

Deuteronomy 24:1-13
Dr. Steven R. Cook

In our current section on case laws (Deut 19:1—26:19), we are considering how the nation of ancient Israel was to practice righteous living after they entered the land of Canaan (Deut 16:20), how righteousness was measured by conformity to God’s laws (Deut 6:24-25), and obedience would result in the Lord’s blessings (Deut 11:26-28). In this section, Moses addresses divorce and remarriage (Deut 24:1-4), military and societal exemptions for a newlywed man (Deut 24:5), respecting those who gave pledges for loans (Deut 24:6, 10-13), kidnapping and selling a fellow Israelite (Deut 24:7), and respecting the authority of the Levitical priests concerning matters of skin disease (Deut 24:8-9). Several of these directives seem to be an expansion of the commandment, “You shall not steal” (Deut 5:19).

Divorce and remarriage

In the first three verses of this chapter, Moses describes a scenario where divorce occurs (protasis). The specific reason would have been known to Moses’ audience; however, that reason is not known to us. In this scenario, only verse four provides a legislative directive, and that pertains to remarriage (apodosis). Describing the scenario, Moses wrote:

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 indecency in her, and he writes her a certificate of divorce and puts it in her hand and sends her out from his house,² and she leaves his house and goes and becomes another man’s wife,³ and if the latter husband turns against her and writes her a certificate of divorce 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,⁴ then her former husband who sent her away is not allowed to take her again to be his wife, since 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 gives you as an inheritance. (Deut 24:1-4)

In the opening verse, Moses describes a man who marries a woman (Deut 24:1a), but then afterwards, he finds “some indecency in her, and he writes her a certificate of divorce and puts it in her hand and sends her out from his house” (Deut 24:1b). Under the Mosaic Law, divorce was permitted, on certain grounds, but not promoted. The indecency found in the woman is taken by some to refer to adultery; however, this is probably not the case, since adultery warranted the death penalty (Deut 22:22),

and no such action is called for in this scenario. The word *indecenty* translates the Hebrew noun עֶרְוָה *ervah*, which generally refers to “nakedness, [or the] genital area of a man or of a woman.”¹ Daniel Block writes:

Since *’erwâ* usually involves the genitals (Ex 20:26; cf. 28:42), and since this is the woman’s problem, the expression is best interpreted as some menstrual irregularity (cf. Mark 5:25–34). The result is a constant state of impurity, curtailing many normal marital activities (cf. Lev 12:2–8) and rendering her incapable of bearing children. The husband may have learned of her condition after he married her and sought to consummate the marriage. But instead of responding with compassion, he divorced her.²

If this understanding is correct, then the woman is dealing with an issue of physical health that is no fault of her own. The character flaw in this situation actually lies with the husband who extends no favor to her. The word *favor* translates Hebrew noun חֵן *chen*, which is commonly translated *favor* or *grace*, and refers to a favorable disposition that one person has toward another, especially one in need of grace. In this passage, the man is said to have a disposition of *no grace*.

Rather than stand by his wife, the man opts for divorce and to send her away. Under Mosaic Law, divorce was a personal matter of the home and not the public courts. In the divorce process, the man would first write a certificate of divorce, which implied forethought and intention. Second, he would hand the certificate to his wife, legally releasing her from the union. Third, he would send her out of his home. The certificate of divorce would have protected the woman from charges of infidelity and would have granted her the right to remarry. Daniel Block states:

The certificate was vital for the woman, especially if the document relinquished the husband’s rights to her and her dowry and authorized her to return to her family of origin or to marry another man. From the man’s perspective, the record of the returned dowry would prevent the woman’s family from making further claims against him.³

¹ Ludwig Koehler et al., *The Hebrew and Aramaic Lexicon of the Old Testament* (Leiden: E.J. Brill, 1994–2000), 882.

² Daniel I. Block, *The NIV Application Commentary: Deuteronomy*, ed. Terry Muck (Grand Rapids, MI: Zondervan, 2012), 558.

³ *Ibid.*, 558–559.

Unfortunately, in this scenario, the woman marries another man with no grace who, like the first husband, writes her a certificate of divorce and sends her out, or perhaps dies (Deut 24:2-3). Though the woman is free to remarry, Moses issues a directive that prohibits the first husband from taking her back as a wife (Deut 24:4a). Moses gives the reason, saying, “since she has been defiled” (Deut 24:4b). The word *defiled* translates the Hebrew noun נָטַף *tame* which, in this passage, is vague and can mean “to be ceremonially impure or to be immoral in action.”⁴ It could be that the woman, in such a situation, might be degraded as mere property to be passed back and forth between men. Whatever the exact meaning, Moses regarded it as “an abomination before the LORD,” saying, “you shall not bring sin on the land which the LORD your God gives you as an inheritance” (Deut 24:4c).

