

The relationship between God's covenant with His people and marriage in the Old Testament

In this paper we will focus on the Old Testament understanding of covenant, trying to show that there is a close connection between God's covenant with His people and marriage, which was also understood as a covenant. For this purpose we will start by looking into the family structures of ancient Israel, showing the importance that was attached to them and the fact that covenants were seen as extending the family bonds. From this conclusion we will look first at marriage and then at the covenant between God and His people, showing the closeness of the language used for both of them and also the way they influence each other.

1. Family structures and kinship in Ancient Israel

Far from being an artificial concept which developed under economic pressures, family is deeply rooted in the human nature. In any society there is a “universal postulate of legitimacy,”¹ i.e. a universal rule that a woman's childbearing must happen after she marries a male partner. This shows that marriage between man and woman is a basic institution of human society that simply follows the requirements of human nature. Marriage is therefore not a product of culture, but rather its beginning and origin; in any culture marriage has at least the role of “social consecration of the biological functions,”² which are then regulated by a strict set of rules, whose violation is always regarded as culpable. But, as Dawson points out, it is precisely the moral effort required by such rules that plays an essential role in the development of human culture. Family is thus an important factor in building human society.³

¹ Bronislaw Malinowski, *Sex and Repression in Savage Society* (London and New York: Routledge, 2001), p.169

² Christopher Dawson, *Dynamics of World History* (Sherwood: La Salle, 1978), Ch. 4 *The Patriarchal Family in History*, 158

³ Cf. Dawson, *Dynamics of World History*, p.158-60

In Ancient Israel, as among all the West Semitic tribes, kinship was the most important factor for social organization. The strength of the kinship bond came from its being conceived in terms of one blood, understood as the place where life lies, flowing through the veins of the kinship group, so much so that, “the whole kindred conceives of itself as having a single life.”⁴ This was not understood just symbolically, but it implied a community of life, based on blood relations; the whole kindred group traveled together, waged war together and its members were bound to protect and support each other in different circumstances of life.⁵

In the Old Testament there are different terms describing family relations: First, there is *mishpaha* (clan, or family), a term designating an expanded household, which is somehow the link between the tribe and the father’s house (cf. Num. 2:34, and especially Jos. 7:14, where the distinction between tribe, *mishpaha* and the father’s house is clearly made); then there is *beth’abh*, the father’s house, comprising usually the husband, wife, sons and their wives and the daughters⁶; and finally, there is *‘am*, usually translated as *people*, though it rather conveys the idea of a whole, of a complete kindred community⁷. In Israel however, these terms⁸ are used in a rather fluid way, each of them being often employed to describe the other ones, depending of the emphasis which is being made,⁹ and they are all centered on the same idea of the rise of the family, of the father’s house; they all arise out of kinship, describing different degrees of kinship, from the patriarchal family to the nation.

⁴ W. Robertson Smith, *Kinship and Marriage in Early Arabia*, new edition, ed. Stanley A. Cook (London, 1903), 46. Cf. also Frank Moore Cross, *From Epic to Canon, History and Literature in Ancient Israel* (Baltimore: John Hopkins Univ. Press), ch.1 *Kinship and Covenant in Ancient Israel*, 3

⁵ Cf. Robertson Smith, *Kinship and Marriage in Early Arabia*, 45-48. Cf. also F. Moore Cross, *From Epic to Canon*, 3-5.

⁶ See Gen. 12:1, 20:13, 24:7, 1 Sam 27:3, 2 Sam 2:3

⁷ See Gen. 17:14, 25:8,17, 35:29, 49:29,33, Ex. 30:33,38, 31:34, Lev. 7:20, 17:4, 20:3,6, 25:27, Num. 20:24, 27:13, 31:2, Deut. 32:50,

⁸ For a more detailed analysis of these terms see Johs. Pedersen, *Israel – Its life and culture* (London: Oxford Univ. press, 1973), p.46-57

⁹ Of all these terms however, *mishpaha* occupies a central role and is the one most fluidly applied to describe both the father’s house and the tribe. This is due to its intermediary place, between the house and the tribe. But most especially, this is due to the common kinship root of all the terms and their overlapping meaning. Thus, while the father’s house is centered upon the father and includes all those who call him father (and thus all those who have a common ancestor), *mishpaha* is also not a clearly limited quantity, but rather the appellation of those who are of common blood, of those who are united through a community of life; and finally, the tribe and the people, are also kindred-based notions for the Israelite, so that the people of Israel is also the house of Israel.

The words designating those belonging to the community follow the same fluid categories: brother – ‘*ah*, kinsman – ‘*amith*, or neighbor – *re*^a. Of these, the most comprehensive, and probably also the most fluid is the word ‘*ah*, designating a brotherhood which knows degrees and extending “as far as the feeling of consanguinity exists,”¹⁰ and thus referring properly not just to the members of the same father’s house, but also to the same clan, *mishpaha*. Similarly, ‘*amith* is the proper word designating a person belonging to the same people, ‘*am*, from which the word is derived. Finally, *re*^a – neighbor, is the only term that does not designate blood relationship, but friendship; however, since the whole society is so strongly built around the family, even this term acquires a family dimension in Israel.¹¹

Indeed, Israel was built as a nation around the concept of the family, a family which had a patriarchal character and in which the man is the center of the family, its *ba’al* – possessor, master. But the *ba’al* implies also an intimate relationship which places limits to the exercise of power, which is to be directed toward the good of his whole house. Thus, around his figure the house is built as a community which bears his stamp; starting with wives and children and continuing with slave and property, all are parts of this unity. This structure of the family is reflected in all the aspects of family life, custom and law.¹²

Thus, the role of the wife appears as that of a helper in building the house of the man, but a helper which enters a deep union with the man, so deep that it makes impossible a similar union with other members of the house.¹³ Moreover, the first and most important duty of the wife is to give to the man children; through it she acquires a place in life and a share in the family and in authority over children; motherhood is “the patent of nobility of a woman”¹⁴. All the marriage customs and laws are structured around the idea of continuing the life of the man

¹⁰ Pedersen, *Israel – Its life and culture*, 58

¹¹ Cf. Pedersen, *Israel – Its life and culture*, 59-60

¹² *Ibid.*, 62-3. One interesting way in which the relationship between the father and the other members of the house is emphasized is through the special relation in which the family stands to property, especially to land. Although the family community is so close that property may be called common, property is still private and centered on the fathers of the houses. But giving away the property inherited from one’s fathers is a sacrilege against oneself and against one’s kindred (see also p. 82-96)

¹³ *Ibid.*, p. 64. See also Scot Hahn and John Sitze Bergsma, *Noah’s Nakedness and the Curse on Canaan*, in *Journal of Biblical Literature*, 124/1 (2005), 25-40

¹⁴ Cf. Pedersen, *Israel – Its life and culture*, 70

in the family. This is what explains both the one-sidedness of the divorce laws, and also the practice of polygamy in the old Israel.¹⁵

The family centered structure of the Israelite society is reflected also in the large use of kinship language; the areas of obligation of the kinsman extend to all the aspects which involve the welfare of his fellow kinsman. It is first of all an obligation of love, which is practically expressed in the prohibition of vengeance or of taking interest, but also in the duties of redemption, *ge'ulah* (to redeem the kinsman sold into slavery, to redeem sold property, to secure the name of the dead kinsman by marrying the widow)¹⁶. The language of kinship is thus a language of love; it expresses the bond that unites fellow kinsman through the intimate family relationship. In fact, also the word *hesed* (loyalty) is a term that originally designates the loyal and loving behavior proper to a kinship relation.¹⁷

2. Covenant as an extension of family relationship

Whenever someone outside the sphere of blood relations needed to be incorporated in the kinship group, covenants were established (between individuals or between groups), in which the same language of kinship, of love, was employed.¹⁸ Although used beyond the sphere of

¹⁵ Ibid., 64-78

¹⁶ F. Cross, *From Epic to Canon*, 4-5. Note here the family roots of the terms *ge'ulah*, - redemption and *go'el* – redeemer, meaning the one who acts toward reestablishing the common good of the family.

