

EZRA'S ETHICS ON INTERMARRIAGE AND DIVORCE

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INTRODUCTION

The problem of divorce is practically as ancient as civilization itself. Civilizations of all ages have adopted a code of ethics on the subject. They vary from rigid rules prohibiting divorce, on the one hand, to practically no restrictions at all, on the other.

Both the Old and New Testaments deal with the subject. Divorces from the earliest times were common among the Hebrews. All rabbis agree, observes Edwards, that a separation, though not desirable, was quite lawful. The only source of dispute among them was as to what constituted a valid reason or just cause.¹

It is not the purpose of this study to provide a full discussion of the divorce issue. The aim is rather to deal with the particular ethical problem presented in Ezra 9 and 10. The Old Testament law had prohibited mixed marriages between Israelites and the heathen nations around. Such a prohibition was not unusual among societies. In Rome patricians had been prohibited from marrying plebeians before 445 B. C. In 450 B. C. Pericles enforced a law in Athens, according to which only those whose parents were full-blooded Athenians could remain Athenian citizens.² Israel was to be a peculiar nation and separate from the religions of other nations. The prohibition of mixed marriages was necessary for the maintenance of such separation.

But the problem of Ezra 9-10 reaches beyond this. Some Israelites did intermarry with the neighboring heathen. Mixed family units ~ established. Should these marriages for the sake of national purity, be dissolved? Would not an annulling of these marriages create an injustice to the wife and family? Nevertheless, the historical fact remains. Ezra required that the mixed marriages be broken up. Was he justified in his decision or not? It is the purpose of this study to investigate the ethical implications of this event and to offer a judgment on Ezra's decision. Research in the commentaries shows that there is divided opinion on the matter. Most in fact, prefer to limit their comments in an attitude of non-commitment. The record of Ezra's

decision is presented and his reasons for the decision are usually added. But most are reluctant about commending Ezra on this occasion.

Hastings is representative of many when he says:

It was certainly an action that could be justified only by extreme circumstances. To an impartial onlooker it might seem high-handed, harsh, even cruel. But there could be no doubt as to the perfect purity and integrity of his motives. Unlike most of his adversaries, he had no personal interest in the dispute--no selfish ends to gain. His one ambition was to glorify God and to be of service to his nation.³

We note that Ezra's motives are easily justified but his actions are presented as questionable.

Batten, representing many others, is more explicit. Actions, he says, cannot always be judged from a consideration of their consequences.⁴ In other words, the mixed marriages would have threatened the incompletely established solidarity of the religious life and community but this doesn't justify Ezra's action.

Batten further states that Ezra's standards must not be judged from the highest standards of our day, but from the ethical conceptions of his own time and people.⁵ The problem here that Batten does not face, however, is that Ezra believed he was acting in accordance with the divine will. It is not simply a matter of the ethical conceptions of his day being contrasted with ours. The real problem is: Was it the will of God that these marriages be broken up?

THE SETTING OF THE PROBLEM

The ethical problems of Ezra 9-10 cannot be discussed apart from the historical context in which they are found. A brief summary of that context will help to provide the basis for further discussion.

In the seventh year of Artaxerxes (458 B. C.) Ezra, having been given permission to leave Babylon, began his journey to Jerusalem (Ezra 7:7). He arrived four months later.

Shortly after his arrival Ezra is told of a serious problem existing in the new community. Some people in Israel, including priests and Levites, had been guilty of intermarriage with the heathen people of the land and were following their wicked practices. The first offenders in the sin had actually been the leaders and rulers.

Ezra is horrified at the news. Tearing off his garment and pulling hair from his head, he sits down confounded. Soon others of like mind joined him in his anguish. They remained thus until the evening.

Then at the time of the evening sacrifice, Ezra fell upon his knees in a prayer of confession. He confesses his shame and guilt on behalf of the nation. He acknowledges that the past years of discipline were the result of their guilt. Now God had been merciful in permitting a remnant to return and had granted them the opportunity to rebuild the house of God.

But this new opportunity was again threatened. The remnant had not heeded the words of the prophets and again reverted to the previous sins. Judgment will surely come and perhaps this time the whole nation would be consumed. Ezra pleads the mercy of God.

