

Marriage

The subject of marriage as such, the practice of polygamy to the extent of up to four wives, and the practice of timed or temporary marriage in Islam have come under fire from outside observers. It is of utmost interest to note the Biblical legislation on these issues. Ali (1988: 139a–140a) defends temporary marriage and polygamy.

In Islam marriage is a contractual agreement between two parties. A man may contract up to four full, dowered, simultaneous marriages. Divorce is also allowed. Concubinage or limited contracts are also permitted, even with the limitation of time. Adultery is punishable according to Islamic law by death. There is no ideal of celibacy in Islam, and marriage and reproduction are a foremost duty.

From the very beginning the Bible seems to support Islamic values. Genesis 1:28A is the first direct divine command to human beings in the Bible. It is the command to reproduce. Reproduction is a divinely appointed duty and not a matter of choice. To choose not to reproduce is to disobey the divine command. Human reproduction is reaffirmed by direct command in Genesis 8: 17; 9: 1,7; and 35: 11.

Marriage is instituted by holy example with a ritual marriage formula spoken by the man in Genesis 2:23–24. The text in Genesis 3: 16 relates specifically to the situation of Eve and cannot be generalized. Eve is placed under the rule of her husband because of her role in mediating the temptation to him. This is not evidence of the subordination of the wife in general.

On the contrary, the list of subordinates in Exodus 20: 10 does not mention the wife as a subordinate, which suggests that she is on an equal status with her husband. The sorrow of conception is a prophecy of the tragedy of Cain and Abel. The prophecy is given to prepare Eve for what will be an insupportable horror, and as such is a grace. The text does not imply that Eve is being punished with the pain of childbirth, rather she is being warned that her child would later cause her sorrow.

Genesis 4: 19 is the first example of polygamy in the Bible, and it is the example of a wicked person. The list of generations in Genesis five give holy examples of people

carrying out the command to reproduce. Genesis 16:2 is the first case of multiple marriage by a

righteous person. By holy example Abraham institutes multiple marriages under the condition that it is agreeable to the first wife and for the purpose of carrying out the command to reproduce in the case of a barren wife. The example also provides the possibility of marriage by purchase, since Hagar is said to be a handmaid of Sarah. She was not provided with a dowry.

Although no new example is given in the Biblical story of Lot in Genesis nineteen, there are passages which can be misunderstood. In verse eight, Lot offers his daughters to the men of Sodom in lawful marriage in his judgement against their attempted homosexual rape. In so doing he gives a positive injunction for marriage, rather than delivering his daughters up to degradation.

In Genesis 19:31–38, the details show clearly that Lot did not accept incest. The fact that the daughters in the story give Lot wine to hide their plan indicates clearly that they knew their father would not agree to the arrangement. In verses thirty–three and thirty–five the expression 'he perceived not' shows that Lot is blameless. Thus the story does not condone such behavior.

Nevertheless, assuming that legislation at the time of Lot was somewhat less than what we now possess, the actions of the daughters of Lot should not be judged on the basis of our greater knowledge. Their motivation was not degraded. It was a misguided attempt at obeying the basic command to reproduce. The lesson of the experience is to show us to what lengths a human being can go when he depends on his own judgement or the judgement of other human beings in determining what is right and wrong. The story of the daughters of Lot confirms the need for divine guidance.

Genesis 20:12 raises again the issue of incest, stating that Sarah and Abraham were children of the same father. This does not necessarily mean that they were from the same biological father. It could very well mean that they were from the same ancestor on the father's side. In many cultures there is no distinction in terms between siblings and parallel cousins.

The use of the word father in Semitic languages is very broad indeed. Two men are known to have been called the father of Abraham, and only one of them can have been his biological father. Terah is known from Genesis 11:27 et al., while Azar is known from the Qur'an 6:75 et al. There is no reason to assume that Abraham and Sarah were biological siblings, whereas there is every reason to assume they were not.

At this point we come to the issue of limited marriage or concubinage. The texts of the Bible can be classified in three groups: those spoken by God Himself and thus giving direct divine commands; those describing the holy example of prophets and other human beings with God–given authority to serve as such holy examples; and finally those texts describing the behavior of ordinary people whose example we might not follow. Obviously the first category is normative, whereas the last is not. The second category also has a certain degree of normative value.

In principle we could be certain that concubinage is meant only for those texts where the word '*Pilegesh*' occurs. This word is of uncertain origin. It is used once in the Bible in Ezekiel 23:20 to refer to the male

partner in such a relationship. The word is thus both masculine and feminine without a change in form.

