

TOWARDS AN UNDERSTANDING OF
DEUTERONOMY 24:1-4

INTRO: I suppose that Deuteronomy 24:1-4 is one of the hardest passages in the Bible to harmonize with the rest of Scripture. Those who seek evidence that divorce is permissible automatically go to this passage. I have catalogued 25 OT laws regarding marriage and by far the most of those we do not keep. For example, Deuteronomy 24:5, the verse after this most disputed passage teaches that when a man married, he was to stay at home with his wife for one year and make her happy. I need not tell you that we do not keep that law. And again, Deuteronomy 22:22 says, "If a man is found lying with a woman married to a husband, then both of them shall die, both the man that lay with the woman, and the woman; so you shall put away the evil person from Israel." We do not insist on this one. Yet when we come to that very controversial passage, Deuteronomy 24:1-4, we insist it applies to us. Of the 25 laws we keep about 5, at best, yet we insist the divorce laws of Deuteronomy 24 apply, and what we understand them to teach is that divorce may be practiced.

In an earlier message I did in this series I had not come to a conclusion on Deuteronomy 24. Here is what I said, "Now what I cannot understand is how Moses could ever allow for divorce, no matter what the case. But it is the view of some, and I think it has some merit, that Moses gave this teaching in a time when divorce was rampant. That is evidenced by the fact that he had to instruct a woman not to go back to her original husband after having had another man. So Moses gave this instruction, not as a norm for godly people, but to curb the excessive divorce in his day. To put together a consistent view on divorce from the OT is something I have not yet been able to do, other than to say that God's design for man is one man to one woman, and that is to be for life. We can clearly gather from the OT that God hates divorce, and that He never intended that if a couple could not get along, they should divorce and marry someone else."

It is quite some time since I did that message. I have studied this passage over many times since, and I believe I now have a consistent answer for this very difficult passage. For some 30 years I have studied this passage and have been rebuffed every time I thought I had the answer. I do not know that I have the final answer on this passage,

that is why I have called this message, "Towards an Answer to Deuteronomy 24:1-4". But I believe I have an answer that is consistent, and not contradictory in any way to other passages. In my own mind, I am content with the answer I am about to give you.

I. THE PROBLEM

Let us begin by considering the problem of Deuteronomy 24:1-4. The problem is correctly interpreting these words: "...and it happens that she finds no favor in his eyes BECAUSE HE HAS FOUND SOME UNCLEANNESS IN HER." What is this 'some uncleanness'? If we can answer that, I think we have answered the whole question. Let me give you John Gill's explanation which speaks generally to the views of the Jews. Gill writes, the 'some uncleanness' is "...something that he disliked, and was disagreeable to him, and which made their continuance together in the marriage state very uncomfortable; which led him on to be very ill-natured, severe, and cruel to her; so that her life was exposed to danger, or at least become very uneasy; in which case a divorce was permitted, both for the badness of the man's heart, and in favour of the woman, that she might be freed from such rigorous usage. This word "uncleanness" does not signify adultery, or any of the uncleannesses forbidden in [Le 18:6-19](#); because that was punishable with death, when it could be proved; and where there was only a suspicion of it, the husband might make use of the bitter water: though the house of Shammai seem to take it in this sense; for they say a man might not divorce his wife unless he found her in some unclean thing, something dishonest and wicked, and which they ground upon these words; but the house of Hillell say, if she burnt his food, or spoiled it by over salting, or over roasting it; and Akiba says, even if he found another woman more beautiful than her or more agreeable to him. But neither his sense, nor that of the house of Shammai, are approved of by the Jews in general, but that of the house of Hillell *{m}*; and they suppose a man might divorce his wife for any ill qualities of mind in her, or for any ill or impudent behaviour of hers; as if her husband saw her go abroad with her head uncovered, and spinning in the streets, and so showing her naked arms to men; or

having her garments slit on both sides; or washing in a bath with men, or where men use to wash, and talking with every man, and joking with young men; or her voice is sonorous and noisy; or any disease of body, as the leprosy, and the like; or any blemishes, as warts, are upon her; or any disagreeable smell that might arise from any parts of the body, from sweat, or a stinking breath..."

