Notes on David Instone-Brewer, *Divorce and Remarriage in the church*  
(Leicester: IVP, 2006)

There following are either direct quotes or paraphrases of arguments in the book:

- Matthew 19:6 “what God has joined together, let man not separate”. This doesn’t say “… no-one can separate. The words that Jesus did say – “let no-one separate” – does not mean, “It’s not possible for you to separate; they mean, “It is possible to separate, but you should not.” The word separate in this passage is the one of a few greek words meaning divorce. Jesus wasn’t saying divorce could not happen, but that it should not happen. (p.6-7)
- Gen. 2:24 – God’s plan for marriage was that people stick together as if they were one person. God’s plan for marriage is total to commitment to each other. (p.14)
- The Law of Moses gave the wife the legal right to receive a divorce certificate from her husband (Deut. 24:1). The certificate confirmed that her husband had divorced her and it was safe for her to marry again. Ancient Jewish divorce certificates have been found containing the words “You are now free to marry any man you wish.” (p.17-18)
- God designed marriage to last forever. We have to distinguish between marriage break-up, which is always wrong, and divorce, which is the legal recognition that a marriage has broken up. Moses’ law did not say that it was acceptable to break up a marriage; it merely prescribed the legal process which was necessary after the break up has happened. (p.18)
- Marriage was created perfect and wonderful, but it was spoiled by the fall. The Law of Moses limits the damage which divorce inflicts by forcing men to give their ex-wife a certificate allowing them to marry. (p.20)
- Adultery in the OT was a ground for divorce. (Deut. 24:1) Although the victim of adultery should have the choice whether or not to end the marriage or not. (p.23)
- Exodus 21:10-11 – withholding food, clothing or conjugal love from a wife is also grounds for divorce. This law is an example of case law where the principles are important and not statute law. The ancient Jewish Rabbis found principles in this text, they reasoned that if a slave wife had these rights then a free wife would & if one of two wives had this right, then so did only one wife. (p.24-25)
- The OT therefore recognises four grounds for divorce: Neglect of food, clothing and conjugal love, as well as adultery. These four obligations were exchanged by couples in Jewish marriages ie. They promised to feed, clothe, exchange conjugal love and to be faithful to each other. (p.25)
- The four Biblical grounds for divorce are illustrated by God’s marriage to Israel which ended unhappily in divorce when Israel sinned. The OT prophets describe God as a divorcée. God married Israel at Sinai and gave her food, wool for clothes, loved her and was faithful. Israel went after other gods and the prophets call this spiritual adultery. (p.27)
- People try to make a distinction between contract and covenant, with a covenant being unbreakable but this does not stand up to the Biblical evidence. Covenant and contract are both translations of the same Hebrew word and so the distinction does not stand up.
The victim of a broken contract can decide to end it, or they can decide to carry on in the hope that things will get better. The Israelites broke the contract with God and there he sent them into exile, just like he said he would in the contract. Israel continuously broke the stipulations of the contract till God eventually divorced her and the prophets warned that Judah was heading in the same way (Jer. 3:8) – (p.29)

The remarkable message of the prophets was that although God had every right to divorce Judah just as he had done Israel, he decided to do something different and create a new covenant which would transform people from the inside. This one would continue unconditionally forever. (p.30)

God hates divorce (Malachi) because he knows from personal experience how much pain results from it. God does not criticise the legal process of divorce or the person who carries it out – otherwise he would criticise himself, because he had to divorce Israel. God hates the breaking of marriage vows which result in divorce. The breaking of these marriage vows is being faithless because it breaks the marriage contract. Marriages are ended by the person who breaks the marriage vows – not by the innocent person who decides to end the broken contract by enacting divorce. (p.31)

The OT gives us some very practical laws on divorce. A person cannot divorce their husband or wife simply because they want to, but only if their spouse had broken their marriage vows. Divorce is not compulsory; the innocent partner also has the choice to forgive and carry on in the marriage (p.32)

Groundless divorce (‘Any Cause’) divorce became available about the time of Jesus’ birth. It was introduced by Hillel based on Deut. 24:1. (p.43-44)

Hillel thought that two types of divorce were taught in Deut. 24:1 – one for adultery and one for any cause. To carry out an any cause divorce all you had to do was write out a certificate and give it to your wife – you did not have to go to court. It was an easy divorce.

