



# The Social Problem of Cohabitation

*Masalah Sosial Kohabitasi*

**Gideon Imoke Emeng**

Religious and Cultural Studies, University of Calabar, Cross River State, Nigeria

\*Penulis Koresponden: [gideonimokeemeng@unical.edu.ng](mailto:gideonimokeemeng@unical.edu.ng)

## ABSTRAK

Kohabitasi pria dengan wanita yang belum menikah telah menjadi fokus banyak peneliti sosial dan hukum dalam dua dekade terakhir. Peningkatan penerimaan pengaturan hidup baru ini oleh kaum muda juga menjadi perhatian para sarjana untuk meneliti apakah pengaturan hidup seperti itu atau konsep serupa lazim setiap saat di seluruh peradaban manusia. Orang-orang dapat hidup bersama karena beberapa alasan. Ini mungkin termasuk keinginan untuk menguji kecocokan atau untuk membangun keamanan finansial sebelum menikah. Mungkin juga karena mereka tidak dapat menikah secara sah, misalnya, jika mereka berjenis kelamin sama, beberapa pernikahan antar ras atau antar agama tidak sah atau tidak diizinkan. Pengalaman masa lalu membawa kita ke masa depan yang lebih baik, oleh karena itu, penting untuk mengeksplorasi kanvas pembangunan manusia bahwa setiap konsep yang baru bagi kita sebenarnya adalah konsep baru atau konsep yang terlupakan. Berdasarkan hal tersebut di atas, maka inti dari tulisan ini adalah mengkaji masalah sosial kumpul kebo dan pandangan agama.

**Kata Kunci:** Kohabitasi; pasangan yang belum menikah; pergundikan; pernikahan.

## ABSTRACT

Unmarried cohabitation of a man with a woman has been the focus of many social as well as legal researchers in last two decades. Increase in the acceptance of this new living arrangement by youth has also been a concern for scholars to research that whether such a living arrangement or any similar concept was prevalent at any times throughout the human civilization. People may live together for a number of reasons. These may include wanting to test the compatibility or to establish financial security before marrying. It may also be because they are unable to legally marry, for instance, if they are of the same sex, some interracial or inter-religious marriages are not legal or permitted. Past experiences lead us to a better future, hence, it is important to explore the canvas of human development that any concept which is new to us is actually a new concept or is a forgotten concept. Due to the above, the essence of this paper is to study the social problem of cohabitation and religious views.

**Keywords:** Cohabitation; unmarried couple; concubinage; marriage.

## 1. INTRODUCTION

“Cohabitation” is a living arrangement in which an unmarried couple lives together in a long-term relationship that resembles a marriage (Thornton *et al.*, 2008). Couple present themselves as spouse to the world. “Cohabitation” means those relationships when there is no marriage between the parties in the sense of solemnization of a marriage under any law, yet the parties live as couple, represent to the world that they are a couple and there is stability and continuity in the relationship. The definition and ambit of live in relationship is not clear. India is a developing country. Younger generations are slowly accepting the western ideas and lifestyles including the non-marital living together; the one of the most crucial development amongst the concept of relationships. Though the general norm was marriage in ancient India, the Hindu scriptures describe and admit the instances of non-marital and premarital relationships as well. Such relationships were socially ambiguous, sexually exploitative and highly stigmatized relationships in society.

The sexual relationship between man and woman outside marriage was totally taboo in feudal society and was regarded with disgust and horror (Eggebeen 2008). Such non-marital relationships have become very frequent due to various dictating circumstances. Consequent to this, after splitting, the partners do not have any mutual obligation or responsibility. Quality of the edifice of marriage has been continuously chipped away, with divorce rates making marriages as non-enduring and thereby making it synonymous with a disposable syringe. Furthermore, the off springs face the worse brunt of this. They are primarily condemned by the society and then they have no legal status.

“Cohabitation” in different countries is recognized either via implied provisions of different statutes that protect property rights, housing rights, or it finds recognition as it exists. Some countries like France and USA provide for cohabitation agreements i.e. live-in relationship contracts in which partners can determine their legal rights and obligations. However, law of various countries excludes a uniform protection and rights when it comes to the rights of child born under such relationships and thus discouraging non-marital living together relationships with legal sanction.