From this very controversial passage many commentators have concluded that a man may divorce his wife. The problem of this passage is, in my understanding, the meaning of this 'some uncleanness'. If we can answer this question, I believe the whole passage clears up. If the uncleanness is as John Gill's commentary has proposed, then divorce for almost any reason is acceptable. That, we know, cannot be correct. If the uncleanness is marital infidelity, then divorce is permissible in cases of adultery. Either way, there is at least some allowance for divorce.

II. THE PRACTICE

I propose the following as what was happening in the time Moses wrote this, and which gives the reason for this passage. In the KJV verse 24 gives this command, 'let him write her a bill of divorcement'. But I think John MacArthur is right when he says the command is not in verse 1, but in verse 4. If that is correct, then the NKJV rightly translates as follows: "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, when she has departed from his house, and goes and becomes another man's wife, *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, *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."

In this passage we have three conditional clauses and one command, which is the prohibition: Condition 1. If a man takes a wife and he wishes not to remain married to her because he has discovered some uncleanness in her and he divorces her... Condition 2. If she departs and marries again... Condition 3. If the next husband also detests her and divorces her, or if he dies... And then comes the command or the prohibition: If these three things take place, then the first husband is not to take her back as his wife again. That is the command.

So, the practice that is forbidden in this passage is that a woman who is divorced for the second time may not go back to her first husband. But, in giving this instruction Moses did something else that has greatly affected the understanding of divorce and remarriage in the OT. He did not forbid the first husband to divorce his wife, nor did he forbid the second husband to divorce her. Nor did he command the woman not to remarry. And by not forbidding these men to divorce their wives, and by not forbidding the woman to remarry, without saying it, he 'permitted' or 'allowed' divorce. That is important.

With that understanding of both the problem and the practice, I now want to propose an answer to the 'some uncleanness' of the passage, and the permission to divorce.

III. THE PROPOSITION

The proposition I give that I believe answers at least most of the difficulties of this passage is this: The 'some uncleanness' in 24:1 is the fact that it has been discovered by the husband after marriage that the woman he married had physical relations with another before her marriage to him. She has come to him as a virgin while in fact she is not. The case is one of fornication, premarital infidelity, not adultery.

Now, if you have studied this subject, you will be saying, "Wait a minute. In a case where fornication had taken place before marriage, but which was discovered after marriage, the woman was to be stoned, not divorced!" And you are correct. Let us

read what was to happen in a case like this (22:13-21). It is this passage that has kept me from understanding Deuteronomy 24:1-4 for 30 years! It is for this reason that the comment I read earlier by John Gill said, "This word "uncleanness" does not signify adultery, or any of the uncleannesses forbidden in #Le 18:6-19; because that was punishable with death, when it could be proved..." He was correct. He made the same error on a problem that stumped me for over 30 years.

My thinking, for many years was that the 'some uncleanness' could not refer to fornication, because Moses had instructed that in such cases the woman should be stoned. I have come to an understanding of that in a new light. So, let me give you my proposition and then seek to give evidence for it. Let me read Deuteronomy 24, as I set up the original case: "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 (i.e., discovered she is not a virgin), and he writes her a certificate of divorce (instead of having her stoned as Moses had instructed earlier, because of the hardness of heart), and puts the certificate in her hand and sends her out of his house, when she has departed from his house, and goes and becomes another man's wife (without informing him of her past sin), if the latter husband detests her and writes her a certificate of divorce (because he also has discovered her unfaithfulness), and puts it in her hand, and sends her out of his house, or if the latter husband dies who took her to be his wife, then her former husband who divorced her is not to 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."

The proposition I am giving is this, that the man, having discovered the woman he married was not a virgin and instead of having her stoned as Scripture instructed, he divorced her. He did not follow the instructions of chapter 22, to have her stoned, but instead divorced her. And Moses, by not insisting on the stoning, and by not prohibiting these divorces was actually allowing or permitting divorce in such

cases. If that is correct, Moses permitted divorce, not for marital infidelity, but premarital infidelity.