As Ezra prayed, a large crowd of Israelites gathered with him to weep and to pray. Then Shecaniah, one of the sons of Elam, steps forward with a proposed solution. "We have sinned," he says, "but there is still hope. Let us make a covenant with our God to put away all these wives" (Ezra 10:1-3).

Ezra seemed agreeable to the proposal and requires the priests, Levites and people to swear to support this action. An announcement was made throughout Judah and Jerusalem that all the people should assemble themselves in Jerusalem within three days or forfeit all their possessions and be banned from the congregation of the captivity.

The people responded and came, trembling because of the matter and because of the winter rain. Then Ezra spoke to them and commanded them to "render honor to the Lord, the God of your fathers, by doing what he wills: namely the separation of yourselves from the people of the land by putting away the foreign women" (Ezra 10:11). The people replied with an affirmative response and committees were set up to carry out the divorce procedures. After three months of proceedings the separations had been completed.

Such is the summary account of the events of Ezra 9-10. It is a tragic account of a tragic situation--but one also filled with ethical implications upon which scholars widely disagree.

REASONS FOR QUESTIONING EZRA'S DECISION

Ezra's decision to require separations of the intermarried couples was without question both severe and uncompromising. Many feel his action was justified by the circumstances, but others believe the move was a questionable one. Several reasons are given for the latter view.

I. Intermarriage Had Been Overlooked in the Past

The fact that intermarriage was practiced unhindered in Israel throughout most of its history is clearly acknowledged in the Old Testament. Moses married a Cushite woman (Num. 12:1), Mahlon and Chilion Moabite wives (Ruth 1). Deuteronomy 21:10-14 permitted the marriage of women taken captive in war.

Stanley, almost in a caustic manner, remarks there had not been the faintest murmur audible when the ancestors of David once and again married into a Moabite family, nor when

David took among his wives a daughter of Geshur; nor is there a more exuberant psalm (45:12, 16) than that which celebrates the union of an Israelite king with an Egyptian or Tyranian princess.⁶

Many Israelite marriages to foreign wives can, of course, be justified on the grounds that the foreigner became a proselyte to Israel. But many cannot be explained in this way. These are intermarriages which clearly disregarded the legal code and led to illicit religious practices (cf. I Kings 11:1). They ultimately led to God's judgment in the captivity. But they were nevertheless tolerated and divorce was not required of them. They were not banned from the congregation. Moses, it appears, was to "regulate and thus to mitigate an evil which he could not extirpate,"⁷ Ezra's act went beyond this purpose and seems to have been unprecedented.

II. The Separations Broke Up Established Families

La Sor, when referring to this aspect of Ezra's administration, says it was a questionable decision when he insisted that all of the men of Israel who had married foreign wives should divorce them. La Sor acknowledges there is no question about the danger that they had gotten into by marrying the foreign wives, but here were families that had been established for years, and Ezra insisted that all the men divorce their wives.⁸

The implication made by La Sor is that, if such drastic action was needed to the extent that divorces were required, why couldn't there have been leniency at least to those homes where children were involved? Must they too be separated from their fathers? What hardships would this create for the wives?

That Ezra was aware of the implications of these divorces is clear. The record tells that some of these wives had children (Ezra 10:44). But he also considered the implications further intermarriage for the nation. He chose in favor of the lesser of two evils.

III. Ezra's Action Didn't Eliminate the Problem

Before the people of Israel entered the land of Canaan, they were warned not to intermarry with the inhabitants (Deut. 7:3). But they did intermarry in time and the situation became uncontrollable.

Now Ezra begins with a remnant of returned exiles. Intermarriage is again a problem. Can it be controlled indefinitely? The fact that Nehemiah has to correct these same abuses again in twenty-three years later shows that the problem again arose and required renewed attention. Since Ezra's action did not eliminate the problem, does this not question the validity of such attempts to eradicate the problem from the first? Can spiritual purity be maintained in a whole nation? And can it be controlled forever?

