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THE STATUS OF WOMEN IN OLD TESTAMENT MARRIAGE

Noel B. Reynolds

Review of Gordon Paul Hugenberger, *Marriage as a Covenant: A Study of Biblical Law and Ethics Governing Marriage Developed from the Perspective of Malachi* (Supplements to Vetus Testam, Book 52). Leiden, Netherlands: Brill, 1994. Pp. xx + 414. Paperback reprint edition with a modified subtitle published in 2014 by WIPF & STOCK, Eugene, Oregon. 343 pages, plus bibliography and four indices.

Abstract: *In his book Marriage as a Covenant, author Gordon Paul Hugenberger begins with the late 20th century Bible-studies insight that in Israel, covenants were devices used to make binding on unrelated persons the same obligations blood relatives owed to each other. So by covenant, marriage partners became one bone and flesh. This thorough study of the Hebrew Bible and related literatures argues that the view of marriage as a covenant in Malachi 2:10-16 echoes the first marriage in Genesis 2 and is consistent with the other passages in the Bible that have often been mistakenly interpreted to promote a patriarchalist view denigrating the position of wives vis-à-vis their husbands.*

Whereas first-hand acquaintance with the 39 books of the Old Testament is becoming increasingly rare in our times, a number of general impressions of the teachings and practices the Old Testament promotes persist in contemporary culture. Prominent among these are beliefs about how ancient Israelites understood the structure of the family and the relationships of men and women to each other and to their god. Many scholars have promoted the view that women were seen as property, that men could own as many as they

pleased, and that prohibitions on adultery were applied primarily to women. Few if any have seen much effective equality between men and women in the structure of marriage in ancient Israel.

The rise of feminist approaches to biblical studies over the last half-century may have diverted attention from the 1994 publication of Gordon Paul Hugenberger's Oxford dissertation and the findings presented there that undermined the reigning perspective on these matters. Or maybe his rigorous linguistic analysis of all the relevant biblical and nonbiblical texts discouraged most potential readers. But his careful and comprehensive treatment of the subject is winning more serious interest among today's biblical scholars, as can be seen in the central importance given to Hugenberger's findings in the most comprehensive treatment of Old Testament teachings and practices about covenant published in the last decade.¹

Reversing the usual approach, Hugenberger begins with Malachi because of its straightforward characterization of marriage as a covenant (Malachi 2:10–16) and then works backwards through all the relevant texts to see how they do or do not fit with that. He points out that the large number of 20th-century studies on biblical marriage largely ignored this suggested linkage between marriage and covenant, an approach perhaps not surprising, given the persistent confusion and disagreement in scholarly studies of covenant itself. While every page is informed by linguistic analysis, the author is constantly aware of non-Hebraists and has produced a text that can be fully understood and appreciated by a wide range of readers.

After a very helpful review of the leading scholarly literature on the topics of marriage and covenant in his long introduction, Hugenberger devotes his first five chapters to a detailed treatment of other scholars' arguments, the text of the Hebrew Bible, and the relevant nonbiblical literature. He accepts the arguments for dating Malachi to the early post-exilic period of Nehemiah, which provides helpful context for language and cultural issues. He also recognizes two levels of concentric organization that provide added constraints to the interpretation of Malachi. Because it would be impractical to recapitulate the extensive arguments and evidence Hugenberger provides in this extensively documented and well organized treatise, I will provide in this brief review only a summary list of his most significant conclusions. In each

1. See, for example, Scott W. Hahn, *Kinship by Covenant: A Canonical Approach to the Fulfillment of God's Saving Promises* (New Haven: Yale University Press, 2009), 5–9.

case, these conclusions follow a detailed examination of other scholars' theories and interpretations and are buttressed with the reasons he finds adequate for overriding alternative views.

1. The marriage language in Malachi is not just figurative but should be taken literally to refer to actual human marriages.
2. The phrase "your wife by covenant" cannot refer to Yahweh's covenant with Israel but must derive from Malachi's view that marriage is a covenant.
3. Challenging traditional interpretations, Hugenberger shows linguistically that both Deuteronomy 24 and Malachi 2:14 judge divorces based on aversion negatively.
4. While the Old Testament never describes polygyny as illegal, most texts present monogamy as the marital ideal. Further, actual marital practices in Israel would have been monogamous, with few exceptions.
5. The marriage of Adam and Eve was covenantal and paradigmatic for Malachi,
6. As suggested in the linguistic echoes of Genesis 2 in Malachi 2:
 - a. The language of "leaving father and mother" and "cleaving unto" one's wife as well as the claim that she would be "bone of my bone, and flesh of my flesh" is primarily covenant language signaling the intensely shared identity of two persons not genetically related.
 - b. The absence of a covenant oath in both scriptures is overcome by the requirement of consummation through sexual union for a marriage to be valid. That union is "the decisive means by which an individual 'acknowledges' his or her spouse as covenant partner."
7. Hugenberger proposes a definition of covenant that resolves and incorporates the differences and contributions of prior scholars: Covenant is "an elected, as opposed to natural, relationship of obligation established under divine sanction."
8. Recognition of the covenantal nature of Israelite marriage renders unnecessary the tenuous efforts to explain it in ancient near eastern contractual terms, which have no biblical support.
9. Contrary to widely held views, no biblical texts condone a husband's sexual infidelity.

- a. Many make clear that “whether or not there was a *legal* obligation, there was definitely a *moral* obligation for exclusive sexual fidelity on the part of a husband.”
- b. Old Testament marriage was considered to be “a divinely protected covenant between husband and wife.”

As Hugenberger’s work gains wider recognition in contemporary biblical studies, it should be expected that longstanding assumptions about the inequality of men and women in the marital practices and norms of ancient Israel will be modified and that scholars will gain a new appreciation for the connections between family relations and the biblical concept of covenant.

Noel Reynolds (*PhD, Harvard University*) is an emeritus professor of political science at Brigham Young University, where he taught a broad range of courses in legal and political philosophy, American heritage, and the Book of Mormon. His research and publications are based in these fields and several others, including authorship studies, Mormon history, Christian history and theology, and the Dead Sea Scrolls.

