

Dear Wesley,

Thank you for your response to the report of The Episcopal Church's Task Force on the Study of Marriage (TFSM). What a fine piece yours was! I admire your even-handedness even while I profit from your survey of the recent literature. You serve all of us—not least the TFSM—by suggesting some more fruitful ways to engage the questions at hand, and by pointing to a range of helpful resources toward that end, and indeed to even possibly better ways to make arguments for positions you don't hold. And you remind us all not to be so smug and sure that we've said the final word or that there aren't more things to think about. Above all, however, you wish that the TFSM would have at least *tried* to offer us some kind of synthesis of canonical Scripture on the question of marriage, and your wistfulness in that regard has set me to pondering as well.

What follows will perhaps look especially churlish compared to your generosity, but I trust that in a spirit of open inquiry it is not inappropriate to have high expectations for a document that is setting an agenda for a national church of proud theological lineage. In truth, the actual treatment of biblical texts in this otherwise learned, frequently eloquent TFSM report does not inspire confidence.<sup>1</sup> As a point of departure we might consider this extraordinary excerpt from an early and strategic paragraph:

Finally, whether marriage is by nature lifelong or capable of dissolution receives a mixed witness in Scripture. The Torah provides for divorce *for any cause* (Deuteronomy 24:1), while Jesus limits the cause to *adultery* (Matthew 5:31-32, 19:3-10); Paul further complicates the matter by introducing the idea that when one of a married non-Christian couple is baptized, *the other has the right to divorce* (1 Corinthians 7:12-13) (p. 14; emphasis added).

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<sup>1</sup> I'm sure it didn't escape your attention either that the biblical and theological essay cites but one work of biblical scholarship (R. E. Brown's Anchor/Yale John commentary), and even that was not on the topic at hand. Your supplementary recommendations are all the more welcome for this reason.

Where to start? Regarding Deuteronomy 24:1,<sup>2</sup> once this regulation of divorce is set in its context (vv. 1–4)—the report never does this—it is already clear that the original function was not to sanction divorce but to address the matter of remarriage of once divorced former wives. As Jesus reminds the Pharisees in Matthew (19:8) and the *Pharisees* remind *Jesus* (!) in Mark (10:4), Deuteronomy 24:1 was at most a grudging *permission*, hardly a command, and no indication whatsoever of the will of God for marriage. For good reason there are no English translations that render the Hebrew *‘erwat dāḇār* (lit. “something naked” = perhaps “something indecent”; cf. Deut 23:15 [ET 23:14]) as “for any cause.” Indeed, the ambiguity of this expression fueled a lively interpretive debate contemporary with Jesus that leads to the controversy found in Matthew 19.<sup>3</sup> But it is *the Pharisees* who “interpret” Deuteronomy 24:1 as though meaning “for any cause” (*kata pasan aitian*),<sup>4</sup> presumably having embraced the sort of laxity endorsed by the School of Hillel over against the stricter Shammaites.<sup>5</sup>

This renders all the more curious the claim that “Jesus limits the cause [for divorce] to adultery.” Besides the fact that the language of the Matthean exceptive clauses is not “adultery” per se (*mē epi porneia*, v. 9; cf. *parektos logou porneias*, 5:32), the claim that Jesus “sets aside” the “permissive” Deuteronomy 24:1 (p. 15) is patently mistaken on both counts. The choice of *porneia* in the exceptive clauses actually serves to restore the original *stringency* of Deuteronomy 24:1, especially in Matthew 5:32, where *logou porneias*

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<sup>2</sup> “Suppose a man enters into marriage with a woman, but she does not please him because he finds something objectionable about her, and so he writes her a certificate of divorce . . .” (Deut 24:1 NRSV)

<sup>3</sup> On the Jewish views of divorce in general and Deuteronomy 24 in particular, see David Instone-Brewer, *Divorce and Remarriage in the Bible: The Social and Literary Context* (Grand Rapids: Eerdmans, 2002).

<sup>4</sup> Cf. similarly Josephus *Ant.* 3.276–77; 4.253; 16.198; *Vita* 426 and Philo *Spec. leg.* 3.30–31 (references from Hans Dieter Betz, *The Sermon on the Mount: A Commentary on the Sermon on the Mount, Including the Sermon on the Plain* [Matthew 5:3–7:27 and Luke 6:20–49], Hermeneia [Minneapolis: Fortress Press, 1995]).

<sup>5</sup> The famous Mishna text is *m. Git.* 9.10, where we read:

The School of Shammai say: A man may not divorce his wife unless he has found unchastity in her, for it is written, *Because he hath found in her indecency in anything*. And the School of Hillel say” [He may divorce her] even if she spoiled a dish for him, for it is written, *Because he hath found in her indecency in anything*. R. Akiba says: Even if he found another fairer than she, for it is written, *And if shall be if she find no favour in his eyes* . . . (Herbert Danby, *The Mishnah* [Oxford: Clarendon Press, 1933], 321, italics original, underscoring added).

almost certainly *reprises* the original ‘erwaṭ dābār.<sup>6</sup> That Jesus is discontinuous with Torah is a claim to be ventured elsewhere, but here the opposite is true.

