

Deuteronomy 24:1-4 and the Issue of Divorce

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Divorce and remarriage have become regarded by many evangelicals as viable solutions to intolerable marriages. Most of those who seek a biblical basis for this opinion interpret Deuteronomy 24:1-4 as providing grounds for divorce and the right of remarriage in cases of adultery or sexual sin.¹ Is there adequate textual evidence for this interpretation? Did Moses affirm the right of divorce for sexual sin? Is the remarriage of a divorced person without moral consequence? What application may Christians make of the legal precepts found in Deuteronomy 24:1-4?

The Background and Context

Not long after the Fall, God's standard of one man married to one woman was violated (Gen. 2:24; 4:19). By the time of Moses, divorce had become a custom even among Israelites (Deut. 24:1-4). And so the issue was addressed by Moses. The importance of this Deuteronomy passage in Jewish thinking is seen in the fact that it served as the background for the Pharisees' comments on divorce when they questioned Jesus (Matt. 19:1-12; Mark 10:1-10).

The Book of Deuteronomy gives a restatement of the Mosaic Covenant for the benefit of the second generation of Israelites in the wilderness. Deuteronomy 24:1-4 is part of a larger section that ex-

¹ For examples note John Williams, *For Every Cause?* (Exeter: Paternoster, 1981), 18; Stanley A. Ellisen, *Divorce and Remarriage in the Church*, 2d ed. (Grand Rapids: Zondervan, 1980), 64; Spiros Zodhiates, *What about Divorce?* (Chattanooga: AMG Publishers, 1984), 47.

pands and applies the basic stipulations of the covenant (5:6-21). As observed by Kaufman,² the Decalogue seems to provide the basis for the instruction given in Deuteronomy 12-26. Kaufman suggests the following structure and arrangement:

Commandment	Deuteronomy	Description
1-2	12:1-31	Worship
3	13:1-14:27	Name of God
4	14:28-16:17	Sabbath
5	16:18-18:22	Authority
6	19:1-22:8	Homicide
7	22:9-23:19	Adultery
8	23:20-24:7	Theft
9	24:8-25:4	False charges
10	25:5-16	Coveting

Highlighting the significance of this structure, Kaiser comments that "the entire second discourse of Moses (Deut. 5-26) is a single literary unit that convincingly demonstrates that the moral law informs the statutes, judgments. . . and commands of God."³ Following this analysis, the text at hand would serve to illuminate and expand the prohibition against theft, in this case, the wrongful and illegal taking of a spouse.⁴

The Structure

It is crucial to note that this passage does not institute or allow for divorce with approval. Deuteronomy 24:1-4 merely treats divorce as a practice already existing and known.⁵ Grammatically the passage is an example of biblical case law in which certain conditions are stated for which a particular command applies. The protasis in verses 1-3 specifies the conditions that must apply before the command in the apodosis in verse 4 is followed. In other words 24:1-4 describes a simple "if. . . then" situation.

The legislation specified in 24:1-4 actually deals with a particular case of remarriage. Grammatically the intent of this law is not

² Stephen A. Kaufman, "The Structure of the Deuteronomic Law," *MAARA V 1* (1978-79): 105-58.

³ Walter C. Kaiser, Jr., *Toward Old Testament Ethics* (Grand Rapids: Zondervan, 1983), 129.

⁴ Kaufman demonstrates how Deuteronomy 24:1-4 fits well with the laws prohibiting the taking of one's fill from another's crop (23:24-25), the separation of newlyweds (24:5), and taking in pledge the upper millstone (24:6), a prohibition latent with sexual imagery ("The Structure of the Deuteronomic Law," 140).

⁵ Peter C. Craigie, *The Book of Deuteronomy* (Grand Rapids: Eerdmans, 1976), 305.

to give legal sanction to divorce or to regulate the divorce procedure. The intent of the passage is to prohibit the remarriage of a man to his divorced wife in cases of an intervening marriage by the wife.

