

Divorce and Remarriage in the Bible: The Social and Literary Context by David Instone-Brewer; Wm. B. Eerdmans Publishing Co., Grand Rapids, Michigan/Cambridge, UK. 355pp. Price: \$26.00.

This must rank as one of the most important, possibly *the* most important, and certainly one of the finest treatments by a Christian writer of the biblical teaching on divorce and remarriage. The author is superbly equipped to write on this subject. He has a vast knowledge of Ancient Near Eastern marriage contracts, which provide a fascinating background to the Old Testament teaching on marriage. His Ph.D. from Cambridge University was awarded for his thesis *Techniques and Assumptions in Jewish Exegesis before 70 C.E.* As a research fellow at Tyndale House, Cambridge, he is in the closest contact with 'cutting edge' biblical scholarship. The fact that he used to be a Baptist minister ensures that while his treatment of the subject is academically rigorous, there is a clear pastoral concern which lies behind his writing of this book. He has also written a more popular book on the subject. But pastors who wish to get to grips with the arguments which lie behind the position he adopts really must read this, the academic book which he has written.

Dr Instone-Brewer (I-B) surveys the Old Testament teaching, developments during the intertestamental period, and the rabbinic teaching, before turning to the teaching of Jesus and then of Paul. It is not possible in a review article to communicate the richness of what 'I-B' has written. I shall try, as briefly as possible, to summarise some of the main points and then seek to evaluate the case he has presented.

The Old Testament views marriage as a contract. As with any other contract, there is an agreement and there are penalties for breaking the agreement. I-B

argues that the Old Testament penalty for breaking the marriage contract was divorce with loss of dowry. The marriage contract would stipulate that the man was to provide the woman with food, clothing, and love (which would include sexual relations) while the woman was to prepare meals from the food, make clothing from the cloth and also to reciprocate love to the husband (including sexual relations). I-B traces the prophetic denunciation of the breaking of marriage vows or promises (the contract) and seeks to show that the LORD's controversy with his people was that they had broken their covenant with him.

Deuteronomy 24:1–4 are crucial verses for an understanding of the Old Testament teaching on divorce. I-B understands this passage to be regulating divorce for sexual infidelity on the part of the wife. He notes that during the intertestamental period there were increasing rights for women. Exodus 21:10–11 was a crucial passage in this respect. Those verses provide for a slave wife to be allowed to be divorced where her husband was not providing her with food, or with clothing, or with love (three of the things stipulated in marriage contracts). It was believed that it would be manifestly unjust for a slave wife to have these rights but not a free wife. Far from wanting to multiply divorces, there were various means which the Jewish courts might adopt to encourage a husband to take his commitments seriously, but if all failed these verses provided for divorce.

Just before and during the time of Jesus a sharp difference arose between the school of Rabbi Shammai and Rabbi Hillel. The school of Shammai held that the 'indecent matter' of Deuteronomy 24:1–4 referred to sexual infidelity: the emphasis fell on the word 'indecent'. Divorce was obligatory in such a case. The school of Hillel held that the phrase

covered two situations: that of sexual infidelity ('indecent') and also any other matter, be it as trivial as burning or spoiling the food ('matter'). Although the Shammaites were, therefore, much stricter than the Hillelites, each school recognized the validity of the divorces and remarriages granted by the other. I-B argues that this was the main area of contention in Jesus' day. It was accepted by all that there were three other grounds of divorce, based on Exodus 21:10–11. This being so, Jesus' controversy with the Pharisees, recorded in Matthew 19:1–11 and Mark 10:1–12, concerns where he stood on this issue. I-B seeks to demonstrate that Jesus agreed with Shammai, not Hillel, on the *ground* of divorce but differed from Shammai in two respects: first, he taught that while divorce was permissible where there had been sexual infidelity, it was not obligatory; second, by treating remarriage after a Hillelite divorce as adulterous, he was indicating that the divorce itself was not valid. Similarly in Matthew 5:31–32 and Luke 16:18 Jesus expresses himself with respect to the *Hillelite* divorces.

The significance of I-B's work lies in the fact that the other three grounds of divorce, based on Exodus 21:10–11, are outside the universe of discourse of Jesus' teaching. This being so, it is a serious misinterpretation of Jesus' teaching to say that he forbade divorce for all reasons other than sexual infidelity. I-B then goes on to consider Paul's teaching in 1 Corinthians 7. I-B argues that while Paul was aware of Jesus' teaching, he was addressing a different situation from that which Jesus addressed. Paul forbade the easy divorces which were common in the Roman Empire and which, therefore, were similar to Hillelite divorce (vv.12–13), but if a believer were thus divorced by an unbeliever, he/she was free to remarry (v.15). Paul, however, also applies Old Testament teaching to this subject. Exodus 21:10 lies behind vv. 3–6 (emotional obligations) and vv. 32–35 (material obligations). This being so, divorce

would be permissible where these obligations were not honoured.