The first mention of concubinage in the Bible is that of Nahor in Genesis 22:24. There is another concubine mentioned by name in Genesis 36:12, Timna who was the concubine of Eliphaz, son of Esau. Both of these men were devout, although not holy examples.

But even the use of the word '*Pilegash*' does not guarantee that true concubinage is meant. Genesis 25:6, from the example of Abraham, gives us the only specific regulation characterizing concubinage, that is, that the children of concubines do not inherit from the father. Therefore the use of the word '*Pilegash*' in Genesis 35:22 is a loose application of the word to a slave wife whose children did inherit and who was taken as a wife specifically for the purpose of bearing children. This text, however, is doubtful in any case, and should not be used.

In 1 Chronicles 1:32, the word '*Pilegash*' refers to Keturah, the third wife of Abraham. The Genesis text is ambiguous about this marriage, and it is certain that the marriage was not specifically contracted for producing children. The Genesis text does not state whether Keturah's children inherited with Ishmael or whether they were given gifts with the children of Abraham's other concubines.

There are no texts of direct, God-given revelation that refer to concubinage as such, although many texts of legislation must refer to marriage of all types. We shall have to turn to the two lower categories of texts to find an indication of the Bible attitudes towards marriage of pleasure.

Abraham is the first holy example of concubinage in the Bible. By holy example concubinage is stated for Abraham in Genesis 25:6. The word appears here in the plural, indicating that Abraham had more than one concubine. One difference between wife and concubine is stated: the children of the wife inherit, while those of the concubine are given gifts at the father's discretion. This is the one characteristic limitation of concubinage which the Bible states. It otherwise seems to assume that concubinage is well-known and needs no further description.

The extensive marriage description in Genesis twenty four adds little legislation. Genesis 24:4 suggests by holy example that relatives are preferable mates than nonrelatives, but the real sense of the text may be a distinction between worshipers of God and idolaters. Genesis 24:53 institutes the dowry by holy example.

Although it appears from verse fifty-eight that Rebecca consented eagerly to the marriage, verse fifty-one goes so far as to suggest that the decision for the marriage was made by the male guardians that is father and brother. Genesis 24:65 indicates the wearing of a veil in the presence of the bridegroom before marriage. The matters of male guardians and the veil are not established by holy example, since the personages referred to are not authoritative.

By holy example in Genesis 25:21, Isaac makes supplication to God for his wife's barrenness. Almost all preceding legislation is confirmed by the holy example of Jacob's marriages in Genesis 29:15–30:24.

Jacob had two dowered wives and two slave wives. No concubines are mentioned.

The only new problem of legislation is the marrying of sisters. This practice is contradicted by direct divine command in Leviticus 18:18. We must therefore reexamine the text. Laban is the father of Leah and Rachel, the two sisters who married Jacob. Our English usage of the word father may be leading us astray, for the Semitic usage is much broader and may well refer to a common male ancestor, the living leader of the clan to which both women belong as sisters. Since this is precisely as likely on the basis of the word usage as our first, normal assumption, we must choose the meaning of living male ancestor instead of biological father, because it permits reconciliation with law. The same phenomenon explains the matter of Abraham and Sarah.

By holy example in Genesis 34:15 it is prohibited for a guardian to consent to the marrying of a believer woman to an uncircumcised man.

The incestuous relation reported in Genesis 35:22, at least on the basis of the Masoretic signs, seems to be a textual corruption. It may be a gloss in explanation of Genesis 49:4. It is serious because of its implication of one of the sons of the prophet, but is a text purporting to be the words of a human rather than a quotation from God. If the text is accepted, then Genesis 49:4 would clearly state the behavior to be unacceptable.

The levirate, or responsibility of the next of kin for the widow, is instituted by holy example in Genesis 38:8–11. The responsibility includes producing children in the name of the deceased. The story of Tamar in Genesis 38:13–26 is another example of a misguided attempt to obey the command to reproduce. Just as in the story of the daughters of Lot, subterfuge on the part of Tamar leaves Judah guiltless of incest. The action of Tamar only serves again to emphasize how the attempt to obey God without taking divine guidance into consideration will eventually lead astray.

Judah's behavior in this story must be examined. In verse twenty-six, Judah recognizes his fault in not giving his third son Shelah to Tamar as the law of levirate demanded. When Judah learns that the unknown woman with whom he has contracted a marriage is his daughter-in-law, he has no more marital relations with her. It appears that Judah consistently applies marriage legislation except in denying Tamar to Shelah, for this is the only fault he acknowledges. We must therefore look for the legal basis of Judah's relations with Tamar.

