Marriage as Covenant (Hugenberger)

Introduction

1. Need for study on covenant nature of marriage in OT
    1. Precise role of bride price, dissolubility of marriage, legal status of premarital sexual union?
    2. Who are covenant partners? Parents, bride and groom?
    3. What ratifies the covenant of marriage? Gift, vow, sex?
    4. What constitutes covenant breaking? Divorce, fornication, unbreakable?
        1. BTW: Scripture speaks of covenants being broken (Gn. 17:14; Dt. 31:20; 1Kngs. 15:19; Isa. 24:5; Jer. 11:10, 14:21; 31:32; 33:20; Zech. 11:10ff).
    5. *Sine qua non* of "covenant" is ratifying oath (verbal, symbolic etc.).
    6. God is said to be married to his people and in covenant with them.
    7. Covenant may take place, even though "covenant" not mentioned (2Sm. 7; cf. 2Sm. 23:5; Gn. 2 with Adam and Eve.
    8. Explicit marriage a covenant (Ezek. 16:8; Pr. 2:17; Mal.2:14)
    9. But if marriage in Malachi is literal, then "I hate divorce" and forced divorce in Ezra 10 disagree, right?
2. Def. of Covenant: "an elected, as opposed to natural, relationship of obligation under oath" (p. 11). Or, (PS), "chosen relationship of obligation under oath."
3. Contracts don't have oaths; covenants do. Oath makes it binding. Covenant is union based on an oath.
4. Point is to find marriage *ideal,* though Israel often fell short.

1. **The Interpretive Context of Malachi 2:10-16**
    1. Date of Malachi
        1. Malachi in relation to Ezra and Nehemiah
            1. Malachi share's Ezra's hatred for mixed marriage (Mal. 2:10-12) and condemns it as infidelity and abomination.
            2. Most think divorce Malachi condemns in 2:16 are divorces of Jewish rather than pagan wives (2:14-15) and thus condemnation unrelated to enforced divorces of Ezra's day.
            3. Not clear if Malachi was before, during or after Ezra and Nehemiah. Same general time
        2. Canonical Context
            1. Theme in Malachi is covenant (2:4, 5, 8, 10, 14; 3:1).
            2. 2:10-16 – Yahweh is witness between a man and his wife by covenant. Judah unfaithful to God by intermarriage to pagan wives and divorce based on aversion (strong dislike).
2. **Covenant in Malachi 2:14: Does it refer to Marriage?**
    1. Traditional view: marriage as covenant in Mal. 2:14
        1. "Covenant' is not always used in the same way.
        2. God is witness between wife and husband marriage in 2:14a
    2. Arguments against traditional view answered
3. **Malachi 2:16 and Divorce**

- Many think 2:16 is condemnation of divorce per se.
- Some want interpretation to pull from Deuteronomy and 24:1-4 relative lenient position (locus classicus OT passage on divorce).
- But 2:16 condemns not divorce in general but unjustified divorce (based on aversion).
    1. Approaches denying any kind of divorce in 2:16
    2. Approaches seeing 2:16 as absolute prohibition of divorce

1. KJV presents it this way: "I hate divorce, says the Lord God…". Fits with Deut. 24 if purpose there was to show indissolubility of marriage relationship.
2. And then how do you reconcile this with Ezra 9-10 as well.

3. Approaches limit kind of divorce prohibited in Mal. 2:16
    1. Malachi prohibits divorce based on aversion, unjustified divorce
        1. Should read: "If one hates and divorces, says Yahweh, God…"
        2. In OT, when idea of "hates" appears in context of divorce, refers to marriage partners, not God as subject (Gn. 29:31; Dt. 21:15-17; 22:13; 24:3; Judg. 15:2; Pr. 30:23; Isa. 60:15).
        3. Further, same subject remains the divorcing man for verbs "hates" and "covers", rather than going back and forth.
        4. Thus, "he" is the divorcing man who is doing so without justification.
    2. Some say "garments" refers to wife because of practice of obtaining a wife (Dt. 22:30; Ruth 3:9). Other's say garments is inner state of man.
4. Deut. 24:1-4
    1. Sole purpose to prohibit restoration of marriage after an intervening marriage.
    2. Woman often got payment or dowry after death or divorce. Man could keep dowry if woman guilty in divorce. He's getting rich off of her (80).
5. Conclusion: Mal. 2:16 condemns only unjustified divorce, not all divorce, and thus agrees with Deut. 24 perfectly.