IV. Ezra's Action Causes His Influence to Dissipate

Ezra came to Jerusalem as a mighty teacher of the law and saw great revivals during his time of ministry. But after this "questionable decision" on his part, says La Sor, we never hear any more of him. He seems to have lost his prestige and his authority with the people for good.⁹

We do, of course, read of Ezra's great success in the ministry in the Book of Nehemiah. He does not seem to have lost his prestige or authority at this point. Some critical reconstructions of Ezra-Nehemiah however do place this ministry of Ezra (in Nehemiah 8) to a time prior to the intermarriage problems of Ezra 9-10. If this is followed, (as apparently La Sor does), the Old Testament does indeed have little more to say about Ezra.

V. Jewish Wives Had Little Influence on Their Husbands

The authority of the wife in Hebrew society, as in most ancient cultures, was very limited. Womanhood in general was placed in a position of subservience. Because of this fact, Batten feels Ezra's recourse was too severe. "The Jewish wife," he says, "was not such as to make her a very influential factor in the religious life of the nation."¹⁰

The action taken also seems to have been quite negative. Ezra grapples with the marriage of Jews with unconverted people but "conversion is not remotely hinted at."¹¹ Could such a small number of women so threaten a nation?

VI. Number of/Families Involved Was Inconsiderable

According to the list of offenders given in Ezra 10, only 113 had taken foreign wives. There were 17 priests, 6 Levites, 1 singer, 3 porters and 86 of the laity. If the total number of families amounted to about 29,000,¹² the offenders would total about 0.3 percent or 3 men in a 1000. Batten considers this an inconsiderable number for the whole Judean province.¹³

It can, of course, be said that while the list of the guilty was small, this in itself would tend to support Ezra's action. It would have been impossible to require the divorce of a major portion of the nation's population. Furthermore, the New Testament exhortation of Paul to the Corinthians would seem to support the same principle--"a little leaven leavens the whole lump" (I Cor. 5:6).

However, the danger of immediate national corruption through these mixed marriages, it is said, was overestimated by Ezra.

VII. Ezra's Decision was Unfair to the Wives

The record of Ezra 9-10 tells us that the guilty men were to separate themselves from their wives. Nothing is suggested about wives taking such action against their husbands. Nor do the wives seem to have any personal choice in the matter. Ryle states it forcibly: "The method of separation was forcible expulsion. The case of the wives and of the children, who had become 'proselytes' and embraced the Israelite religion, is not taken into account."¹⁴

That the wives actually did become proselytes is not stated. An argument from silence in this instance, therefore, cannot be very convincing.

Edwards furthermore explains why the wife had no authority in this situation. He says divorce was always from first to last, in Jewish law, the husband's act. The wife, at best, could persuade her husband to give her a divorce. The common term used in the Bible for divorce is "the sending away of a wife" (Deut. 22:19, 29). We never read of "the sending away of a husband."¹⁵

The wife indeed did have an unenviable position in this respect. It is also very possible that considerable hardship and grief was caused by the whole affair. Even Ezra would not have denied this--but his concern for the purity of the; nation superseded all other considerations.

VIII. Protests Arose Against the Required Separations

While opposition to the separations was not great, there were, nevertheless, some who questioned Ezra's decision. Jonathan, the son of Asahel, and Jahzeiah, son of Tikvah, opposed this course of action and they were encouraged by Meshullam and Shabbethai, the Levite (Ezra 10:15).

A somewhat farfetched evidence of protest is further suggested by Anderson. He writes:

In this period, however, the narrow exclusiveness of Nehemiah-Ezra was subtly protested under the guise of a winsome novel, the book of Ruth. This charming story, which the narrator placed in the rural setting of the ancient Tribal Confederacy, was told to show that Ruth, a Moabitess, was actually the ancestress of David, Israel's greatest king. In other words, God's greatest favor was bestowed upon Israel through a mixed marriage--the very thing that Nehemiah and Ezra frowned upon! Here we find an attractive piece of "propaganda" against the assumption that one's position within Israel was dependent solely upon purity or correctness of genealogy.¹⁶

The above quotation would be of some value if Anderson could be sure the Book of Ruth was written to be a protest novel. He would need to show some historical justification for saying it was not a historical record. He would have to give evidence that it was written in Ezra's time. And he would have to show that Ruth is to be compared with wives who caused their husbands to commit the wicked practices of the Canaanites (Ezra 9:1). Evidence to support Anderson's conclusion is simply lacking and his argument therefore loses its force.