Verses 16–18 describe the negotiations between Judah and Tamar. These are ordinarily understood as the negotiations between a man and a prostitute. If Judah thought that Tamar was a prostitute, which is not certain, it does not imply that he did not marry her. We have already seen from verse twenty-six that Judah does not acknowledge having made a negotiation of prostitution. He condemns prostitution in his judgement of Tamar.

We know also that Judah, as one of the twelve sons of Jacob, is a holy example. We must therefore conclude that Judah was contracting a marriage dowry. The sons of Tamar are therefore not illegitimate,

despite the fact that the marriage was terminated when Judah learned who his wife was. The termination of the marriage is not described in detail. We do not know if it was terminated by divorce, by shortening a contract of concubinage, or by the lapse of the time of contract. This is possibly an example of concubinage, as it is not certain what kind of contract Judah made with Tamar.

Legislation on marriage continues in Exodus 20:14, which is a part of the decalogue and thus has more validity than any other passage, since it was spoken directly by God without the mediation of a prophet. Exodus 20:14, reiterated in Deuteronomy 5:18, prohibits sexual activity outside contracted marriage for married people.

The foundation of this command seems to be a concern with the right of children to know with certainty the identity of both biological mother and father. It thus implies the prohibition of adoption which distorts such identity through hiding or changing the name. It also implies the prohibition of artificial insemination by secret or anonymous donors. The command reveals nothing about the permanence of marriage or the number of marriage partners. The command is reconfirmed in Leviticus 18:20.

Exodus 21:7–11 adds detailed legislation in explanation of marriage by purchase instead of marriage by dowry. Verse seven states that marriage by purchase may be contracted only through the father of the bride. This prevents slave trade. Verse seven prohibits temporary marriage through purchase. This prevents prostitution of daughters by fathers. Verse eight permits divorce by redemption.

Divorce by selling the wife to another partner or trader is forbidden. Only the father may redeem. Verse nine permits purchase of a wife to the son of the purchaser, in which case the wife has the rights of a daughter. Verses ten and eleven relate to the taking of another wife. Power to take another wife by either purchase or dowry is on three conditions: the first wife must retain her original level of food, clothing and marital rights. Diminution of any of these three gives her the right of free divorce, without obligation to return the redemption money to her husband.

Exodus 21:22–25 refers to accidental injury to a pregnant woman by an outside party. Injury resulting in miscarriage must be compensated according to the demands of the husband and judges. Injury to the woman must be punished by the infliction of the same injury on the perpetrator. 'An eye for an eye and a tooth for a tooth' relates to the case of injury to a pregnant woman.

Exodus 22:16–17 refers to fornication, that is sexual activity between a man and unmarried woman. In such a case, the man is obliged to endow the woman as wife. He is obliged to give the full dowry of virgins, even if the father of the woman refuses to give her to him in marriage. Leviticus 18:6–20 lists the degrees of relationship prohibited for marriage: father, mother, father's wife, sister being either daughter of mother or father, son's daughter or daughter's daughter, father's sister, mother's sister, father's brother, father's brother's wife, son's wife, brother's wife, wife's daughter, wife's son's daughter, wife's daughter's daughter, wife's sister simultaneously.

Leviticus 19:20–22 relates to sexual relations between a man and another man's purchased wife. There

is no death penalty for either: the woman must be scourged and the man to give a trespass offering consisting of a ram. Leviticus 19:29 prohibits prostituting one's daughter. Leviticus 20: 10–12, 14, 17 provides penalties for certain sexual acts. Adultery, or sexual activity between a man and the wife of another, demands the death penalty for both parties. Sexual activity with one's father's wife or one's daughter-in-law demands death for both parties. Marriage to a woman and her daughter demands death by burning for all three parties.

Ostracism is the penalty for marrying sister or half-sister. Leviticus 20: 19–21 provide childlessness as the penalty for marrying father's or mother's sister, uncle's wife, or brother's wife.

Leviticus 21:7, 9, 13–14 relates to the reproduction of Israelite priests, descendants of Aaron. Verses 7, 13–14 require that the priest marry only a virgin. Verse nine provides the penalty of burning to death with fire for the daughter of a priest who engages in illicit sexual activity.

Numbers 5: 11–31 provides for the case of adultery in which there is no witness. The ritual curse identifies and in itself punishes the woman who has committed adultery without witnesses to the crime.

Numbers twelve raises another point of holy example on the part of Moses. Moses took a second wife beside Zipporah, who was a Midianite, a descendant of Abraham and Keturah. His second wife was an Ethiopian. Aaron and Miriam opposed the marriage, either out of misguided jealousy for Zipporah, racism, or opposition to polygamy.