¹⁷ The term is also translated sometimes as *love*. See for ex. Ps. 136.1: “give thanks to the Lord, for he is good, for his steadfast love (*hesed*) endures for ever.” F. Cross (*From Epic to Canon*, 5-6) points out that, while the term is used outside the kinship sphere, it retains its meaning, with the natural implication that, when extended outside the kinship group, behavior appropriate to a kinship relationship becomes *gracious* and *altruistic*, enlightening the dimension of *mercy*, which the word acquires when applied to God. In the OT the word *hesed* is always applied to God in connection with the covenant that God established with Israel. This covenant was, on God's part, a gift and a grace for Israel. Nevertheless, since, in harmony with the covenant entered into, God had made a commitment to respect it, *hesed* also acquired in a certain sense a legal content. The juridical commitment on God's part ceased to oblige whenever Israel broke the covenant and did not respect its conditions. But precisely at this point, *hesed*, in ceasing to be a juridical obligation, revealed its deeper aspect: it showed itself as what it was at the beginning, that is, as mercy, as love that gives, as grace stronger than sin. Therefore Israel, although burdened with guilt for having broken the covenant, cannot lay claim to God's *hesed* on the basis of (legal) justice; yet it can and must go on hoping and trusting to obtain it, since the God of the covenant is faithful to Himself. The fruits of this love are forgiveness and restoration to grace, the reestablishment of the interior covenant. (cf. John Paul II, *Dives in Misericordia*, note 52)

¹⁸ See for ex. the individual covenant between David and Jonathan (1Sam. 18:1-3 and 20:14-20) or the treaty between Hiram of Tyre and Israel (1 Kings 5:7-12), which is called a “covenant of brotherhood” (Amos 1:9). In both cases the language employed is clearly the language of love specific to kinship relations. F. Cross (*From Epic to Canon*, 8-11), validly dismisses the understanding of the terms used just as *covenant terminology*.

kinship, the kinship formulas implied by the language of covenant still preserve their essential meaning; for covenantal relations always had a family-like character.

In his discussion on the covenantal nature of marriage, Hugenberger shows that the term covenant cannot properly be regarded as a loose term implying relationship in general. The overwhelming number of occurrences of the word in which also some sense of obligation is implied is further proof that the covenant is not just an act by which a relationship is established, but rather one by which an obligation is assumed and/or imposed on another, usually based on a preexistent relationship.¹⁹

Hugenberger proposes a “concept oriented”²⁰ approach toward the different senses of the Hebrew word for covenant; he points out that the predominant sense of covenant in Biblical Hebrew is that of “an elected, as opposed to natural, relationship of obligation established under divine sanction.”²¹ Such a definition seems to leave outside the main idea of the covenant, which is that of establishing a brotherhood based on love and peace between the two parties. However, all its elements are only emphasizing this aspect, and must be understood in light of it. Thus, the obligations assumed, and the sanctions accepted, invoked upon oneself if the obligations are not fulfilled, are part of the same commitment of entering an enduring relationship.

This definition of a covenant includes on one hand both individual and national relationships, and on the other hand it also includes both covenants in which the two parties are human, with divine sanctions invoked over it and covenants established between God and man.

¹⁹ cf. Gordon P. Hugenberger, *Marriage as a Covenant. Biblical Law and Ethics as Developed from Malachi*, (Grand Rapids: Baker Books, 1998), 168-71. We must however point to the fact that, while a preexistent relationship is necessary in the establishment of a covenant, the act itself, by which the covenant is established marks the establishment of a new level of relationship, of a more intimate level, which usually confirms, strengthens and gives permanence to the preexistent relationship.

²⁰ G. Hugenberger, *Marriage as a Covenant*, 171

²¹ Ibid. Hugenberger also gives a full overview of the use of the term covenant (*b^e rît*); he shows that, besides this main use, the term is sometimes used also for a pact established under divine sanction – the difference being in the more limited nature of the commitment. All the other instances of the use of the term refer to objects or signs related to a covenant (i.e. replacing expressions as “the book of the covenant”, “the tables of the covenant” or “the sign of the covenant”); or to specific obligations undertaken within the covenant (i.e. the word covenant stands for a covenant stipulation). Moreover, Hugenberger mentions also two idiomatic expressions in which the word is used, namely “to cut a covenant” – referred to the making of a covenant, and “given as a covenant” – used in Is. 42:6 and 49:8 and referred to the servant of Yahweh, signifying the one who embodies the covenant. (pp. 171-76)

Therefore, under this same definition of covenant we can fittingly find all the covenants, individual or national between God and his people; another special case would be the international political treatise; and yet another case of such elected relationship of obligation is constituted by the kinship-in-law covenants (entered through marriage, adoption or brotherhood in law – see the covenant between David and Jonathan).

Hugenberger makes a detailed analysis of all the elements implied by the definition he uses for covenant. First of all, he shows that any covenant implies relationship, a fact which is also underlined by the family terminology used in reference to the partners of the covenant, and moreover, by the frequent use of family models to describe covenantal obligations.²² Particularly interesting is the depiction of the relationship between God and His people in terms of husband-wife relationship, which, “although unattested outside the Bible, is used extensively to depict the deity’s relationship to Israel.”²³

Other images used as models for covenantal relationships include lord and servant, and friend or companion, but behind all the models used for covenant one finds the same “pre-eminent covenantal obligation of *love* or *brotherhood*.”²⁴ This idea is also reflected in D.J. McCarthy: “Covenant is not contract... It is personal union pledged by symbol and/or oath. The relationship comes first”²⁵; also P. Kalluveetil points out that the basic idea of a covenant is the attempt to extend the bond of blood beyond kinship through a formal act of accepting the

²² Hugenberger, *Marriage as a Covenant*, 176-77

²³ *ibid.*, 178. The absence of this analogy in extra-biblical texts is discussed in Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Winona Lake, Ind.: Eisenbrauns, 1992), pp. 81f, note 6. Although perhaps, as Hugenberger points out, Weinfeld’s position needs to be qualified with regard to the use of marriage relationship analogy for covenants, the Old Babylonian magic texts to which Hugenberger refers in his work (ch. 7, § 1.1.5, 223-25) are very far from the covenantal relation between God and Israel and it is at least unclear to what extent they satisfy Hugenberger’s own definition of covenant as an elected, as opposed to natural, relationship of obligation established under divine sanction. While they point to the use of solemn words for the establishing of marriage, they do not really point to an understanding of the relation between the deity and men in spousal terms. The “*etlu* tablet”, the main text which Hugenberger sees as qualifying Weinfeld’s position, only shows that betrothal was used as an analogy for demon possession and that a symbolic “marriage” rite between a piglet and a sickness-figurine which was part of the ritual for deliverance from the demon was established under divine sanction, having the god Samas as witness. It seems to us that we can not really speak of a covenant in reference to any of these aspects (the “betrothal” of the possessed person with the demon or the symbolic marriage which involves impersonal entities).

