This very ambitious book attempts to analyze the biblical teachings about divorce in the light of its social and literary context. The author studies the biblical pronouncements in the light of their setting in the ancient Near East (for the Hebrew Bible), or the Greco-Roman world and in Judaism (for the New Testament), as well as how they were later interpreted in Judaism and Christianity. The author is quite up to date on the literature dealing with divorce and remarriage in the biblical world, as well as with secondary literature on the subject in the ancient world, quoting texts and studies on relevant sources in Akkadian, Hebrew, Aramaic, Greek, and Latin. It is refreshing to see a theological treatment of this controversial subject informed from all of these different fields.

Chapter 1 looks at the ancient Near Eastern background of the issues of divorce and remarriage, demonstrating that marriage was regarded as a contract with stipulations. The stipulations are sometimes spelled out in the literature as “food, clothing, and anointing oil.” Instone-Brewer shows how that is paralleled by Exod 21:10, 11 with these same stipulations of “food, clothing, and anointing oil” (or conjugal rights, depending on how one understands הֵנָּה) as being necessary provisions for the slave-wife. If the husband does not provide those three things, he must send her away without receiving payment. He then demonstrates how the rabbis understood that to apply to the free wife as well,
through a method known as קִלַּיָּה דַּמֶּךָ. It was also deemed to apply to the wife, in the sense that she was expected to cook, make the clothes, and not deny him conjugal rights. Chapter 2 looks at the subject as treated in the Pentateuch, and the author demonstrates that the divorce certificate in Deut 24 was designed to protect the woman by allowing her to remarry.

In Chapter 3 he demonstrates the presence of the same three stipulations from Exod 21:10, 11 in God’s indictment against Israel and/or Judah in Hos 2, Jer 3 and 31, Ezek 16 and 23, and various passages in Second Isaiah. He also treats the very difficult passage in Mal 2:15, 16, apparently adopting Hugenberger’s translation of the passage.¹ Chapter 4 looks at the intertestamental period as a time of increasing rights for women. He shows how polygamy, not divorce, was banned at Qumran, relying on recent studies of the Qumran documents. He also shows how either party, male or female, could obtain a divorce in the Greco-Roman world by simply stating so or by abandoning the other partner.

In chapter 5 he shows how the three required items of “food, clothing, and conjugal rights” had come to be summarized under two broad headings of “material needs” (food and clothes) and “emotional needs” (conjugal rights) and had come to include a broad range of things, including cruelty. The issue of grounds for divorce was debated between the two houses of Shammai and Hillel, with both of them accepting the failure to provide for the material needs and emotional needs of a spouse as being grounds for divorce. In addition, Shammai held that a woman could be divorced for a “matter of indecency” (מְרֹמֵת רֵעַת), based on his interpretation of Deut 24:1, whereas Hillel held that a woman could be divorced for “any matter” (רֵעַת רְבָעֵם) based on his interpretation of Deut 24:1. This is a significant departure over most popular books on divorce, which claim that Shammai allowed divorce only for adultery. Instone-Brewer is quite familiar with the rabbinic background to the New Testament and brings this to bear in some very significant ways.

Chapter 6 deals with Jesus’ controversial (then as today) teaching on the subject. He examines the Synoptic accounts individually as well as together to determine that Jesus’ teaching was in response to a question given about whether or not divorce for “any matter” (i.e., Hillelite divorces) were valid. Jesus’ response was meant to tell us that he does not recognize Hillelite divorces as being legitimate and actually sides (for the most part) with Shammai. But Jesus’ statement, while sounding on the surface to present only one ground for divorce (in the Matthean version, at least), in reality assumed the entire rabbinic background to the issue, and Jesus actually accepted the rabbis’ position with

¹ Gordon P. Hugenberger, Marriage As a Covenant (Leiden: Brill, 1994).
regard to failure to provide for material and emotional needs as grounds for divorce, based on Exod 21:10–11. The problem came, Instone-Brewer maintains, when the church tried to read Jesus’ statements out of context from their Jewish background. This led to an unrealistically strict position based on what they thought Jesus had taught.