Racism and opposition to polygamy are charges too serious to level at Aaron and Miriam without very strong evidence. Although most modern Western minds balk at polygamy, this is merely a cultural prejudice. The Bible supports polygamy through both direct command and holy example. In the case of the levirate it may even be a duty.

There is no support for polyandry, however, probably because of the concern for the right of children to know the identity of both biological father as well as mother. Moses apparently married the Ethiopian woman while Israel was camping at Hazeroth (Numbers 11:35). It is possible that this marriage was one of concubinage, although there is no other evidence for this than the intimation that it may have been motivated by the desire for temporary pleasure rather than bearing children.

Deuteronomy 7:3–4 prohibits marriages between believers and unbelievers, whether male or female. Deuteronomy 17:4–7 regulates the death penalty for sexual crimes. The penalty is death by stoning. Two men or one man and two women are needed as witnesses to invoke the death penalty. The witnesses must be first in carrying out the execution.

Deuteronomy 17: 17 prohibits multiple marriage for the king. This should not mean that the king may not have the same privileges in marriage as the commoner. What may be forbidden is the making of treaties with foreign powers sealed by marriage. The problem still remains, however, since by holy example Solomon did this extensively.

Deuteronomy 20:7 prohibits participation in war to the betrothed whose marriage is not yet consummated. Deuteronomy 21:10–14 regulates marriage to a captive of war. Verses twelve and thirteen determine one month of mourning, with head shaved and nails pared, before the consummation of marriage. Divorce of the captive demands that she be given freedom. A divorced captive may not be sold.

Deuteronomy 22:13–21 refers to accusation of non-virginity at marriage. If one claiming to be a virgin marries and is found not to be a virgin, she is to be stoned. If her husband makes a false claim against her and she produces the proof of her virginity, the husband must pay a hundred pieces of silver to the father and relinquish the right of divorce.

Deuteronomy 22:22–27 reaffirms the death penalty for adultery for both parties. The woman is not punished, however, if the crime happened in the countryside where her cries for help could not be heard. Deuteronomy 22:28–29 refers to the case of rape of an unmarried woman. The man must give a dowry of fifty pieces of silver, the dowry for virgins, and relinquish the right of divorce. Deuteronomy 22:30 reaffirms the prohibition of marrying one's father's wife. Deuteronomy 23:17 reaffirms the prohibition of prostitution.

Deuteronomy 24:1–4 regulates divorce. A man may divorce the wife by giving a bill of divorcement. She is then free to marry another. The former husband may not remarry her if she has been married after his divorcing her.

Deuteronomy 24:5 provides that a man may not go out to war or be charged with any business for one year after the consummation of marriage.

Deuteronomy 25:5–10 regulates the details of the levirate. If a man dies childless, his next of kin is responsible to marry his wife and the first-born is named as the heir of the one who has died without children. Escape from this responsibility requires legal intervention. The wife must testify to the refusal of the man to marry her before witnesses, and if he maintains refusal, she must take off his shoe and spit in his face.

At this point all of the legislation has been presented. There are of course many holy examples in support of it. In 1 Samuel 1:10–11 Hanna by holy example reaffirms supplication in case of barrenness. She clarifies the legislation by the use of a vow of the Nazirite for the hoped for child, by which the hair should not be shaved.

In 2 Samuel 6:20–23, by holy example David punishes his wife Michal by permanently withdrawing conjugal rights from her without divorcing her, in punishment for disrespect to her husband. In 2 Samuel 11 we have the holy example of David and its abrogation by the prophet Nathan in 2 Samuel 12.

The betrothed wife of Uriah was divorced by Uriah so that he could participate as a hero in the wars, on the basis of Deuteronomy 20:7, or the consummated marriage of Uriah to Bathsheba was forfeited by

divorce for the same reason on the basis of Deuteronomy 24:5. David contracted a marriage with Bathsheba in the meantime. Knowing of the intent of Uriah to remarry her after the war, there was disagreement between David and Bathsheba on which of them should inform Uriah of the marriage. Neither was willing to do so, and the situation led to David's willingness to concede to Uriah's desire to be placed in a position where he could attain military glory, hoping that his death would relieve them of the necessity of revealing the new marriage to him.

Because of the questionable motivation involved, this behavior was struck out of holy example by revelation through the prophet Nathan. The general use of this text for facile forgiveness of adultery and murder is not a valid interpretation. Such interpretation would invalidate the law, which provides the death sentence for both murder and adultery. Nathan's words in 2 Samuel 12:9 should be viewed as hyperbole in presenting the case to the king.