Unfortunately the structure of the passage has not always been reflected in the English translations. The King James Version, for example, places the apodosis at the end of verse 1 ("then let him write her a bill of divorcement"). The implication of this translation is that the Law requires that a husband divorce his offending wife. This translation, also found in the American Standard Version (1901) and the English Revised Version, has contributed to the confusion seen in the divorce-remarriage controversy.⁶

The Circumstances of Divorce (24:1-3)

The first three verses of Deuteronomy 24 describe the situation of a woman who is twice divorced by different men or once divorced and then widowed. It should be carefully noted that divorce is neither commanded nor commended. The circumstances leading to divorce are simply described as a part of the case under consideration. The verses do not indicate that divorce is necessarily sanctioned under such circumstances. As Hurley observes, "Verse 1 does not focus on the grounds for the divorce as such, but rather discusses the first divorce only to set the stage for the following discussion."⁷

In this particular case the wife lost favor with her husband because of "some indecency" in her (literally, "nakedness of a thing" or "a naked matter"). The precise meaning of the phrase עֲרֹוֹת דְּבָרִים is uncertain. Consequently it became the subject of heated rabbinic debates on divorce. The Septuagint's translation, **αἴτιον πράγμα** ("some unbecoming thing"), is equally obscure.

The phrase may refer to some physical deficiency--such as the inability to bear children. This may be suggested by a possible parallel between Deuteronomy 24:1-4 and an old Assyrian marriage contract.⁸ The expression appears only once elsewhere in the Hebrew Scriptures, where it serves as a euphemism for excrement (Deut. 23:14, Heb. 15). This suggests that the "indecency" in Deuteronomy 24:1 may refer to some shameful or repulsive act. Isaksson takes it to refer to the wife's indecent exposure.⁹ In the first century conserva-

⁶ The New King James Version gives a proper rendering of the text

⁷ James B. Hurley, *Man and Woman in Biblical Perspective* (Grand Rapids: Zondervan, 1981), 99.

⁸ James B. Pritchard, ed., *Ancient Near Eastern Texts*, 3d ed (Princeton, NJ: Princeton University Press, 1969), 543.

⁹ Abel Isaksson, *Marriage and Ministry in the New Temple* (Lund: C. W. K. Gleerup, 1965), 26-27.

tive Rabbi Shammai interpreted the phrase as referring to marital unchastity, while Rabbi Hillel interpreted it more broadly to refer to anything unpleasant (Gittin 9:10).

It seems unlikely that עֲרֵוֹת דְּבָרַי could refer to adultery, since this was punishable by death (Deut. 22:22-24; Lev. 20:10), not divorce. Murray offers five additional reasons why the "indecent" of Deuteronomy 24:1 cannot refer to adultery.¹⁰ He concludes that it must refer to "some indecency or impropriety of behavior" short of illicit sexual intercourse.¹¹ Whatever the precise meaning of עֲרֵוֹת דְּבָרַי the grammar makes clear that Moses was describing a case, not prescribing a course of action for dealing with an offensive wife.

The passage describes the actions of a husband in dealing with his offending wife. According to custom the husband wrote out a certificate of divorce and delivered it to the wife. The essential words of this document became fixed in Jewish tradition and are recorded in the Mishnah, "Behold, you are free to marry any man" (Gittin 9:3). The passage then states that the wife left her husband's home and became another man's wife. Sometime after the second marriage, the woman was again divorced or widowed (Deut. 24:2-3).

The Issue of Case Law

Many expositors have concluded that since Deuteronomy 24:1-3 does not prohibit divorce and remarriage, both are approved by God. This conclusion is inconsistent with the context of the passage (v. 4) and with the nature of biblical case law.

The covenant entered into by God and Israel at Mount Sinai contains the obligations imposed on and accepted by the Israelite people. These covenant stipulations take two basic forms: apodictic and casuistic. Apodictic (derived from the Greek *ἀπό* "from," and *δεικνύμι*, "to show") laws are stated in imperative terms such as "you shall not. . . ." Casuistic (derived from the Latin *casus*, "case") laws are stated in the form of cases. If certain circumstances occur, a certain law must then apply. The protasis-apodosis sequence ("if. . . , then. . .") is the most frequent indicator of biblical casuistic law. Deuteronomy 24:1-4 is such an example.