The concept of “cohabitation” is well demonstrated in France wherein a homosexual as well as a heterosexual couples can enter into a civil contract to organize their lives by live-in together and enjoy the rights of a

married couple without marriage. These agreements can be revoked by both or either of the parties by giving three months prior notice to the other party. In France these agreements are popularly known as ‘civil solidarity pacts’ (*pacte civil de solidarite*). The French National Assembly in 1999 gave legal status to pacts and allowed couples to enter into agreements for a social union (Martin & Théry 2001). In Philippines the right to each other’s property of live-in couple’s is governed by co-ownership rule. Family Code of Philippines provides that when a man and a woman capable to legally marry each other, live exclusively together as husband and wife without the benefit of marriage; their wages and salaries shall be owned by them in equal shares and the property acquired by both of them through their work or industry shall be governed by the rules on co-ownership (Babayao 2018).

## 2. HISTORICAL EXPLORATION OF CONCEPT OF COHABITATION

The phrase “cohabitation” might be a newly coined term in post-modern Nigeria, but this relationship can be traced back to origin of humans i.e. Adam and Eve (Mashau 2011). They could be termed the first non-married couple in history. As the institution of marriage did not exist then, neither Adam nor Eve was aware of the status of their relationship. Their relationship in the midst of nature survived basically on their interdependence on each other and the Darwinian battle for survival of the fittest which drove them to live-together. Neither marriage rituals, mandatory symbols of marriage like the proverbial wedding ring, nor a marriage registration certificate. A bite on the apple of desire changed everything forever. The fig leaf gave birth to the first two decent human beings on earth, bringing along the selfish need for security and stability in the relationship, culminating in the birth of the institution of marriage.

Different cultures, different regions have its own theory and expression of union formations throughout the world. There are different forms of marriage rituals and ceremonies in the world. The variety of relationship formation in the world drives us to explore the different concepts which are like the concept of non-marital relations or live-in relationship. The rise in the non-marital relationships in the developed and most of the developing countries also makes it necessary to explore the history of these relationships so that we could fully understand the reasons and conditions which were responsible for this new form of relationship formation.

In 1958 there was no law of cohabitation in America and members of the American Bar Association were not

expecting the new opportunities to master the law of cohabitation (Garrison 2008). Prostitution was regulated by the criminal code and legal regulation of cohabitation was scanty. In between these two extremes of Non-regulation of cohabitation and criminal nature of prostitution, it could be clearly observed that the attitude towards the cohabitation had to create no rights and obligations based on their intimate relationship.

Prior to the development of modern doctrines protecting cohabitants, those who lived together without benefit of formal marriage were not totally stripped of remedy. Some were protected by the doctrine of common-law marriage, which provided a remedy for many long-term cohabitants. The doctrine of common-law marriage was used to address injustices resulting from cohabitants' dependence upon one another. Thus it becomes imperative to discuss the doctrines of 'common law marriage', its origin and how it transformed the non-marital relationships.

The doctrine of common-law marriage presumes the marital status of a couple and does not require solemnization or registration. Instead, any unmarried couple of a man and a woman that agrees to live together as husband and wife and do so and holds themselves out to the community as spouses, are treated as married for all purposes (Steele *et al.*, 2006). The doctrine functioned primarily to protect women at the end of long relationships of dependence; if they qualified, courts would grant them all the rights of a wife or widow. The doctrine of common law marriage was similar to contemporary long term cohabitation. According to Lind (Professor at University of Uppsala) 'the common law marriage had its origins in Roman law and medieval canon law that had the broadest international application in Western world during ancient times' (Lind 2008). It guided Lind to deny the theory that common law marriage is an American innovation. It also leads him to criticize the fact that contemporary trends relating to cohabitation have taken a different approach. One would also anticipate an investigation of the origins of common law marriage to incorporate a detailed contemplation of the period in which the English settlers were first established in North America. Lind further states that the expansion of the law of England is important because it comprises an important phase in the colonization of North America, during which English legal ideas were exported to the colonies (Peebles & Wilson 2002).