Chapter 7 examines Paul’s teaching on the matter, about which Instone Brewer finds that Paul also permits divorce based on violation of the aforementioned grounds of failing to provide for the material and emotional needs of one’s spouse. The divorced person is free to remarry, according to his understanding of Paul. Chapter 8 is a unique contribution to the book of this nature in that Instone-Brewer brings to bear the classic old marriage vows, from Judaism and Christianity. This is important in that it demonstrates that grounds for divorce come out of the substance of the vows themselves.

In chapter 9 he traces the early church fathers’ views on the matter and shows how they missed Jesus’ and Paul’s point because of their distance from Judaism. Instone-Brewer makes the point that he feels this is an unfortunate result of the anti-Semitism historically present in the church; it misreads the sayings of Jesus and the rest of the New Testament. Chapter 10 presents a summary of all of the other proposals that have been made on this very complex subject and gives Instone-Brewer’s own counterarguments. Chapter 11 does something few other scholarly treatments of divorce and remarriage in the Bible do: give some pastoral directives about how practically to deal with divorce and remarriage in the local church. Instone-Brewer endeavors to make his practice stem from his theology. Regardless of whether one agrees with his interpretation of the texts or not, this section is certainly to be helpful to many a pastor struggling to deal with this issue in his or her church.

The book is thorough, and the author’s analysis is painstaking and very careful. There are many repetitions in the book, but this is okay, given the complexities, and the author’s target audience. His knowledge of first-century rabbinic biblical exegesis is quite evident, and he conducts a fresh and very creative look at an age-old problem. Having said that, I think he will not succeed in convincing many that there is an implied condition underlying Jesus’ statement that contradicts the obvious meaning that “anyone one who divorces his wife, except for porneia [whatever that is intended to mean], commits adultery” (or “makes her commit adultery, etc.” depending on which Gospel text is being quoted). He also maintains that even in Shammai’s statement there was an implied condition as well and that Shammai accepted other grounds for divorce than just שׁוֹם לְהָעַבָּד. His proof for this comes in Shammai’s statement about the amount of time one could abstain from conjugal rites for the sake of studying the Torah (two weeks). From this we should infer that Shammai accepted the grounds of Exod 21:10, 11 (food, clothing, and conjugal rights) as being valid for a divorce.
However, the straightforward reading of Shammai’s statement says: "לֹא יִנָּאר בַּתָּא אֲדֹم אֵלֶּה אָם שֵׁם אָם כֻּלָּה בַּת בְּרָכָה שֵׁפָה שֵׁפַחַד (דִּבְרֵיָהּ בָּאֵל) כִּי מְצָא בַּת בְּרָכָה "A man shall not divorce his wife unless he has found in her a matter of uncleanness/shamefulness" (m. Git. 9:10). What exactly is the meaning of the collocation translated “matter of uncleanness/shamefulness”—תַּעְרָפָה בֵּית? I do not have the space to delve into this in great detail in this review but will save the detailed answer to that question for the book that I am writing on divorce and remarriage. However, in short, I believe Shammai’s understanding of תַּעְרָפָה was broader than “adultery” and would have included things such as the shame of a spouse refusing to sleep with him. It was broader than simple adultery and at the same time not as broad as Hillel’s definition. That was the background to Jesus’ statement. I do believe the answer lies in understanding Jesus’ statement in the light of Shammai’s, and that is the real key to solving the puzzle of Jesus’ shocking statement on divorce. Thus I conclude that Instone-Brewer was on the right track, even if he misunderstood the intent.

This well-written and engaging book is an important contribution to the field and is valuable for its summation of the key issues as well as its introduction of several primary sources from the periods in question. It is destined to cause anyone interested in divorce and remarriage in the Bible to look at the issues differently. Despite the plethora of books on divorce and remarriage in the Bible, this one really does have some fresh and original contributions to the field and is a must read for anyone seeking to make sense of the Bible’s teaching on this most difficult area.