Deuteronomy 12-26 contains the detailed stipulations of the covenant. This section elaborates the basic demands of Deuteronomy 5-11 by providing examples and applications in the religious life (12:1-16:17), political life (16:18-20:20), and social life (chaps. 21-26) of the nation. Apart from the case under consideration, Deuteron-

¹⁰ John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian & Reformed, 1961), 10-12.

¹¹ *Ibid.*, p. 12.

omy 12-26 contains 31 examples of case law. In 19 of these examples the protasis contains a situation that is either immoral or has some negative connotation.¹² The other 12 present situations that appear morally neutral.¹³

Deuteronomy 25:11-12 is an example of case law in which the protasis contains a situation that is immoral or has negative connotations. A woman who seizes the genitals of a male opponent to help her husband in a struggle shall have her hand cut off. No one would dare suggest that the case being described is presented with approval. Many other similar examples could be cited.

What is the implication for the study of Deuteronomy 24:1-4? Just as legislation on harlotry (23:18) in no way authorizes harlotry, so a law on divorce and remarriage is not authorization for them. The presentation of the case does not constitute divine approval of the actions, described. The context (including the apodosis) must be considered in order to discern whether the situation is merely being described or whether the actions described have divine sanction.

Too often interpreters have discussed 24:1-4 as if God sanctions divorce and remarriage. The characteristic grammar of biblical case law argues against this. In fact the text itself is far from approving the second marriage, as is evident from verse 4.

The Prohibition against Remarriage (24:4)

The main point of this example of biblical case law appears in the apodosis (the "then" clause) of verse 4. Here it is clear that the law relates not to the matter of divorce as such, but to a particular case of remarriage. Moses declared that a man may not remarry his former wife if she has in the meantime been married to another man. Even though her second husband should divorce her or die, she must not return to her first husband. The prohibition is supported by an explanation, a reason, and a command. As Kaiser correctly notes, this is "the only regulative statement in this passage."¹⁴

THE EXPLANATION

The prohibition against remarriage is elaborated and explained by "since she has been defiled." The word **וְשֵׁנָה** is used as a conjunction

¹² See Deuteronomy 13:1-5; 13:6-11; 13:12-18; 15:12-15; 17:1-5; 19:11-13; 19:16-19; 21:1-7; 21:10-14; 21:15-17; 21:18-21; 21:22-23; 22:13-21; 22:22; 22:23-27; 22:28-29; 24:7; 25:7-10; 25:11-12.

¹³ See Deuteronomy 14:24-25; 15:7-8; 15:16-18; 17:8-9; 18:6-8; 23:10-13; 23:21-23; 23:24-25; 24:5; 24:19-22; 25:1-3; 25:5-6.

¹⁴ Kaiser, *Toward Old Testament Ethics*, 200.

with אַחֲרָיָה and could be translated, "after that." The obvious question is, "After what?" The answer must be found in verses 1-3, which describe the divorce and remarriage of the woman. It is unlikely that divorce itself would be regarded as defiling, since it violates no command and involves no sexual act. Apparently the second marriage--with its physical union--is viewed as bringing defilement.

The word "defiled" (אִמְטָה) is a *Hothpa' el*, the less common reflexive passive conjugation, and means "to be made unclean." This stem generally communicates a passive idea ("was defiled"), but can tend toward a reflexive idea ("she defiled herself"), depending on the context. Since it is unclear here who bears the responsibility for the defilement, one could simply translate "she has been defiled."

The Hebrew word אִמְטָה is used of sexual uncleanness (moral violation), religious uncleanness (bloodshed or idolatry), and ceremonial uncleanness (eating unclean foods, touching a dead body). In Leviticus 18:20 and Numbers 5:13-14 it is used of the defilement of adultery. The implication is that a woman's remarriage after divorce is similar to adultery in that she cohabits with another man.¹⁵ Keil and Delitzsch comment:

The second marriage of a woman who had been divorced is designated by Moses a defilement of the woman, primarily no doubt with reference to the fact that the *emissio seminis* in sexual intercourse rendered unclean, though not merely in the sense of such a defilement as was removed in the evening by simple washing, but a moral defilement, i.e., blemishing, desecration of the sexual communion which was sanctified by marriage.¹⁶

The use of אִמְטָה in Deuteronomy 24:4 suggests that remarriage following divorce is placed on a par with adultery. The Mosaic perspective is consistent with Jesus' teaching in Mark 10:11-12, where divorce and remarriage by either husband or wife is regarded as adulterous.