This escape is one of the key puzzles for scholars who have considered common law marriage, if common law marriage in the United States did derive from English law, did it not emerge until the decision of *Fenton v. Reed*? Some commentators have assumed that it did

exist previously but that the decision in *Fenton v. Reed* in 1809 was responsible for publicizing the possibility; others, by contrast, have argued that the doctrine set out in *Fenton v. Reed* was an innovation (Schwartz 2020). The nineteenth century documentation of the common law marriage cases establishes the historical present of the number of heterosexual couples under relationships outside the legal boundaries of marriage. However, within the social norms of marriage, few of these extralegal relationships still exists and some others, though, conformed to neither the legal nor the social norms. These cases unfortunately give restricted insights into pasts of the choices that parties lay and from these case laws it is particularly difficult to deduce matters of subjective understanding. However one element that is clear from subjective understanding of these cases is that courts were alert to the social reality parading before them when confronted with common law marriage cases.

The nineteenth-century judges recognized that though legal practice of marriage was not in ideology a highly contested one, in practice, it is in the diversity of relations presented to them in a society, a society in which the socio-economic class is likely to bring common law marriage suits (Grossberg 1979; Ekpenyong *et al.*, 2017; Eneyo *et al.*, 2021). Thus throughout the nineteenth century the common law marriage cases provide the diversity of heterosexual unions and diversity of relationships. This diversity acclaims how different communities viewed legal marriage at that and how community norms varied tremendously across decades and geographical regions. Thus with respect to patterns of non-marital couples there appear to be a class-salient story. The unavailability of divorce enhanced the self-executed dissolutions of failed relationships and the subsequent informal remarriages as a remedy for unhappy marriages.

However, these self-consciously lie outside legal bounds relationships did not necessarily lie outside of the social norms of marriage. These extralegal solutions against the unhappily marriages resulting in 'breakdown of older, rural patterns of community control over marital and sexual behavior' reflected an increasingly urban and transient society. Judges following the Kantian model in recognizing common law marriages could not be deemed to accepted gamut of alternative heterosexual relationships (Dubler 1998). The proponents of the common law marriage doctrine's like its opponents attempted to ensure social stability through traditional marital unions and perceived the elements of social change as threatening. In the nineteenth century individual contracts in the form of Common law marriage shielded the state from financial responsibility and dependencies of women and children. The rise of welfare programs in the start of the twentieth century reverted to the state the responsibility for dependent

women and children. Thus it is evident that today the state is once again attempting to shift the responsibility of dependent women through contract.

Till 1958, middle-class Americans cohabited very rarely and cohabitation outside of marriage was widely viewed as shameful. In 1958 almost no one foresaw the rapidity with which the stigma traditionally attached to non-marital cohabitation would vanish. The culturally devastating 1960s were about to begin and, by the time the decade ended, youthful attitudes toward cohabitation had already shifted dramatically (Popenoe 1996). According to American historian Elizabeth Pleck (2012) cohabitation cannot be understood without scrutinizing the complex role of race and class in United States' history. She holds the view that the practice of cohabitation is nothing new. Informal marriages were frequent and legally accepted in early America. It was only after the civil war that cohabitation declined but it largely regained acceptance since the sexual revolution of the 1960's and 70's. According to Pleck (2012), anti cohabitation penalties have consisted of discrimination in housing, jobs, social benefits, parole and custody battles. Other penalties have included forcing couples to marry, denying the right of privacy to cohabitators and providing benefits to legally married couples that are refused to cohabiting couples.

Pleck (2012) demands that we look at this demographic explosion of cohabitation more closely and see who exactly is cohabiting and why. She says that currently white middle class and upper class couples may practice cohabitation as a prelude to marriage, sometimes as a form of cost sharing housing and sometimes as a serious form of dating. But these cohabitators, who are often found in urban or university areas, are not the largest group. She explains, in fact it is on the lower end of the socioeconomic scale that cohabitation has remained the most common. Cohabitation has often been considered poor people's marriage because it is more flexible than formal matrimony, separating a couple's coresidence from consideration of support and division of property. Historically, in many states of America inter-racial and poor couples have faced punishments and state surveillance for cohabitation as interracial cohabitation and interracial marriages were illegal until the 1960's when both practices became legal.

