



# Born to Win

## Covenant Marriage

by Ronald L. Dart

For the first time in our history, married couples are now in a minority. Now, I don't know why I was surprised when I read that in *Newsweek*, but I was. Married couples now comprise only 48% of the households in this country. Back when I was a junior in high school, and going to the prom, dating the girl who would finally become my wife—back in 1950—that figure of the number of households in this country who are comprised of married couples was 78%. Now it's 48%. And as my wife and I approach our 49<sup>th</sup> wedding anniversary, it's sobering to think that a marriage like ours belongs on the endangered species list. I guess we're just not going to be around much longer. Lifetime, permanent marriage is rapidly becoming a thing of the past; and even marriage isn't what it used to be. Since 1977, and the advent of the no-fault divorce (which sure seemed like a good idea at the time) divorce has increased four times over what it was then. Marriage, for many people today, is not very different from cohabitation. It just has some legalities at the beginning and some legalities at the end. And, increasingly, couples are just forgoing the legalities and shacking up.

A prominent radio commentator speaks of being “on the cutting edge of societal evolution.” Well, we're evolving as a society, all right, but I'm not sure we're going to like our “brave new world” we're creating. The effect of these changes on children is beginning to show up now, as they become adults, and no one knows where this is ultimately going to play out. Isn't that we didn't know the effect it was having at the time—that the information wasn't available to us—the problem is nobody really wanted to know.

Well, now at long last, there are some efforts being made to turn back the tide. Louisiana was the first state to offer what they call a “covenant marriage” as an option to couples, and then followed later by Arizona and Arkansas who brought these in. (And I believe they're under consideration in other states.) The idea was to give couples the option of creating a *much stronger* marriage contract. Covenant marriage can involve premarital counseling, waiting periods before you get married, waiting period before you get a divorce, required counseling before divorce, grounds for divorce, and even a trial separation before divorce to see how it feels. And I think that's very wise. I can recall several occasions where women, in particular, that I have known have said this simply, “If I had known what divorce was going to be like, I never would have done it.” And then someone else said, “If you think marriage is hard, wait 'til you try divorce.”

Covenant marriage makes it harder to get a divorce—a lot like it used to be in all the states except Nevada. Some of us are old enough to remember when movie stars went to Reno to get a divorce. It was funny; I think they had to be resident out there for six weeks, when they're in Nevada, and then they could get a divorce. And you always knew, when you heard that this famous movie star had moved to Reno, that the marriage was over.

One thing that covenant marriages bring to the fore is an old truth about marriage: that it is a contractual relationship—a *civil* contract. Now, you may not think you have a marriage contract, but if you are married, you do. The terms of the marriage contract are enacted by the state in which you live. When you signed the marriage license, you created a *contract* that specifies what will happen to your

property, under what circumstances you can get a divorce, what will happen to your children, even how you can own property together. The marriage ceremony and the vows before witnesses *ratify* that contract, which then had to be filed down at the courthouse—just like you go down and file a contract or a deed when you buy a house. The marriage contract, though, is different in our country in a very important way: in that the states can change the contract without the consent of the parties to the contract. Now, they could never do that on that contract to buy a house ( the state can't fool with that). But a marriage contract—they can change the terms of the contract *after* the contract has been made.

How do they do that? They *pass a law*. When they introduced no-fault divorce in the '70s, all marriage contracts that were made before that period of time were rendered null and void, and the new marriage contract came into law. So that, now, you can just go down and file for divorce and you can have it.

It's odd that the idea of a marriage contract seems strange to us when it has, for *so long*, been a part of our lives and we didn't even know it. But we let the state make these contracts. In the ancient world (and, in fact, not-so-ancient world) these contracts were *family* matters. I was browsing the Internet last night, looking for marriage contracts just to give you an illustration, and I came across a painting by William Hogarth titled *The Marriage Contract* (or *The Marriage Settlement*).