THE REASON

To remarry one's original husband after an intervening marriage is declared "an abomination before Yahweh." The word "abomination" (תּוֹעֵבָה) is used of things detestable in either the moral or general sense. Youngblood states that the word includes that which is "aesthetically and morally repulsive."¹⁷ The term is used to describe false gods (Deut. 32:16), ritually unclean animals (Deut. 14:3), homosexual relations (Lev. 18:22), and occultic activities (Deut. 18:9-

¹⁵ Craigie, *The Book of Deuteronomy*, 305.

¹⁶ C. F. Keil and F. Delitzsch, *Commentary on the Old Testament*, 10 vols. (Grand Rapids: Eerdmans, 1981), vol. 1: *The Pentateuch*, 418.

¹⁷ *Theological Wordbook of the Old Testament*, S.v. "תּוֹעֵבָה," by Ronald F. Youngblood (1980), 2:976-77.

14). The term is used in Leviticus 18:26-30 with reference to numerous previously mentioned aberrations including incest, adultery, child sacrifice, homosexuality, and bestiality.

THE COMMAND

The reason ("for that is an abomination") is followed by the command, "You shall not bring sin on the land which Yahweh your God gives you as an inheritance." To commit the act prohibited in this example of case law amounts to bringing the guilt of sin on Israel's land. These words bring to mind the warning God gave the Israelites in Leviticus 18:24-25 regarding the wicked ways of Canaan: "Do not defile yourselves by any of these things; for by all these the nations which I am casting out before you have become defiled. For the land has become defiled, therefore I have visited its punishment upon it, so the land has spewed out its inhabitants."

As the land was "defiled" by the sexual abominations of the Canaanites, so there was danger of similar defilement by the remarriage of a divorced woman to her husband in the case of an intervening marriage. The prohibition was designed to prevent the defilement of the land that God was giving His people as an inheritance.

The Purpose of the Legislation

What did God intend to accomplish by this law? What was its purpose in Israelite society?

TO ENSURE THE PROPER LEGAL PROCEDURE

Based on the faulty translation of the King James Version, some have argued that the purpose of this legislation was to ensure that proper legal procedure was used in the termination of marriage. Atkinson comments, "This would make public the termination of the first marriage, and so promote a sense of social responsibility, and also--and perhaps more importantly--give the divorced woman rights in law, by protecting her against the capital charge of adultery if she remarried."¹⁸ The major oversight by those suggesting this interpretation is the failure to recognize that the procedure described in verses 1-3 is merely descriptive, not prescriptive.

TO DISCOURAGE DIVORCE

Murray, among others, has argued that the legislation was designed to discourage divorce.¹⁹ As Adams comments, "The whole point of the four verses in question is to forestall hasty action by making it impossible to rectify the situation when divorce and re-

¹⁸ Atkinson, *To Have and to Hold*, 104.

¹⁹ Murray, *Divorce*, 3-16.

marriage to another takes place (cf. 1 Cor. 7:11)."²⁰ Since there was a good possibility of not being able to remarry his former wife, the husband would be less likely to put his wife away hastily. But one wonders whether this legislation would deter an angry husband.

Craigie follows this viewpoint, but with a slightly different perspective. He suggests that Deuteronomy 24:1-4 applied certain restrictions on divorce to prevent it from becoming "too easy." If abused, divorce and remarriage "would become a 'legal' form of committing adultery."²¹

While this view has merit, it has been pointed out by Thompson that the major deterrent to divorce in the biblical period was financial. Usually the husband forfeited the dowry when divorcing his wife and sometimes had to make divorce payments as well.²²

TO PROTECT THE SECOND MARRIAGE

In a lecture delivered at the University of Oxford on remarriage in Jewish Law, Yaron suggested that Deuteronomy 24:1-4 was designed to protect the second marriage.²³