Traditional perceptive of a family i.e. a husband, a wife and children is still considered to be common in Europe though at the same time, other institutions of a family formation are also recognized. One of these so called new forms of family life is non-marital cohabitation. This type of family formation is to be understood as a union between a man and a woman living together on a

permanent basis without having registered an official marriage. In recent decades the cohabitation of heterosexual couples has emerged as a staunch alternative to civil and religious marriage. The number of cohabitating couples, as well as the number of children born in such non-marital unions, has been steadily increasing. As the public opinion for concept of traditional family system has considerably changed, cohabitation has been accepted as a new family formation and legal phenomenon of 21st century. The concept of cohabitation has a long history, likewise the institute of marriage. While discussing the historical development of regulation of non-marital cohabitation Olga Beinarovica quotes, "Bradley stressed that the principle declared by Napoleon '*les concubins se passent de la loi, la loi se désintéresse d'eux*' (concubines ignore the law, but law is indifferent towards them) was echoed in 1960's English law. Lord Devlin mentioned that a man and a woman who lived together without registering a marriage were not punished in according to law, while were protected by law. They were beyond the law and their union was not binding to any obligations.

To quote Olga Beinarovica, "There is an opinion that origins of the cohabitation are to be found in ancient Rome, equalizing the institute with concubinage, which refers to a legal outside-marriage union which differs from both marriage and legal prostitution. Another similar concept is reflected in French law, where the term concubinage to define outside-marriage cohabitation has been used" (Winter *et al.*, 2018, p. 65). In ancient times concubinage was considered a relationship durable and exclusive under Roman law. In practice the concubinage allowed a Roman man to enter into an informal but recognized relationship with a woman who was not his wife and generally a woman whose lower social status was an obstacle to marriage. It was not considered derogatory to be called a *concubine* (Posner 1994).

In ancient times, there was an option for a man to take a woman as a concubine as long as it pleased him without any promises and signed contract, consequently the woman had scanty legal protections. The early church and social reformers strive long and tough against concubinage (Emeng 2007; Emeng 2012; Akpanika 2020). It asserted that such a sexual relationship without the permanent and total commitment was immoral and unjust. Over the course of a thousand years, concubinage retreated into the shadows of social disapproval; however, in the recent few decades it implies that concubinage has come to light again under a different name. Similar to ancient concubinage the contemporary concept of cohabitation is also dubious relationship. The cohabitators make no promises and have no legal obligations to one another. This arrangement has no specified duration that means it can be terminated at any

moment. The supporters of cohabitation depict it as just a more flexible form of marriage; they find all that is missing in cohabitation is 'a piece of paper', the marriage certificate. The love is the same as in marriage. However, some others see cohabitation as a trial marriage; they find that social science does not brace any of these contentions and in every aspect cohabitation is a very different relationship from marriage. One of the reasons for this disparity may be that the uncertainty of cohabitation leaves much room for differing perceptions about how exclusive the relationship is.<sup>43</sup> However, cohabitation and concubinage should not be seen as mutually substitute, because concubines have never gained a legal status, nor have their children.

In Sweden, there were two forms of cohabitations. One was known as 'marriage of conscience' and it was practiced by a group of intellectuals as a dissent against the fact that only church marriages were allowed at that time and the second was known as 'Stockholm marriages' (Larsson 2020). The term 'Stockholm marriage' was coined for people coming to the urban areas too poor to marry and so cohabiting under marriage-like conditions and under high population density. The evolution of cohabitation to its contemporary form may also be traced especially in France, where until 1884 divorce was not legally available. It forced persons to cohabitation without marriage as they could not conclude official registered marriage. However, it did not affect the circumstances of cohabitation directly the Civil Code of France of 1804 contained several provisions for setting paternity of children. Further, a wife was authorized to request a divorce in a situation if a husband brought his concubine to a family home (Brée 2020). Though the legislation comprised no direct provisions on cohabitation, the institute continued to exist. During the second half of the 20th century the attainment of emotional needs was given main priority in family relations. This dogged the expansion in the process of 'demarriage', when a concept of family was detached from the necessity to conclude an official marriage. Persons, mostly women, became financially independent and felt free to build unions beyond marriage (Lefaucheur 2003).