²⁴ Hugenberger, *Marriage as a Covenant*, 179.

²⁵ Denis.J. McCarthy, SJ, *Treaty and Covenant*, 3rd ed. (Rome: Pontifical Biblical Institute, 1981), p. 297

other as one's own: "the idea 'I am yours, you are mine' underlies every covenant declaration. This implies a quasi-familial bond."²⁶

The second aspect of a covenant is that it is established with a non-relative, i.e. that a covenant is an elected, as opposed to a natural relationship, a statement supported by the use of the covenants for extending relationships beyond natural blood relations. As an overwhelming evidence for this assertion stands the fact that the Hebrew word for covenant is nowhere used of natural relationship and the obligations normally arising from them.²⁷

With regard to the aspect of obligation, it is clear that any covenant involves some obligations. The only point in question refers to whether these obligations are mutual or not. However, it can be safely asserted that there is a certain degree of mutual obligation in any covenant, even if these obligations "may often be assumed as matters of cultural convention."²⁸

The fourth element implied in the definition of covenant is the oath; it is the oath which gives the covenant its binding validity, because it invokes the deity to act against any breach of the covenant. This is why it seems that without an oath there is no covenant.

3. Marriage as covenant

Marriage appears as an eminent example of a covenant. The laws of Lev. 18 and 20 show that marriage literally extended family relationships (so much so that relations of affinity were regarded as similar to the ones based on blood). Moreover, even within the patriarchal family marriage entailed reciprocal obligations; in fact, the primary obligation of marriage, as stressed by Gen 2:24 and also Mal. 2:14-16, is that of the fidelity of the husband toward his wife.²⁹

²⁶ P. Kalluveetil, *Declaration and Covenant: A Comprehensive Review of Covenant Formulae from the Old Testament and the Ancient Near East* (Rome: Pontifical Biblical Institute, 1982), 212, cf. Hugenerberger, *Marriage as a Covenant*, 179

²⁷ Hugenerberger, *Marriage as a Covenant*, 180-81

²⁸ *ibid.*, 181. Cf. also D.J. McCarthy, *Old Testament Covenant* (Wiley Blackwell, 1973), 3. Hugenerberger shows that marriage is, in this respect also, qualifying as a covenant, as it is plain even from the creation account, which very clearly points to the obligations of both Adam and Eve; for Eve is said to be *a helper fit to him*, while about the man it is said that his love and loyalty to the wife will come before any other natural relationships, since he shall *leave his father and his mother and cleave to his wife, and the two will be one flesh.*

²⁹ Cf. Hugenerberger, *Marriage as a Covenant*, 181-82

From this conclusion, Hugenberg goes on to analyze whether the presence of an oath can be claimed for marriage in the Old Testament.³⁰ For Hugenberg, by oath one should understand “any solemn declaration or enactment which invokes the deity to act against the one who would be false to an attendant commitment or affirmation.”³¹ This leads to an important point for the understanding of marriage as a covenant, and of covenant in general: oaths cannot be considered as exclusive verbal acts; on the contrary, they are very often symbolic, or at least they combine symbolic actions with verbal declarations. But since the Bible is not always explicit in unfolding the precise symbolism of these acts, there is a doubt as to what role a certain act plays in regard to an individual covenant rite.³²

Moreover, an oath must not necessarily include an explicit self-malediction. In fact, some covenants are not established through verbal oath, but through certain rites or signs. And again, from these covenant-making rites, some are self-maledictory, while some are at least not clearly so. Thus there are many verbal oaths where the malediction has an abbreviated or incomplete form, but also oath-signs as an uplifted hand, a shared meal or giving of a hand.³³

The account of Gen 2-3 is very rich in meaning. Besides the need to explain the origin and character of the human race or literary concerns (such as to provide an introduction for the whole of Gen), many other purposes have been proposed for the passage, all pointing to the richness of this passage.³⁴ However, the most prominent purpose of the passage seems to be the attempt to provide in the account of Adam and Eve “a normative paradigm of marriage.”³⁵

³⁰ Hugenberg (*Marriage as a Covenant*, 185-92) points out that the lack of mentions of oaths for marriage contracts and laws in the ancient Near East is due to the fact that ancient Near Eastern law was “predominantly concerned with the unusual and difficult, not with what could be assumed,” and that such omission is only one case in a list of omissions, which include also prohibitions against father-daughter incest, self-induced abortion or rape of a married woman. Moreover, covenantal oaths are not to be searched for in the marriage contracts since their main concern was economic, dealing mainly with special conditions agreed upon before marriage. Furthermore, even in records which clearly establish a covenant and in which there is no doubt that an oath was part of the formality which made it valid, since such an oath is recorded in other places, the oath itself can be lacking from the narrative (see for example 2 Sam 3:9, Isa. 54:9 or Ezek. 16:8, 20:5-6, which all refer oaths undertaken by YHWH which were not explicitly mentioned in the original narrative).

³¹ Hugenberg, *Marriage as Covenant*, 193. He also mentions that, for less solemn oaths another person may be invoked, generally the king – cf. note 101 – same page

³² *ibid.*, 194-96

³³ *ibid.*, 197-99

³⁴ Hugenberg, *Marriage as Covenant*, 151; some of these purposes would be the need to explain the lack of ribs about the abdomen, the presence of the navel, the embarrassed consciousness of sexuality,

Gen 2:24, the *locus classicus* of marriage (“therefore a man leaves his father and his mother and cleaves to his wife, and they become one flesh”) offers a climactic summary of Gen 2:18-24. Indeed, the purpose of the passage, as it is found in the canonical text, is very well integrated in the story; the universal character of 2:24 is accompanied by similar universal texts, like the blessing and universal mandate in Gen 1:28, but also the universal punishment and curses in Gen 3:14-19.³⁶

Moreover, the literary parallels between Gen 1-11 and other Near Eastern creation make the inclusion of a paradigmatic marriage not surprising; this is not to say that there would be a clear dependence of Gen 1-11 on any of these texts – rather it can be said that Gen 1-11, using a literary genre into which the ancient reader would expect such questions to be addressed, the biblical author refutes these myths with an indirect polemic against polytheism, but also against the role of the woman in some of the fertility cults.³⁷

While it is true that the word *covenant* is not used in Gen. 2-3, there is sufficient evidence in the text showing that such a designation would be appropriate for the relationship of Adam and Eve; for covenants can be also between individuals, not only between man and God, and they always establish family-like relations, based on love and loyalty.³⁸

Hugenberger rightly argues against the idea that Gen 2:24 would suggest some primitive matriarchate, since such a theory does not offer any biblical support and shows that the terms *leave* and *cleave* have to be understood as defining each other; as *cleave* is not understood in a physical way, but as a radical change of loyalty, *leave* should be understood in the same context.³⁹ Moreover, both terms are frequently used with similar meanings in covenantal

the use of clothes, the leglessness of the snake and the woman’s fear of them, death and burial in the ground, pain in childbearing, futility of labor, man’s need to till the ground

³⁵ *ibid.*

³⁶ *ibid.*, 152-54

³⁷ *ibid.*, 154-56. See for example John A Bailey, *Initiation and the Primal Woman in Gilgamesh and Genesis 2-3* in *Journal of Biblical Literature* 89 (1970), p.147: “The Gilgamesh parallel is of significance not because it indicates the path which J followed, but rather the path which he knew but from which he departed”