IX. Ezra's Decision did not have Mosaic Sanction

One of the strongest arguments against Ezra's decision to require the divorce of foreign wives is that Ezra did not have Mosaic sanction for his action. There is no law in the Old Testament which states that divorce is required in such a situation. Ryle therefore concludes that, "Ezra put an interpretation upon the Law which was more rigorous than its actual letter required."¹⁷ Buttrick agrees when he says, "While the law forbade the mixed marriages, it did not, unless by inference, provide for their dissolution."¹⁸

If there had been such an understanding of the law that would have required a separation from: a mixed marriage, it surely would have been applied before Ezra's time. But Ezra apparently has not historical precedent for his action.

X. Ezra's Action Contradicts Paul's Statement of Romans 7

Mixed marriages were a problem to the Christian economy as well as to that of the Old Testament. Paul warned the Corinthians not to become "unequally yoked together with unbelievers" because righteousness has no fellowship with unrighteousness. (II Cor. 6:14). But mixed marriages did exist he did not require the Christian to seek a divorce. Rather he stated that "the unbelieving husband is sanctified by the wife, and the unbelieving wife is sanctified the husband: else were your children unclean; but now are they holy" (I Cor. 7:14). Could not this approach have been taken ill Ezra s day?

REASONS FOR SUPPORTING EZRA'S DECISION

It would be difficult to conceive of a leader with the spiritual stature and national prestige of Ezra to have taken such drastic measures as those recorded in Ezra 9-10 without having carefully calculated the ethical and spiritual implications of such action. This is not to imply that such a great leader could not be wrong. But Ezra made a very deliberate decision while aware of factors both legal and historical. He had reasons for what he did and these reasons demand our attention.

I. Old Testament Prohibitions Re-Intermarriage were Explicit

Ezra was a careful student of the Old Testament Law. This is evidenced, not only in the many illustrations of his ministry of instruction in Israel, but also in explicit statements. Ezra 7:10 states, "Ezra had disciplined himself to study the Law of the Lord, to practice it, and to teach its statutes and ordinances in Israel." What he did, he did "according to the law" (Ezra 10:3). His interest, in the words of Josephus, was to "support the laws, lest God should take up a general anger against them all, and reduce them to a calamitous condition again."¹⁹

In the law (Exod. 34 :16; Deut. 7:3), only marriage with Canaanitish women were forbidden; but the reason for this prohibition was that Israel might not be seduced by them to idolatry. This reason made the law's extension to Moabites, Ammonites, and Egyptians necessary under existing circumstances, if an effectual check was to be put to the relapse into heathenism of the Israelitish community.²⁰

That Ezra and Nehemiah understood this to be true import of the law can be seen in the way Nehemiah cites the evil example of Solomon (Neh. 13:26). Nehemiah says, "He was caused to sin by foreign wives."

Rawlinson further states:

It is quite clear that Ezra read the law as absolutely prohibitive of mixed marriages (9:10-14), as not only forbidding their inception, but their continuance. Strictly speaking, he probably looked upon them as unreal marriages, and so as no better than illicit connections. For the evils which flow from such unions, those who make them, and not those who break them, are responsible²¹

Ezra reasoned that the prohibitions to avoid these marriages were absolute. There would be no need for a further commandment about separations if the prohibition went unheeded. The separations were to be done "according to the law" (Ezra 10:3)--first that the heathen wives be put away and second that this should be performed in accordance with the regulations for divorce contained in the law (Deut. 24:1-4).

It is true that such enforcement of the law had not been carried out in Israel's early history. At least no examples of such action are recorded in Scripture. But Ezra, as a close student of the law, knew it had been broken and the matter needed to be corrected.