And then, finally, we are mystified by the account of 1 Corinthians 7:12–13, where we are told that the unbaptized member of a pagan mixed marriage has “the right to divorce.” This rather badly misses the point of that text, which is, quite to the contrary, not about anyone’s “right” to divorce, but rather the obligation of the Christian member to remain in the marriage (7:12–14), or, should it be the case, the freedom of the believing member from that marriage should the unbelieving member insist upon dissolving it (7:15). How the TFMS authors were able to arrive at this characterization of the passage is unclear, but the mistake is not as innocent as it might first seem, for immediately they make something of an alleged disjunction: “This [Paul’s 1 Cor 7] teaching stands in tension with Jesus’ teaching that the bond of marriage is ordered in creation, rather than in Christendom.” Leaving aside what “Christendom” could possibly mean here (I’m not sure; perhaps “order of redemption”?), the apparent point is that Paul has contradicted Jesus, which, again, might be claimed for some texts but is impossible here.

No one needs to convince me that on the matter of marriage in the Bible, one invariably encounters “tensions” of various sorts. No one needs to convince me because I can’t think of *any* question—moral or theological, to say nothing of historical—where one can’t find tensions of one sort or another; indeed, they find *us*. But *these* texts actually embarrass the very argument being advanced from them. No, the Torah actually didn’t commend divorce “for any cause.” No, Jesus didn’t “set aside” Torah (not on this matter, in any case): he reaffirmed its rigor over against a self-interested laxity. And Paul’s treatment of divorce in 1 Corinthians 7:10–16 is actually one of the signal examples of his *deference* to the Dominical

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<sup>6</sup> Instone-Brewer, *Divorce and Remarriage in the Bible*, 158–59. I leave to the side the question of whether the exceptive clauses of Matt 5:32 and 19:9 are traditional or redactional. With most NT scholars (I wonder what you think, Wesley), I incline toward the latter—that sexual misconduct would be the obvious and common sense exception to Jesus’ otherwise prophetically rigorous pronouncement (cf. Mark 10:11–12; Luke 16:16), added by the author of Matthew. The sayings remain canonical in either case, of course, but on this point, I find the TFMS trending, if not credulous, innocent of the mainstream of biblical criticism, especially given the importance of these texts to the question at hand.

tradition, although, to be sure, he goes coherently beyond it by extending grace and freedom to the Christian whose pagan spouse wants to dissolve the relationship.<sup>7</sup>

If there is a “tension” in these passages, it is only this: Jesus clearly takes a rigorist position over against the more convenient *Wirkungsgeschichte* of his interlocutors, who, manipulating a lexical ambiguity and exploiting their patriarchal privilege, had mocked with impunity the creational goodness of exclusivity and fidelity in marriage. It is nothing short of breathtaking, then, when the TFSM manages, having badly mischaracterized all three passages, to insinuate a contradiction where there is actually a striking coherence, only then to launch its latitudinarian trajectory in the face of Jesus’ repristinating rigor.

Well, there is much more that could be said about the actual engagement with Scripture in the report, but carping and nitpicking gets tedious, and I have already done too much of it.<sup>8</sup> Rather with you, Wesley, I was actually more arrested by the larger question of methodology. Early in your essay, you cite this telling summary statement from the preliminary material: “This overview [i.e., the first essay on Scripture and theology] shows how complex, evolving, and contradictory our Scriptures are on the subject, and therefore how tricky it is to speak of ‘the biblical view of marriage’” (p. 10). Of course, it is the stock and trade of our “business” of biblical scholarship to note complexity, evolution, aporias, and even contradictions in and among canonical texts, so there is nothing surprising or alarming in this claim in and of itself. With you, I wondered how earnest the TFSM would be in trying to make sense of our canonical inheritance or whether it would be content with “repugnance.” Sadly, it seems that the latter prevails. Then, while I was surveying the accompanying study materials offered to parishes, it became all the more evident that “complex, evolving and contradictory” is not a minor theme for the report but, rather, as it

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<sup>7</sup> This, of course, is why he speaks as “I, not the Lord” in vv. 12–16: the Jesus of history would not have had occasion to speak to the matter of religiously mixed marriages. Paul carries the Lord’s (i.e., Jesus’) ethic into the new conditions the Lord himself had created but without the presumption of attributing his position to Jesus.