³⁸ Hugenberger, *Marriage as Covenant*, 157

³⁹ Hugenberger, *Marriage as Covenant*, 158-60. Against interpreting Gen 2:24 as pointing to a primitive form of marriage in which the wife remains in her father’s house, called an *erebu marriage*, see also Claus Westermann, *Genesis 1-11, A commentary* (Minneapolis : Augsburg Pub. House, 1984), 233, who points that the text speaks about leaving the parents, not their house

contexts to express the relinquishment of one's commitment to another – *to leave* and the assumption of an ardent covenant loyalty – *to cleave*.⁴⁰

Another important feature of Gen 2:24 pointing to the notion of covenant is the mention of becoming *one flesh*. While such a clause is susceptible to different interpretations, it seems clear that seeing it as an allusion to offspring or to sexual union, although it points to elements connected to the author's intention, it nevertheless misses the main direction of the text. For their becoming one flesh is not invalidated by the absence of children, nor does it cease in the periods of abstinence. Therefore, *one flesh* must be understood as expressing “the on-going state of marriage”⁴¹ which bounds two people to one another.

As one can see also in 1 Cor 6:16, becoming one flesh refers not to the sexual act, but rather describes a result of it. Marriage is a covenant in which sexual union has specifically the role of an oath sign.⁴² This enduring state represents a bond founded on love commitment resulting from and expressed in the sexual union; but this bond has a specific character due to the intimacy and the specific procreative character of the relationship intended, and therefore the bondedness about which we speak is specifically a familial one. The expression *they become one flesh* refers to “the familial bondedness of marriage which finds its quintessential expression in sexual union.”⁴³

From this we see that the implications of becoming *one flesh* for Adam and Eve yield toward understanding their marriage as a covenant, inasmuch as the purpose of covenant is to create unity and this unity is commonly described in familial terms. This interpretation is also strengthened, if not even required by the relational formula in the previous verse: “This at last is bone of my bones and flesh of my flesh” (Gen 2:23). This relationship formula finds remarkably close parallels in texts that affirm familial closeness,⁴⁴ and especially in texts that

⁴⁰ Cf. Hugenberger, *Marriage as Covenant*, 160. cf. also John S. Grabowski, *Sex and Virtue. An Introduction to Sexual Ethics*, (Washington DC: Catholic University of America Press, 2003), 34-36

⁴¹ Hugenberger, *Marriage as Covenant*, 162.

⁴² *Ibid.*, 216-279

⁴³ *Ibid.*, 163 See also M. Gilbert, ‘*Un seule chair*’ (Gn 2:24) in *Nouvelle Revue Théologie* 100 (1978), 66-89 for one flesh as bondedness and Grabowski, *Sex and Virtue*, 31-48 for the role of sexual union in sealing the marriage covenant

⁴⁴ See Gen 29:14, 2 Sam 5:1, 19:13, 1 Chr 11:1, Judg 9:2

do not simply affirm the existence of a blood relation, but are solemn declarations, covenant oaths establishing a pattern of solidarity.⁴⁵

In his attempt to show that marriage was seen as a covenant in the OT, Hugenberger makes a thematic overview of OT texts referring to marriage. He starts by looking at the indirect references that point to the fact that marriage was seen as a covenant. As he points out, if marriage is understood as a sanction-sealed commitment to which the deity is witness, then any offence against marriage by either the husband or the wife would be seen as sin, perfidy or infidelity against the other spouse and against God; and marital infidelity ought to prompt God's judgment against the offending party. Moreover, intermarriage with pagans should be prohibited, because idolatry would result in swearing the ratifying oath.⁴⁶

Even if marital offences are not specifically termed as sins against the other spouse, there are texts that identify it with perfidy or infidelity against one's spouse. Num 5:12 and 27 for example describe the wife's adultery as perfidy (*ma'al*) against her husband; and it has been noted that these are the only places this term is used outside the sacred sphere of sancta and oath violations.⁴⁷ Adultery in particular is seen in the OT as faithlessness against one's spouse. The Hebrew word for *to act faithlessly, treacherously* refers not to improbity in general, but specifically to "infidelity against some culturally expected or oath-imposed obligation."⁴⁸ Thus the word is also used to describe transgressions of the covenant between Yahweh and Israel and especially to describe Israel's covenantal offences in terms of marriage analogy.⁴⁹

⁴⁵ Hugenberger, *Marriage as Covenant*, 164-65

⁴⁶ *ibid.*, 280-282

⁴⁷ Cf. Jacob Milgrom, *Cult and Conscience: The Asham and the Priestly Doctrine of Repentance* (Leiden: Brill Archive, 1976), 133-35. See also, Hugenberger, *Marriage as Covenant*, 282-83, and especially 185-92 where Hugenberger answers to Milgrom's final rejection of the idea of marriage as covenant, pointing that perfidy is applied to adultery precisely because it refers to a violation of the oath by which the marriage covenant was ratified. Ezek 16:8 describes the oath taken by Yahweh in terms of marriage, very much like Gen 2, in which also it is the husband who undertakes the oath. Moreover, perfidy, as a specific oath violation term, is always associated with the reparation offering, as the specific offering to redress such violations, and Lev 19:20-22 stipulates a reparation offering for adultery with a betrothed slave-girl (even though the word for *betrothed* in Lev. 19:20 is a *hapax legomenon*, different from the usual word for *betrothed* and Hugenberger, p. 285-88, follows E.A. Speiser, *Leviticus and the Critics*, 34f, S.M. Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law* [1970], 54, and others, in arguing that the term would mean rather a pledge toward engagement).

⁴⁸ Hugenberger, *Marriage as Covenant*, 288

⁴⁹ cf. Jer 3:8, 11, 20, Hos 5:7

The word is however used not only to describe an unfaithful wife, but also an unfaithful husband, whose infidelity also proves to be sexual, though not only. Especially interesting is the fact that some of these instances explicitly state that the infidelity in view is committed against one's wife, not against the father-in-law.⁵⁰ Thus, Prov. 23:27, 28 describes the harlot as *increasing the faithless among men*, Jer. 9:1 describes adultery committed by the husband as infidelity and Mal 2:14 describes capricious divorce as infidelity against one's wife.

The consistent view of adultery as a sin against God, bringing shame and rendering both of the participants unclean and guilty⁵¹ is not only a result of its condemnation in the Decalogue. The OT seems to presuppose "a general moral consciousness in man, shared even by the pagans, which acknowledges adultery as a heinous wrong committed not only against the injured husband, but also against God."⁵²

Regardless of whether there is a conscious reflection of the fact that marriage is a sanction-sealed covenant or not, many biblical texts identify marital offences, particularly adultery as provoking God's direct judgment against the offenders.⁵³ Adultery was one of the chief sins that brought about Yahweh's wrath against the Canaanites and similar practices will incur a similar judgment on Israel.⁵⁴

Moreover, the identification of marriage as covenant is supported by the frequent prohibitions against intermarriage with pagans.⁵⁵ Since international parity treaties were prohibited for Israel because, although the gods of one party were not imposed upon the other, the gods of both parties were invoked in such treaties and such invocation was an implicit recognition of the reality and ability to punish of these gods, for the same reason, if marriage is seen as a covenant with mutual swearing of ratifying oaths, the same prohibitions have to apply

⁵⁰ thus further supporting the view that marriage was not effected by purchase and thus the covenant partners are the spouses