When the divorcee has married another man, we have before us the possibility of tension within the "triangle" which has come into being. The first husband may wish to get back his wife, having repented of dismissing her, the wife may draw comparisons between her two husbands unfavourable to the second one, and may indulge in overtures disruptive of the second marriage. Or, nothing of the kind may have actually happened, but the second husband may go through agonies of jealousy and apprehension, making life a hell for the wife also. All these possibilities are avoided once the reunion is prevented.²⁴

The explanation seems at first convincing. But the view fails to explain why the rule would apply after the death of the second husband when the second marriage would no longer be in jeopardy.²⁵

TO PREVENT A TYPE OF INCEST

Wenham has noted that the reasons the husband should not take back his former wife--defilement, abomination, and pollution

²⁰ Jay E. Adams, *Marriage, Divorce and Remarriage in the Bible* (Phillipsburg, NJ: Presbyterian & Reformed, 1980), 62; J. Carl Laney, *The Divorce Myth* (Minneapolis: Bethany House, 1981), 32.

²¹ Craigie, *The Book of Deuteronomy*, 305.

²² J. A. Thompson, *Deuteronomy* (Downers Grove, IL: InterVarsity, 1974), 244.

²³ R. Varon, "The Restoration of Marriage," *Journal of Jewish Studies* 17 (1966): 1-11.

²⁴ *Ibid.*, 8.

²⁵ C. M. Carmichael, *The Laws of Deuteronomy* (Ithaca, NY: Cornell University Press, 1974), 205.

of the land--occur repeatedly in connection with the sexual offenses listed in Leviticus 18 and 20.²⁶

As background for his viewpoint, Wenham argues that marriage establishes a close and lasting "one flesh" (Gen. 2:24) relationship that does not terminate with divorce. From a biblical perspective, marital intercourse makes a man and wife as closely related as parents and children. If a man may not marry his sister-in-law because she has in effect become his sister (Lev. 18:16; 20:21), may he re-marry his former wife?

According to Wenham, Deuteronomy 24:1-4 uses the logic of incest laws to prohibit the restoration of the first marriage. If a divorced couple should come together again after an intervening marriage, it would be as bad as a man marrying his sister. To reconstitute the first marriage would be a "type of incest," which is explicitly prohibited in Leviticus 18:6-18.²⁷ Wenham's view has support from the greater context of levitical law and has been favorably reviewed.²⁸ This view is an intriguing explanation for the prohibition against remarriage to one's original partner following divorce.

The major difficulty with this view is that it seems to reach beyond what is clear to the reader. One wonders how many Israelites would have seen the connection between the "one flesh" of the marriage union and the incest laws of Leviticus 18:6-18. Wenham uses the phrase, "type of incest." Is remarriage to one's spouse after an intervening marriage actually incest or not? Yet while Wenham's view seems obscure to the 20th-century interpreter, it may not have been so to those of Moses' day, whose lives centered around the ceremonial requirements of the Law.

TO PROTECT A STIGMATIZED WOMAN

Luck suggests that the passage under consideration "intends to protect a stigmatized woman from further abuse by her offending first husband."²⁹ According to Luck, Deuteronomy 24:1-4 deals not with an offending wife but with a sinning husband.

The text is trying to convey that the first husband is responsible to come to his senses before the second marriage occurs. That he does not, underlines the offensiveness of the first husband's character. The man was so hard-hearted that he cast the woman from himself. Then, he was so unrepentant that he allowed her to be sexually coupled to another man. Thus, in a sense, the second marriage did defile the

²⁶ Gordon J. Wenham, "The Restoration of Marriage Reconsidered," *Journal of Jewish Studies* 30 (1979): 36-40.

²⁷ *Ibid.*, 40.

²⁸ See Kaiser, *Toward Old Testament Ethics*, 202-3.

²⁹ William F. Luck, *Divorce and Remarriage: Recovering the Biblical View* (San Francisco: Harper & Row, 1987), 64.

woman, but the fact stands not really against her character but against the character of her treacherous first husband.³⁰

Luck certainly offers a creative approach to an old problem. Yet his view introduces speculation and hypothesis. Though Luck regards the first husband as "hard-hearted" and "unrepentant," the passage does not offer any comment as to the husband's character.

