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# Who Needs A Covenant?

BY DAVID P. GUSHEE

**Our quest for true and unforced love, ironically, has led only to weaker and weaker marriages. A covenant coerces faithless people to keep faith. The problem is not that a binding marital covenant is a tyranny, but that nonbinding marital contracts undercut the nature of marriage itself.**

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**M**arriage is a structure of creation, divinely given, intended to meet some of our most significant needs as human beings. Because success in marriage requires the development of a range of important skills and virtues that help us to fulfill the creation purposes of marriage, most treatments of marriage emphasize the development of skills like communication, conflict resolution, and financial management.

There is another dimension to marriage, however, that is best addressed by using the biblical term “covenant.” Recent days have seen a resurgence of the term “covenant marriage,” both in Christian and secular circles. But this does not mean we understand the very rich meaning of the term. It certainly does not mean we are structuring our marriages as covenantal relationships.

Covenant is the structural principle of marriage. Just as God designed marriage to meet the needs of human beings for companionship, sex, and love, so also God gave marriage a covenantal structure. This covenantal structure is just as integral to the *nature* of marriage as the fulfillment of creation-based needs is to the *purpose* of marriage. There can be no successful marriage that is not both creation-fulfilling and covenantal, whether the couple realizes this or not.

The concepts of creation and covenant are deeply intertwined in biblical thought. Covenants are God’s way of organizing, sustaining, and reclaiming relationships established in creation but damaged by sin. Our needs for companionship, sex, shared labor, and family partnership constitute the created ends or goods of marriage.

Covenant, on the other hand, emerges after sin enters the world. Covenant exists, not as an end in itself, but as a means to creational ends. As ethicist

Margaret Farley has put it, “for the sake of our love...we almost always commit ourselves to certain frameworks for living out our love. The frameworks, then, take their whole meaning...from the love they are meant to serve.”<sup>1</sup> Marriage has a covenantal character in order to safeguard the bond itself, which is prior to covenant but needs safeguarding due to our fallibility and faithlessness.

### **COVENANT AS A SCRIPTURAL CONCEPT**

The concept of covenant is dramatically introduced in the Bible as God’s way of structuring his effort to redeem a primeval world already spinning out of control.

The first covenant in Scripture is the one God makes with Noah. Sickened at the wreck his creatures have made of the world, God determines “to destroy both them and the earth” (Genesis 6:13b, NIV).<sup>2</sup> The floodwaters come and then recede. God makes a covenant with—and through—Noah. God will continue to relate to us—to every living creature—despite our rebellion and the misery we create for each other and for our Creator. God will continue to pursue his original intentions in creation, but will now do so by means of a covenant with the entire created order.

If we look closely at Genesis 9 we see eight key ingredients of most covenants in Scripture and of the Old Testament concept of covenant. First, *a covenant is initiated by someone, often the stronger party* (Genesis 9:8). In this case, God establishes the covenant unilaterally; later divine-human covenant agreements often have a bilateral structure, though God always remains the “senior partner” (see Genesis 15:18).

A covenant establishes or ratifies a relationship between two or more parties. In short, *a covenant creates or restores community*. All parties to the covenant are explicitly named in the agreement, a public document to which all participants can be held accountable. *It spells out mutual responsibilities on the part of all parties*, in this case both God and humanity. People are called in the covenant with Noah to resume the creation mandate. God in turn promises to provide food, to demand accountability for life taking, and to refrain from destroying the world again in a flood (Genesis 9:1-11). Covenant responsibilities commonly attest to both the *goals* of the covenant and the particular *rules* that apply to the covenant makers.<sup>3</sup>

*It involves the freely given verbal declaration of sacred promises or sworn oaths that publicly symbolize and even “perform” (speak into existence) the solemn commitments being made.* In Genesis 9, these promises are made by God alone; in some biblical covenants the promises are explicitly made both by God and people.<sup>4</sup> *Furthermore, a covenant is marked by a sign or symbolic action to communicate its significance*—in this case, a rainbow (Genesis 9:13). Other covenants have other signs attached to them, such as circumcision (Genesis 17:10), Sabbath (Exodus 31:16), and so on.