⁵¹ cf. Gen 20:6,9, 26:10, 39:9, Lev 18:20,29, Num 5:13f,15,19f,28f,31, Deut 22:22,24, 2 Sam 12:9,13, Ezek 18:6,11,15, 22:11, 33:26

⁵² Hugenberger, *Marriage as Covenant.*, 289-91. See Gen 20:6, 9, 26:10 which point to pagans describing adultery as a sin against God, a view supported also by other Near Eastern texts – see S.E. Loewenstamm, *The Laws of Adultery and Murder in Biblical and Mesopotamian Law*, 146-53 and J. Milgrom, *Cult and Conscience*, 133

⁵³ Cf. Gen 12:10-13, 20:1-8, 26:10, 39:9, 2 Sam 12:13, Wisdom 3:16-19, Job 31:9-12

⁵⁴ cf. Lev 18:24, Jer 5:7-9, 7:9-15, 23:10, 29:23, Ezek 33:26

⁵⁵ cf. Ex 34:12-16, Num 25, Deut 7:2-4, Judg 3:6, 1Kgs 11:2, Ezra 9:12, 10:2,10 Neh 10:31, 13:25

to marriage. And in fact, we see that the prohibitions found in OT are only concerned with interfaith marriages and not with exogamous marriages as such. Moreover, these prohibitions assume that idolatry is the inevitable result of such marriages, an assumption which is comprehensible only if idolatry is a “necessary consequence of the very act of solemnizing such a marriage by means of bilateral oaths.”⁵⁶

But besides the great wealth of indirect biblical evidence that marriage was seen in the OT as a covenant, there are also texts that explicitly identify marriage as a covenant. Extended evidence of the terminological compatibility between marriage and covenant can be found in the texts expressing Yahweh’s relation to Israel in terms of the marriage analogy, an analogy which would have been out of place if marriage would not be also seen as a covenant. This is especially relevant since the dissimilarities between the two covenants are so significant that they don’t seem to recommend it: on one hand we have a covenant between two human individuals as parts of the covenant which is established under divine sanction, and on the other hand we have a covenant established between God and a corporate personality, the whole people of Israel (even if the Israelite national identity is based upon a common ancestry, and thus the whole of Israel is at the same time the house of Israel).

Hosea appears to be the first describe Israel’s infidelity as adultery and to fully develop this analogy (cf. Hos 2:4-25), but this analogy is nevertheless a recurring theme of the OT,⁵⁷ being, independently or not, developed by different prophets, who are each bringing different accents to it.⁵⁸

But there are also other texts that explicitly identify marriage with a covenant. Prov 2:17 promises the young man that if he attains wisdom he will be spared from the loose and

⁵⁶ Hugenberger, *Marriage as Covenant*, 293-94

⁵⁷ Cf. Prov. 8, Is. 1:21, 54:5-8, 57:3-10, 61:10,11, 62:4,5, Jer. 2:2,20, 31-25, 13:27, 23:10, 31:32, Ezek. 16, 23.

⁵⁸ Hugenberger, *Marriage as Covenant*, 295. In particular the book of Malachi, although it does not apply the analogy directly, appears to be the first instance of “reverse application” of this analogy. While the marriage analogy was initially applied to explain the relationship between Yahweh and His people, it is now being reapplied to serve as a paradigm for marriage itself, a view which is echoed in Eph 5:21-33 and the later rabbinic view of marriage as a replica of the formation of God’s covenant with Israel at Mt. Sinai. See also Marvin R. Wilson “Marriage and Sinai: Two Covenants Compared” in *Our Father Abraham. Jewish Roots of the Christian Faith* (Grand Rapids: Eerdmans, 1989), 203-8.

adventurous woman who *forsakes the companion of her youth and forgets the covenant of her God*. Hugenberger shows that the passage must refer to a marriage covenant witnessed by the true God, and also that it does not identify the woman as a pagan.⁵⁹

In the context of reproaching Jerusalem for her infidelity, Ezek 16 describes Yahweh's relationship with Jerusalem in terms of marriage and its violation in terms of adultery. The image has been interpreted as referring either to the Sinaitic or to the Davidic covenant, both interpretations having their legitimacy. The uncertainty of the passage comes from the interpretation of "I spread my skirt over you and covered your nakedness" (Ezek 16:8). Hugenberger argues that this most likely refers to "a literal act of covering which was typically performed in the contraction of marriage."⁶⁰ The symbolic meaning of the gesture was interpreted either as a claim of ownership, as a pledge from the groom for his provision of the bride or as referring to the two becoming one and being covered with the same clothes; in any case the gesture is clearly intended to represent a marriage forming act (cf. also Ruth 3:9) and it is probably the clearest biblical identification of the presence of an oath-gesture in marriage.⁶¹

One other text bringing evidence of marriage as a covenant is the analogy between David's covenant with Jonathan and his marriage with Michal in 1 Sam 18-20, in which Jonathan tries to protect David from Saul's anger, while Michal accuses him of attempted uxoricide, a parallel situation which is later recalled by David: "brother Jonathan, very pleasant have you been to me; your love for me was more wonderful than the love of women" (2 Sam

⁵⁹ While the Hebrew word describing the woman can be understood as *strange*, *loose* or *foreign*, the context does not favor the interpretation as *foreign*. Proverbs would not condemn a woman's forsaking of the relation with a false god; moreover, the concept of covenant between pagan deities is not very well attested; and finally, Prov does not contradistinguish God and Yahweh and that the use of God is explainable in terms of Hebrew grammar, which does not allow for a pronominal suffix. And although the passage can be read as referring to the Sinaitic covenant, such an interpretation is not very probable both because of textual evidence which lead to interpreting the passage as referring *the companion of her youth* to the husband and because the literary genre of Proverbs, as wisdom literature, is not particularly concerned with covenantal issues, *covenant* appearing only here in the whole of Prov, while there is no mention of the patriarchs, Moses, Exodus, Sinai, Horeb or David in the whole book. Finally, as circumstantial evidence, there is a great similarity of concerns and vocabulary between Prov 2:17 and Mal 2:10-16, suggesting a similar understanding of marriage as covenantal. (cf. Hugenberger, *Marriage as Covenant*, 296-302)

⁶⁰ Hugenberger, *Marriage as Covenant*, 304

⁶¹ *Ibid.*, 305

1:26). This text in fact condemns Michal for not matching Jonathan's loyalty to the covenant he entered with David and thus failing to fulfill her covenantal marriage obligations.⁶²

Having looked at the texts identifying marriage as a covenant throughout OT, we must also look at texts that infirm the presence of a double standard for marriage in OT, according to which sexual fidelity would only be required from a woman. We have already seen that Ezek 16:8 presents the husband as taking an oath in marriage, a fact that is also attested elsewhere,⁶³ but the fact that many texts condemn sexual relations with "the neighbor's wife" and that there is no indisputable evidence in OT of an unmarried woman being said to commit adultery seems to deny a covenantal meaning for marriage⁶⁴; for, if the love and fidelity required by OT marriage would be unilateral, then such marriage would not be covenantal. But the main texts that were used to claim approval or moral indifference to sexual relations between a married man and an unmarried woman prove unconvincing at a closer examination.⁶⁵ When looking at the attitude toward extramarital relations in Israel, one needs to distinguish actual practices and particular behaviors from the views and ideals of the biblical authors; one also needs to distinguish criminal sanction from moral censure and see that in a traditional society what is morally acceptable may be far stricter than what the law prohibits. Gen 38 shows both that the