II. Marriage in Israel Involved a Covenant before God

Marriage in Israel was not simply purposed for the establishment of homes and families. In the theocracy of Israel it was to be understood as a covenant with God (Mal. 2:14), with the purpose being to raise up a "godly seed" (Mal. 2:15). Israelites were also called God's "holy seed" (Isa. 6:13), and "holy people" (Isa. 62:12). By God's covenant with them he accepted their offspring as His children, and so they consciously remained through life, presuming they worshipped and served God.

For this reason intermarriage with the heathen was so disruptive to Israel. One who was not born an Israelite or had not become a proselyte would not regard their covenant with God. Israel's theocracy could not co-exist with the practice of intermarriage.

Since the New Testament church is not under the Old Testament covenant or governed by the theocracy of that economy, it was fitting for Paul to state that marriages between believers and unbelievers should remain intact. National ties here have no effect on the children's religious welfare or the stability of the state. Personal faith is the primary concern.

III. The Historical Occasion Prompted Ezra's Decision

Ezra knew the disaster of 586 had resulted from idolatry. A recurrence of these conditions must now be avoided by all means. "It seemed to him," says Rawlinson, "that the very continuance of the people's existence depended on an immediate and complete reform."²² There must be an entire relinquishment of the evil practice which had grown up. Steps which might be necessary for purging out the fatal corruption which had been allowed into the heart of the nation must be taken.

Ezra well knew that if after so solemn a warning as the Captivity, the restored nation, just allowed a deliverance, should again fall away, might it not be expected that God would be angry with them till he consumed them, so that there should be no remnant nor escaping (Ezra 9:14)?

Perhaps, too, the reform was to constitute a renewal of the covenant between the people and their God. This, says Buttrick, would involve the contractual obligation whereby God was to guarantee the prosperity and protection of Israel in exchange for their recognition of him as the only God and their unquestioned obedience of his will.³

But it was the immediate occasion which allowed Ezra to take such a severe measure in reform. There were relatively few who had been found guilty. The sin could still be eradicated. If this practice went unchecked it would not be long before reform would be impossible. It was the opportune time in the history of the nation for such action to be taken.

IV. Religious Leaders Were Involved in the Intermarriage

When the leaders of Israel first came to Ezra to report the intermarriage problem he was told that it was the leaders and rulers who were the first offenders in the sin (Ezra 9:2). This fact, perhaps as much as the offense itself, brought about Ezra's consternation.

Schultz observes that among the eighteen guilty priests were close relatives of Joshua, the high priest, who had returned with Zerubbabel. In fact, a comparison of Ezra 10:18-22 with 2:36-39 indicates that none of the orders of returning priests were free of intermarriage.²⁴

Here were the individuals who were to be the examples to the laity! Here were the leaders in the nation's worship! Compromise at a time like this could mean the end of the theocracy. Ezra was not about to allow this minority of offenders to destroy the whole nation.

V. Ezra's Concern was Primarily Religious, Not Nationalistic

It is the contention of Gordon that Ezra, believing that the purity of the monotheistic religion and the purity of blood were bound together, viewed intermarriage as a form of defilement and declared that the ancient faith was adulterated when the blood of a Hebrew was mixed with that of a heathen.²⁵

Such an explanation of Ezra's reasoning certainly does less than justice to the text. Ezra knew the law well and knew that Jewish proselytes were welcomed into the community. But the heathen wives had not become proselytes. Rather, we read, they caused the Israelites to "conduct themselves after the wicked practices of the Canaanites, the Hittites, the Perizzites, Jebusites," etc. (Ezra 9:1). It was primarily a religious problem, and only secondarily a one.

Ezra's knowledge of the law certainly wouldn't have bypassed Deuteronomy 7. Here the effects of intermarriage were expressed.

You must not intermarry with them. . .for they will lure your sons away from Me, and they will be worshipping other gods. Then the Lord's anger will flare out against you, and he will annihilate you quickly. This then is the way you shall deal with them: You will pull down their altars, break in pieces their dedicated pillars, cut down their shame images, and burn their idols in : the fire. For you are a holy people, set apart to the Lord your God. . . (Deut. 7:3-6, Berkeley).

Ezra would not have turned away a true convert to Jehovah. That was not the issue. But he was concerned about the worship of the true God and would not stand by to see idolatry destroy his people.