In this appeal to Jeremiah 3:1 to support his view,³¹ Luck seems to have missed the point of the prophet. Jeremiah was simply saying that Judah wanted to have it both ways--clinging to harlot lovers and renewing her "marriage" with Yahweh. The question raised by the prophet is, "What right had Judah, frightened by the consequences of her evil deeds, to take the initiative in seeking to return to Yahweh?"³² Jeremiah was making a limited application of Deuteronomy 24:1-4. Judah had not married a particular lover, but, like Gomer, had been unfaithful. Clearly God had not issued a divorce document (cf. Isa. 50:1). Therefore the renewal of His covenant (i.e., "marriage") relationship with Judah would not actually constitute a violation of Deuteronomy 24:1-4.

TO DETER GREEDY PROFIT BY THE FIRST HUSBAND

Westbrook suggests that the key to understanding the purpose of Deuteronomy 24:1-4 "lies in the property aspect of marriage--more exactly, in the financial consequences of its dissolution."³³ Westbrook points out that a legal distinction between two kinds of divorce was recognized in various ancient Near Eastern law codes.

In cases where the wife was guilty of socially recognized misconduct the husband was justified in divorcing her without any financial consequences to himself. This principle applies to the first husband's divorce mentioned in Deuteronomy 24:1-4, which was for "some indecency." In all other cases of marital dissolution the wife was entitled to a financial settlement. At the very least, her dowry would be restored. According to Westbrook, this principle applies to the second husband's divorce mentioned in Deuteronomy 24:3. Here no guilt on the wife's part is stated or implied; yet the husband "turns against her" or literally "hates her."³⁴

According to Westbrook, the first husband in Deuteronomy 24:1-4

³⁰ Ibid., 63.

³¹ Ibid.

³² J. A. Thompson, *The Book of Jeremiah* (Grand Rapids: Eerdmans, 1980), 191.

³³ Raymond Westbrook, "The Prohibition on Restoration of Marriage in Deut. 24:1-4," in *Studies in the Bible: 1986*, ed. S. Japhet, *Scripta Hierosolymitana* 31 (Jerusalem: Magnes, 1986), 393.

³⁴ Ibid., 401-2.

divorced his wife on the grounds of her "indecency" and thus escaped the normal financial consequences. He paid her no divorce money and probably kept her dowry. Yet she was able to find another husband who provided for her an inheritance (by his death) or a divorce settlement. And now that she was a wealthy widow or divorcee, Westbrook suggests, the first husband would forget his original objections and seek to remarry her. The effect would be that the first husband profited twice—first by rejecting his wife and then by remarrying her. It is this unjust enrichment that the law in Deuteronomy 24:1-4 seeks to prevent.³⁵

Westbrook's solution fits nicely with Kaufman's analysis of the structure of Deuteronomical law in that Deuteronomy 24:1-4 falls within the section (23:20-24:7) that expands the eighth commandment, "You shall not steal" (5:19). And yet the view is based on considerable hypothesis and speculation. His view does not deal adequately with the key terms "abomination" and "sin on the land." And the view implies that the first divorce and remarriage is presented with approval. This is contrary to a proper understanding of the clause, "since she has been defiled" (24:4).

A SYNTHETIC APPROACH

In light of the many diverse opinions as to the purpose of the prohibition of remarriage in Deuteronomy 24:1-4, it is wise to avoid dogmatism in reaching a conclusion. It may well be that the text was intended to accomplish at least two things. First, this restriction seems to guard against divorce becoming a legalized form of adultery. Second, the prohibition against remarrying the same woman would also serve as a moderating influence on divorce. Wenham's analysis contributes to this synthetic view by way of clarification. The laws against incest may serve to explain why the prohibition in Deuteronomy 24:4 was necessary, that is, to avoid bringing the guilt of sin on the land.