⁶² Hugenberger, *Marriage as Covenant*, 311-12

⁶³ See Gen 2:23 and Elephantine marriage documents (cf. Hugenberger, *Marriage as Covenant*, 313)

⁶⁴ However, early age for marriage and the conventional androcentricity of ancient legal discourse might be some of the reasons beyond this fact. See Hugenberger, *Marriage as Covenant*, 314-18

⁶⁵ Cf. Hugenberger, *Marriage as Covenant*, 319-26: Gen 38, which relates Judah's liaison with the disguised Tamar is one of these cases; in fact, Gen 38:12 states explicitly that Judah's wife had died and in 38:26 Judah himself acknowledges that his own guilt was greater than Tamar's. Similarly, Jdg 16:1-3, which presents Samson's relation with the prostitute in Gaza does not qualify as adultery since Jdg 15:6 makes clear that he was a widower at the time; and while moral censure is not explicit in the text, this seems to be implied throughout the Samson narrative. Besides, literary parallels with Rahab's story (Jos 2) make the sexual relation in Jdg 16 also questionable.

Ex 21:7-11, describing the treatment of unmarried Jewish girl-slaves, although used as an argument for acceptance of male adultery, can at most be considered to imply a requirement for the wife to accede to the husband's polygamy in the irregular case when the wife in question is also a slave. Moreover, the passage seems to prohibit the man from having sexual relation with a girl-slave if he does not purchase her for marriage (or at least it explicitly does so if the girl was purchased as a future wife for his son, case in which she should have the status of a daughter). Similarly, Ex 22:16-17 is not regulating a case of adultery, but of sexual relations with an unmarried woman, and one of the things required in this case from the man is to marry the woman

Another case sometimes considered as showing toleration of prostitution in Israel is 1 Kgs 3:16-28 – Solomon's making justice between the two prostitutes. The interest of the narrator however is completely concerning Solomon, presenting him as a wise king, acting even in behalf of his lowest subjects. Besides, the fact that the two prostitutes lived alone might be a factor allowing their prostitution to be free from criminal sanction.

biblical author disapproves of Judah's conduct, but also that Judah is aware of the shameful nature of his behavior; after his friend Hiram fails to pay his debt to the anonymous harlot, he decides to stop any further search and let her keep the valuable pledge "lest we be shamed" (Gen 38:23).⁶⁶

There are only three cases in OT of sexual acts of unmarried women (Gen 34, 38 and 2 Sam 13) outside prostitution or ritualistic sexual acts, and all three of them appear as condemning premarital sexual activity; moreover, as we have seen, the key legal texts (Ex 21:7-11, 22:16-17, Lev 19:20-22, Deut 21:10-14, 22:13-21, 22:28-29) do not show indifference to such act. In fact they require a marriage proposal to follow any such act.⁶⁷

The OT law presents a mixture of legally punished and morally reprobated acts; but regardless of the legal apparatus used to enforce the husband's fidelity, it is clear that a moral obligation to it existed.⁶⁸

Thus, we see that, consistently throughout OT, marriage is seen as a sanction sealed commitment between husband and wife, that Yahweh is identified as a witness between the spouses and that marital offences are described in terms used to describe covenant violations. Moreover, there are texts which explicitly identify marriage as a covenant, and finally, there are no OT texts that approve sexual infidelity, whether on the part of the wife or of the husband; on the contrary, there are a number of texts that make clear that there was a moral obligation for exclusive fidelity on the part of the husbands.⁶⁹

⁶⁶ Hugenberger, *Marriage as Covenant*, 324-25. Judah's condemnation in Gen 38 appears even stronger when contrasted with Joseph's story in Gen 39 in a passage from exposure through sexual incontinence to triumph through sexual continence.

⁶⁷ *Ibid.*, 326-27

⁶⁸ *Ibid.*, 327-37. Among texts discouraging sexual promiscuity for the husband 1Sam 2:22 shows Eli reproving his sons for their relation to the women ministering at the entrance of the tent of meeting. Job 31:1 speaks of a covenant with the eyes and extending the prohibition of the 10th commandment against coveting a neighbor's wife also to unmarried women. Hosea is even stronger in refusing to treat man's sexual sins more leniently than a woman's and points to sexual promiscuity as ruining the nation: "I will not punish your daughters when they play the harlot, not your brides when they commit adultery; for the men themselves go aside with harlots and sacrifice with cult prostitutes, and a people without understanding shall come to ruin" (Hos 4:14). Similarly, Prov 5:15-23 indisputably promotes husband's fidelity, exhorting one to find enjoyment in his own wife and showing that love for one's wife renders extramarital relations senseless; moreover, the text also points to God's negative judgment of such acts.

⁶⁹ *Ibid.*, 337-38

4. Membership of the people of God as membership of the household of God

The family character of covenants is especially important in describing the religious concepts of the Israelites; the language of kinship is everywhere employed, and it should not be understood just as technical language. Covenantal language is the language of kinship because covenants were understood as extending the bonds of kinship. The God of Israel was the God of their fathers, understood as the supreme Father and protector of Israel. “He leads in battle, redeems from slavery, loves his family, shares the land of his heritage (*nahalah*), provides and protects. He blesses those who bless his kindred.”⁷⁰

The social organization of Early Israel was that of a league of tribes, united through kinship by the identification of a common ancestor and linked to it through genealogies based both on real kinship and kinship-in-law. But the real union of the league was due to their common self-understanding as the people, the kindred of Yahweh, ‘*am Yahweh*, which had social, military and religious implications:

To be sure, these three aspects of league organization are overlapping. The ‘*am Yahweh*, ‘kindred of Yahweh,’ in some contexts must be translated the ‘militia of Yahweh,’ and in other contexts the ‘*am Yahweh* is a community of worshipers, a cultic association. . . . Israel is the kindred (‘*am*) of Yahweh; Yahweh is the God of Israel. This is an old formula. But this formula must be understood as legal language, the language of kinship-in-law, or in other words, the language of covenant.⁷¹

The words used to describe the relationship between God and Israel in the Old Testament point to different aspects of this reality. We have first the father-son relation, but then also a husband-wife relation, and the mutual covenantal relation. However, what they all have in common is the recognition of God as the father, the head of the household, the suzerain, which is especially relevant in the context of the patriarchal family. God is the central figure and the true head of the Israelite family league; and the position under which Israel is described intends simply to point to different aspects of this kinship relation, as reflected on Israel: heir, beloved, protected subject.

⁷⁰ F. Cross, *From Epic to Canon*, 7. He also shows that the notion of *Divine Kinsman* is commonly represented in the field of onomasticon for all the West Semitic Tribes (p. 6-7).