It was a whimsical little painting showing two fathers—heads of household—negotiating a marriage contract for their children. The whole family appears to be there, including a couple of fox-hounds sitting on the floor. One of the father figures appears to be suffering from gout, as he has his foot wrapped up on a stool and a crutch nearby. Seven people are in the picture (including the bride and groom) and at least one person implied off-scene. In evidence is much paperwork, including what appears to be a *family tree*. In other words, “Here's our pedigree. Here's who we are.” When you're matching up dogs—you know, trying to breed championship dogs—you get the pedigrees out and you look at them. Well, apparently in the ancient world (and not-so-ancient world, too) they got out the family tree to talk about getting married. And I think there was a guy there in the painting who was a matchmaker; he was putting a piece of paper on the table. Some of the paperwork is surely financial facts and figures. One fellow is over by the window where the light's good—where he can look at fine print.

Now, when you think about it, if the state were not involved in providing protection for women and children, as a father of a young woman who's thinking about getting married, wouldn't you want to see to it that your kid's marriage was proper and was legally-protected? If the state had no laws at all—no protection, no nothing for the wife or the kids—wouldn't you want a contract that said what happens to the children in the event of death or divorce? And what happens to all the money you give to your daughter or your son to start their life together? You see, these were the things, historically, that marriage contracts were all about. “Historically”, as someone put it, “in common law, economic fact, and social custom, marriage provided women the security of knowing that they would not have to raise and provide for children all by themselves.” In the simplest terms, covenant marriage was designed to protect the rights of women and children. It's a tragic irony that, in the pursuit of women's rights, women have been giving up *wholesale* the rights they have had for ages past.

The discovery of the Dead Sea Scrolls led to a lot of other discoveries, because once they found stuff in caves then no cave was safe in the Judean deserts. So, in 1961, they found this marriage contract—a Jewish marriage contract—in one of those caves. It was dated April 5<sup>th</sup>, AD 128 ([“on the *nones* of April, and by the computation of the new *Provincia Arabia*: 23<sup>rd</sup> year on the 15<sup>th</sup> of the month *Xandikos*”] in the way they dated things back then). It was written in Greek and it had Aramaic signatures and subscript. And here's the way it read:

[...] Judah son of Eleazar, also (known as) Khthusion, gave Shelamzion, his very own daughter, a virgin, to Judah—called Kimber—son of Ananias son of Somalas, both of the village of En-

gedi in Judea, living here, for Shelamzion to be married to Judah Kimber for the partnership of marriage according to the laws.

*Papyrus Yadin 16*

Now, all these names are very strange; they fall strangely on our ears, but it is a father (actually, two fathers) entering into a deal so that one's daughter would be given in marriage to the other one's son, under these conditions. They actually say a "partnership of marriage according to the laws."

She brought to him for dowry women's jewelry in silver and gold, and clothing appraised by mutual agreement, as they both attest, to be worth two hundred denarii of silver. Judah, who is called Kimber, the bridegroom, acknowledges that he received this value from her by hand from Judah her father and that he owes to Shelamzion [*Let's call her name "Sheila".*] his wife three hundred denarii which he promised to give her in addition to the sum of her dowry.

*Papyrus Yadin 16*

In other words, she brought so much to it, and then he adds *considerable amount* in addition. So, he brought more to the marriage than she did, and between the two of them they put together 500—200 from her, 300 from him. Then the wedding contract continues:

This is all accounted toward her dowry, pursuant to his undertaking of feeding and clothing both her and future children in accordance with Greek custom upon the said Judah Kimber's good faith and peril and the security of all his possessions, both those he now has in his home village, and here, and all those which he may additionally validly acquire elsewhere [*They cover it all.*], in whatever manner his wife Sheila may choose, or whoever acts through her or for her may choose, to carry out the execution.

*Papyrus Yadin 16*

In other words, this contract that was put together here was made in such a way as to protect this woman and her children. I gather from the way it's worded she brought children to the marriage and was anticipating more children from the marriage. And that this thing could be enforced, not only to the dowry that they put together, but to the *whole possessions* of the groom (and maybe even the groom's father)—to be sure that this woman, and her children, and their children, would be taken care of. The contract goes on to say:

Judah who is called Kimber shall redeem this contract for his wife Sheila, whenever she may demand it from him, in silver secured in due form, at his own expense, interposing no objection. But if not, he shall pay to her twice the mentioned denarii, she having the right of execution, both from Judah Kimber her husband and upon the possessions validly his, in whatever manner Sheila or whoever acts through her or for her may choose to carry out the execution.

