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This article takes the view that Deuteronomy 24:1 concerns the case of a righteous man who was married to a woman whom he discovered only after he married her that she wanted him to indulge in a particular perverted sexual practice. The *'erwat dābār* (עֲרוּת דְבָר), consisted of "unclean words." He was so disgusted with her desire for this perversion that he divorced her. She married another man who was willing to cooperate with her perversion, at which point she became permanently defiled or polluted. To prevent the first husband from remarrying her after her second husband died, or he divorced her, Yahweh gave Israel a ruling that such perverted, divorced wives could never return to their first husbands to defile them. Such a reconciliation would be regarded as an abominable reunion, because her defiled state would be spiritually contagious for the righteous husband. He divorced her to avoid polluting himself, so he cannot become 'one flesh' with her again if he wants to remain unpolluted. This is the reason why a reunion, or reconciliation, can never take place between such a divorced couple.

One unfortunate consequence of this scenario is that the divorced wife is condemned for life by the initial divorce, never to be reconciled to her first husband, even if she repented of her perversion (see point 11 below). However, this unfortunate consequence pales into insignificance when placed alongside the author's assumption that Yahweh created the inherently evil institution of divorce to end the 'one flesh' union of husband and wife. The attribution of evil to Yahweh is the underlying fatal flaw in this presentation.

There are a number of other difficulties with this interpretation. I shall abstract statements from my own summary above as a quick way to identify my points of criticism.

(1) **[Such a reconciliation would be regarded as an abominable reunion, because her defiled state would be spiritually contagious to the righteous husband.]**

I disagree that it is the reconciliation that constitutes the abomination (or disgust) that Yahweh experiences. Rather it is the remarriage itself to the second husband that constitutes the abomination.

(2) **[He divorced her to avoid polluting himself, so he cannot become 'one flesh' with her again if he wants to remain unpolluted. This is the reason why a reunion, or reconciliation, can never take place between such a divorced couple.]**

I disagree that the defilement of the woman (which the author says came about through her sexual perversion) is the reason why they cannot be reconciled. We must take a holistic view of all that God has revealed about His mind on each topic, which means including the further revelation given to us in the NT documents, where we find that reconciliation is strongly recommended in 1 Cor 7:11. All remarriages defile, but all such defilements are removed through forgiveness. So defilement, *per se*, cannot be an obstacle to reconciliation. We can assume that Christians will believe that the ban on reconciliation (in Deut 24:4) has been lifted under the era of Grace, and that *all* 'divorced' couples can be reconciled (irrespective of their sexual orientation). If

not, then God is inconsistent in regarding her defilement as so abhorrent to His sense of what constitutes 'righteousness' that He abhors the idea of reconciliation under the Law but He encourages it under Grace. I know of no example in the Bible where God calls something an abomination (such as the author's 'reconciliation') and then, later on, encourages it. Did He change His value-system over time?

- (3) [The '*erwat dābār* consisted of 'unclean words'.] I disagree that 'words' *per se* can be either 'clean' or 'unclean'. There is no instance that I know of in OT culture where concepts or thoughts (expressed in words) are classed as 'clean,' and 'unclean.' Only objects, or physical entities, can be classed as 'clean,' and 'unclean.' Some animals are 'clean' and others 'unclean,' and a priest may contaminate himself by touching a dead body, but the idea that 'words' can be classed as 'clean,' and 'unclean,' is unknown in the OT. While *dābār* (דָּבָר), is extensive in its meanings, in Deut 24:1 it is restricted by the term '*erwat* (עֲרֹוֹת), to mean 'thing' in this context. It cannot mean 'word' here, which would read "nakedness of a word," which makes no sense, and is nonsense. The author is guilty of isolating *dābār* from '*erwat*, in order to use 'word' in his key phrase "unclean words."
- (4) I disagree that '*erwat* means 'uncleanness.' It is never used with the meaning of 'uncleanness.' It means 'nakedness,' and nakedness is neutral as regards being classed as 'clean' and 'unclean.' The 'nakedness of the land' (Gen 42:9) meant that it was empty, or bare, or exposed.¹ It does not mean it was 'clean' or 'unclean.' These are ritual terms. A. Garrett has unaccountably assumed that 'nakedness' and 'uncleanness' are synonyms. He is unaware that they are two different words in Hebrew. He may have been led astray by the AV mistranslation of Deut 23:14, where '*erwat dābār* has been rendered "unclean thing" (also found in the RV and ASV). Most modern English translations, however, have corrected the AV error. The correct translation is closer to: "anything indecent" (NIV, RSV, ESV, Moffatt, NASB, NAB, Living Bible, Good News Bible), "anything improper" (Jerusalem Bible), "something indecent" (NEB); a "shameful thing" (The Emphasised Bible); an "unseemly thing" (Isaac Lesser's translation, and JPS).² By selecting 'word' over against 'something/ anything/ a matter', and by selecting 'uncleanness' over against 'nakedness,' the author arrived at his

¹ The 'nakedness of a thing,' means that something comes to light which was hidden, or covered up. It refers to a discovery. This metaphorical use of the term lies behind Deut 24:1 and Gen 42:9. It does not refer to the husband seeing his wife's literal nakedness, which is not a crime. It means he discovered something about her which he did not know about before he married her, which need not be restricted to a sexual matter. It could be literally anything about her that displeased him, such as the failure of inner or outer beauty. Failure to note its metaphorical use in 24:1 has channeled some into a sexual interpretation, resulting in some quirky interpretations.