IV. THE PROOF

Now, I believe the proof of this proposition is to be found in the teaching of the Lord Jesus Christ. My first task now is to give evidence for the proposition that divorce was only 'permitted' by Moses, and that, only in the case of fornication, not adultery. So, we turn to the teachings of Jesus in Matthew 19. If the proposition I have given is correct, it should harmonize with this passage along with Matthew 5:32. If it harmonizes, that does not necessarily prove the view I am presenting is the correct interpretation but it must be allowed to stand as a possibility.

In Matthew 19, Jesus has come from Galilee and entered a heavily Jewish area, the region of Judea beyond Jordon. There are multitudes that have followed Him. Then come the Pharisees. They are growing more and more desperate to catch Him in His words and find opportunity to get rid of Him and now they will use that thorny issue of divorce and remarriage.

So they said in verse 3, "Is it lawful for a man to divorce his wife for *just* any reason?" What they were expressing was the liberal view of Rabbi Hillel who said you could divorce for any reason. And Jesus answer is, "Have you not read that He who made *them* at the beginning 'made them male and female,' 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'? So then, they are no longer two but one flesh. Therefore what God has joined together, let not man separate." You will not get a much more straight forward answer. Here is how I understand what He is saying, "No, a man may not put away his wife for just ANY reason. Actually, the OT does not give any reason for divorce once they are married. How could it? They have become one flesh!"

Surely from His teaching they had gathered that He was not a liberal, like Hillel, just as they

suspected. With that they have set their trap for Him and now they think they can catch Him. So, they now try to get Jesus to take their bait and step into the trap and He will be caught. So here is their bait: "Why then did Moses command to give a certificate of divorce, and to put her away?" Jesus had taken their bait and now they spring their trap, and now surely He is stuck! Deuteronomy 24 will hold Him fast.

But Jesus, amazingly, just as quickly catches them in their own trap. He said, "Moses, because of the hardness of your hearts, permitted (not commanded) you to divorce your wives, but from the beginning it was not so." Now we need to note something here. He caught them in their words that Moses had 'commanded' to give a certificate of divorce and put their wives away. Moses did not command this, he allowed or permitted this. We saw that in Deuteronomy 24 earlier and here is the evidence. Now notice also why, according to Jesus, Moses 'permitted' them to divorce their wives. It was because of **the hardness of their hearts**. When they should have stoned such a woman, they divorced her.

Then Jesus went on like this, "And I say to you, whoever divorces his wife, except for fornication (not marital unfaithfulness but premarital. The word is porna, the same sin for which Moses allowed divorce), and marries another, commits adultery; and whoever marries her who is divorced commits adultery." Now notice ever so carefully that Jesus does not say, "Moses said this, BUT I say this..." He said Moses said this AND I go along with that. The Greek language has the continuing conjunction 'and' like we do in English. It is the word 'kai'. Then it has the strong conversative 'but', which is 'alla'. Then it has a third conjunction 'de'. It is a slight conversative. And that is what Jesus uses here. I have long puzzled over the use of that conjunction here instead of the strong conversative. With the proposition I have given it falls right in place. Jesus was not saying something entirely different than Moses did, He simply added to Moses teaching the facts that anybody who divorced for other reasons or married someone divorced for other reasons was living in constant adultery!

So, I would translate this passage thus: "Moses, because of the hardness of your hearts permitted you to put away your wives in the case of fornication, though the original instruction was to put such persons to death, but you, because of the hardness of your hearts failed to obey this command, and I say to you, whoever divorces his wife, except in the case which Moses allowed, is committing adultery and whoever marries her that is divorced, except in the case Moses allowed, is committing adultery."

In other words, the only case in which divorce is permitted is the one Moses permitted. So, anyone who marries, and fornication has not taken place before, is married for life. That was God's original plan and that was His plan in Moses' teaching as well. There is no other ground for divorce. That the disciples caught Jesus' strict teaching of no divorce is evidenced by their response to Him, "If such is the case of the man with *his* wife, it is better not to marry." What they are saying is, "If there is no out, no divorce at all, if marriage is for life, it is better not to marry."

Then Jesus said to them, "Not all can accept this saying, but only those to whom it is given." By 'this saying' He is referring to the words 'it is better not to marry'. Only those to whom it is given. Then He explains for whom it is OK not to be married, and the answer is simply that this saying, 'it is better not to marry' is for eunuchs. For the rest it is, "Get married and stay married!"