As a consequence of the differences in the law of Scotland and role of the separate established Church of Scotland, historically, the law of marriage has developed differently in Scotland to other jurisdictions in the United Kingdom. Scotland had stood virtually alone in the formal legal sense in the midst of Western European countries which cherished the simple exchange of consent as acceptable basis for marriage. However, the same social disgrace was affixed to

informal or irregular unions that we see elsewhere. Thus in practice Scotland was like other countries in which simple exchange of consent was regarded as acceptable forms of contracting marriage. The validity of marriage in Scotland continued to rest primarily on mutual consent with some reservations. These reservations were that there must be no legal bar and the proof of consent could be established when required.

Historians have long argued that cohabitation and marriage breakdowns are not recent phenomena. In this respect, the emphasis on the exchange of consent meant that Scotland's marriage laws retained significant elements of continuity from the medieval period through to the modern period. Testing the reality of irregular marriages Eleanor Gordon Quotes, "Bernard Capp, Joanna Bailey, John Gillis, E.P. Thompson, Leah Leneman and Rosalind Mitchison for Scotland have all drawn attention to the variety of partnership arrangements which characterized unions of ordinary people in the early modern period, whilst Clarke, Gillies, Ross, Rose and Smout have provided convincing evidence that informal marriage arrangements, self-divorce and self-marrying were not infrequent occurrences in the nineteenth and early twentieth centuries" (Rose 2003, p. 74).

There seems to be no consensus among historians with regard to the chronology of the pattern of irregular unions, the reason for the pattern or the incidence and popularity of these irregular unions. It has been implied that the disintegration of traditional agrarian society and the deterioration of close and tightly regulated rural communities with their well-defined hierarchies of authority resulted in a loosening of moral codes and a revolt against the traditional morality of church and community with a consequent increase in co-habitation, bigamy and desertion in the industrial period. However, others see these phenomena as the triumph of preindustrial customs and practices over attempts to increase regulation and control of sexual life and popular morality. Even among those who argue that cohabitation and irregular unions were associated with urbanization and industrialization, there is a divergence of opinion over its chronology. Gordon further quotes, "Clarke, Gillies, Rose and Ross who have characterized the first half of the nineteenth century as an age of marital non-conformity with the latter half of the century denoting more conformity and control, whilst Frost sees the pattern in the nineteenth century as non linear with the early and late nineteenth century bookending a period of conformity in the middle of the century" (Gordon 2013, p. 54).

There is a contest of counter thoughts on the meanings that contemporaries gave to irregular unions and what

persuaded people to marry irregularly. Such unions may also be interpreted as evidence of popular social rebellion against existing views, as a product of the rise of individualism, as practical solutions to the economic, social and legal constraints to regular marriage, as a mark of religious dissent, as a consequence of secularization and the decline in the influence of community. However there has emerged a degree of consensus amongst those who have written about the pattern of irregular unions in Scotland. The prevailing view is that such unions in the seventeenth century were relatively rare, became more popular in the course of the eighteenth century and declined in popularity in the first half of the nineteenth century.

### 3. NON-MARITAL COHABITATION AND RELIGION: AN OVERVIEW

The rampant phenomenon of non-marital cohabitation is quite recent. It has become a dominant social paradox in the last few decades. Its upsurge spans both sides of the Atlantic Ocean, and even most parts of the western industrialized world. Churches seem astonished if not crippled in their response to the non-marital relationships. Pastoral ministers are still learning how to address the issue in marriage preparation. Many of them identify cohabitation as the most complicated issue they deal with in marriage preparation programs and pre-marriage counseling (Worthington Jr 2009). Living together without marriage is prohibited by all major religions including Islam, Christianity, Judaism and Hinduism.