*Papyrus Yadin 16*

I mean, her rights are being *severely* protected in this situation. Then the contract says this:

In good faith, the formal question was asked and it was acknowledged in reply that this is correctly performed.

*Papyrus Yadin 16*

In other words, they went through some sort of additional, “We did this thing. We actually executed it.” Then there are the Aramaic signatures and subscript:

Yehudah son of Elazar Khthousion: “I have given my daughter Shelamzion, a virgin, in marriage to Yehudah Kimber son of Hananiah son of Somala, according to what is written above. Yehudah wrote it.”

*Papyrus Yadin 16*

That’s his signature. And then:

Yehudah Kimber son of Hananiah son of Somala: “I acknowledge the debt of five hundred silver denarii, the dowry of Shelamzion my wife, according to what they wrote above. Yehudah wrote it.”

*Papyrus Yadin 16*

Both these guys are named Yehudah, as it confuses things just a little bit. That just simply means “Judah” is his name. And they both signed it, “Judah wrote it.” Then comes:

Theenas son of Simon, librarius [*the librarian*]: “I wrote this.”

*Papyrus Yadin 16*

Then there are Aramaic signatures on the back; and the signatures of witnesses whose names are there, all scribbled in, as well.

It’s a fascinating little document, and a glimpse into how marriage was viewed in another culture, in another time. But it’s also interesting to note that—down through time, whatever culture you’re in, whatever place—the importance of protecting the wife and the children is recognized, and marriage contracts are worked out that way. And the reason why they were worked out that way is because the papa wanted to be sure his daughter was *taken care of*, and wasn’t just sold off into a marriage where she would be poor, his grandchildren would be poor, and in a life of misery.

It seems strange to us, but our own marriage customs have not been as different as we think. It’s just that in our case the terms of the contract were set down by the state, and most of us never thought twice about the terms of that contract when we got married. We were in love. “I don’t care what the contract says. We’re getting married because we want to spend our life together.” I had *no clue*, when I got married to my wife 49 years ago, what the Texas laws of community property said. I had no idea what would be required to get a divorce, because I didn’t believe I wanted one—or even could get one if I wanted one.

Now, the idea of a dowry is a little different, but the whole idea of this is it's a kind of insurance. It's a way of being *sure* that a young couple can support themselves (and these children coming along) before they ever get married. It's encouraged in the family—saving in the name of the child—because, without the dowry, marriage might not have ever been possible. And I had to recall back on that, that when I was a boy my parents bought an endowment insurance policy. It was a 20-year endowment policy—something that was to come to fruition *way downstream* in my life, so that I would have money. The idea of dowry never crossed their minds. But the insurance companies realized way back then that the idea of saving up for a children—in the name of the children—was very important, and that this insurance policy would secure that in ways that parents... Well, you know how it is. If you've got money in the bank, it's just likely to be spent.

A lot of these customs seem very strange to us, but they were sometimes rooted in necessity. One of the ancient contracts I read as I was browsing the subject was for a marriage contract between a 13-year-old girl and a 15-year-old boy. And I thought, "My, that's kind of odd. Why were they doing that? Why were they getting married so young?" And then I thought, in a society where the average life expectancy is anywhere between 35 and 50, you've got to start younger to bring up children. I wasn't *entirely* surprised recently, but I was looking at some news and noticed that the average life expectancy at birth in Afghanistan was 44 years. Now, you know, if you wait until you're 24 or 25 (or even at 30, like a lot of American women are doing these days) to have your first kid, you're not going to see him grow up. You're not going to live long enough to see grandchildren. And, more important, dad may not live long enough to *support* these kids all the way to adulthood. And so you've got to start early, if you're going to have children. And teenagers need a little more guidance about getting married than people in their 20s. (At least, theoretically, they do. Although sometimes I wonder.)

