriage. The marriage, however, is registered in a special church register.

The third form of marriage is sacramental marriage. This is celebrated by a couple of deep faith. They wish to symbolize the covenant of Christ and the church. The Gospel will guide their married life. It will be a sacrament. The couple celebrates their sacramental love before the community. The community, in turn, commits itself to support them.

In these three forms of marriage, then, a civil marriage is seen as a true and important step; a welcome civil marriage provides a religious ceremony, which is recognized as nonsacramental; and the sacramental marriage is an explicit form of covenantal grace. As Schmeiser notes, "This approach recognizes possible growth within the marital relationship. There is a recognition of various stages of marriage."

## SOCIAL SCIENCE RESEARCH AND COHABITATION

As indicated above, the emergence on various levels of a stage theory of marriage sets the framework for an ethical reassessment of cohabitation. Before we turn to this reexamination, however, we need to get a clear and accurate handle on the scope of cohabitation. The social sciences offer us extensive empirical information on the phenomenon.

Cohabitation is pervasive and growing. In the United States, between 1970 and 1980, Census Bureau data recorded a tripling in the number of cohabitating couples to over 1.5 million. Between 1980 and 1990, there was a further increase of 80 percent, to 2.9 million couples. In 1990, unofficially, there were actually between three and eight million cohabitating couples. Similar figures and trends have been found in the United Kingdom.<sup>9</sup>

Cohabitation is common both before marriage and after it. A little over half of all first marriages are preceded by cohabitation. 10 This statistic is as

true of Catholics as other group.<sup>11</sup> The trend crosses all age groups and all first-world countries. Some additional pertinent data is worth noting:

- Cohahitants are as likely to return to singleness as to enter marriage. 12
- Slightly more than half of couples in first-time cohabitation never marry.<sup>13</sup>
- The median duration of cohabitation is one to three years. One-third
  of couples cohabit for less than a year. Sixteen percent live with their
  partner for more than five years.
- Half of all cohabiting couples are young, unmarried or not yet married, and childless.
- Persons with lower levels of education and earning power cohabit more often and marry less often.
- Some people choose cohabitation as an alternative to marriage, not as a "trial" for it.
- Cohabitation is more likely to occur where religious belief is weak.
   However, there is no difference in frequency of cohabitation by religious denomination.
- Cohabiters may be more likely to divorce than people who marry directly from the single state. They divorce at a rate of 50 percent higher.
- Cohabiters with plans to marry report no significant difference in relationship quality to married people.
- The reasons for cohabitation vary: the growing secularization and individualization in first-world countries; sexual, social, and economic changes; peer pressure; fear of long-term commitment; desire to test the relationship; waiting to conclude higher education.

This cumulative data indicates one striking fact—cohabitation, as a contemporary phenomenon, is having a profound impact on marriage and family in postmodern times. Lost in the data, however, is adequate attention to different forms of cohabitation. Three types can be distinguished. First, there is temporary or casual cohabitation. This is entered with little thought or commitment. The second type is conscious preparation for marriage, a "trial run" as it were. The third type functions as a substitute for marriage. These distinctions will be vital in our ethical reassessment of cohabitation and the needed pastoral responses of the churches. Let us turn first to the traditional responses of religious bodies to cohabitating couples.

### TRADITIONAL PASTORAL SOLUTIONS

Cohabitation is disapproved in all the official documents of the Christian churches and by many Christian theologians. The official helief is that peo-

ple should not have sexual intercourse before they marry. This teaching, however, is widely disregarded by church members (practicing and non-practicing) and, as noted above, almost universally disregarded. In spite of this mismatch between traditional church teaching and the convictions and practices of its members, official church teaching cannot bring itself to sanction cohabitation before marriage. The unanimous teaching of the churches remains: sexual intercourse must be confined to marriage. <sup>15</sup>

The Roman Catholic Church condemns cohabitation. 16 Such a relationship is seen as a false sign, contradicting the meaning of a sexual relationship. It violates the church's teaching about sexual love and marriage. It is condemned under the rubric of "free union" or "trial marriage" and is considered a grave offense against the dignity of marriage. Intimate sexual expression is fitting only when commitment has been formally and liturgically expressed. All carnal activity outside the marital union is considered fornication and gravely sinful. However, there is acknowledgment of the pastoral difficulty in dealing with this issue. Two extremes are to be avoided: (1) immediately confronting the couple and condemning their behavior; and (2) ignoring the cohabitation aspect of their relationship. A middle road is suggested as the wisest strategy: integrate general correction with understanding and compassion; use it as a "teachable moment" in such a way as to smooth the path for them to regularize their situation. The assumption is that they are in a disordered state of sexuality, a state of sin. 17

The Orthodox churches also strongly disapprove of cohabitation. Officially, they are reluctant to raise the question of sexual activity outside of marriage. The response from the evangelical churches is generally the same, and the Lutheran, Presbyterian, and Episcopalian churches take a similar position. They all affirm sexual intercourse properly belongs exclusively within marriage. Some committee reports, however, from a number of these churches seek pastoral accommodation to living together. However, there is near-unanimous consensus in all official teachings: living together before marriage is wrong.