Dr. Normi finds that in Islam, those who commit illegal sexual intercourse are considered as committing a major sin and are subjected to severe punishment from Allah. She quotes the lines from Quran that states: "The woman and the man guilty of illegal sexual intercourse flog each of them with a hundred stripes. Let no pity withhold you in their case, in a punishment prescribed by Allah, if you believe in Allah and the last day. And let a party of the believers witness their punishment" (Al-Sheha 2000, p. 73). Dr. Normi further says that according to the Bible, marriage should be honored by all, and the marriage bed kept pure, for God will judge the adulterer and all the sexuality immoral. Similarly the 'old testament' provides "a man who seduced a virgin and had sexual relations with her before marriage was required to pay the father of the girl and was required to marry her if the father permitted. Sexual relations with a virgin betrothed to another can be resulted in death by stoning of both parties" (Malek 2016, 84). Thus, almost all religions condemn the act of cohabitation. Turning away from religion, therefore, can be one of the vital factors why people are involved with the act of non-marital relationships.

Non-marital cohabitation is denounced in all the official documents of the Christian Churches and by many Christian theologians. The documentary teaching is that people should not indulge in sexual relationship without marrying. This teaching, however, is neglected and disobeyed by church members and, as discussed earlier, almost universally disobeyed. In spite of this discrepancy between traditional church teaching and the faith and practices of its members, official church teaching cannot bring itself to sanction cohabitation before marriage. The unanimous teaching of the churches remains that sexual intercourse must be confined to marriage. The Roman Catholic Church censure cohabitation. Such a relationship is seen as a false sign, contradicting the meaning of sexual relationship. It violates the Church's teaching about sexual love and marriage (Thornton *et al.*, 1992). It is censured under the regulation of free union and is considered a grave offense against the dignity of marriage. However, there is acknowledgement of the pastoral difficulty in dealing with this issue i.e. -

1. Immediately confronting the couple and condemning their behavior, or
2. Ignoring the cohabitation aspect of their relationship.

A middle road is suggested as the wisest strategy: integrate general correction with understanding and companion; 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. The Orthodox churches also strongly disapprove cohabitation. Officially they are reluctant to raise the question of sexual activity outside of marriage (Van den Akker *et al.*, 2013). This traditional position is based on a threefold argument:

1. It situates sexual intercourse within the context of the bond of marriage. Any non-marital sexual intercourse then is wrong. Cohabitation, in this situation, is sign of lack of discipline and giving in to 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. Thirdly, cohabitants tend to create less stable relationships when converted into marriage.

For an effective analysis of cohabitation, the concerns expressed in this traditional argument need to be heard, given additional consideration and at the same time counter-balanced by most persuasive argument. Hinduism is a convoluted religion and its beliefs and practices evolved over a long time, hence, the rules

governing the conduct of individuals in Hinduism are also manifold and at a times ambiguous. It is difficult to derive social and religious practices of Hinduism, or any historical truths pertaining to them, what holds true for one group may not hold true for all marriage (Van den Akker *et al.*, 2013; Akpanika & Eyo 2020). One such complicated issue about which there can be divergent opinions and multiple realities in Hinduism is its stand with regard to non-marital relationships and premarital sex.

In Hinduism, sex is not a taboo. Hinduism, unlike some other faiths, does not regard sexual desire as evil or impure. Still it is a puritanical faith, because it puts heavy emphasis upon virtuous living and the importance of purity and austerity. Sexual desire is personified in Hinduism as a deity (Kamadeva) who instills the passion of love in those whom he chooses to torment (Benton 2006). According to its beliefs, sexual desire is the basis of virility, spirituality, austerity, creation, procreation, rebirth and continuation of existence (Benton 2006). However, as in all other matters in Hinduism, intention is important to determine the sexual conduct of a person is lawful (dharma) or unlawful (Adharma) and whether the sexual desire is pursued for the right ends. If a person pursues it purely for pleasure and selfish enjoyment, it is considered evil and unlawful. Thus, sex is not evil in Hinduism as long as it is pursued as the means to righteous ends, and not considered an end in itself.

Thus it is well understood that ultimate end of non-marital relationships of the modern world is self realization which could not be termed a righteous end in Hinduism. "Pre-marital sex is immoral and against the tenets of every religion", a Delhi court has observed" (Nandy 2017, p. 43). In spite of condemnation of non-marital cohabitation by all major religions of the world this institution is increasing rapidly. Thus it is well understood that young generation is not looking on interpersonal relations from a religious view.