⁷¹ *Ibid.*, 12-13

Although not a universal key for the interpretation of Scripture, the covenantal theme provides a useful intrinsic organizing principle which is especially helpful for underlining a structural pattern in Scripture.⁷² The relation between God and Israel, always implies mutual obligations assumed by both God and his people as a result of the covenant established between them; these obligations, which spring from the language of kinship, refer primarily to the mutual obligation of love, loyalty (*hesed*) and fidelity (*emet*).⁷³

For Freedman there are two types of covenants that describe the relationship between God and man, but they are placed in the same general framework, in that they are not covenants between equals, for one part is clearly superior to the other. The covenant of Divine commitment has as essential feature the assumption on God's part of certain obligations, of course without any human imposition of terms upon God (especially relevant for this type of covenant are God's promise to Abraham in Gen. 15 and later to the royal house of David in 2 Sam. 7). By contrast, in the covenant of human obligation, which largely corresponds to the Hittite suzerainty treaties, the terms and stipulations are imposed upon the human party (the classical example of it being the covenant mediated by Moses between God and Israel – Ex. 19-24).⁷⁴

The covenants of divine commitment are formally of the suzerainty type, although they imply obligations upon the suzerain – God – and not upon the vassal – man. But the covenant is initiated by the suzerain and, even if the divine commitment is unilateral and unconditional for man, it remains the result of the free decision of the suzerain to repay the faithfulness of the vassal by granting him a special privilege. Thus the divine promise follows upon some act of loyalty or obedience which is meritorious in the eyes of God, without its being conditioned by the requirement of other acts of the same kind.⁷⁵

⁷² cf. David Noel Freedman, *Divine Commitment and Human Obligation. The Covenant Theme*, in *Interpretation*, 3 (1964), 419-20

⁷³ F. Cross, *From Epic to Canon*, 13-19. He also gives here a good overview of the arguments in favor of an early tribal league period kinship understanding of covenantal relations.

⁷⁴ D. Freedman, *Divine Commitment and Human Obligation*, 420-21

⁷⁵ *Ibid.*, 425-26

It is generally admitted that the biblical pattern for the covenant of human obligation originates in the second millennium, i.e. in the time of Moses, a fact which is also confirmed by the similarities between the Covenant at Mount Sinai and the suzerainty treaties of the second millennium. "Obligations in these covenants are imposed on the vassal, who confirms his subscription by oath, and rewards and penalties, in the form of blessings and curses, are attached to the covenant as consequences of obedience and disobedience."⁷⁶

But the two forms of the covenant are in fact completing each other, and this is the way in which they are understood by the prophets. The two types of covenant represent only two different facets of the same covenant between God and Israel. Faced with the deliberate and persistent violation of the terms of the covenant with God, and thus with the apparent contradiction between breaking the covenant from Sinai and the endurance of the promise to Abraham, the prophets speak of the common fulfillment of both covenants in the New Covenant:

The prophets acknowledged that the destruction of the nation was the inescapable consequence of its defiance of the divine suzerain and of its deliberate and persistent violation of the terms of the covenant with God. Yet they were convinced that the divine promise to the Fathers and their descendants has not been annulled; it remained in force and would be actualized in the return of the exiles and a restoration of the covenant community. Both covenant types would be fulfilled and transcended in the age of the New Covenant.⁷⁷

Thus, while all the visible signs of the covenant were gone, hope remains, rooted in the conviction that God remained committed to Israel, and that the renewal of the bond will one day be effected, not because of Israel's merit, but through God's grace, who would renew and restore his people, producing a new Israel, worthy of the land to which they are restored. But the prophets saw the practical impossibility to maintain the Covenant by human effort alone, as they also understood that the moral element and the necessity of obedience is intrinsic to any relationship of man with God. Therefore, the only answer to this dilemma lays in the grace of God, who will carry out His divine commitment and will restore his people, but this people will be a new people, both physically (Jeremiah and Ezekiel both mention as the duration of the

⁷⁶ D. Freedman, *Divine Commitment and Human Obligation*, 427

⁷⁷ *Ibid.*, 421

exile periods equivalent with the passing of a generation) and also spiritually, for God will transform people's minds and wills. Thus the conflict between the two types of covenant is resolved in their reciprocal fulfillment.⁷⁸

5. The influence of the covenant between God and Israel over the understanding of marriage in the OT

We have seen that for understanding the OT conception of marriage and sexuality one must first come to a good understanding of the biblical concept of covenant. But, for understanding the notion of covenant, one must also address the relationship between God and its people. In fact, the two covenants, between God and its people and between man and woman in marriage, are so closely connected throughout the OT that they appear as mutually influencing each other.

The language of marriage and of family is employed to describe the relationship between God and His people, and there are many ways in which the OT conception of marriage shaped the understanding of Israel's relationship with God. The pre-exilic prophetic tradition makes extensive use of marriage infidelity terminology in referring to covenant infidelity. Ultimately, because of the overlap of language that has been stressed before, "these two types of predication were interwoven to form the basis for the prophetic symbolic speech. Not only did this deepen an understanding of covenant, it revealed unsuspected depths to the reality of marriage itself."⁷⁹ Idolatry is described with the technical word for adultery, "the great sin" (Exod. 32:21,30,31, 2Kgs 17:21) and as prostitution (Hos. 1:2, Isa. 1:21, 23:17, Jer. 2,3,30,31, Ezek. 16,23). Most especially, Hosea is the one who fully develops the parallel between God's covenant with Israel and marriage:

The genius of Hosea lay in the fact that he took a metaphor with an established link between the legal dimension of marriage, and that of covenant and amplified that metaphor by adding the notes of interpersonal relationship and love... This lack of covenant fidelity is a lack of love, a lack of that obedience and trust that marks the very nature of the relationship expected in a covenant.⁸⁰

⁷⁸ D. Freedman, *Divine Commitment and Human Obligation*, 429-31

⁷⁹ Francis Martin, *Marriage in the Old Testament and Intertestamental Periods*, 1-2, in *Christian Marriage. A Historical Study*, ed. Glenn W. Olsen (Crossroad Publishing Comp., New York, 2001), 8

⁸⁰ F. Martin, *Marriage in OT*, 9.

Thus the marriage symbol brought to the understanding of God's covenant with his people the idea of "love and intimacy to Israel's relationship with Yahweh,"⁸¹ a love and intimacy which cannot be otherwise than exclusive, and in which any act of idolatry is assimilated with adultery.

However, it was always presupposed, and gradually it was more and more consciously realized, that, in fact, it is marriage between man and woman which has to reflect the faithful love of God to His people; that the fidelity required in marriage is a reflection of the fidelity to God that was required from Israel.

The second creation account (Gen. 2) already uses a rich covenant language and imagery to describe the creation of the woman and her subsequent union with man.⁸² Man's joyful cry upon meeting the woman, "this one at last is bone of my bone and flesh of my flesh" (Gen. 2:23) is calling to mind covenant language, while also bringing in a distinctively nuptial context; it indicates both the close relationship of the man and the woman and the oath that unites them; it is a covenantal oath made in the presence of God and indicating a promise of allegiance or loyalty that binds them together.⁸³ In fact, the covenantal motif continues in the next verse: "this is why a man leaves his father and mother and clings to his wife, and the two of them become one body" (Gen. 2:24), where both verbs *azab* (to leave, to forsake) and *dabaq* (to cling) are often used in covenantal formulations⁸⁴. But the common factor in all these

⁸¹ Grabowski, *Sex and Virtue*, p.35

⁸² Grabowski, *Sex and Virtue*, 32 The theological and psychological implications of the covenantal language in Gen. 2 are very much developed by John Paul II throughout part I of *Theology of the Body* – see John Paul II *Man and Woman He Created Them – A Theology of the Body*, transl. by Michael Waldstein (Boston: Pauline Books&Media, 2006), 137-41, 146-202

⁸³ Grabowski, *Sex and Virtue*, 33-34. See also Hugenberger, *Marriage as Covenant*, 164-65 for the covenantal nature of such an oath made before God, even when it does not include an explicit self-malediction. For Near eastern and biblical examples of oaths and gestures that are not self-maledictions but are in fact solemn declarations before God, see Hugenberger, 185-279.