Exemptions for a newlywed husband

Continuing on with the subject of marriage, Moses said, “When a man takes a new wife, he shall not go out with the army nor be charged with any duty; he shall be free at home one year and shall give happiness to his wife whom he has taken” (Deut 24:5). In this scenario, a man has taken a new wife and needs to establish his relationship with her. Moses said the man should be free from any military or social duties during his first year of marriage. Warren Wiersbe states, “Any able-bodied man could take the new husband’s place in the army but nobody could take his place at home. His wife would suffer from the pain of separation from her beloved and, if he died in battle, the sorrow of bereavement. This law shows the high value God puts on human love and the responsibilities of marriage.”⁵ Both the government and society had no claims upon the man. Staying at home for a year would also have provided time for a child to be conceived and born. If the husband were called to war and killed after the first year, the wife would have a child that might grow up and care for her in her old age. Remember, Moses had previously restricted men who were engaged to be married from military service, saying, “And who is the man that is engaged to a woman and has not married her? Let him depart and return to his house, otherwise he might die in the battle and another man would marry her” (Deut 20:7). Daniel Block states, “Stable marriages do not just happen; they take effort and must be built on solid foundations. Deuteronomy 24:5 teaches that when people marry, outside responsibilities and distractions should be reduced to a minimum.

⁴ William D. Mounce, *Mounce’s Complete Expository Dictionary of Old & New Testament Words* (Grand Rapids, MI: Zondervan, 2006), 944.

⁵ Warren W. Wiersbe, *Be Equipped*, “Be” Commentary Series (Colorado Springs, CO: Chariot Victor Pub., 1999), 147.

While a two-week honeymoon offers hope for a good start to the marriage, it is insufficient to prepare for a life of married bliss.”⁶

Restriction for lenders

Returning to the subject of making loans to fellow Israelites, Moses said, “No one shall take a handmill or an upper millstone in pledge, for he would be taking a life in pledge” (Deut 24:6). Though some personal items could be given to a lender as a pledge to repay a loan, Moses specifically prohibits taking the handmill or upper millstone as collateral, as this would handicap the family from being able to grind grain into flour, which was necessary for baking bread. This verse probably serves as a prohibition against taking any household item that might impact the family’s ability to meet their basic needs. Peter Craigie states:

In every Israelite family home, a small milling machine would be a basic and essential part of culinary equipment. Each morning, the housewife would use it to prepare flour in order to provide the family with its daily bread. Thus, to take the millstones (or even just the upper stone, which would make the machine useless) would be to cause real hardship to the family, and would be contrary to the spirit of generosity which should characterize the lender.⁷

In Moses’ eyes, taking an essential household item as a pledge for a loan was the same as “taking a life in pledge” (Deut 24:6b). This shows that meeting daily essential needs requires the possession and use of physical items which, if one is deprived of, would cause harm. Creditors could require a pledge, but not one that caused harm to the lender or family.

Prohibition against kidnapping

Moses turns to the subject of stealing a human life, saying, “If a man is caught kidnapping any of his countrymen of the sons of Israel, and he deals with him violently or sells him, then that thief shall die; so you shall purge the evil from among you” (Deut 24:7). Kidnapping has been a cruel practice for millennia by almost every people group in history. Having addressed the subject of loans, it could be that Moses pictures a situation where a person had defaulted on his loan and the creditor kidnaps the person and “deals with him violently or sells him” (Deut 24:7b). If such a person

⁶ Daniel I. Block, *The NIV Application Commentary: Deuteronomy*, 564.

⁷ Peter C. Craigie, *The Book of Deuteronomy*, The New International Commentary on the Old Testament (Grand Rapids, MI: Wm. B. Eerdmans Publishing Co., 1976), 307.

were to steal the life of another, Moses commands, “then that thief shall die” (Deut 24:7c). This was a restatement of the command Moses gave to the first generation of Israelites who came out of Egypt (Ex 21:16). Eugene Merrill states:

Such theft of persons was so dastardly a violation of covenant that the perpetrator had to pay with his own life. As with murder or any such assault upon another, the heinousness of the deed lay in its victimizing of one who was the very image of God (cf. Gen 9:6; Deut 5:17). To steal a fellow member of the covenant community was, in effect, to rob God of his most precious possession, a human life. Respect for possessions of another thus reaches its climax in respect for another’s life and independence before God.⁸

Remember, Moses had previously addressed a legal form of slavery which was a voluntary servitude for a period of six years to pay off a debt (Deut 15:12-18).⁹ However, in our current section (Deut 24:7), kidnapping a person and treating him violently or selling him into forced slavery was punishable by death (Ex 21:16).

Respecting the authority of the Levitical Priests

God had delegated certain responsibilities to the Levitical priests, and this meant they operated with divinely delegate authority. In this section, Moses specifically addresses the function of the priests concerning leprosy, saying, “Be careful against an infection of leprosy, that you diligently observe and do according to all that the Levitical priests teach you; as I have commanded them, so you shall be careful to do.”⁹ Remember what the LORD your God did to Miriam on the way as you came out of Egypt” (Deut 24:8-9). Earl Radmacher states, “Leprosy refers to a variety of infectious skin diseases. The disease known today as leprosy, Hansen’s disease, is

⁸ Eugene H. Merrill, *Deuteronomy*, vol. 4, The New American Commentary (Nashville: Broadman & Holman Publishers, 1994), 320.