Any Cause divorces had become respectable by the time of Jesus. Even Joseph considered using this means to divorce Mary. (p.46)

Shammai interpreted Deut. 24:1 as only giving one ground for divorce – “Sexual immorality” – however the interpretation of what this meant was a matter of huge public debate. Shammai wanted to restrict divorce on the four OT grounds but common people preferred Hillel’s ‘any cause’ interpretation. By the time of Jesus almost every divorce was an ‘any cause’ divorce. (p.46-47)

Matthew 19:3 – “Is it lawful to divorce one’s wife for ‘any cause’?” The any cause is a technical legal term here. Most translation interpret this as saying is it lawful to divorce. However taking into account the technical legal terminology we actually see that this is saying is it lawful to have an ‘Any cause’ divorce. The Rabbis wanted to know what Jesus thought about the new ‘any cause’ divorce and how he interpreted Deut. 24:1. Mark 10:2 can be explained away. (p.47-48)

Jesus was answering their question in plain language that they understood from the Hillel and Shammai debate. Jesus wasn’t making a universal statement. His was saying that phrase ‘a cause of sexual immorality’ in Deut. 24:1 did not include the extra ground of ‘any cause’, only sexual immorality. Jesus gave a straightforward answer about where he stood in their debate. Jesus was more interested in marriage than divorce so he only answered their
question in Matt. 19:9 after spending a few verses talking about marriage. (p.48-51)

(1st century). Polygamy was allowed by most Jews in the 1st century. 
Jesus tells that monogamy was the Biblical ideal from the beginning. He quotes Gen. 2:24. Jesus continues by stressing that God intended marriage to be lifelong and that marriage break up was a tragedy. Instead of divorcing the erring partner you should try to forgive them. Jesus demonstrated how serious it was to break up a marriage by giving a command “What God has joined, let man not separate.” Pharisees thought they had a good answer to this because that said that Moses said you sometimes must divorce a wife. So they argued why did Moses command one to give a certificate of divorce? Jesus replied Moses allowed you to divorce your wives (ie. he didn’t command it) because of hard-heartedness or stubbornness. Jesus is alluding to Jer, 4:4 where Jeremiah warns Judah that God might divorce them like he divorced Israel because of their hard-heartedness. Jesus said that marriage was not like this from the beginning (Matt. 19:8) In Eden there was no sin to break up marriages and so there was no need for divorce. Moses allowed people to divorce for broken marriage vows (Matt. 19:8). Jesus thought people were being too quick to divorce so he reminded them that Moses only meant to divorce to occur when there was ‘hard heartedness’ ie. a stubborn refusal to repent and stop breaking marriage vows. We need to forgive people when the break marriage vows and only consider divorce when they stubbornly continue to break them without repentance or trying to change. (p.51-53)

This is hard to follow in the gospels because they did not record everything verbatim and they removed anything which was obvious (p.54) A re-reading of the gospel passages (p.54-58)

Every Jewish male was expected to marry to fulfil the command “multiply and fill the earth” (Gen. 1:28). Roman law also made marriage compulsory in Roman households. Paul contradicts Jewish and Roman law in 1 Cor. 7 by saying that marriage was optional. Corinth was a Roman city which was in famine when 1 Cor. was written. Paul’s teaching that they shouldn’t get married was probably only temporary, he told them to wait till “this present distress” (1 Cor. 7:26) was over. (p.60-61)

1 Cor. 7:1 – Paul is quoting some Christians who were against sexual relations. This is not his view himself. This is shown by what he goes onto say. 1 Cor. 7:3-4 – Paul reminds them of their marriage vows, possibly thinking of Exodus 21:10-11. 1 Cor 7:5 – Any break from sexual relations should be temporary in case abstinence leads to sin. (p.61-62)

1 Cor. 7:32-34 – When Paul talks about husbands and wives ‘pleasing’ each other he is taking about obligations to food, clothing, marital support etc.

Roman law allowed divorce by separation – all you had to do was walk out of the house if your partner owned, or tell your partner to get packing and leave the house if you owned it. There was no need to cite any grounds for ending the marriage and, having separated, you were both legally divorced and free to remarry. Even Jews and Christians were using the Roman method of divorce by separation. 1 Cor 7:10-15 speaks directly into this situation. Paul is saying that Christians should not use the Roman method of divorce by separation.

1 Cor. 7:11 specifically relates to if you have already used divorce by separation. Paul says the woman he is specifically thinking about shouldn’t consider herself divorced but seek reconciliation. (p.66-67)
• If you are a victim of divorce by separation and a non-Christian has divorced you, you should let them go – 1 Cor 7:15. If you are a Christian you should not separated from your non-Christian spouse – 1 Cor 7:12-14. Paul takes the pragmatic view as there is nothing you can say to a non-Christian to make them reverse their choice. (p.67-68)

• Matthew 19:9 – Seems to imply marriage is lifelong. However Jesus is condemning “any cause” divorces as un-Biblical and invalid and he said that you are technically committing adultery after an invalid divorce. Jesus is not saying that marriage lasts a lifetime but in the context he is emphasising that an ‘any cause’ divorce is an invalid one. (p.73)

• Husband and wife becoming one flesh doesn’t imply lifelong marriage. (p.73-74)

• Romans 7:2 & 1 Cor 7:39 are only talking marriage ending at death. There is no biblical foundation for saying that marriage is life-long. (p.74-79)

• Matthew 5:27-32 – The OT says that adultery is wrong, which implies the principle that anything which leads to adultery is also wrong – such as illicit lust or invalid divorces. (p.38, 195) Jesus in this passage is only referring to ‘any cause’ marriages ie. if you remarry after an ‘any cause’ marriage you are technically committing adultery.