#### 4. CONCLUSION

The Nigerian society has been in a state of revolution from the morals to the practical world, revamping the old customs and traditions in light of the cultural shifts and the repercussion of the west. The marriage as sacrament is still deeply guarded by the society but that is not to say that people don't adopt alternative forms of living arrangements. Alternative forms of such living arrangements were available in primitive times as well. As we probe into the history of various cultures and countries we find that non-marital living arrangements were in existence in earlier times with different names

but had lower social status with no legal rights. Alternative living arrangements of ancient times in Europe are called concubinage. In early America such nonmarital cohabitation was known as informal marriage for poor people who could not afford the expenses of marriage ceremonies and rituals. In France the alternative form of living arrangement of extra-marital cohabitation was prevalent. In Scotland an irregular union of marriage by habit and repute had similarities with the present union of non-marital cohabitation.

While various forms of long-term sexual relationships and cohabitation short of marriage have become increasingly common especially in the Western World, these are generally not described as concubinage. The terms concubinage and concubine are used today primarily when referring to non-marital partnerships of earlier eras. In modern usage a non-marital domestic relationship is commonly referred to as co-habitation or other similar terms and the woman in such a relationship is generally referred to as a girlfriend, lover or partner. It proves that the ancient tradition of cohabitation is returning. It is assumed that the phenomenon of a post-industrialized society is instrumental in causing the societal change into this renewed social institution of cohabitation. Thus through this historical exploration of the concept researcher could sum up that live in relationship is a new term but an old concept. This institution was known by different names in history as discussed above. The concept had lower social status and in western world it was an institution for poor people and in Nigeria also mostly the women of lower social status were found in such relations.

Women of high social status and well to do families were unlikely to be found in such practices. However, men of good financial status were most likely in the practice of keeping concubines. Hence researcher could say that in primitive times the institution which was of lower status is presently termed as a new concept of freedom to live together without marriage and has become the choice of modern urban and elite class.

#### REFERENCES

- Akpanika, E. N. (2020). Religion and Community-Based Services: Reinvigorating the Diaconal Ministry of the New Testament in Nigerian Churches. *International Journal of Arts, Languages and Business Studies (IJALBS)*, 5(2), 166 – 175.
- Akpanika, E. N. (2020). Religious and Cultural Conflicts: A Critical Appraisal of the Scottish Mission Activities Among the Efik People of Old Calabar. In *Handbook of Research on the Impact of Culture in Conflict Prevention and Peacebuilding* (pp. 249-266). IGI Global.