⁹ Once the six years were completed, such individuals would regain their freedom, and receive a generous severance package of livestock, grain, and wine, which was intended to jumpstart their economic independence (Deut 15:12-14; cf. Ex 21:5-6). Some made the choice to become a lifetime servant, and this occurred from a motivation of love, because their employer had been good and cared for them (Deut 15:16-17). The common Hebrew servant who surrendered his/her freedom to serve another was limited to six years labor and was guaranteed freedom in the seventh year (Deut 15:12-14; cf. Ex 21:1-2). And if a slave was injured by his owner, the law demanded he be set free (Ex 21:26-27). And the Mosaic Law allowed for an Israelite slave to be redeemed by family (Lev 25:47-49a), or he could redeem himself if he acquired the means (Lev 25:49b-53). Furthermore, Israelite slaves would automatically go free in the year of Jubilee (Lev 25:10, 40, 54).

different from the diseases referred to here.”¹⁰ Moses addresses two issues in this verse. First, those with skin diseases were to submit themselves to the Levitical priests for inspection and care (Lev 13:1-59). Second, Moses references the time when his sister, Miriam, challenged his authority, and God disciplined her by giving her leprosy for a week (Num 12:1-15). God delegates authority to certain persons who serve as leaders (parents, government officials, pastors, etc.), and to disobey them was a to challenge God’s sovereignty, which would bring divine discipline.

Prohibition against lenders keeping certain pledges

Moses addresses extreme cases of poverty where a person could seek a loan and offer something as a pledge. However, to prevent intimidation by the lender, Moses restricts the lender from entering the private property of the borrower. Moses said, “When you make your neighbor a loan of any sort, you shall not enter his house to take his pledge. ¹¹ “You shall remain outside, and the man to whom you make the loan shall bring the pledge out to you” (Deut 24:10-11). The lender could demand a pledge to secure repayment of the loan, but could not enter the borrower’s home and take whatever he wanted. Peter Craigie states, “This requirement protects the privacy of the recipient’s home and leaves to him the choice of the article to be given as collateral for the loan. It means that a man can borrow with honor, without having his personal possessions made open to the creditor for his selection of an item to be taken in pledge.”¹¹ Such economic practices were to be built on trust and respect for the other person.

Moses adds, “If he is a poor man, you shall not sleep with his pledge. ¹³ When the sun goes down you shall surely return the pledge to him, that he may sleep in his cloak and bless you; and it will be righteousness for you before the LORD your God” (Deut 24:12-13). Some were so poor they only thing they could offer as a pledge was their cloak. This was an item used by the poor person that served as a blanket during the night. Here, the lender could accept the cloak as a pledge for repayment of a loan, but he could not keep it constantly in his possession, but needed to return it to the borrow at sunset so it could be used to keep him warm at night. If the lender would follow this practice, God promised to bless him (Deut 24:13b), and said, “it will be righteousness for you before the LORD your God” (Deut 24:13c; cf. Ex 22:26-27).

¹⁰ Earl D. Radmacher, Ronald Barclay Allen, and H. Wayne House, *Nelson’s New Illustrated Bible Commentary* (Nashville: T. Nelson Publishers, 1999), 258.

¹¹ Peter C. Craigie, *The Book of Deuteronomy*, *The New International Commentary on the Old Testament* (Grand Rapids, MI: Wm. B. Eerdmans Publishing Co., 1976), 308.

Present Application

The issue of divorce and remarriage is an issue among Christians living in the dispensation of the Church age. In the New Testament, the Pharisees confronted Jesus about Deuteronomy 24:1-4, asking Him, “Is it lawful for a man to divorce his wife for any reason at all?” (Matt 19:3). Jesus answered by giving God’s ideal for marriage, which was no divorce (Matt 19:4-5), citing Genesis 1:27 and 2:24. Based on God’s original design for marriage, the Lord states the couple “are no longer two, but one flesh” (Matt 19:6a), saying, “What therefore God has joined together, let no man separate” (Matt 19:6b). When the Pharisees pressed Jesus, asking why Moses allowed the husband to divorce his wife (Matt 19:7), Jesus answered, “Because of your hardness of heart Moses permitted you to divorce your wives; but from the beginning it has not been this way” (Matt 19:8). Jesus then said, “I say to you, whoever divorces his wife, except for immorality, and marries another woman commits adultery” (Matt 19:9). Here, adultery was grounds that permitted divorce, though it was not commanded. However, if divorce occurred for this reason, the offended spouse was free to remarry. Other grounds for legitimate remarriage include the death of a spouse (1 Cor 7:39; cf. Rom 7:1-3), or the abandonment by an unbelieving spouse (1 Cor 7:10-16).