

Marriage as a Covenant

Part 1

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Resources:

- *Marriage as a Covenant* by Gordon Hugenberger
- *Garden of Peace* by Rabbi Shalom Arush
- *Flame of Yahweh* by Richard Davidson
- *Divorce and Remarriage in the Bible* by David Instone-Brewer
- *The Marriage Covenant* by Derek Prince
- *Marriage as Covenant* by John Tartwater

Our western culture values:

- Individual choice over moral responsibility
- Individuality over community
- Independence over interdependence

Contract vs. Covenant

Covenant:

“An elected, as opposed to natural, relationship of obligation established under divine sanction.”

Contract:

“A private legal or commercial agreement of which the principle guarantors are the courts and community rather than God or the gods.”

4 “Ingredients” of a Covenant

1. Personal Relationship
2. Election
3. Obligation
4. Oath

Malachi 2:10-16

- (10) Have we not all one Father? Did not one Ėl create us? Why do we act treacherously against one another, to profane the covenant of the fathers?
- (11) Yehudāh has acted treacherously, and an abomination has been done in Yisra’ĕl and in Yerushalayim, for Yehudāh has profaned what is set-apart to יהוה – which He had loved – and has married the daughter of a foreign mighty one.
- (12) Let יהוה cut off from the tents of Ya’aqob̄ the man who does this – stirring up or answering, and bringing an offering to יהוה of hosts!
- (13) And this you have done a second time: you cover the altar of יהוה with tears, with weeping and crying, because **He no longer regards the offering, nor receives it with pleasure from your hands.**
- (14) And you said, “Why?” **Because יהוה has been witness between you and the wife of your youth, against whom you have acted treacherously, though she is your companion and the wife of your covenant.**
- (15) And **did He not make one?** And He had the remnant of the Spirit? And what is the one alone? He seeks a seed of Elohim. So you shall guard your spirit, and let none act treacherously against the wife of his youth.
- (16) “For I hate divorce,” said יהוה Elohim of Yisra’ĕl, “and the one who covers his garment with cruelty,” said יהוה of hosts. “So you shall guard your spirit, and do not act treacherously.”

Malachi 2:16 (Gordon Hugenberger's Rendition)

"If one hates and divorces," says Yahweh, God of Israel, "he covers his garments with violence," says Yahweh of Host, "Therefore take heed to yourself and do not be faithless [against your wife]"

1Peter 3:7

(7) In the same way, husbands, live understandingly together, giving respect to the wife, as to the weaker vessel, and as being heirs together of the favour of life, **so that your prayers are not hindered.**

1Timothy 5:8

(8) And if anyone does not provide for his own, and especially for those of his household, **he has denied the belief and is worse than an unbeliever.**

Ancient Near East

Terms for divorce:

שלח *shalach* ^{H7971} – "to send out"

- Idiom for "to divorce"
- Deut 24:3, Isaiah 50:1

גרש *garash* ^{H1644} – "drive out/driven out"

- Idiom for "to divorce" or a divorced woman
- Gen 21:10, Lev 21:7, 22:13, Num 30:10-12

ספר כריתת *sefer keritut* ^{H3748} – "bill of divorce"

Bride-price

- Given by the groom to the bride's father
- Usually ~1 years wages

Dowry

- Given by the bride's father to the bride
- In the husband's control and/or sewn into the bride's gown
- Usually 5-25% of the estate

Types of Divorce

Just Cause divorce

- Children stay with father
- Wife loses dowry
- Childlessness was in contract as just ground

Unjust Cause divorce

- Generally accepted in the ANE
- Dowry returned to wife
- Deut 22 & Mal 2:16 imply this was unacceptable

Torah Rulings on Divorce

Exodus 21:10-11

- (10) "If he takes another *wife*, her food, her covering, and her marriage rights are not to be diminished.
(11) "And if he does not do these three for her, then she shall go out for naught, without silver.

Valid grounds for divorce (from Exodus 21) were:

- Lack of food
- Lack of clothing
- Lack of marital rights

Deuteronomy 24:1-4

- (1) "When a man takes a wife and shall marry her, then it shall be, if she finds no favour in his eyes because he has found a **matter of uncoveredness** in her, and **he shall write her a certificate of divorce**, and put it in her hand, and send her out of his house,
(2) and if she left his house and went and became another man's wife,
(3) and the **latter husband shall hate her and write her a certificate of divorce**, and put it in her hand, and send her out of his house, **or when the latter husband dies** who took her to be his wife,
(4) then her former husband who sent her away is not allowed to take her back to be his wife after she has been defiled, for that would be an abomination before יהוה. And do not bring **sin on the land** which יהוה your Elohim is giving you as an inheritance.

Marriage in the First Century

Mishnah Ketubot 7.6

These are to be divorced without receiving their Kethubah [Dowry]:

A wife who transgresses the Law of Moses or [one who transgresses] Jewish practice. And what is [regarded as a wife's transgression against] the Law of Moses?

Feeding her husband with untithed food, having intercourse with him during the period of her menstruation, not setting apart her dough offering, or making vows and not fulfilling them.

And what [is deemed to be a wife's transgression against] Jewish practice?

Going out with uncovered head, spinning in the street or conversing with every man. Abba Saul said: [such transgressions include] also that of a wife who curses her husband's parents in his presence. R. Tarfon said: also one who screams. And who is regarded a screamer? A woman whose voice can be heard by her neighbours when she speaks inside her house.