⁸⁴ The first of them, *azab*, is used in a variety of covenantal contexts, both positive (in declarations of God's faithfulness – Gen. 24:27, Neh. 9:17, 1Chr 28:20, Ps 37:25,28 94:14, Ezek 9:9, in God's promises of fidelity – Gen. 28:25, Jos 1:5, 1Kgs 6:13, for exhortations based on this fidelity – Deut. 31:6,8) or in promises of restoration – Is. 41:17, 42:16, 54:7, 60:15, 62:12) and negative (in warnings against forsaking the covenant – Deut. 28:20, Jos 24:20, 2Chr 7:19, predictions of covenant apostasy – Deut. 31:16-17), descriptions of covenant infidelity – Jgs. 2:12-13, 10:6, 1Sam 12:10, 1Kgs 19:10,14, 2Kgs 17:16, 2Chr 21:10, Jer 22:9, Ezek 20:8). It is further used in prayers of repentance and of supplication related to covenants (cf. Jgs 10:10, 1Sam 12:10, 1Kgs 8:57, Ps 27:9, 71:9,18, 119:8) and in covenantal oaths themselves (cf. Jos 24:16, Ruth 1:16,2:11, 2Kgs 2:2,4,6, 4:30). The second verb, *dabaq*, also has

usages is the idea of covenant, which demands that man leave everything that deflects him from his covenant relationship with God.⁸⁵

Especially interesting is the use of the *azab* (to leave, to forsake) in conjunction with covenant marital symbolism (Ezek 23:8, Hos 4:10, Prov 2:17, Is 54:6, 62:4), pointing to the “reciprocal hermeneutic of covenant imagery” in which “the exclusivity of Israel’s relationship with Yahweh inscribed at the head of the Decalogue begins to color its later understanding of marriage covenant with growing expectations of fidelity”⁸⁶ Thus, when Gen 2 is read “within the linguistic horizon of the Old Testament, it becomes clear that the singular devotion and fidelity required by Yahweh is also to characterize the commitment of spouses to one another.”⁸⁷

Throughout the whole OT, the understanding of marriage comes to be gradually shaped by the understanding of God’s covenant with Israel. Since marriage was considered a covenant between man and woman reflecting the covenant between God and his people, it comes as no surprise that in the post-exilic period monogamy became both the norm and the ideal and that divorce came to be understood as not in keeping with the covenant.⁸⁸

In particular the post-exilic tradition’s opposition to divorce is seen in Mal. 2:10-16. Here Malachi accuses the people of infidelity and states that God will not accept their sacrifices because they did not respect their marriage covenant:

The LORD was witness to the covenant between you and the wife of your youth, to whom you have been faithless, though she is your companion and your wife by covenant. Has not the one God made and sustained for us the spirit of life? And what does he desire? Godly offspring. So take heed to yourselves, and let none be faithless to the wife of his youth. "For I hate divorce, says the LORD the God of Israel, and covering one's garment with violence, says the LORD of hosts. So take heed to yourselves and do not be faithless." (Mal 2:14-16)⁸⁹

covenantal connotations, being used both in the sense of holding fast to God, and of curses clinging to those unfaithful to God (cf. also Grabowski 34-36).

⁸⁵ Grabowski, *Sex and Virtue*, 35

⁸⁶ Ibid.

⁸⁷ Ibid., 36

⁸⁸ Cf. F. Martin, *Marriage in OT*, 20-21 and also Hugenberger, *Marriage as a Covenant*, ch. 8. Royal polygamy is an exception from this provisions, even if Deut. 17:17 asks for the king not to “multiply wives for himself”.

⁸⁹ The passage is very difficult to translate and different translations have been proposed for this text. Hugenberger (*Marriage as Covenant*, 13-83 and 125-165) makes a detailed analysis of all these variants and their implications. Particularly difficult is the translation of 2:15, where Hugenberger has “*Did He*

Thus, Malachi bases his condemnation of divorce upon the covenantal nature of marriage and reflects it back upon the creation of man. There is a strong connection between Mal 2:15 and Gen 2:24, with both texts stressing the covenantal union of the spouses and the primacy of a husband's obligation of fidelity toward the wife. In fact, Malachi appeals to the ancient standard and his understanding of marriage as a covenant is largely drawn from the paradigmatic image of marriage in Gen 2, which describes Adam and Eve's marriage in clear covenantal terms.⁹⁰

The rabbinic tradition recognized the archetypal role which the covenant between God and Israel had for human marriage. Thus, in rabbinic teaching, the Song of Songs was included in the biblical canon not so much to present God's love for Israel in terms of human love, but rather "to show a man and a woman how their love can be an imitation of God's love for their people and their people's love for God in the covenant."⁹¹ This connection is also reflected in the Jewish marriage ritual, for the wedding is intended to reflect "the covenantal marriage initiated at Sinai between God and the people of Israel."⁹² However, there is an essential inner tension in the Jewish marriage ritual: on the one hand, marriage completes a covenant, on the other hand it reflects a covenant which has not yet found its fulfillment. David Novak brilliantly expresses this inner tension:

How can one man and one woman... fully celebrate the consummation of their covenant when the master covenant of Sinai is not yet consummated? The covenant, after all, is meant to affirm God's kingship over Israel and over the whole world with Israel, but that has clearly not yet taken place. How could it have taken place when the temple, considered to be the centre of the universe (*axis mundi*) still lies in ruins?... For that reason then, the wedding ceremony concludes not so much with the satisfaction of a past human accomplishment but, rather, with the anticipation of a future divine accomplishment. That can only be the object of hope... Because the covenant itself has not been fully consummated with its Lord, because creation itself is not fully reconciled with its Creator, the complete joy of the lesser covenant of marriage, the lesser creation of the marriage bed, cannot –

[God] not make [you] one, with a remnant of the spirit belonging to it?" instead of "Has not the one God made and sustained for us the spirit of life?" (RSV).

⁹⁰ Hugenberger, *Marriage as Covenant*, 166-67. Cf. also Cf. F. Martin, *Marriage in OT*, 33-34

⁹¹ David Novak, "Jewish Marriage: Nature, Covenant and Contract", in *Covenant Marriage in Comparative Perspective*, Witte, John and Ellison, Eliza, eds. (Grand Rapids, Michigan, Cambridge, U.K.: Eerdmans Pub. 2005), 33

⁹² *Ibid.*, 51 See also the parallel between marriage and God's covenant with Israel in *Kethuboth*, 7b-8a, in BT and its analysis throughout Novak's article.

indeed, must not – be fully satisfied. It still needs continuing hope for a future beyond the horizon of ordinary expectation.⁹³

Thus in the NT, St. Paul does not come with a totally new concept of a connection between God's covenant with His people and human marriage. He simply interprets and explains, in the light of the New Covenant's revelation, this relationship, which was already recognized in the Old Covenant. For St. Paul, the New Covenant which Christ establishes with the Church is the fulfillment of the Old Covenant. Marriage thus becomes not an image of a future reality believed in hope, but of a present relationship between the Incarnate Word and His Church. In this context, the NT confirms and deepens the OT understanding that “the intensity and exclusivity of covenant relations require a complete and faithful offering of self in worship and sexual self-donation, respectively.”⁹⁴

⁹³ David Novak, *Jewish Marriage*, 51-52

⁹⁴ David Novak, *Jewish Marriage*, 43