

Betrothal and Marriage At the Time of the Nativity

By Ron Kienzle April 2008

Matthew teases us with the beginning of the story:

Matthew 1:18 through Matthew 1:21 (NRSVA) ¹⁸Now the birth of Jesus the Messiah took place in this way. When his mother Mary had been engaged to Joseph, but before they lived together, she was found to be with child from the Holy Spirit. ¹⁹Her husband Joseph, being a righteous man and unwilling to expose her to public disgrace, planned to dismiss her quietly. ²⁰But just when he had resolved to do this, an angel of the Lord appeared to him in a dream and said, “Joseph, son of David, do not be afraid to take Mary as your wife, for the child conceived in her is from the Holy Spirit. ²¹She will bear a son, and you are to name him Jesus, for he will save his people from their sins.”

Note that the word “engaged” is a modern translation (in this version) of the Greek word *μνηστεύω* which means “espoused” or “betrothed”¹ and, as we will see shortly, must not be thought of in terms of our contemporary American dating customs.

Unfortunately, none of the other Gospel writers sheds more light on the circumstances facing the young couple or the motivations that moved Joseph. Instead, what we must do is explore the history of Jewish and Roman practices regarding marriage.

The Holman Bible Dictionary² is useful for starting our inquiries:

Old Testament: The biblical terms, betrothal and espousal, are almost synonymous with marriage, and as binding. Betrothal and marriage comprised a moral and spiritual principle for the home and society. The penalty under the law of Moses for disrupting this principle by adultery, rape, fornication, or incest was death by stoning (Deut. 22:23-30). Later under some circumstances the Jewish legal system allowed divorce. The forgiving love and grace of God for his adulterous people is demonstrated by Hosea buying back his adulterous wife and restoring her to his home and protection (Hos. 2:19-20). This means that forgiveness takes precedence over stoning or divorce.

New Testament: Mary and Joseph were betrothed but did not live together until their wedding. When Mary came to be with child during betrothal, Joseph decided to quietly divorce her. In a dream from God, the apparent unfaithfulness of Mary was explained to Joseph as a miracle of the Holy Spirit. This miracle gave emphasis to the unique human and divine nature of Jesus Christ. Paul used the betrothal concept to explain the ideal relationship that exists between the church as a chaste virgin being presented to Christ (2 Cor. 11:2).

From the lesson of Hosea, we can conclude that Joseph’s apparent “forgiveness” of his bride’s “indiscretion” was enough to preclude her being stoned to death. In fact, the real or actual paternal blood lineage of a child was not as important to the Jews as was the father’s acceptance

¹ Strong, James, *Strong’s Hebrew and Greek Dictionary* [CD-ROM] (Parson’s Technology, Inc., 1998)

²Trent C. Butler, Ph.D., ed., *Holman Bible Dictionary* [CD-ROM] (Nashville, Holman Bible Publishers, 1991)

of the child and, thus, adoption into his bloodline³. But, we ask, why would their peers not simply conclude that her pregnancy was Joseph's doing? After all, it was not unheard of that the betrothed parties broke their unofficial vows of celibacy. In Judea around Jerusalem, where Roman influence was stronger, it was actually quite common for the betrothal period to be shortened to accommodate a "premature" birth. In Galilee, however, further from Roman liberal attitudes, the Jews practiced a stricter, Pharisaical moral code, adhering more closely to The Law and, while not unique, pregnancy before cohabitation was, at least, embarrassing.⁴ What was going on in those days that make this story of particular importance?

From the Catholic Encyclopedia⁵ we can add a bit more insight:

The Jewish laws of marriage, and consequently of betrothal, were based in a great measure on the supposition that it was a purchase. In the law of Moses there are certain provisions respecting the state of the virgin who is betrothed, but nothing particularly referring to the act of betrothal....Rome, on the other hand, at the beginning of the Christian Era, had ceased to consider marriage as a wife-purchase. Marriage, and still more betrothal, was a purely civil compact, verbally concluded. Under later Roman law, which constituted a basis for our ecclesiastical legislation, betrothal was looked upon simply as a contract of future marriage, stronger indeed than the engagement, since to enter into a second betrothal compact was held to be as infamous as bigamy itself.

And, from the Jewish Encyclopedia⁶, we gain even more:

After the betrothal a period of twelve months was allowed to pass before the marriage was completed by the formal *home-taking*. [This allowed proof that the bride was not pregnant, especially from being raped by a Roman soldier.] What was in the Talmudic age a mere personal matter became in later times a formal custom, which was celebrated with much pomp. At these occasions it was customary to make out a formal contract to marry and to stipulate that a penalty should be imposed upon either party who should fail to fulfill his or her part of it....

We see, then, that Joseph's betrothal to Mary was as binding as we today believe marriage itself to be. Joseph, believing that his wife had been unfaithful, indeed, adulterous, would have been faced with a decision among four alternatives:

- He could complete the marriage by taking Mary into his home;
- He could abandon Mary, thus bringing shame upon himself;
- He could shun her and expose her unfaithfulness;
- Joseph could have divorced her.

³ The Jewish Encyclopedia, (Jewishencyclopedia.com, 2002). [Available at <http://www.jewishencyclopedia.com/>]

⁴ Maier, Paul L., *First Christmas* (New York, Harper & Row, 1971) p. 33

⁵ Knight, Kevin, ed., *The Catholic Encyclopedia*, 2007. [Available at <http://www.newadvent.org>]

⁶ The Jewish Encyclopedia *op.cit.*

Exploring his last option first, we must consider what divorce meant at the beginning of the Common Era and how it was that Joseph considered it. The scripture passage uses the Greek word ἀπολύω, which can be translated as meaning “to *free* fully, that is, (literally) *relieve*, *release*, *dismiss*, or (figuratively) *let die*, *pardon*, or (specifically) *divorce*.”⁷ Again, from Holman we read:

DIVORCE [is] [t]he legal ending of a marriage. From early time provision was made for divorce among the Israelites (Deut. 24:1-4). Presumably prior to this decree, a wife could be put out of the home at the pleasure of the husband. Now he was required to write out “a bill of divorce” and give it to his wife as proof that he was divorcing her. This gave some dignity and protection to the divorced woman.

