



Deut. 24:1-4
Divorce

Deuteronomy 24:1 "When a man takes a wife and marries her, and it happens that she finds no favor in his eyes because he has found some uncleanness in her, and he writes her a certificate of divorce, puts it in her hand, and sends her out of his house,

2 "when she has departed from his house, and goes and becomes another man's wife,

3 "if the latter husband detests her and writes her a certificate of divorce, puts it in her hand, and sends her out of his house, or if the latter husband dies who took her as his wife,

4 "then her former husband who divorced her must not take her back to be his wife after she has been defiled; for that is an abomination before the LORD, and you shall not bring sin on the land which the LORD your God is giving you as an inheritance.

We would be very wrong to assume that in these passages a new practice called “divorce” into Jewish society. God had given man marriage as a creation ordinance and it was intended to be a lifelong, one flesh union. But unfortunately ever since the fall of man our sinful hearts have found it possible to corrupt every good gift that God has given us. *God gave us marriage, the devil introduced us to adultery, and with the help of lawyers man created divorce.* Divorce, that is the human practice of legally terminating a marriage before death, was already common in every near eastern society before Moses even began discussing it. The practice of divorce was certainly common amongst the Egyptians, whose nation the Jewish people had dwelt in for 400 hundred years and it is probable that the Jews had been practicing unregulated forms of divorce prior to the giving of the law. Moses never feels the necessity of explaining to the Jewish people what a divorce is, and indeed uses the category of a “divorced woman” in Leviticus 21 & 22 without having to explain what he means. Two specific situations that made it impossible to divorce had also already been given in Deuteronomy 22.

These verses then should be seen as *regulating* a practice that was already common if not out of control.

So as Jay Adams put it – **“God did not originate the concept as part of His order for society. Divorce, then, is a human innovation.”** Because it has happened, God has set forth regulations that restrain the circumstances in which divorce may occur, but we grievously err if we assume that we are ever presented with a positive command to divorce. In fact again and again in the bible we see that divorce is something that has come about as the result of sin, and while it might sometimes be necessary, we should view it in the same way we do capital punishment. Sometimes necessary but always terrible and fearful and only to be utilized under the gravest of circumstances. Where there no sin, there would be no divorce.

The first regulation that we notice here is that a husband was not permitted to divorce his wife simply out of whimsy or anger or because of the fickleness of his affections, it was only if he found

“something unclean” about her – Now this term “Erwat debar” something unclean or something indecent was probably a technical legal expression, that may have been clear in its meaning when it was originally given, but became more unclear with time. For instance, by the time of the birth of Christ there were already stacks of books discussing what the term might mean and even differing schools of interpretation.

Douma in his commentary on these verses in his book on the Ten Commandments points out that there one, school of interpretation placed more emphasis on the word **indecent** and the other emphasized the word **something**. While this may seem to be so much quibbling, it was a distinction with tremendous practical implications, because an emphasis on *indecent* would lead to a teaching that divorce was permitted in the case of specifically sexual misconduct while an emphasis on *something* made the instruction potentially far broader and could refer for instance to “a wife’s physical defect or even the fact that she burned her husband’s food while cooking it.” One Jewish commentator in this school even included bad breath.

The theologian John Murray in his book on Divorce, believes that both schools of interpretation were wrong. He cogently argues that the statement cannot mean adultery because there were already other laws that covered the sin of adultery (which was a violation of the seventh commandment of the Decalogue: "You shall not commit adultery." Exodus 20:14) and that as we have already in seen in Deuteronomy the punishment for adultery under the civil law of Israel was death not divorce. Therefore Murray argues:

the provisions of Deuteronomy 24:1-4 cannot apply to a case of proven adultery on the part of the wife. She and her guilty partner were both put to death.

For similar reasons Murray also dismisses the notion that the reason might be adultery that could not be proven, but was suspect none-the-less. Numbers 5:11-31 covers cases with that particular set of circumstances and at no point is there a place for divorce. The Lord God did not allow for divorce merely upon the *suspicion* of adultery. Either the charge would be proven and the woman in question would be put to death, or the woman would be treated as **guiltless**. The looser interpretation is equally groundless. So what then was this “something indecent?” Murray cannot answer that question definitively but he does believe that we “**may conclude that [something indecent] means some indecency or impropriety of behavior; it might be in the category of defect or omission.**” Therefore Murray counsels us that it is necessary to “strike a balance between the the rigid interpretation... and the loose... We must suppose something shameful and offensive that gives to the husband some legitimate ground for displeasure and complaint.” I should note that some commentators have argued strongly and plausibly that it is an inability to bear children that is at issue.

Whatever it is, it is clear that divorce was not grounded on the whimsy of husbands. It required the production of legal document stating supportable reasons. “No fault divorce” was nowhere allowed for in the law of God. That idea is not only unsupportable within this passage, it runs counter to what the Lord says elsewhere about divorce – particularly in the book of Malachi:

Malachi 2:13 And this is the second thing you do: You cover the altar of the LORD with tears, With weeping and crying; So He does not regard the offering anymore, Nor receive it with goodwill from your hands.

14 Yet you say, "For what reason?" Because the LORD has been witness Between you and the wife of your youth, With whom you have dealt treacherously; Yet she is your companion And your wife by covenant.