Tosephta Ketubot 7.6 adds:

" and she who goes out with both her sides [shoulders] uncovered...and bathes in a public bath with any man."

Mishnah Sotah 6.1

Requires trial by bitter waters even if she is found alone in a room with a man

Exodus 21:10-11 (see above)

Lack of food, Lack of clothing, Lack of marital rights

- Mishna Ketubah 5.6 - "...those without work, every day; workers, twice a week; donkey drivers, once a week, camel drivers, once in thirty days; sailors, once in six months - the words of R. Eliezer"
- Rabbis allowed themselves 30 days of abstinence for Torah study...

Mishnah Gittin 9.10

Beth Shammai say: a man should not divorce his wife unless he has found her guilty of some unseemly conduct, as it says, because he hath found some unseemly thing in her.

Beth Hillel, however, say [that he may divorce her] even if she has merely spoilt his food, since it says, because he hath found some unseemly thing in her.

R. Akiba says, [He may divorce her] even if he finds another woman more beautiful than she is, as it says, it cometh to pass, if she find no favor in his eyes.

Matthew 19:1-12

- (1) And it came to be, when ישׁע had ended these words, that He left Galil and came to the borders of Yehudāh beyond the Yardēn.
- (2) And large crowds followed Him, and He healed them there.
- (3) And the Pharisees came to Him, trying Him, and saying to Him, “Is it right for a man to put away his wife for **every reason**?”
- (4) And He answering, said to them, “Did you not read that He who made them at the beginning made them male and female,
- (5) and said, ‘For this cause a man shall leave his father and mother and cleave to his wife, and **the two shall become one flesh**’?
- (6) “So that they are no longer two, but one flesh. Therefore, what Elohim has joined together, **let man not separate**.”
- (7) They said to Him, “Why then did Mosheh **command** to give a certificate of divorce, and to put her away?”
- (8) He said to them, “**Because of the hardness of your hearts, Mosheh allowed you to put away your wives,** but from the beginning it was not so.
- (9) “And I say to you, **whoever puts away his wife, except on the ground of whoring, and marries another, commits adultery.** And **whoever marries her who has been put away commits adultery.**”
- (10) His taught ones said to Him, “If such is the case of the man with his wife, **it is good not to marry.**”
- (11) And He said to them, “Not all receive this word, but only those to whom it has been given,
- (12) for there are eunuchs who were so born from their mother’s womb, and there are eunuchs who were made eunuchs by men, and **there are eunuchs who have made themselves eunuchs for the sake of the reign of the heavens.** He who is able to receive it, let him receive it.”

Summary of Matthew 19

1. Monogamy
 - a. Gen 1:27 was standard proof text, see Damascus document CD 4:20-5:6
2. Marriage should be lifelong
 - a. Divorce is not God’s will
3. Divorce is not compulsory, even with adultery
 - a. Hardness of hearts – Unwilling to repent
4. Marriage is not compulsory
 - a. Thus infertility is not valid grounds for divorce
5. Divorce for “any matter” is invalid
 - a. Ruling against Hillel
6. Remarriage is invalid after an “any matter” divorce
 - a. Ruling against Shammai

Standard Jewish Divorce Certificate:

“You are free to marry any Jewish man you wish”

Greco-Roman Divorce

- Walking out of the marital home (with intent of divorce) was considered valid divorce. Courts were only used if there was a disagreement over the dowry.

1Corinthians 7:1-16

- (1) And concerning the *matters* you wrote to me: It is good for a man not to touch a woman.
 - (2) But because of whoring, let each one have his own wife, and let each woman have her own husband.
 - (3) **Let the husband render to his wife what is her due, and likewise also the wife to her husband.**
 - (4) **The wife does not have authority over her own body, but the husband does. And likewise the husband does not have authority over his own body, but the wife does.**
 - (5) **Do not deprive one another except with agreement for a time, to give yourselves to fasting and prayer. And come together again so that Satan does not try you because of your lack of self-control.**
 - (6) And I say this as a concession, not as a command.
 - (7) For I wish that all men were even as I myself. But each one has his own gift from Elohim, one in this way and another in that.
 - (8) And I say to the unmarried and to the widows: It is good for them if they remain even as I am,
 - (9) but if they do not have self-control, let them marry, for it is better to marry than to burn.
 - (10) And to the married I command, not I, but the Master: **A wife should not separate from a husband.**
 - (11) **But if she is indeed separated, let her remain unmarried or be restored to favour with her husband, and let a husband not send away a wife.**
 - (12) And to the rest I say, not the Master: **If any brother has an unbelieving wife, and she thinks well to live with him, let him not send her away.**
 - (13) And a woman who has an unbelieving husband, and he thinks well to live with her, **let her not send him away.**
 - (14) For the unbelieving husband has been set-apart in the wife, and the unbelieving wife has been set-apart in the husband. Otherwise your children would be unclean, but now they are set-apart.
 - (15) **And, if the unbelieving one separates, let him separate himself.** A brother or a sister has not been enslaved in such matters. But Elohim has called us to peace.
 - (16) For how do you know, O wife, whether you shall save your husband? Or how do you know, O husband, whether you shall save your wife?
- (39) A wife is bound by Torah as long as her husband lives, and if her husband dies, **she is free to be married to whom she desires, only in the Master.**

שלום

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