- Akpanika, E. N., & Eyo, U. E. (2020). A Comparative Study of the concept of sin in Christianity and Efik Traditional Religion of South-South, Nigeria. *Lwati: A Journal of Contemporary Research*, 17(3), 126-148.
- Al-Sheha, A. (2000). *The Message of Islam*. Osoul Global Center.
- Babayo, C. R. P. (2018). *Critical review of House Bill 7303 otherwise known as an Act Instituting Absolute Divorce and Dissolution of Marriage in the Philippines* (Doctoral dissertation).
- Benton, C. (2006). *God of Desire: Tales of Kamadeva in Sanskrit Story Literature*. SUNY Press.
- Brée, S. (2020). Where did the first divorced people live in Paris and its suburbs?. *The history of the family*, 25(3), 345-368.
- Dubler, A. R. (1998). Governing Through Contract: Common Law Marriage in the Nineteenth Century. *The Yale Law Journal*, 107(6), 1885-1920.
- Eggebeen, D. J. (2005). Cohabitation and exchanges of support. *Social forces*, 83(3), 1097-1110.
- Ekpenyong, E. J., Eneyo, V.B. & Onyejekwe, I. H. (2017). The Impact of Globalization on African Heritage: Case Study of Igbo Cultural Heritage. *Journal Multi-Disciplinary Journal of Research and Development Perspectives*, 6(1), 128-142.
- Emeng, G. I. (2007). The Decalogue, Christian ethics and Nigeria: Towards a disciplined society. *Sophia: An African Journal of Philosophy*, 7(2).
- Emeng, G. I. (2012). Ligwomi Cult: A Facilitator of the Socio-Cultural Development of Igbo Imabana in Cross River State, Nigeria. *Sophia: An African Journal of Philosophy*, 14(1), 145-150.
- Eneyo, V. B., Oba, D. O., Ochiche, C. A., Essien, D. A. & Antai, A. S. (2021). Economic Impacts of Curfew Imposition on the Nightclub Industry in Calabar Metropolis, Nigeria. *African Journal of Hospitality, Tourism and Leisure*, 10(3):955-971. DOI: <https://doi.org/10.46222/ajhtl.19770720-142>.
- Garrison, M. (2008). Nonmarital cohabitation: Social revolution and legal regulation. *Family Law Quarterly*, 42(3), 309-331.
- Gordon, E. (2013). Irregular marriage: myth and reality. *Journal of Social History*, 47(2), 507-525.
- Grossberg, M. C. (1979). *Law and the Family in Nineteenth Century America*. Brandeis University.
- Larsson, G. B. (2020). Good for Business: Joint Property and Equal Inheritance in Burgher Marriages in Stockholm, 1480–1530. In *Nordic Inheritance Law through the Ages* (pp. 92-113). Brill Nijhoff.
- Lefaucheur, N. (2003). Fatherless children and accouchement sous X, from marriage to demariage: A paradigmatic approach. *Journal of family history*, 28(1), 161-181.
- Lind, G. (2008). *Common law marriage: a legal institution for cohabitation*. Oxford University Press.
- Malek, N. B. A. (2016). Is cohabitation an alternative to marriage?. *Procedia-Social and Behavioral Sciences*, 219, 12-18.
- Martin, C., & Théry, I. (2001). The PACS and marriage and cohabitation in France. *International Journal of Law, Policy and the Family*, 15(1), 135-158.
- Mashau, T. D. (2011). Cohabitation and premarital sex amongst Christian youth in South Africa today: A missional reflection. *HTS: Theological Studies*, 67(2), 1-7.
- Nandy, A. (2017). *Motherhood and Choice: Uncommon Mothers, Childfree Women*. Zubaan.
- Peebles, G., & Wilson, P. (2002). *Economic growth and development in Singapore: Past and future* (pp. 51-71). Cheltenham: Edward Elgar.
- Pleck, E. H. (2012). *Not just roommates: Cohabitation after the sexual revolution*. University of Chicago Press.
- Popenoe, D. (1996). *Life without father: Compelling new evidence that fatherhood and marriage are indispensable for the good of children and society*. Simon and Schuster.
- Posner, R. A. (1994). *Sex and reason*. Harvard University Press.
- Post, A. A. R. F. (2013). *Best Women on the Face of the Earth*. Dar ul Ittiba.
- Rose, S. O. (2003). *Limited livelihoods: gender and class in nineteenth century England*. Routledge.
- Schwartz, J. C. (2020). Qualified Immunity and Federalism All the Way Down. *Geo. LJ*, 109, 305.
- Steele, F., Joshi, H., Kallis, C., & Goldstein, H. (2006). Changing compatibility of cohabitation and childbearing between young British women born in 1958 and 1970. *Population studies*, 60(2), 137-152.
- Thornton, A., Axinn, W. G., & Hill, D. H. (1992). Reciprocal effects of religiosity, cohabitation, and marriage. *American Journal of Sociology*, 98(3), 628-651.
- Thornton, A., Axinn, W. G., & Xie, Y. (2008). *Marriage and cohabitation*. University of Chicago Press.
- Van den Akker, H., Van der Ploeg, R., & Scheepers, P. (2013). Disapproval of homosexuality: Comparative research on individual and national determinants of disapproval of homosexuality in 20 European countries. *International Journal of Public Opinion Research*, 25(1), 64-86.
- Winter, B., Forest, M., & Sénac, R. (2018). *Global perspectives on same-sex marriage* (p. 241). Cham, Switzerland: Palgrave Macmillan.
- Worthington Jr, E. L. (2009). *Marriage counseling: A Christian approach to counseling couples*. InterVarsity Press.