2 Samuel 13:13 suggests the possibility of marriage between brother and half-sister, in conflict with Leviticus 18:11. This may represent ignorance on the part of Tamar, or more likely, the vain attempt to talk her assailant out of rape.

Although marriage and relations outside marriage are dealt with in the other prophetic writings, even in the case of Hosea no new holy example or direct divine revelation appeared. The rest of the examples of concubinage can be briefly mentioned.

In Judges 8:31, we find that Gideon had a concubine by holy example, who bore a son, Abimelech, who was the first king in Israel.

In 2 Samuel 5:13, by holy example David contracted concubinage as well as normal marriage with many women. 2 Samuel 15:16 refers to ten women who were David's concubines. The same group of women is mentioned in 2 Samuel 16:21–22 and 20:3. Another group of David's concubines is mentioned in 2 Samuel 20:3. David's concubines are mentioned again in 1 Chronicles 3:9.

In 1 Kings 11:3, by holy example Solomon contracted marriage with seven hundred women and concubinage with three hundred. The surprising number of wives here is of course not normative. The Bible places no restriction on the number of wives. The limitation of four wives is one of the few new legislations of the Qur'an.

Two concubines are named in 1 Chronicles 2:46,48 with whom Caleb contracted. Caleb is not specifically a holy example, but there is no mention of his ever committing an act which was condemnable. On the contrary, he is often mentioned for his courageous conduct in connection with the successor of Moses, Joshua.

1 Chronicles 7:14 mentions a concubine of Manasseh, son of Joseph. Since Jacob incorporated both of Joseph's sons into the twelve, Manasseh is also a holy example.

In 2 Chronicles 11:21 there is mention of concubines for Rehoboam, son of Solomon. Rehoboam, despite his political errors, can be counted as one of the twelve good kings of Judah and thus a holy example.

Song of Solomon 6:8–9 bears reference again to the holy example of Solomon in contracting concubinage.

There are thus five or six holy examples of concubinage specifically mentioned in the Bible as such. We shall now examine texts referring to concubinage that cannot be taken as holy example, and texts referring to holy example of marriage which may or may not be concubinage.

There is a long and tragic story about the concubine of a Levite in Judges 19. There is every reason to believe that this Levite was devout, although he was not a holy example.

The concubine of King Saul is mentioned by name in 2 Samuel 3:7 and again in 2 Kings 21:11. King Saul is not a holy example, for the kingdom was taken from him for disobedience. David himself, however, continued to treat him as the anointed and gave fealty to him until his death. He can be assumed to have been generally devout.

Esther 2:14 refers to the concubines of King Ahasuerus. This king is not a holy example.

At this point it may be pertinent to examine the distribution of cases of concubinage. More than half of the individuals contracting concubinage are holy examples whose exemplary lives were authoritative, God-given revelation which the people of their times were required to imitate. The others, with the exception of Ahasuerus, were devout people, some of whom have no spot on their record.

There is no specific record in the Bible of any wicked personage contracting concubinage. We can assume that at least the wicked kings had concubines, but it is nowhere specifically stated that this is so. In the Bible concubinage is mentioned only in connection with devout living. An explanation of this may be that wicked people generally resorted to prostitution rather than taking on the responsibility of concubinage.

The Scriptures do not deal with length of contract in marriage. Marriage as generally described in the Bible shows evidence of being permanent, although permanence of marriage is never legislated. Many of the cases of concubinage we do find appear to be of rather long term. Exodus 21:7 directly states that marriage by purchase must be permanent. This is an obvious deterrent to prostitution. The inference is that other forms of contract exist.

Concubinage and polygamy both fell out of use sometime after the return from captivity and during the rise of rabbinicism. As concubinage fell into disuse among the Jews, problems arose. Although there is evidence of prostitution existing alongside marriage and concubinage, the incidence of prostitution may have increased with the decrease in polygamy and concubinage.

The parts of the Gospel relating to the period before Jesus' ministry reaffirm the validity of the law on marriage. Joseph contemplates divorcing Mary because of her pregnancy before the consummation of the marriage (Matthew 1:19). This is in consistent harmony with the law. John the Baptist suffered imprisonment and finally execution because he was so severe in maintaining the law against marrying the brother's wife (Mark 6:17).

There is no direct divine legislation in the Gospel. With only one or two possible exceptions, the whole body of the text is clearly the witness of others than God. It is also from the point of view of the hierarchy of order subordinate to the Hebrew Scriptures. Since Jesus combined the offices of prophet and divine guide, his words can be taken with the force of holy example or prophetic authority. His acts can be taken with the force of holy example. His words and acts may therefore abrogate earlier holy example, but can only reaffirm, clarify, or apply direct divine revelation.