Now, all this has changed in the modern world, and I don't think anybody knows where we're headed and what the consequences of our societal evolution are going to be. *World* magazine recently chastised pastors for not getting behind the movement toward covenant marriage laws, and I agree with them. While I'm not much on political *activism*, I think the churches should support laws providing for covenant marriage, and should *require* a marriage covenant if a marriage is to involve the church. In Baton Rouge, some 30 churches down there signed a community marriage policy agreeing that their ministers will only marry couples who are agreeing to a covenant marriage and who, in the process, will submit to six months of premarital counseling. You go up to the pastor of one of those churches and say, "Hey, we'd like to get married tomorrow.", and he's going to tell you, "No, I can't do that. A: You've got to have a covenant marriage. And B: You're going to have to have six months worth of premarital counseling before you get married." That, to me, is one of the wisest decision any group of churches ever made, and it's a *tremendous* benefit to the children who will come of these marriages that are formed that way. In the two years since adopting this policy two years ago, First Presbyterian has only seen three divorces out of 800 couples in that town.

You know, the measure is *so obviously right* I can't for the life of me understand why pastors would be slow to get behind it. I don't do many marriages these days because I'm not a pastor, but I can say that in the future I do not intend to do non-covenant marriages. It's time for pastors *everywhere* to raise the bar on marriage and divorce. But here's the question: Does the Bible support that view?

Anyone who has studied the Bible knows that marriage is a *covenant relationship*; and that means, essentially, that marriage is a contract. Now, the Pharisees challenged Jesus on this very issue. He had made a statement in the Sermon on the Mount that had...well, some *serious* implications for them. He said this:

### Matthew 5

AKJV

<sup>31</sup> It has been said, Whoever shall put away his wife, let him give her a writing of divorce:

<sup>32</sup> But I say to you, That whoever shall put away his wife, saving for the cause of fornication, causes her to commit adultery: and whoever shall marry her that is divorced commits adultery.

Wow. Now, knowing he had said this, the Pharisees found an occasion when they could ask him about it. This is in Matthew 19, verse 3:

**Matthew 19**

KJ2000

<sup>3</sup> The Pharisees also came unto him, testing him, and saying unto him, Is it lawful for a man to put away his wife for every cause?

Jesus came across with an answer that must have made them wince. He said:

**Matthew 19**

KJ2000

<sup>4</sup> [...] Have you not read, that he who made them at the beginning made them male and female,

<sup>5</sup> And said, For this cause shall a man leave father and mother, and shall cleave to his wife: and they two shall be one flesh?

<sup>6</sup> Therefore they are no more two, but one flesh. What therefore God has joined together, let not man put asunder.

Now, this is a *hard-line* affirmation of marriage as *one man, one woman, for life*. And the Pharisees (probably looking like a deer caught in the headlights) said:

**Matthew 19**

KJ2000

<sup>7</sup> [...] Why did Moses then command to give a writing of divorcement, and to put her away?

And I think that's a legitimate question for them to ask at this point in time. Here's the question out of Deuteronomy 24; this is the reason why the Pharisees asked this question. It says:

**Deuteronomy 24**

KJ2000

<sup>1</sup> When a man has taken a wife, and married her, and it comes to pass that she finds no favor in his eyes, because he has found some uncleanness in her: then let him write her a bill of divorcement, and put it in her hand, and send her out of his house.

Now, just to clarify a couple of things. This "some uncleanness" is, in the Hebrew, "some matter of nakedness" [*ervah*, עֶרְוָה, Strong's H6172]. And a "matter of nakedness" is a euphemism for a sexual sin. He's found she's been fooling around with another man and so, consequently, he wants her out of his house. Now, you have to understand another thing. A lot of people ask the question when they come to this: "Well, wait a minute, didn't the Law require the *death penalty* for adultery?" Yes, it did. However, what people don't understand oftentimes is that, for the death penalty to actually be implemented, somebody had to make the charge and somebody had to cast the first stone. And I'm sure there were a lot of husbands who, while they wanted to get rid of their wife, didn't want to *kill* her. And this is what they commanded to be done in this situation. So he gives her a bill of divorcement; sends her out of his house.

**Deuteronomy 24**

KJ2000

<sup>2</sup> And when she is departed out of his house, she may go and be another man's wife.

<sup>3</sup> And if the latter husband hates her, [...]

The *next* one hates her. She had one husband throw her out, now she's got a problem with the next one.