This traditional position is based on a threefold argument:

- 1. It situates sexual intercourse within the context of the bond of marriage. Any nonmarital sexual intercourse then is wrong. Cohabitation, in this situation, is a sign of lack of discipline and giving in to the spirit of the times.
- 2. Cohabitation is a threat to marriage and family. Marriage, as Christians understand it, is a communal event undertaken with the intention of unlimited commitment. Cohabitation, on the other hand, tends to be private, lacking communal sanction and unlimited commitment.
- 3. Cohabitants tend to create less stable relationships when converted into marriage. 18

For a constructive reassessment of cohabitation, the concerns expressed in this traditional argument need to be heard, given additional consideration, and, at the same time, outweighed by a most persuasive counterargument. This is the task of the rest of this chapter.

#### COHABITATION RECONSIDERED

Contemporary theology (and religious studies) has to perform a double act of listening. It must listen to the voices of its traditions and the voices surrounding those traditions. It must be able to make connections between the Christian tradition and ordinary life—if the gospel is to be capable of touching and transforming people. In light of the topic at hand, a Christian theology of marriage must take seriously both the Christian traditions of marriage and the difficult challenges facing marriage today. High on the list of these challenges is the phenomenon of cohabitation. Adrian Thatcher offers a serious, substantive, and lucid vision of marriage. What is creative about his proposal is that it incorporates some forms of cohabitation. I am indebted to Thatcher in opening up this new (yet old) perspective in his groundbreaking work.

Key to Thatcher's proposal is his basic distinction between two types of cohabitation. There is a form of cohabitation within which the couple intends to marry. They are engaged and on their way to the altar. This is prenuptial cohabitation. There is also a form of cohabitation where the couple has no plans to marry. Here cohabitation is an alternative to marriage. It is nonnuptial cohabitation. For Thatcher, there is a qualitative difference between the two forms. They are not equal, and there ought to be a corresponding difference in moral judgment about the two types of relationship. It seems unjust to bring those who intend to marry and those who do not under the same rubric, namely, fornication.

However, Thatcher offers a still stronger argument for treating engaged couples in a different category from those who merely live together. His argument is an historical one. We could also call it deeply conservative, that is, preserving deep strands within the tradition. In Christian history, there are two traditions regarding the beginning of marriage. The traditional or conventional view is that a marriage begins with a wedding. An earlier Christian view, however, is that marriage begins with a pledging and binding of the couple to each other with a promise to marry. (The quaint-sounding term betrothal captures the meaning of this view better than our own current term engagement.) This nuptial pledging of the couple was followed later by the marriage ceremony. Sexual experience regularly began after the couple's pledge to marry (i.e., betrothal) and before the wedding ceremony (i.e., the nuptial). This premodern distinction between spousal (pledging) and nup-

tial (wedding) has largely been forgotten today. Yet, it holds the key as to when marriage begins. Does marriage begin with the wedding or is the entry into marriage a staged process, with the wedding marking the "solemnization" of a life commitment . . . already well begun?

Thatcher offers us a meticulously documented history on the question.<sup>20</sup> The widespread belief that a marriage begins with a wedding, he demonstrates, was not so much a religious or theological issue but a class matter. From the mid-eighteenth century onward, in England and Wales, the middle and upper classes had the political clout to enforce the new marriage laws requiring the registration and ceremonial ritualization of marriage. Also, new courtship procedures in the upper classes required prenuptial virginity of brides—for social rather than moral reasons. However, for most of Christian history, marriage did not begin with the wedding. The entry into marriage has been by spousal pledge or/and betrothal ceremony. John Gillis proceeds to note, "Betrothal constituted the recognized rite of transition from friends to lovers, conferring on the couple the right to sexual as well as social intimacy."21 Sex began at the moment of engagement. The marriage in church came later, often triggered by the pregnancy. Half of all brides in Britain and North America were pregnant at their weddings in the eighteenth century.<sup>22</sup> So premarital sex is not simply a modern phenomenon. The only significant difference is that throughout most of Christian history it was mostly and truly premarital, i.e., it was part of the process of marrying. But with the current loss of the central importance of the spousal pledge (and betrothal rite), Adrian Thatcher claims, "Gone with it is the sense of entry into marriage as a process, liturgically marked and celebrated and sometimes revocable in cases of serious difficulty or incompatibility. Gone too is much of the social recognition of the in-between status of the couple."23

Thatcher's agenda is to recover this earlier (and biblical) understanding of the entry into marriage. It is essential, he believes, to the future of marriage in the new millennium. It also holds the possibility of transforming the perception of cohabitation with the intention to marry, from the domain of sin and fornication to the domain of marital beginnings of mutual growth and religious development. Crucial, of course, to this transformation is the distinction between forms of cohabitation. It is laissez-faire, promiscuous, nonnuptial cohabitation that is damaging to the couple (and to any children they may have). On the other hand, faithful committed cohabitants with a clear intention of getting married are qualitatively different. They ought also to be considered, in Christian ethics, morally different.