*It is declared to be lasting, enduring, or even “everlasting”* (Genesis 9:16, cf. Genesis 17:7, 1 Chronicles 16:17, Isaiah 24:5, and Psalm 89:28)—God promises

to “remember” the covenant always and to keep his end of the agreement faithfully. Covenant promises are binding; they restrict our future freedom of action on the basis of our present decision. *God is viewed both as the witness and guarantor of covenants*, so any breaking of covenant promises is a sin not only against a covenant partner but also against God. *Therefore, God will enforce dire consequences for breaking the covenant and offer great rewards for keeping it* (Genesis 9:5). In this case the consequences include simply an “accounting”; often covenants include a graphic list of blessings and woes (cf. Joshua 24) or simply vivid threats of judgment and destruction.<sup>5</sup>

God could have responded to sin by annihilating his creatures. But God pulls back from this, and instead works to redeem us. The approach God uses to structure redemptive relationships is covenant making. Given the turn of humankind to evil, the only way to move us to right action is to organize redemption through covenants. Because we are untrustworthy and fickle, we need to make sacred agreements binding ourselves to promises of behaving in a certain way. We need to know what those promises are, the terms under which we are making them, and the consequences of their betrayal. We need symbols and rituals to remind us of all of this. We need the structure of covenants, so it is covenants we are given.

It is important to understand the similarities and differences between covenants and contracts, especially related to marriage. Both covenants and contracts are initiated by someone, establish or ratify a relationship, spell out mutual responsibilities, carry public status, and are a kind of promise that binds both parties to do certain things and refrain from doing other things.

However, while contracts emphasize the precise obligations each party is taking on, covenants place more focus on the *relationships* that are being established or ratified.<sup>6</sup> Contracts specify an exchange of money or services and terminate when the transaction is complete, while covenants establish a relationship that transcends any particular exchange of goods. Contracts always contain “escape” clauses to enable people

to back away from what they judge to have been unwise commitments or failed agreements, while covenants promise open-ended and permanent fidelity to the promises being undertaken and the relationship being established. Finally, contracts are purely and simply human transactions, while covenants invoke the presence of God as guarantor and trustee—even when the covenant is undertaken at the human-to-human level.

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### MARRIAGE AS A COVENANT

There is considerable debate among biblical scholars as to whether the Old Testament actually defines marriage as a covenant.<sup>7</sup> The most important single text identifying human marriage as a covenant relationship is found in Malachi 2:10-16, especially verses 13-16 (NIV):

Another thing you do: You flood the LORD's altar with tears. You weep and wail because he no longer pays attention to your offerings or accepts them with pleasure from your hands. You ask, "Why?" It is because the LORD is acting as the witness between you and the wife of your youth, because you have broken faith with her, though she is your partner, the wife of your marriage covenant. Has not the LORD made them one? In flesh and spirit they are his. And why one? Because he was seeking godly offspring. So guard yourself in your spirit, and do not break faith with the wife of your youth. "I hate divorce," says the LORD God of Israel, "and I hate a man's covering himself with violence as well as with his garment," says the LORD Almighty. So guard yourself in your spirit, and do not break faith.

Malachi declares that Judah's men have been unfaithful to God by intermarrying with pagan women (2:11) and divorcing their own (Jewish) wives (2:14). It is possible that the offenses were related – some Jewish men may have been divorcing their Jewish wives *in order to* marry pagan women.<sup>8</sup> The threat posed by intermarriage with pagans is a central theme especially in the post-exilic books. Why God would be distressed at such practices is little debated. But why God should have a problem with "regular" divorce is much more controversial, given the provisions made for divorce elsewhere in the Old Testament (such as Deuteronomy 24:1-4).

Gordon Hugenberger argues that God is offended by Jewish men's divorce of their Jewish wives because the relationship between husband and wife within the covenant people Israel is in fact a covenant relationship. He shows that marriage *was* understood in Israel as a covenant relationship, including ratification by an accompanying oath and/or act ("oath-sign") in which God was invoked as a witness (cf. Malachi 2:14). In the case of marriage, besides solemn words that oath-sign was understood to be the sexual union of the couple. Malachi's allusion to Genesis and the "one flesh" relationship of marriage (Malachi 2:15; cf. Genesis 2:24) connects here as well.