The contextual concern of the primary commandment itself is no longer in evidence at this point. There is no need to populate the earth, which has already achieved an adequate population. The emphasis moves away from reproduction to evangelism. Rather than giving birth to more believers, the focus moves to the new birth. The primary command ought then to be reinterpreted to include evangelization. The bridge to this is already seen in the blessings on the seed of Abraham, Isaac and Jacob found in Genesis, by which all nations share in the faith of God. The gospel commission of Matthew 28:18–20 should therefore be seen as the culmination of the first command of the Bible, the command to reproduce.

Nevertheless, the Gospel sheds some light on marital relations and the moral duties relating to them. Matthew 5:31–32 (Luke 16:18) quotes Deuteronomy 24:1 in regard to the bill of divorce. This is expanded in the discussion of Matthew 19:1–12; (Mark 10:1–12). The story in Matthew 22:23–33 (Mark 12:18–27; Luke 20:27–38) does not refer to marriage directly, but to the resurrection.

This text is generally interpreted to mean that Jesus abrogated the law of divorce for all cases except that of adultery, in which case divorce is permitted. There are two serious problems with this interpretation. The first problem is that Jesus does not have the authority to abrogate the law. He only has authority to reaffirm, clarify and apply it to new or specific situations. The law permits divorce, and even if divorce was given because of the specific situation of the hardness of hearts, Jesus could reapply it only in the specific situation that hardness of heart no longer existed.

The second problem is that the penalty for adultery is death. There is no use in providing for divorce in the case of adultery, because divorce can only be applied to a living person. Only a living person can be a recipient of the bill of divorce. But the direct result of adultery, that is the death sentence, must take place before a new issue can be raised. Even if the sentence could be postponed, what sense is there in divorcing someone only to execute them?

This problem disappears when the term *'porneia'*, translated fornication, is rather applied to the list of

prohibited marriages in Leviticus 18:6–20. Divorce would thus be considered appropriate only in the rare case when the marriage at some point was found to be illegal because of a degree of kinship that had gone unnoticed earlier.

If we take Luke 16:18 to be the pure legislation, and the exception in Matthew to be the misguided clarification of a later hand, we are left with an unconditional prohibition of divorce. This is easier to deal with. Without abrogating the general law of divorce, Jesus could make the application of divorce in a specific situation unlawful. The text gives no indication of what that situation might be. We must either assume that the application is specific and limited or, on the basis of the ordered hierarchy of textual values, reject the text altogether.

If there is no indication in the text of what specific situation the prohibition of divorce applies to, we must look for such a situation first in the practice of the society of Jesus, if possible, and then in later societies in the same area. We do not have information on the practice of Jesus' time, but we do find examples in the area. The law of divorce is used in the Middle East as an alternative to prostitution. That is, marriages are contracted with the intention of divorce after even so short a term as hours. We may safely assume that Jesus is referring to this practice.

The legislation of Matthew 5:31–32 and Luke 16:18 is of the validity of holy example, since it consists of the words of a prophet and divine guide. It clarifies the valid application to cases in which the hardness of the hearts of a married couple contribute to their inability to live together. It clarifies that marriage with the intention of immediate divorce as an alternative to prostitution results in adultery and is therefore an invalid use of the law of divorce.

Besides the increase of prostitution as such, we are justified in assuming that the present-day practice of marriage with intent to divorce began to appear in first century Judaism, the time and place to which the Gospels refer. This alternative to prostitution is prevalent today in the Middle East and must have been known at the time of Jesus. It is in this context that we should read the Gospel injunctions against divorce.

We can safely assume that Jesus' treatment of marriage with the intent to divorce forms a part of Jesus' legal reform. Jesus rejects rabbinical method as an application of the law. Marriage with intent to divorce is precisely the kind of circumvention that rabbinical method allows. Jesus, by contrast, relies on holy example in his application of the law, and sets himself up as such an example.

We do not know the specific application of holy example that Jesus made in regard to concubinage either in his own person or in regard to the holy example of earlier Scripture. In the Gospels as preserved to us, he never discusses the issue of the decrease in polygamy and concubinage. He only condemns what came to replace them, that is, marriage with intent to divorce. The general assumption that Jesus himself was unmarried has only the textual foundation that no wife is specifically mentioned. It is based on prejudices arising from later Christian ideals of monasticism.