<sup>8</sup> The treatment of Eph 5:25–32 was full of good stuff, including this summary: “if you want to make your marriage holy, look to Christ.” But argument for rejecting the converse—“if you want to know something about Christ and the Church, look to marriage”—is not the least convincing, especially in light of Paul’s laconic conclusion, “but I speak of Christ and the church” (v. 32). And the appeal (without argument!) to the improbable variant in Eph 5:30 is unconvincing (ἐκ τῆς σαρκὸς αὐτοῦ καὶ ἐκ τῶν ὀστέων αὐτοῦ; quite possibly anti-docetic in origins [cf. Iren. *Adv. Haer.* 5.2.3]).

concerns the Bible and marriage, something more like its thesis. The point seems to be that, perhaps through no fault of its own, the Bible just isn't the sort of text (or anthology of texts) that could much help us with a question like the nature and shape of marriage given our time and place in history. Or at least that we must separate its little bit of wheat from the mass of chaff. I think this is an honest thing to say; the report lacks candor for not saying it.

I confess, however, to a mischievous hypothesis: is it not the case that the Bible of the TFSM is ultimately a fundamentalist Bible? I realize that "fundamentalist" is hardly an obvious descriptor of the TFSM's engagement with Scripture, even less its conclusions regarding marriage. But if we ask what sort of reading strategies lead one to this kind of radical incommensurability, things become clearer. Why is a "biblical" vision of marriage so elusive? Simply this: the texts and contexts in which "marriage" is embedded are complex and diverse. The texts that would one day become "biblical" were already first historical and remain artefacts of their time and place—worlds where we encounter in various measures patriarchy, patrilineal and primogenitary privilege, polygyny, concubinage, slavery, pederasty, temple prostitution, and other distasteful things. While it would be surprising if this were surprising to the TFSM, it does seem to have left quite an impression, being frequently rehearsed as though a discovery. But only a fundamentalist—and by no means all of them—is caught out by this. Indeed, only fundamentalism regards the formal and material diversity of the Bible and its complicity with real historical settings as a "bug" rather than a "feature" of the divine self-disclosure.

No, the "complex, evolving and contradictory" witness of Scripture is accountable to two simple facts: that biblical texts *narrate* the good, the bad, and especially the ugly of our forebears, on the one hand, and that not just the narratives, but even the directive modes of discourse (e.g., "law"), are already late-on-the-scene, imperfect remediations of a prior profound brokenness. When, for example, Deuteronomy 24:1–4 takes up the matter of divorce (well, as we saw, it doesn't really take up the matter of divorce, does it?), men setting aside their wives with impunity is already a given, and this text is simply a limitation of an egregious injustice. But Deuteronomy 24:1 neither validates divorce any more than it turns back the sundial to before the fall; it just partially ameliorates a contemptible practice of patriarchy run amok.

Hardly a feminist manifesto; even less a valorization of patriarchy. We might say that there's "nothing for everyone" here.

But if the messy candor of the Bible's narration and the prophylactic, non-utopian character of Torah are cited as evidence of the Bible's confusion, are we sure that the confusion does not actually lie with the Bible's unsubtle readers, approaching the text with precisely the wrong expectations? What imagines itself as a kind of brave and sophisticated acknowledgement of the Bible's complexity is actually just an extraordinarily flatfooted hermeneutic, a culpable naïveté parading as acumen.

As you indicate so well, Wesley, one could imagine strategies other than a counsel of despair for engaging the Bible's moral wisdom. An old, and recently revived, intuition is to treat the canonical whole as a narrative by which the ends of God are discerned in its beginnings and endings.<sup>9</sup> The journey from the former to the latter is not only made necessary by the malignancy of sin but, just as importantly, conditioned by it. This is why the TFSM is exactly right to say that discerning a "biblical" view of *anything* (not just marriage) is "tricky"; it is also why they are mistaken to use the word "tricky" as a lazy euphemism for "happily impossible." Unlike the flatfooted biblical propositionalism of the TFSM report, a canonical and narrative construal of the Bible's storied to-and-fro does not leave us with a set of isolated moral directives to enforce or evade, as the case may be. Here there is no need to pretend that the Bible's varied and unwieldy precepts and stories are all vying chaotically for ultimacy, because, by definition, that's exactly what they aren't. And only something like a dictation theory of inspiration obliges us to the sort of hermeneutic that fosters that sort of false dilemma.

Wesley, I'm afraid your essay is kindlier than this one, but I think we agree that ideally the House of Bishops would use this opportunity to take up its teaching office and, in light of the gravity of the

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<sup>9</sup> For an influential, if not "classic," statement of the model, see N. T. Wright, "How Can the Bible Be Authoritative," *Vox Evangelica* 21 (1991): 7–32; the argument reappears frequently, most recently in idem, *Scripture and the Authority of God: How to Read the Bible Today* (New York: HarperOne, 2011). For a less well-known sample of a similar argument see David C. Steinmetz, "Uncovering a Second Narrative: Detective Fiction and the Construction of Historical Method," in *The Art of Reading Scripture*, ed. Ellen F. Davis and Richard B. Hays (Grand Rapids: Eerdmans, 2003), 54–68.

questions at hand and whatever views are personally held, ask for a report evincing more competence, accounting for more diverse voices, and exhibiting more intellectual honesty. Were this a thesis under my direction, I think I would congratulate its extraordinary ambition, affirm its many keen insights, but still ask for a re-write. Wouldn't you?

Woody