15 But did He not make them one, Having a remnant of the Spirit? And why one? He seeks godly offspring. Therefore take heed to your spirit, And let none deal treacherously with the wife of his youth.

16 "For the LORD God of Israel says That He hates divorce, For it covers one's garment with violence," Says the LORD of hosts. "Therefore take heed to your spirit, That you do not deal treacherously."

These verses indicate the strong displeasure, even hatred of the Lord for the loose practice of divorce that had become common in post-exilic Israel. These easy divorces were often wrongly founded on poor exegesis of the very verses we have been covering. But even if we did not have Malachi to confirm that Deuteronomy 24:1-4 does not allow for a loose practice of divorce, the teaching of our Lord on these verses would seal the argument.

Turn if you would to Matthew 19:1-9, where we see the following exchange between Jesus and the Pharisees taking place:

Matthew 19:1 Now it came to pass, when Jesus had finished these sayings, that He departed from Galilee and came to the region of Judea beyond the Jordan.

2 And great multitudes followed Him, and He healed them there.

3 The Pharisees also came to Him, testing Him, and saying to Him, "Is it lawful for a man to divorce his wife for just any reason?"

4 And He answered and said to them, "Have you not read that He who made them at the beginning 'made them male and female,'

5 "and said, 'For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh'?

6 "So then, they are no longer two but one flesh. Therefore what God has joined together, let not man separate."

7 They said to Him, "Why then did Moses command to give a certificate of divorce, and to put her away?"

8 He said to them, "Moses, because of the hardness of your hearts, permitted you to divorce your wives, but from the beginning it was not so.

9 "And I say to you, whoever divorces his wife, except for sexual immorality, and marries another, commits adultery; and whoever marries her who is divorced commits adultery."

In the exchange we see the Pharisees setting before Christ a question probably intended to put him at odds with one of the two schools of Rabbinical interpretation. If he were to answer affirmatively, those who had taken a strict view of Deuteronomy 24:1-4 - the **"indecent"** school - would be offended, while if he answered no, the party of loose interpretation - the **"something"** school - would take offense. In the answer that Christ gives, he immediately appeals back to the teaching of scripture and points out that this is not primarily a question about divorce but rather it is a question about the nature of marriage and the sinfulness of men's hearts. Christ begins by pointing out that God gave marriage as a creation ordinance and that in turn it was never intended to be put asunder.

The Pharisees then ask why if that was the case did Moses command that a man give his wife a bill of divorcement and send her away? This is an important turn of phrase. As we have seen, Deuteronomy

24:1-4 **does not contain a command to obtain a divorce, it regulates divorces if they occur.** Christ points this out, by telling them that “Moses *permitted* you to divorce...” not commanded. Jesus then goes on to explain why this was permitted – “because your hearts were hard”. In other words, because after the fall men were prone to sin and because of this sin divorces would occur, but not that they should occur. He drives this point home, that it was not so from the beginning. Had not the fall occurred, sin would not have entered in and marriages would have remained indissoluble. Christ goes even further in showing under what circumstance sin makes divorce possible, namely marital unfaithfulness. He then prohibits divorce under other circumstances by saying that all divorces for other reasons are illegitimate, and thus if a spouse remarries following such an illegitimate divorce, they are guilty of adultery, for the original covenant bond of marriage had not been severed in this case.

So to sum up, here the civil law of Israel is:

- **Regulating an already existing practice, not commanding it**
- **Making sure that it not something to be done rashly or for any reason**
- **Making sure that it is not by word of mouth, but put in legal writing, and solemnly declared, before witnesses**
- **Making sure that the woman had that certificate of divorce that she might remarry and not become destitute**
- **Forbidding using divorce as a means of legalized adultery. If the decision is made it must be permanent. There was to forbid the practice for instance, of a man agreeing to divorce his wife, and then after a set period of time, taking her back. That we are told is an abomination to the Lord.**

Application:

1) Is obvious, the civil law of Israel is ended, Christ and the apostles have made it clear that the only allowable reasons for divorce are adultery or irremediable desertion. Divorce is sometimes necessary but it is never good, and our society is destroying itself with this tool. We are quick to marry and quick to divorce.

Time Magazine Article – Is there hope for the American Marriage -

Marriage-Go-Round: The State of Marriage and the Family in America Today, what is significant about contemporary American families, compared with those of other nations, is their combination of "frequent marriage, frequent divorce" and the high number of "short-term cohabiting relationships." Taken together, these forces "create a great turbulence in American family life, a family flux, a coming and going of partners on a scale seen nowhere else. There are more partners in the personal lives of Americans than in the lives of people of any other Western country."

How much does this matter? More than words can say. There is no other single force causing as much measurable hardship and human misery in this country as the collapse of marriage. It hurts children, it reduces mothers' financial security, and it has landed with particular devastation on those who can bear it least: the nation's underclass.

2) By the strictness of this law God illustrates the riches of his grace in his willingness to be reconciled to his people that had gone a whoring from him. Jer. 3:1, Thou hast played the harlot with many lovers, yet return again to me. For his thoughts and ways are above ours.” – Matthew Henry