Considering Jesus' age and the mores of his time, we could more safely assume that he had one wife. That would be a consistent, modern Jewish assumption. Considering Jesus' authoritative application of the law in contrast to rabbinical method, we could even more safely assume that he could have had more than one wife and concubine. These wives and concubines could be among those mentioned in such texts as Luke 23:55: 'And the women also, which came with him from Galilee, followed after, and beheld the sepulchre, and how his body was laid.'

The collection of letters appearing after the Gospels, coming where they do, have the least authority of all Scripture. They do not contain the quoted words of God, but rather, human witnesses. At this point, there is little that can be done but reaffirmation of what has gone on before and limited application to some new situations. We do not have a right to interpret the letters in conflict with the earlier Scripture. The Pauline conflict with the 'law' should not be seen as a conflict with Scripture, but with the configuration of rabbinical method for interpreting and implementing it.

1 Corinthians 5:1 reaffirms the law against marrying one's father's wife (Leviticus 18:8 and Deuteronomy 22:30). Verses 9–13 gives as punishment that the believers should shun the offender altogether. This is in reference to the fact that the believers are living under an ungodly government and are therefore restrained from carrying out the penalties of the law. Chapter six points out the fact that the congregation of believers is lawfully responsible to govern by the law, but is prevented from doing so by an ungodly government which must be taken into practical consideration. Appeal to the authority of such government is forbidden.

1 Corinthians 7 is a continuation of the Pauline application of the law to the Corinthian church of his day. Verse one states what seems to be a celibate ideal. This should be qualified by several factors. First, as already mentioned, the necessity of replenishing the earth has become a secondary concern, properly supplemented by evangelization. Second, the unstable times were not conducive to family life (1 Corinthians 7:26,29). This factor appears in Jesus' warning in Matthew 24:19, 'woe to them that give suck in those days'. The Pauline letters, inspired and inspiring as they may be, are written under the prevailing conception of the time. There was an immediate expectation of the second coming of Christ, the tribulation and the end of the world.

Under these conditions, Paul's ideal of celibacy takes on another flavour. He himself points out that this is a clerical verdict and not a divine one in 1 Corinthians 7:6.

With these qualifications, Paul gives specific instruction on how to maintain celibacy and still maintain the demands of the law on marriage and chastity. Marriage overrides celibacy if it conflicts in practice with the law, 'for it is better to marry than to burn (with passion)'. 1 Corinthians 7:9. Every effort to avoid divorce is to be made, but divorce is not absolutely forbidden (1 Corinthians 7:15). There is nothing in the text which seems to conflict with the law.

The following applications of the law are mentioned specifically in 1 Corinthians 7: mutual benevolence

between husband and wife, conjugal relations are the duty of both husband and wife, mutual consent to abstain from conjugal relations in order to fast and pray must be temporary, avoid divorce, permit divorce of an unbeliever from a believer, permit remarriage of the widow.

2 Corinthians 2 may reflect the result of the rebuke of a man marrying his father's wife. Paul's advice was to 'leave him to Satan' and to shun him completely. Apparently the man repented and separated from the illicit union. There was then argument in the congregation about how to relate to the man. Paul clarifies a reinstatement and forgiveness as being his position (2 Corinthians 2:6–11). Leviticus 20:11 provides the death sentence for this case. Paul's verdict thus contradicts the law. At this point in history there was a long tradition of Jewish courts. The rabbinical method had already come into its own.

The death sentence in practice was not applied even in the Jewish community. Paul's reversal of verdict from shunning to forgiveness is not only in the context of the man's repentance. It is in the context of the fact that the law does not provide shunning as a punishment for this particular sin, but rather the death sentence. The law does not provide for the substitution of one sentence for another. Therefore Paul's changed verdict has as much validity as the first one.

In Galatians 5:19 there is a condemnation of adultery, fornication, uncleanness, and lasciviousness.

Ephesians 5:22–33 gives some principles on relations between husbands and wives. Paul appeals for the best of behavior between husband and wife, but bases it on the wife's submission to the husband and the husband's love for the wife. The social equality between husband and dowered wife is unquestioned in the Hebrew Scriptures. The Pauline attitude may show the influence of a chauvinistic society or a cultural drift toward the subordination of women, although his verdict is unimpeachable. The same chauvinistic foundation appears in Colossians 3:18–19.