### Deuteronomy 24

KJ2000

<sup>3</sup> [...] and writes her a bill of divorcement, and puts it in her hand, and sends her out of his house; or if the latter husband dies, who took her to be his wife;

<sup>4</sup> Her former husband, who sent her away, may not take her again to be his wife, after she is defiled; for that is abomination before the LORD: and you shall not cause the land to sin, which the LORD your God gives you for an inheritance.

Now, there's some really important revelations in this short passage and, apart from the revelations, some interesting implications. One of them was that God did not intend for people to be going back and forth between one bed and another. But it also reveals a *contractual basis* for the marriage in the first place. How does it do that? Because it requires a *written bill of divorcement* to dissolve the union. If there were not a formal marriage contract going into this thing, there would be no need for a formal bill to break it. What it also reveals is a community that has an interest in the stability of marriage.

Now, what's also interesting about this is: Jesus acknowledges that *Moses was right*. Returning to the account in Matthew 19, verse 8, where he's talking to the Pharisees. When they ask him, "Why did Moses say this?" They and Jesus knew what the scripture said. And Jesus said:

### Matthew 19

KJ2000

<sup>8</sup> [...] Moses because of the hardness of your hearts allowed you to put away your wives: but from the beginning it was not so.

He is saying simply that, from the beginning, it was God's intent that marriage be one man, one woman, for life. But because of the hardness of your hearts, you sinners, God had to make some kind of accommodation for society's sake and (while he doesn't say it, more importantly) for children's sake. So Jesus then goes on to say:

### Matthew 19

KJ2000

<sup>9</sup> And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, commits adultery: and whoever marries her who is put away does commit adultery.

Now, what Jesus has done here is to affirm the Law of Moses with its exception clause. Because remember, the Law of Moses said that a man could put her away because he found some matter of nakedness in her—that is, some sexual sin—and Jesus said, "If a man puts away his wife for any cause except sexual sin, he causes her to commit adultery."

Now, here's a question: Why does the community have any business meddling in the stability of marriage, or involving itself with laws having to do with the stability of marriage? It's really simple if you think about it. It's because of the effects of divorce on children, and because those children are the future of the community. You know, it's been shown that, over the first year of a divorce, the typical reactions among children include the initial distress, shock, surprise. And children, also...you can sort of tell that they are being angry and they're fearful. They have anxiety. They suffer from depression and guilt. Because sometimes they think the divorce is *their* fault. They don't know any better.

And kids respond differently depending on their age at the time the divorce takes place. I remember a young woman I knew that was divorcing her husband, and her mother-in-law said, "Look, you can't do

this. Don't do this. Think about the little boy." (He was about three or four at the time.) And the mother who wanted to divorce said, "Oh, he'll be alright." But, you know, there was a study done in 1992 that said that these preschoolers—aged three to five—experienced feelings of anger and sadness and anxiety. The study found that boys tend to be more angry and much more restless and noisy. They have a habit of sitting alone, and they don't play well with friends, and they can be very disruptive of things going on with groups. Girls get mad, too, but not in the same way boys do. One of the things that little girls do is they get all kind concerned about their behavior and being good and being neat. They may even take on the role of parents to other children. Both boys and girls cry more easily and are much more demanding. They may regress; they may act younger than their age. They made pick up behaviors that they'd outgrown a long time ago, like bed-wetting or needing a special blanket. They may have nightmares. "Oh, he'll be alright"? I don't know; I'm not so sure.

The fact is, it isn't just a little fellas. School-age children—aged six to eight—have the *hardest time*, of all age groups, coping with their parents divorcing. In fact, of all the groups, too, the boys at these ages take it the hardest. A lot of people think this is due to the fact that, when the fathers move out, the boy loses a constant male role model. The girls, well, they still have their identity with their mother. But the boys? The boys are *lost*.

For 30 years, our society has been systematically stacking the deck against a whole generation of children. But those children aren't supposed to lose; they were *born to win*.

*Christian Educational Ministries*

P.O. Box 560 ❖ Whitehouse, Texas 75791

Phone: 1-888-BIBLE-44 ❖ Fax: (903) 839-9311

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