Divorce was common enough among the Jews in New Testament times to cause division among the rabbis as to the valid basis for divorce. The passage in Deuteronomy did not give clear guidelines. “Because he hath found some uncleanness in her” (Deut. 24:1) left room for interpretation. One group of rabbis insisted that divorce could be granted only if the wife was immoral. Another group argued that divorce could be secured by the husband if the wife displeased him in any way. Among the Jews, only the husband had the right to secure a divorce. The wife might leave her husband, but she could not divorce him. The situation was different in the Roman world. There the wife had equal rights with the husband in the matter of divorce.⁸

Divorce seems like a reasonable solution for Joseph. What is not clear is what might have happened to Mary afterwards. We cannot determine what the Jews in Galilee might have done. It is possible that, with her new single status, a charge of adultery could not be brought against her if it appeared that conception occurred after the divorce. Although it was a moral problem, giving birth out of wedlock does not seem to have been cause for stoning. Or, again, perhaps the community would assume that the child was Joseph’s. In any case, contrary to what Matthew says, the divorce would not have been quiet. The writ of repudiation or “bill of divorce” would have been delivered in the presence of two witnesses and the soon-to-be-obvious pregnancy would have the villagers conjecturing that Mary’s adultery was Joseph’s reason for the divorce.⁹

The short statement from Matthew in this translation describes Joseph as a “righteous” man. The word used in the Greek text was δίκαιος, which means “*equitable* (in character or act);

⁷ Strong, *op.cit.*

⁸ Holman, *op.cit.*

⁹ Brown, Raymond E., S.S., *The Birth of the Messiah* (New York, Doubleday, 1977 and 1993), p. 128

by implication *innocent, holy* (absolutely or relatively):—just, meet, right (-eous).”¹⁰ Joseph, then, was a religious man who loved and carefully observed the Law of Moses, according to which, he was morally bound to turn Mary over to the authorities to be stoned to death as prescribed in Leviticus 20:10.¹¹ Given that we believe that Joseph was led by God to take Mary’s hand,¹² it follows that his love for her exceeded his love for the Law and he could not bear the thought of her punishment. Joseph probably dismissed this choice quickly.

Joseph could have considered the possibility of simply walking away. Such abandonment practice was punished severely with fines and a form of shunning and that might have been the factor that caused him to think twice about it. One might think that whatever the punishment, it would have befallen Joseph and Mary would have been the victim thereby gaining sympathy rather than scorn. There seems to be no precedent we can rely on for forming an hypothesis about what might have happened to Mary under the abandonment scenario.

Finally, Joseph would have been certain that Mary had been unfaithful and had deceived him. After all, he knew quite well that the pregnancy was not his doing. Joseph loved Mary intensely and did not want to “disgrace” her. The Greek word is *παράδειγματίζω* which in this context can be read to mean “to *show alongside* (the public), that is, *expose to infamy*:—make a public example, put to an open shame.”¹³ Did his “uprightness” or love for the Law make it too difficult for him to take her home? Probably this and natural human jealousy made it so. It must have been an agonizing trial for him to consider his alternatives in light of his love of Mary on one hand and his desire to be obedient to the Law on the other. It was, no doubt, in this agony as he lay trying to sleep, that the Heavenly Messenger came to him with a message of both relief and consternation.

Surely Joseph was relieved to know that Mary had not been unfaithful but at the same time must have felt some extreme foreboding – he was about to become the step-father of the Messiah! Since Joseph was an “upright” man, we can conclude that he was familiar with the Major Prophets and, like all of Israel, was eager for the arrival of the Savior. That he was of the “house of David” (and, unbeknown to himself, had been foreordained for the calling) could have

¹⁰ Strong, *op.cit.*

¹¹ Brown, *op.cit.*, pp. 125-126

¹² *Catechism of the Catholic Church* (Washington, D.C., U.S. Catholic Conference, 1997) N. 437

¹³ Strong, *op.cit.*

helped him overcome shock and surprise at being chosen as the baby's earthly parent. As the Jews struggled with their oppression they turned often to uplifting scriptures, especially those in Isaiah that predicted the restoration of their freedom, and Joseph would have known those passages by heart:

Isaiah 7:13 through Isaiah 7:14 (NRSVA) ¹³Then Isaiah said: "Hear then, O house of David! Is it too little for you to weary mortals, that you weary my God also? ¹⁴Therefore the Lord himself will give you a sign. Look, the young woman is with child and shall bear a son, and shall name him Immanuel.

Mary, prepared by God from her conception, and Joseph were the perfect parents for the Incarnation. God chose to be born in and raised by a family to show us how to live and love each other:

In the Gospel we do not find discourses on the family but an *event* which is worth more than any words: *God wanted to be born and to grow up in a human family*. In this way he consecrated the family as the first and ordinary means of his encounter with humanity.¹⁴

Close scrutiny of the Holy Family should inspire us to be holier Christians, loving parents, respectful children, supportive spouses, and, above all else, vastly more open to God's call.

¹⁴ Pope Benedict XVI, "Angelus", December 31, 2006, St. Peter's Square