Finally, Thatcher asks: How can the churches pastorally support this moral reassessment? He proposes the reintroduction of betrothal (the pledging of the couple), as well as the ritual betrothal, and of seeing betrothal as already

part of the process of marriage. Thatcher argues that marriage itself is a process and a liturgically celebrated engagement could become a significant symbol of the beginning of that process. This, in many ways, is a premodern solution to our postmodern marriage crisis.

The operating assumption in Thatcher's approach, then, is that the meaning of marriage already belongs to premarital cohabiters. By their intention to marry they have already embarked on the process that leads to the solemnization of their marriage. Unlike most cohabitating couples, betrothal was "emphatically premised by the intention to marry." It was never an end in itself. It was open "to the probability of future marriage." It honored the sacredness of marriage.

In premodern times, betrothal could last up to two years. It served valuable functions. The couple had the opportunity to grow intimately together. The couple's families and the community came together to support the upcoming marriage. Couples discovered whether their union could produce children. Churches supported these unions. And they also supported breaking them under certain conditions.

Today, however, the formal process around marriage generally only takes one day, the wedding day. The reclaiming of the notion—and the ritual—of betrothal helps us to see marriage again not as a simple event, but as a "process." This, in turn, would enable couples to begin to explore the sacred dimensions of their bond before they solidify their union for life. It would support them in the process of linking the various stages of their relationship. And, of vital importance, it would help couples to weave their relationship into the larger social fabric of family, community, and church. In this regard, Adrian Thatcher concludes: "If the entry into marriage were accepted as a process which involved, as steps within it, betrothal and ceremony, the anomalies presented to the church by cohabitees could be more easily handled. Furthermore, the actual availability of a betrothal liturgy or liturgies would help considerably in providing the missing language, which renders cohabitation socially problematic. It would also meet the concern that, while marriages are public, cohabitation is private.<sup>24</sup> A betrothal ceremony would provide precisely the public language and community dimension which are currently properties of weddings,"25 In a word, it would be a public act, with public legitimation.

We can summarize some conclusions from this study. First, Christian morality should not assume that all premarital sex is wrong. It is not. Nor ought we to assume that the nuptial has always been normative. It has not. Second, to distinguish between pre-nuptial and nonnuptial forms of cohabitation, we must open up the possibility of a moral reassessment of the issue. Third, there is no longer any provision for a two-staged entry into marriage, engagement and ritual solemnization. Some current practices of cohabitation could be read as a return to earlier premodern sensibilities

rather than as a rejection of Christian marriage. And, finally, reclaiming the notion and the ritual practice of betrothal may be of service to the Christian churches in the construction of a postmodern theology of entry into marriage.

Every piece of sociological data indicates cohabitation is not going away. Even though the official teaching of the Catholic Church is opposed to it, Catholics cohabitate on a par with other groups in our society. Our Christian churches have more to offer than opposition and condemnation. This chapter offers a practical method of dealing with the issue. It also offers an interpretative framework to reassess cohabitation as a viable moral option.

#### NOTES

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# 13

# Sexuality and the Church: Finding Our Way

Harold D. Horell

I have been preoccupied with "sexuality" and "sex" for the past three years. That is, I have been attentive to every conversation or program that discusses sexuality, and this has heightened my awareness of the many ways "sex" is understood in contemporary cultures. My preoccupation began when Vincent Novak, S.J., who was then dean of the Fordham University Graduate School of Religion and Religious Education, invited me to attend a meeting to discuss human sexuality. That meeting led to the development of the Fordham University Conference on Human Sexuality in the Roman Catholic Tradition on October 28–29, 2004.

One winter day in 2006, I happened to encounter two very different discussions of human sexuality. First, I watched a television show about polyamory. A polyamorous relationship is, ideally, a deep, romantic, and committed relationship involving more than two fully consenting adults. On this television show people talked openly about their polyamorous relationships and sexuality. Second, that evening I attended a liturgical rite in which a woman took vows as a "consecrated virgin in the world." This ancient rite, during which a woman commits her life to service in the world that is intensified by a pledge of perpetual virginity, was common in the early church, fell into disuse and was then restored within the Catholic Church on May 31, 1970.1

By seeking to understand polyamorous relationships, consecrated virginity, and other expressions of sexuality, I have become more and more convinced that Fran Ferder and John Heagle are correct in their observation that "for the last half-century human sexuality has undergone what might best be described as a 'sea change'—a major historical transition—in our culture and in our religious institutions." To use the vernacular of our postmodern