Malachi appears to have been unusually sensitive to the personal significance of the marriage covenant. He points to the solidarity of male and female in creation (Malachi 2:15), alludes to the bond that develops between a man and woman over most of a lifetime spent together ("the wife of your youth," "your partner" – Malachi 2:14; compare Proverbs 2:17), and seems to suggest the additional responsibility that develops upon the birth of children (Malachi 2:15 – "godly offspring"), in these ways summarizing the many binding moral obligations that marriage and family ties create. This vision of marriage means that

men do a great injustice when they exploit their power over women to end their marriage covenants unjustifiably. Indeed, the section ends with a link drawn between divorce and violence, as if unjustifiable divorce is a kind of violence against its innocent victims.

Consider the number of ways that marriage is a covenant relationship like other covenant bonds in Scripture. *Marriage is a covenant because it is a freely entered agreement between two people.* It is initiated by someone, but it represents the culmination of a journey that fully involves both people. Contemporary marriage covenant agreements differ from biblical ones in that marriage in ancient Israel was not initiated (solely) by the individuals but was an agreement between families as well. But at its heart marriage is an agreement between two people to join their lives together.

*Marriage is a covenant because it publicly ratifies a relationship between a man and a woman and subjects it to objective standards and social responsibilities.* Marriage does not establish the personal relationship between a man and woman but it does ratify it, make it public, and establish its social legitimacy.

*Marriage is a covenant because it spells out the mutual responsibilities and moral commitments that both parties are taking on in this new form of community.* Earlier I claimed that biblical covenant stipulations commonly attested both to the *goals* of the covenant and the particular *rules* that apply to the covenant makers. The central goals God intends for us to seek in marriage are companionship, sexual expression, procreation, and family partnership. The central rules embedded in marriage's sacred promises are sexual exclusivity and permanence. Both goals and rules are situated in a broader context of mutual commitment reaffirmed by faithful conduct over time.<sup>9</sup>

*Marriage is a covenant because it is sealed by various oath-signs that publicly symbolize and even "perform" the solemn commitments being made.* The exchanged vows and rings, the promises publicly made, and consummation through sexual intercourse are the central acts that bring the marital relationship into existence.

*Marriage is a covenant because it is a lifetime commitment.* Marriage is treated in the Old Testament as a binding commitment that can be broken only for cause. This message is reinforced and strengthened in the New Testament. If the promise is not a lifetime promise, it is not a covenant and it is not marriage.

*Marriage is a covenant because God is the witness and guarantor of its promises.* This concept makes the most sense where the couple explicitly embraces God's role as witness and guarantor. But it can also be argued that God is the witness to every couple's marriage vows and, ultimately, the One who empowers any

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couple that manages to keep those vows for a lifetime.

*Marriage is a covenant because there are dire consequences for breaking its terms and great rewards for keeping it.* This is not only the case in the divine-human relationship, but at the human level as well. The blessings and curses of marital success and failure are visible all around us. They are built into marriage and do not require an intervening act of divine judgment.

### **COVENANT AND MARRIAGE TODAY**

To speak of covenant at a wedding today is to acknowledge unattractive truths. It is to say that you can dress up this man and woman in the nicest clothes but underneath it all they are faithless sinners.

To speak of covenant is to be terribly unromantic about marital love. This man and woman may be desperately in love—today. But certainly tomorrow their bonds will be tested. To speak of covenant is to acknowledge that their love will be tried by fire, and to bind this couple to the promises they make today regardless of the inclinations of their hearts on some future tomorrow. As Mike Mason has put it, “In a very real way it is the vow which keeps the man rather than vice versa.”<sup>10</sup>

Covenant functions as the structural principle of marriage because it takes faithless people and coerces them to keep faith. Covenant says: I will be sexually faithful even when my needs for sex are frustrated in my marriage. I will be emotionally and sexually faithful even when my companionship needs are frustrated. I will be faithful in my parental responsibilities even when I am tired of both you and the children. I will be faithful in my communication and forgiveness even when I never want to speak to you again. I will be faithful in sharing the work responsibilities of family life even when I can barely put one foot in front of the other. I will be faithful in sharing a home and a bed with you even when I want to flee.

Yet covenant is not all vinegar and sandpaper. The striking thing about marriage as a covenant is that it is, like every other divinely given structure, for our good.