Concluding Observations

Several concluding observations based on this study may help in considering the issues in the divorce-remarriage controversy. First, Deuteronomy 24:1-4 did not institute divorce. The passage simply acknowledges divorce as taking place, and not necessarily with divine approval. Second, though divorce is "permitted" in 24:1-4 in the sense that it is not specifically prohibited by law, divorce was not looked on with favor by the Hebrew Scriptures. The lot of a di-

³⁵ Ibid., 404.

vorcee was not pleasant (Isa. 54:6). Though she was free to remarry she could not marry a priest (Lev. 21:7). This suggests that there was "something of a stigma (social or moral) attached to her as a divorced woman. Third, the clause, "since she has been defiled" (Deut. 24:4), indicates that some measure of moral defilement was associated with a divorced woman if she remarried. Fourth, 24:1-4 clearly prohibited the remarriage of a divorced woman to her first husband if since the divorce she had been married to another man.

Deuteronomy 24:1-4 was brought to the attention of Jesus by some religious leaders who sought to "test" Him on the subject of divorce and remarriage (Matt. 19:1-12). Most of the first-century Jewish teachers believed that Deuteronomy 24:1-4 authorized divorce. They differed only with regard to the legitimate grounds for divorce (Gittin 9:10).

In talking with the Pharisees, Jesus directed their attention to God's original design for marriage as set forth in Genesis 2:24. Jesus affirmed that man should not separate what God has joined (Matt. 19:6). When Jesus' opponents cited Deuteronomy 24:1-4, which they interpreted as legal authorization for divorce, Jesus did not say Moses commanded divorce. Instead Jesus said Moses permitted it because of the "hardness" of the Israelite hearts. Hurley remarks, "Thus, whereas the Pharisees had taken Moses' concession of divorce as God's design, Jesus took it as a regulatory measure to deal with the result of sin."³⁶ Derrett further observes that where Jewish interpretation went wrong was in "the failure to perceive that the one flesh persists after divorce."³⁷ Therefore remarriage after divorce brings moral defilement not unlike that of adultery (Matt. 19:9).³⁸

³⁶ Hurley, *Man and Woman in Biblical Perspective*, 101.

³⁷ J. D. M. Derrett, *Law in the New Testament* (London: Darton, Longman & Todd, 1970), 377.

³⁸ The interpretation of the exception clause in Matthew 5:32 and 19:9 is an issue of great debate among evangelicals and is outside the scope of this article. There are four major views as to the meaning of the exception. The patristic (early church fathers) view interprets the exception to allow for divorce for sexual sin, but that the grammar and syntax forbid remarriage. The Erasmian (Reformed or traditional Protestant) view interprets the exception to allow for both divorce and remarriage in cases of adultery or sexual sin. The betrothal (engagement) view understands the exception to refer to a breach of the marriage contract before the union is consummated, and that both divorce and remarriage are forbidden. The consanguinity (unlawful marriage) view interprets the exception to refer to the laws of Leviticus 18:6-18 prohibiting incestuous marriage. According to this view, divorce is allowed in cases of incestuous marriage, but remarriage is forbidden. Wenham's arguments on the purpose of Deuteronomy 24:1-4 seem to favor the fourth view.

For discussion of the meaning of the Greek term **porneia** used in Matthew's exception clause, see Joseph A. Fitzmyer, "The Matthean Divorce Texts and Some New Palestinian Evidence," *Theological Studies* 37 (1976): 197-226; Joseph Jensen, "Does Porneia Mean Fornication?" *Novum Testamentum* 20 (1978): 161-84; Laney, *The Di-*

Some have questioned the present application of this text to Christians who have been divorced and remarried. Are believers prohibited by Deuteronomy 24:1-4 from remarrying their original spouse in cases where there has been an intervening marriage? One could argue that the concern for "sin on the land" would limit the application of the text to the Jewish people in the land of Israel under the Old Covenant. Yet the issue of the wife being "defiled" and concern to avoid "an abomination before the Lord" would argue against a temporal or limited application. Since there is nothing in the New Testament that modifies or abrogates this clear command, there seems to be no biblical basis for doing away with its present application. According to Deuteronomy 24:1-4, a man may not remarry his divorced wife if she has in the meantime been married to another man.

orce Myth, 66-78; Ben Witherington, "Matthew 5:32 and 19:9-Exception or Exceptional Situation?" *New Testament Studies* 31 (1985): 571-76; J. Carl Laney, "No Divorce and No Remarriage," in *Divorce and Remarriage*, ed. H. Wayne House (Downers Grove, IL: InterVarsity, 1990), 33-37.

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