And to the exception that Jesus allowed in this passage which I understand is also the exception that Moses allowed, we find agreement in the life of Joseph, husband of Mary. It was after he was betrothed to Mary that he discovered that she was expecting a child. Matthew 1:18-19 says this, "Now the birth of Jesus Christ was as follows: After His mother Mary was betrothed to Joseph, before they came together, she was found with child of the Holy Spirit." Joseph was in a great dilemma here. He could make her a public example, and have her stoned; or, in this case, he had the Mosaic option, to divorce her, and so the text says, "Then Joseph her husband, being a just *man*, and not wanting to make her a

public example, was minded to put her away secretly." Well, we know the story, how the angel told him why she was expecting and how he married her but did not know her until she bore this child.

CONCL: And so, in conclusion, if this interpretation is correct, there is only one ground given in the Bible upon which one may be divorced, and that is fornication, unfaithfulness before marriage. Divorce for unfaithfulness after marriage is never permissible, nor did Moses allow for that in Deuteronomy 24.

Now it is commonly said that if a couple has divorced and remarried, they ought not to go back to the first partner. This is taken from Deuteronomy 24. However, Deuteronomy 24 does not apply to the divorce and remarriage situations of our day. In most cases today, according to the OT the unfaithful partner would be stoned along with the person who was unfaithful with them. That frees the living partner to remarry. However, today, we do not stone unfaithful partners, and since both are alive, when there is repentance, there is one thing to do; go back to the original partner or remain without a partner until that becomes possible. To be remarried while the original partner is alive constitutes continuous adultery and such persons will not inherit the kingdom of God.

So, let me add one other point. If, in our culture we discover that someone has been unfaithful during the time of engagement and it is before the wedding, we simply may break the engagement. However, the question may come that if it is discovered after marriage that the partner has been unfaithful before marriage, may they divorce? It is generally agreed, and with good reason, that the Gospel of Matthew was written to the Jews and therefore we argue that this is the reason he gives the exception clause while Mark and Luke, whose Gospels were written to Gentiles, do not. When we understand that the Church is made up mostly of Gentiles, we may well understand why Mark and Luke do not include the exception clause. It does not apply. It was never expected that the Gentiles would live by God's law. And it is sad to say that possibly the majority of those who grow up, even in Christian homes, have experienced fornication before marriage, though it ought not to be, and I hope it is not so among our young people. So, we may conclude one general law: No divorce!

And so, as we conclude, what is the 'some uncleanness' of Deuteronomy 24:1? As I understand it, it is the discovery that physical chastity has been violated before marriage. In Deuteronomy 22, if a man made this claim and it was proved wrong, it says, "And she shall be his wife; he cannot divorce her all his days." The only ground for divorce has been removed and there is no other legitimate ground. If a single man and woman had physical relations by consent before marriage, they were to be married, and again the man was never permitted to divorce her (Deut. 22:28-29). Why could he never divorce her? What if he didn't like something about her? He could not divorce her because the only ground on which it could ever be permitted was one he himself was responsible for! So, the 'some uncleanness' is premarital unchastity.

Now let me show the consistency of the view that the 'some uncleanness' of Deuteronomy 24 is fornication. In Deuteronomy 24, the husband finds no pleasure in his wife because he has discovered 'some uncleanness' in her. That is understandable. She has deceived him in one of the most important matters in life. Then in 24:3 it says the second husband 'detests' his wife. Again, it is for the same reason for in 22:13 we read of a man who detests his wife. The reason very clearly stated in verse 14 is because he came to her and found her not a virgin. The same word is used in both cases.

When we come to Matthew 5:31-32, Jesus gives 'fornication' as the only grounds for divorce. When the Pharisees question Jesus, again in Matthew 19, the only ground for divorce given is fornication. When Joseph suspected Mary, the mother of Jesus, of fornication, he wanted to divorce her. Herein lies the consistency of the view that fornication is the only ground for divorce. On the back of your bulletins I have given you Deuteronomy 24:1-4 with brief inserts to explain.

Let me state what I have stated again and again in this series: Marriage is for life. Not ideally, but really. Any remarriage while one's partner is alive constitutes the state of adultery, present tense, and condemns those who practice it to hell (1 Cor. 6; Gal. 5).