Outside of the sturdy protective sheath provided by covenant, there is no safe context for the pursuit of the creational needs that are met in marriage. We want and need companionship, sexual intimacy, love, and family partnership. These are the benefits that marriage was designed to provide for us. But they cannot be reliably sought—let alone achieved—outside of a context of covenantal fidelity and permanence.

If I am involved in a trustworthy covenantal marital bond with another, I can relax enough to both give and receive love. I can try and fail and try again to develop communication and sexual skills. Our mutual confidence in the permanence and exclusivity of our bond allows us to give ourselves away, and only as we give ourselves away can we maximize our progress toward human intimacy as God intended it.

One of the most corrosive effects of our culture of divorce is a vicious cycle

involving the deterioration of covenant sturdiness. Having been burned once by marriage, but still pursuing those God-given creational needs, a couple tries again in a remarriage. However, they are often less able to create a binding, lasting, and exclusive covenant the second time around, in part because they were so shattered by the failure of their first marriage.

They hesitate to give their hearts away because they are not sure that the investment is worth the risk—not sure, that is, that the covenant will hold. But precisely because they are unsure, they are less successful in achieving the goods of marriage. Thus the marriage never reaches a high level of satisfaction. Then one or both is inevitably tempted to betray or to end the tottering marriage covenant. Having done so before, it is easier to do it a second time. If the second marriage does end in divorce, and the individuals then pursue third marriages, the cycle is all the more likely to continue.

Under conditions of sin, covenant promise making is just as “natural” or “wired-in” an aspect of marriage as the fulfillment of creational needs. Theologically, it goes like this: because we are creatures with certain needs, we *seek* in marriage certain goods; because we are fallen creatures, we *need* covenants to bind us and keep us in our marriages.

The collapse of older moral certainties included a questioning of the concept of marital covenant. It became seen as archaic to make lifetime promises to anyone, about anything. Marriage began to be viewed by many as a purely voluntary relationship to be entered or exited freely, “as long as we both shall love.”

The paradox is that such freedom is itself a kind of slavery. It allows the tyranny of the transient dissatisfaction to efface all commitments. The quest for true and unforced love has led only to weaker and weaker marriages, and finally to the near-collapse of the institution of marriage. The problem is not that a binding marital covenant is a tyranny, but that nonbinding marital contracts undercut the very nature of marriage itself.<sup>11</sup>

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## NOTES

1 Margaret A. Farley, *Personal Commitments: Beginning, Keeping, Changing* (New York: HarperCollins, 1990), 124.

2 Scripture quotations marked (NIV) are taken from the HOLY BIBLE, NEW INTERNATIONAL VERSION®. NIV®. Copyright ©1973, 1978, 1984 by International Bible Society. Used by permission of Zondervan. All rights reserved.

3 This point is made by Max L. Stackhouse, *Covenant and Commitments: Faith, Family, and Economic Life* (Louisville, KY: Westminster John Knox, 1997), 145.

4 Gordon P. Hugenberger, *Marriage as a Covenant: Biblical Law and Ethics as Developed from Malachi*. (Grand Rapids, MI: Baker Books, 1998), 11-12.

5 Cf. Stackhouse, *Covenant and Commitments*, 140-147.

6 Joseph L. Allen, "Covenant," in *The Westminster Dictionary of Christian Ethics*, edited by James F. Childress and John Macquarrie (Philadelphia, PA: Westminster Press, 1986), 136.

7 The next section is heavily dependent on Hugenberger, *Marriage as a Covenant*.

8 Adrian Thatcher, *Marriage After Modernity: Christian Marriage in Postmodern Times* (New York: New York University Press, 1999), 74.

9 Ernest W. Nicholson, *God and His People: Covenant Theology in the Old Testament* (Oxford: Clarendon Press, 1986), 216.

10 Mike Mason, *The Mystery of Marriage* (Sisters, OR: Multnomah, 1985), 116.

11 This article is adapted from David P. Gushee, *Getting Marriage Right: Realistic Counsel for Saving and Strengthening Relationships* (Grand Rapids, MI: Baker Books, 2004). Used by permission of Baker Books, a division of Baker Publishing Group.

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