Adherence to the law regarding sexual behavior is emphasized in 1 Thessalonians 4:3,5,7. In 1 Timothy 3:2 Paul gives qualifications for an overseer in the congregation, saying he should be the husband of one wife. The same point is made for deacons in verse twelve. This is sometimes understood to imply that more than one wife in succession is meant. If this were the case, however, not only divorce would be prohibited, but also the remarriage of widowers. Although the Jewish practice of monogamy was well established at the time, this was not true for the Greek population. Paul here states that the overseer and deacon must be monogamous. The other side of the coin is that monogamy for the ordinary member of the congregation is not enjoined.

In 1 Timothy 4:3, Paul condemns those who forbid to marry. In 5:14 he encourages younger women to marry and bear children. 1 Peter 3:1ff agrees with the Pauline verdicts, even to the point of chauvinism, enjoining the submission of wives and the love of husbands.

At this point it is possible to make a general evaluation of the Biblical texts from the point of view of Islamic law. I shall make only some brief remarks on salient features here, not least of all because Islamic law appears in four Sunnite schools of jurisprudence and a multitude of Shi'ite variations. It can

be noted first of all that the general point of view of the Biblical legislation is much in the same spirit as that of Islam. Since the Islamic legislation itself is not in agreement on all details, one can hardly find complete consistency between it and the Bible legislation.

All Islamic schools differ from the Bible in two points. They all limit the number of wives to four, whereas the Bible places no limit on the number of wives. 1 Timothy 3:2,12 cannot be construed as a general limit for two reasons. It is in reference to a specific class of specialized people, and it comes at such a low level of order and validity that it cannot even be taken as legislation at all.

The other point of difference is a configuration of laws surrounding the brother's wife. Islam permits marriage to the brother's wife (on the death of the brother or in the event of divorce). The Bible does not permit it in general, but in the case of a childless widow commands it. The levirate is also probably associated to the law forbidding travel for war or business during the first year of marriage and during the engagement. This law probably stands in view of reducing the necessity of implementing the levirate.

Although there is no direct legislation on the subject, concubinage is attested by the holy example of Abraham, David and Solomon, among others. Islam generally does not recognize concubinage after the time of the Caliph Omar, although it is accepted by some jurists. The general Sunnite practice is to accept a marriage contract as valid even when it is contracted with the intention of divorce. This alternative to prostitution appears to have been severely condemned by Jesus. Jesus' attitude may suggest acceptance of concubinage, however.

There are some slight differences in the Bible and Islamic legislations on punishment for sexual crimes, but in the main they are similar. Burning, for example, is unknown as a punishment in Islamic law, except for the active partner in homosexual anal coitus. The same can be said for the similarity between incest laws. The Bible and Islam agree on the number of witnesses for a contract: two males or one male and two females, that is, two or three. But Islam requires four witnesses for adultery, and there is no provision in Islam, as there is in the Bible, for unwitnessed adultery.

In summary, an examination of the whole Bible suggests the following. Concubinage, or limited marriage for pleasure, is mentioned in the Bible in regard to about ten men. It is mentioned, however, in such a way as to indicate that it was a well-known and widespread practice. Its characteristics are therefore not described in detail. There is mentioned only the fact that children of concubinage do not inherit with a man's other children. The Bible does not legislate anything about the time period of marriage, except that marriage by purchase must be permanent. Every example of concubinage in the Bible relates to a devout personage, and more than half of them relate to men whose holy example had to be followed by the people of their times.

The decrease of concubinage and polygamy among the Jews led to an increase in prostitution, and its alternative, marriage with intent to divorce. The most consistent interpretation of Jesus' opposition to divorce points to this specific practice. The Gospel thus reverts back to the holy example of the earlier

Scriptures.

In sum, it appears that in general the Bible accepts polygamy while maintaining monogamy as an ideal. It accepts divorce with reluctance. It also accepts concubinage, or limited marriage. It punishes adultery, prostitution and to some extent premarital relations. It differs from Islam mainly in the practice of the levirate and in placing no restriction on the number of wives.

There are some differences in penalties as well: for example burning in the Bible is the penalty for contracting a marriage with a mother and daughter, whereas in Islam the penalty of burning is reserved only for the active partner in homosexual coitus. Unlike Christianity, both the Bible and Islam, not to mention Judaism, conceive of marriage as a contract between two persons, not as a sacrament.

In the end, we do well to remember Jesus' example of Scriptural interpretation. He states that the beginning is the ideal: one wife, no divorce. All of the legislation after that has taken the hardness of human hearts into consideration. We should all strive for the ideal, and that ideal is the same in all three faiths. Considering that divorce and multiple marriage of some kind are practiced in Islam with less frequency in general than in Western societies, we are justified in believing that Muslims make a true effort to maintain both the legislations of Islam and the ideal of monogamy without divorce.

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