

## Covenant Marriage Concerns

by John Cobin, Ph.D. for *The Times Examiner*  
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In my last column, I argued that people do not need the government's permission to get married, and that those who love liberty, Christians in particular, should defy public policy that mandates marriage licensing by the state. Instead, people should re-adopt the concept of *covenant* marriage and utilize a marriage covenant document to legalize and formalize the marriage. God nowhere ordains the state to oversee or regulate marriage, and neither does the Constitution or any other founding documents of our great nation. Nevertheless, a number of important objections have been raised to using a marriage covenant.

First, many point out that marrying without the state's permission is illegal. For instance, consider Section 20-1-210 of the South Carolina Code entitled "License required for marriage." This legislation says "It shall be unlawful for any persons to contract matrimony within this State without first procuring a license as is herein provided and it shall likewise be unlawful for anyone whomsoever to perform the marriage ceremony for any such persons unless such persons shall first have delivered to the party performing such marriage ceremony a license as is herein provided duly authorizing such persons to contract matrimony. Any officer or person performing the marriage ceremony without the production of such license shall, on conviction thereof, be punished by a fine of not more than one hundred dollars nor less than twenty-five dollars or by imprisonment for not more than thirty days nor less than ten days."

My response is: "So what?" Christians "ought to obey God rather than men" (Acts 5:29). The Apostle Paul says "You were bought at a price; do not become slaves of men" (I Corinthians 7:23). When the state tries to usurp what God has ordained we have no obligation to obey it. Indeed, we have a corresponding duty to disobey it. Let state agents start rounding up droves of pastors, fine them \$100 and throw them in jail for 30 days. Then we will see what the public outcry will be! The Bible calls on Christians to resist ungodly authority (Daniel 3:12; 6:10 and Acts 4:19; 5:29). Let us be known as those who rebel against the ungodly and enslaving actions of the state! Christ said "do not fear those who kill the body but cannot kill the soul. But rather fear Him who is able to destroy both soul and body in hell (Matthew 10:28). Thus, if the state tells you to license your marriage you should disobey it—revolt, rebel, and defy it.

Second, people worry that others will look down on them if they do not have permission from the state prior to marrying. No one wants to be a pariah. "What will the neighbors think?" The same problem plagued the Israelites under the period of the kings. Almost no one wanted to step up to the plate and cut down the high places. They also got tired of driving out the Canaanites from the land and never completed the task. In the early church, Christians were keen on letting the doctrines of immoral Jezebelians and Balaamites, the Judiazers, the Gnostics, and the Nicolaitans go unchecked. God had to send His prophets and Apostles to correct His people. Why are God's people so prone to men-pleasing? Why are they so unwilling to buck wickedness and ungodly authority? I do not know for sure, but I can say that they have no excuse. They simply should not be so worried about what others think about them and more concerned about what God thinks about them. And the fact remains that those who use a marriage covenant instead of a license will eventually be thought of as married by others—even the state.

Third, people claim that the state provides public records, aiding in adjudication when things go wrong or there is a divorce. Courts and government agencies need paper trails, so this license gets the trail going. Nevertheless, the marriage covenant is a contract that, when written properly, has all the necessary elements for adjudication of property or divorce situations at common law. The state is not performing any function that cannot be handled in the free market and utilizing the court system.

Finally, people object to the impracticalities and hassles associated with not getting a marriage license. Sure, some bureaucrats will not understand and may even deny issuance of a driver license or updated passport under the new last name. They might get hassled. But who cares? The worst thing that can happen is that the new wife will have to retain her state-issued documents under her maiden name.

That fact does not make her unmarried. And speaking of pragmatism, why not think of the practical side of having your home invaded by DSS bureaucrats who think that they can tell you how to raise your kids? There have been court rulings where the state is considered the third member of the marriage bed on account of the marriage license. Such practical drawbacks of marriage licensing should alarm Christians and those who love liberty. Marriage licensing provides us with no real benefits but does permit greater state intervention into the home.

Let us bear in mind the doctrine of Thomas Jefferson. "Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes...But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security." Moreover, "A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people." A state that wants to license a marriage is being tyrannical. It is high time for Christians and liberty-lovers to form a line of resistance.