The remainder of the book deals with the influence of marriage vows from the Bible and from Judaism, an overview of interpretations in church history, an assessment of different views of understanding the biblical text, and the final chapter offers some pastoral conclusions.

While this is undoubtedly the most stimulating, comprehensive, informed and informative book that this reviewer has ever read on the biblical teaching on divorce and remarriage, serious criticisms must nevertheless be made. The first criticism concerns hermeneutics. Jesus repeatedly referred to himself as the eschatological fulfilment of the Old Testament Scriptures (e.g., Matthew 5:17; 11:11–15; Luke 16:16; Luke 24:25–27; John 5:39–40) but I-B does not consider the significance of this with respect to the continuity/discontinuity *motif* which runs through the New Testament. I-B so concentrates on Jewish and biblical marriage and divorce material that he fails to set the biblical teaching in the wider context and background of eschatological fulfilment. Furthermore, he does not engage with the scholarly literature which makes much of this (e.g., Carson on *Matthew*, Wright's *Jesus and the Victory of God*). Consequently his exegesis of certain material in the Gospels and in 1 Corinthians is bound to be flawed.

An example of I-B's flawed exegesis is his treatment of the words, '*Moses permitted you to divorce your wives because your hearts were hard*' in Matthew 19:8. I-B understands hardness of heart to refer to the stubborn refusal of an unfaithful wife to repent of her unfaithfulness. But a careful study of the pronouns used in the verse demonstrates that Jesus is referring to the hard-heartedness of the men who divorced their wives. Word for word it reads: '*Moses on account of the hardness of your hearts permitted you to put away your wives*'. A number of important

consequences follow from this. First, Moses' teaching was *concessionary*. Second, Jesus contrasted his teaching with that of Moses. Third, since Jesus allowed divorce for sexual infidelity and since he contrasted his teaching with that of Moses, it follows that Deuteronomy 24:1–4 cannot be dealing with divorce for sexual infidelity. But this inevitably calls into question large swathes of I-B's understanding of the Old Testament teaching as well as his understanding of Jesus' teaching. In this connection it should also be noted that I-B's treatment of *all* the pentateuchal material is not nearly as thorough as his treatment of other passages of Scripture.

Another serious criticism is that I-B has not considered in sufficient depth and detail the Roman law background to 1 Corinthians 7. Whereas I-B deals in considerable detail with aspects of Jewish law, there is a surprising lack of reference to standard Roman Law works. Corbett's *The Roman Law of Marriage* is not cited, nor is Buckland's *Textbook of Roman Law*, nor other leading works in this field. This leads to an unevenness in the overall quality of the work. It seems to this reviewer that I-B's undoubtedly important insights into the Jewish background to the New Testament divorce material have blinded him to the significance of any other background material. Furthermore, some important verses in 1 Corinthians 7 are not considered as thoroughly as other passages treated by I-B.

The next criticism is more of a 'niggle' or concern and is not unrelated to the previous criticism. It concerns I-B's understanding of how and why some things were written and his reconstruction of the background and context against which some passages are to be read. My niggle arises from the fact that when he explains how and why I reached a certain understanding of some verses in 1 Corinthians 7 in my own book on divorce, he is completely wrong, and this in spite of the fact that we live in the same

country, at the same time, and have spoken on the phone on numerous occasions. How much more likely it is, therefore, for him to be mistaken when reconstructing the background to documents written in a different culture and two millennia ago! It is good to have a historical section in this book. While detailed consideration is given to the views of the Church Fathers, the Reformed and Puritan writers are not dealt with in such detail. No account is given of the reasons for the omission of a section on divorce in the Savoy Declaration and the London Confession of 1689 (although the Westminster Confession, on which they were modelled, had quite a full statement), nor is there any discussion of the divergence between the views represented by Perkins and those later represented by the Westminster divines.

My final criticism is of the following statement: *In the scholarly world there are no firm conclusions, only theories that are internally coherent and that fit the facts to a greater or lesser degree* (p. x). The implications of such a statement with respect to theology in general and the perspicuity of Scripture in particular are alarming. While it is essential to seek to understand Scripture in its historical context before seeking to draw lessons for ourselves, it is to be feared that we could be returning to a pre-Reformation position, with this difference, that a *scholarly* magisterium, as distinct from an *ecclesiastical* magisterium, is being intruded between the Christian and his Bible.

These criticisms notwithstanding, this is a truly great work. It is highly recommended to all who wish to engage seriously with the biblical text in order to relate its timeless teaching to our contemporary situation.

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