1. **Malachi 2:10-16 and the toleration of polygyny elsewhere in the OT**
    1. Views on Mal. 2:16 and polygyny
        1. Condemns divorce only and no implication for polygyny
        2. Condemns only mixed marriage
        3. Reference to Ezra's divorces and no implication for polygyny
    2. General observations
        1. Condemns interfaith marriages as abomination, not merely divorce he's angry with. Agrees with Ezra.
        2. Heth and Wenham say what happened in Ezra 10 was not really divorce but dissolution of invalid unions (similar to Michal's marriage to Paltiel at instigation of Ishbosheth, 2Sm. 3:15).
            1. Proof: Unusual vocab used by Ezra to describe both the original unions (10:2,10) and the following dissolution (10:3, 11).
            2. Malachi doesn't use these unusual terms in 2:16.
            3. Further, Ezra was very unusual circumstances. Not initiated by spouses but corporate actions passed to guilty husbands.
            4. Point: not same issue in Malachi as in Ezra. Malachi rebukes unjustified divorces based on aversion. Divorce is qualified.
            5. These marriages not just against racial miscegenation (perhaps Jew to converted Gent OK) but idolatry was issue. Main issue in Ezra was religious syncretism.
            6. Thus, Malachi and Ezra not at odds at all.
        3. Issue in 10-16: mixed marriage to Gents and divorce of Jewish wives not linked but two examples of infidelity.
        4. Polygamy was not ethically approved (despite these 8 texts that try to prove it): Ex. 21:10; Lv. 18:17 (v. 18 directly forbids; Dt. 21:15-17; 25:5-10 (lev. Marriage, responsibility moved downward to increasingly younger); 2Sm. 12:7; Jr. 3:6-13; Ezek. 23; Mal. 2:10-16.
        5. Polygamy *lex imperfecta,* law prohibits something without making it invalid.
2. **Malachi 2:15: ADAM AND EVE and appeal to marriage as covenant**
    1. Some say covenant marriage didn't exist in OT.
    2. "Mal. 2:15 is one of the most difficult passages of the whole Old Testament." (126)

3. Just as Adam and Eve made one in marriage (Gn. 2:24), so in Malachi's day. Marriage as covenant derived from paradigm marriage in Gn. 2:24.
4. Just as Gen. 2:23 shows husband's obligation to be faithful to wife, so does Mal. 2:14-16. Nothing Malachi said was new.
5. Covenant: to create a unity between unrelated persons. Gen. 2:23 mimics the idea of a covenant ratifying declaration formula (2Sm. 5:1; 1Chr. 11:1).
6. Pp. 158-165 gives more technical details perhaps helpful for PhD and leave and cleave idea.

3. **Covenant and Oath defined**
    1. Covenants must have some kind of ratifying oath. These have several characteristics.
    2. Covenant is elected relationship of obligation established under divine sanction. Four ingredients in OT:
        1. Relationship
        2. Non-relative
        3. Obligations (and obligation primary focused not from wife to husband but husband to wife. *He* is to show faithfulness to her (Mal. 2:14-16) and *he* is to leave father and mother etc in Gn. 2:24.
        4. Established through oath (solemn, positive declaration; or solemn depiction like sharing meal or giving of a hand). Gn. 21:22ff; Great examples (!) Dt. 29:9ff; Gen. 26:26ff; Josh. 9:15-20; 2 Kings 11:4; Ezek. 16:8; 17:13ff.
        5. Oath and covenant almost synonymous in these passages.
        6. These four items clear in marriage covenant. Some say no oaths for marriage in Scripture
    3. Perhaps oaths not found because mostly really *contracts.* Or, arrangements made far after marriage took place (Gn. 31) so wouldn't expect an oath.
        1. An oath is a solemn declaration invoking God to act against you if you are false to commitment (2SM. 3:35; Gn. 31:50)
        2. But this can often be *shown,* not merely said.
        3. Gen. 15 and animal cutting ceremony is example.
        4. Gn. 2:23 in third person, oath made not to spouse only but to God as witness (cf. 2SM. 5:2).
        5. Also symbols of oaths: raising hand (Ex. 6:8; Num. 14:30; Ps. 106:26); lift palm Ps. 63:5; feasting together (Dt. 12:7; 14:26; 1Kings 3:15; Ps. 141:4; giving of the hand (2Kings 10:15; Jer. 50:15; Lm. 5:6; Ez. 10:19
        6. Other outward signs
            1. Gift of clothes for bride (Ezke. 16:10-12; Ruth 3:9)
            2. Anointing bride (Ezek. 16:9)
            3. Music, songs, and celebration (Ps. 78:63; Jer. 7:34; 16:9)
            4. Special wedding attire (Isa. 61:10)
            5. Meal/banquet (Gn. 29:27; Judg. 14:12
            6. Dowry (1Kngs. 9:16; MIc. 1:14) for more, see 241 note

4. **Verba Solemnia and sexual Union: the requisite covenant-ratifying oath and oath sign for marriage**
    1. Covenants need to have a solemn declaration of the commitments being undertaken. Maybe verbal, but often symbolic
    2. Examples of marriage with verbal oath
        1. Gn. 2:23; Hos. 2:4, 17-19; Pr. 7:4
    3. Marriage by purchase is not real marriage.
        1. It emphasizes relationship between man and family rather than man and wife
        2. It thinks ratification is at point of money/animal transfer not sexual union
    4. Bride price is not formative of *marriage* but of engagement.
    5. Sexual union consummates the marriage, it is a marriage-forming act. (Ex. 22:15-16; Dt. 22:28; Gn. 34; 2Sm. 13

6. Some say lobola forms marriage
7. Bride Price, or, *terhatum*
    1. No evidence payment of *terhatum* was constitutive of the marriage itself.
    2. It effected betrothal, engagement, not marriage (2Sm. 3:14)
    3. When this was paid, she was his "wife", but not full wife. Seems like intermediate status.
    4. Thus, there is no "bride price" in Scripture but actually a betrothal present.
8. It makes sense that whatever *creates* the marriage should then dissolve he marriage. If document forms, then it can dissolve. If formed simply, then left simply.
9. Gen. 29:21-28 is clearest example that sexual union consummates marriage.

5. Marriage as a Covenant Elsewhere in the Old Testament
    1. Examples:
        1. Pr. 2:17
        2. Ezek. 16:8, 59-62
        3. 1Sm. 18-20