VI. The Divine Will Had First Been Sought in the Decision

The response of Ezra to the news of the mixed marriages was not revenge but frustration and then prayer. It involved a confession of national guilt before a holy God. It involved a plea for mercy and grace because of these condemning sins. It was during this time of intercessory prayer that the decision to demand the separations was made.

The fact that prayer was offered, of course, does not prove that Ezra could not be wrong. The human will was still involved and the possibility of subjective rationalizations was there. But here was a large crowd joined in prayer and they supported the decision that was made. There was no dispute about the ethics of the action. Only a few were in disagreement with the procedures but the vast majority saw this to be in harmony with the commandments which were given through the prophets (Ezra 9:11). They were convinced that their actions were in agreement with the will of God.

VII. The Decision did not Damage Jewish Respect for Ezra

La Sor, in suggesting evidence to show that Ezra had made a questionable decision on this occasion, states that this move caused him to lose his prestige and authority with the people, so that we do not hear of him again.²⁶ Actually the evidence is quite to the contrary. Not only do we have the record of his subsequent authority in the Book of Nehemiah but in extra-Biblical sources also. Josephus says, "Ezra lived to a good old age in Jerusalem, and died there, and was honored with a magnificent funeral."²⁷

Tradition history furthermore says that it was Ezra who instituted the Great synagogue, became its first president, settled the Canon of Jewish Scripture and began the building of synagogues in Jewish Provincial towns.²⁸

Also about his later influence Buttrick says:

By the great influence of his book, and especially of its hero Ezra, upon the course of later Judaism, he gave 'both direction and powerful impetus to the elaboration of the ceremonialism, the legalism, and the exclusive "particularism" which thus became characteristic of later Judaism.²⁹

It can therefore be said with assurance that Ezra remained a national hero in Israel. Drastic though his action may have appeared, it won the assent and respect of the people.

VIII. Ezra's Action Enforced the Sovereignty of the Law

Of all the facts that are involved in the issues of Ezra 9-10, the one which stands out most clearly is the fact that the law was again replaced in its sovereign position. Ezra believed the law not only forbade intermarriage with the heathen but provided for divorce in the event that such had taken place. Divorce was allowed under certain circumstances when a man found "something improper" in his wife (Deut. 24:1, Berkeley). This could not have had reference to adultery since the penalty for that was death (Deut. 22:20 f). Whether or not Ezra had Deuteronomy 24 in mind cannot be known but there was general agreement that the action he took was in fulfillment of the law.

Josephus account notes:

... they found a great many of the posterity of Joshua the high priest, and of the priests, and Levites, and Israelites who had a greater regard to the observation of the Law than to their natural affection and immediately cast out their wives. . . .³⁰

Ezra regarded neither the greatness of the offenders nor the natural affection for their heathen wives and their children. The divine law took precedence. It was returned to its respected position.

CONCLUSION

Divorce always represents a failure and a tragedy and this was no less true in Ezra 9-10. To Ezra it was a dumbfounding situation which caused him great shame and anguish of heart. He was caught in the dilemma of choosing between doing what was easy and doing what was right.

Many have questioned the required separations as being too harsh and inhuman. Reasons were given to support this contention: the separations broke up homes, were unjust to the wives and children, and didn't really solve the problem completely in the end. Perhaps the most weighty argument favoring those who take issue with Ezra is the fact that Ezra's action seems unprecedented. The law had been broken many times before without measures taken to uphold it. Why did Ezra need to begin enforcing it now?

Several reasons were also listed in favor of Ezra's action. After all, the prohibitions had been there all along even though they had not been enforced. To allow the corruption of the nation again by a small minority, was to invite certain judgment upon all. Those who had entered the mixed marriages were clearly guilty. Whatever the cost, the law must be upheld. Ezra as the man of God for this hour was obedient to the divine will and required the heathen wives to leave.

A final word should be added for there is a lesson here beyond Ezra's time. Although circumstances have changed and a new economy of God has been instituted, the same principle of obedience remains. Life is filled with decisions where the right course is also the most difficult. But honesty to God demands that the situation be identified for what it is and action be taken with resolution to fulfill the will of God.

DOCUMENTATION

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