

A THEOLOGICAL REFLECTION ON “RELIGIOUS MARRIAGES”

AN ADVISORY PAPER

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The shifting social and legal relationships of our time are such that many single persons are dissuaded from legal marriages by the particular legal, social, or economic circumstances in which they find themselves. As a result, there is occasionally a desire to be granted a “religious marriage” which provides sanction of the church and/or community and which is effected without benefit of a legal marriage license issued by the state of residence.

The following kinds of circumstances are among those that may incline some couples to consider a “religious marriage”:

- One or both spouses may be an undocumented immigrant.
- Compliance with one or more of the civil law requirements is not possible. For example, a couple failed to obtain a license within the time prescribed by law, or one person is underage.
- A pastor is asked to perform a marriage in another state in which nonresident pastors are not authorized to perform marriages.
- A divorced spouse may lose alimony from a previous spouse in the event of remarriage.
- A divorced spouse may lose insurance or other benefits in the event of remarriage.
- A couple believes that their Social Security retirement benefits will be higher if they are not legally married.
- A couple regards the civil law requirements for marriage as an unnecessary nuisance, or even an unwarranted government intrusion into an essentially religious ceremony.¹

Certain of these circumstances do indeed elicit sympathy and might appear to be reasonable grounds for a minister to perform a “religious marriage,” that is, a marriage ceremony performed by an appropriately credentialed minister of a recognized religious body such as the Assemblies of God without benefit of a marriage license issued by the state.

There may also be a well-meaning intent on the part of the minister to regularize an existing relationship between cohabiting partners who have entered into a “common law” relationship and who sincerely wish to have their union recognized by church and community without losing benefits or advantages from which the partners profit only as long as they remain legally unmarried.

A “religious marriage” might appear to be appropriate in certain cases in view of the fact that marriage is an institution defined and established by God long before the creation

1 Enumerated in Richard Hammar’s *Opinion* prepared for the Executive Presbytery on December 14, 2011.

2 The abbreviation NIV refers to the New International Version of the Bible (2011). All Scripture quotations

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1

Religious Marriages

and development of modern legal prerogatives and responsibilities. It certainly can be asserted that, along with many ancients, Adam and Eve had a legitimate marriage without benefit of modern legal strictures.

Therefore, whatever societal and legal considerations may be entailed, marriage is first and foremost a divinely ordained covenant established by God himself—a moral and spiritual covenant between one man, one woman, and God, as Scripture makes abundantly clear.

- Following the narrative of human creation in which God forms and matches the first couple, Genesis declares the nature of marriage to be a covenantal institution established by God himself, “That is why a man leaves his father and mother and is united to his wife, and they become one flesh” (Genesis 2:24).² Jesus attributed this text to the speech of God himself (Note Matthew 19:5 below).
- Jesus questioned the religious leaders of His day as to that fundamental truth about marriage, “Haven’t you read . . . that at the beginning the Creator ‘made them male and female,’ and said, ‘For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh’? So they are no longer two, but one flesh. Therefore what God has joined together, let no one separate” (Matt 19:4–6, emphasis added).

However, while recognizing that marriage is most importantly a covenant with God, there are serious considerations beyond the immediate and sympathetic response a helpful minister may be inclined to provide to a distressed or idealistic couple who feel inclined toward a “spiritual marriage.”

- The couple may be more influenced by contemporary societal notions of marriage than by authentic biblical teachings.
- Similarly, the couple may be more concerned about financial considerations than about preserving the nature of the marriage covenant.
- The couple may not have adequately evaluated the impact of their irregular union on the larger Christian community. What kind of example are they setting, especially for highly impressionable young believers?
- Ministers, perhaps lacking complete and reliable information, may well be put in the position of being the moral arbiter of the relationship. To pronounce such a marriage holy and acceptable in the fellowship of the Church may well be presumptuous.
- A “religious marriage” performed without benefit of legal sanction affords no legal protection to the parties involved in the event of any number of potential hazards. In an era of accepted casual cohabitation, the breakup of the relationship may be equally casual and yet deeply traumatic for one or both partners.
- A minister who performs a “religious marriage” may be subject to legal action as a result of failure to comply with state statutes governing marriage and the performance of marriage ceremonies.

2 The abbreviation NIV refers to the New International Version of the Bible (2011). All Scripture quotations are from the NIV.

- There are almost certainly numerous liability issues for both ministers and the churches they represent. It is conceivable that a disgruntled partner may pursue legal action against the pastor or church.
- Any minister inclined to perform a “religious marriage” should carefully research both the theological and legal issues involved, and seek legal counsel prior to such action.

Given the potential for misunderstanding, confusion as to the God-ordained sanctity and permanence of the marital union, and the potential legal liabilities for both minister and congregation, not to mention the persons desiring a “religious marriage,” the Commission on Doctrinal Purity recommends that The General Council of the Assemblies of God disapprove and strongly caution its ministers against participating in such ceremonies.