² At 24:1 '*erwat dābār* is translated as "immodest in some way" (Moffatt); "some indecency" (RSV); "something indecent" (NIV, NAB); "anything indecent" (NASB); "some impropriety" (Jerusalem Bible); "some matter of shame" (The Emphasised Bible); an "unseemly thing" (RV; JPS); "some matter of nakedness" (Helen Spurrell's *Translation of the Old Testament Scriptures*); "some scandalous thing" (Isaac Lesser's translation). Most of these translations capture the sense of the Hebrew. The LXX has a "a shameful matter."

preferred definition for *'erwat dābār* (עֲרוֹת דְּבָר), which he claims means, "unclean words."

Having made these selections, he then coined the terms 'unclean words' (p. 248) and 'uncleanness of words' (here *dābār*, which is singular, is changed into a plural!) in order to move the biblical language closer to his requirements. The term *'erwat dābār* (עֲרוֹת דְּבָר) has been ultimately transformed, mutated, and redefined in such a way that it now agrees with the author's conclusion. This is not a good example of linguistic scholarship.

- (5) The proposed, highly specialised vocabulary and scenario is purely conjectural to account for Yahweh's strict ban on the reunion of a special class of divorced couples, namely, female sexual perverts. The proposed scenario is not the natural meaning of the words. Consequently I disagree with the interpretation that the crime of the wife was that she indulged in 'dirty talk' to try to persuade her righteous husband to perform perverted sexual acts. This scenario has arisen out of the misunderstanding of the Hebrew terms outlined under (3) and (4) above.
- (6) I disagree with the view that the wife's 'dirty talk' was the specific reason in 24:1 for divorcing her. If 'dirty talk' qualifies as a legitimate grounds in the eyes of Yahweh for divorcing a wife, then I can think of a dozen or more similar *verbal* grounds (rowing, disagreeing, disobedience, lack of respect, etc. etc.) for divorcing her. If a wife can be divorced purely on the grounds of what words come out of her mouth, where does the list end? Yahweh could not have made divorces easier to come by than this. (See point 11 below.)
- (7) I disagree with the idea that Yahweh approved of the so-called righteous man's decision to divorce his wife on the grounds of her speech alone. This makes Yahweh the originator of divorce. This means He approves of divorce as a legitimate way of resolving such situations. There is no room here for compassion, and counselling, and forgiveness. It also means that Yahweh approved of the second husband's hatred that was the ground used by him (was he also a righteous man?) to divorce his wife. If a wife can be divorced purely on the grounds of hatred, where does the list end? What constitutes hate for one man may be passed off as a temporary cold-shouldering by another man. Is it left up to each man to define his terms and thereby his level of tolerance? In Deut 24:1-3 both divorces originate in the wife not "finding favour" in the eyes of her two husbands. It would appear (from this scenario) that Yahweh supports all divorces where the wife does not please the husband. Once she ceases to please him she can be dispensed with by the simple expedient of writing out a document of separation for her to take with her as she leaves his house. On this scenario Yahweh is party to a law which dehumanises the wife and degrades her, causing her great suffering and cruelty. Yahweh always sides with the husband, never with the wife. Jesus denied that divorce was introduced by God. It was introduced by men for men. It was an evil introduction, with evil consequences. It is intrinsically evil.
- (8) I disagree that Yahweh is setting out His stall over what are legitimate causes for divorce, as A. Garrett surmises, by regarding the first husband as a righteous man who is yoked to a very disagreeable woman, and Yahweh has provided a way of escape for him through the instrument of divorce. Many commentators have rightly noted that Deut 24:1-3 is *descriptive* not prescriptive, nor a directive. A. Garrett writes, "Deuteronomy 24:1 . . . permits the husband to divorce her for this [i.e., her 'unclean words']." This is not so.

Deut 24:1 only *describes* what the hard-hearted husband does. It gives no permission to divorce.

Yahweh mentions 'causes,' not to approve them, but to set the background for His imposition of a total ban on reconciliation irrespective of the 'causes' put forward for divorcing a wife. Once a divorce is entered into, reconciliation is out of the question because the ban on reconciliation is viewed by Yahweh as a *punishment* on the first husband. His wife has become polluted through her second husband. But she was not polluted *until* she was forced into a second marriage. The first husband is responsible for her pollution (as we learn from the Second Person of the Trinity in Matt 5:32). The first husband has sinned against his wife by divorcing her, because Yahweh *prescribes* no grounds that sanction any act of divorce. What we have in Deut 24:1-3 is *description*, not prescription.

The first husband is not a righteous man (for a righteous man forgives, see Jesus and Stephen), but a hard-hearted individual, who has resorted to a man-made institution to vent his anger on his wife. He was in no mood to forgive her, and this God notes. If he is not prepared to forgive her her 'dirty talk,' then neither is God prepared to forgive him the cruelty of putting her out in the street resulting in her subsequent adulterous life (cf. Mt 5:32).

The form of God's disapproval of the unrighteous husband's hard-heartedness comes in the form of excluding him from ever being reconciled to his wife. This means that there is no forgiveness for the sin of divorce under the Old Covenant. The hard-hearted husband is permanently under God's anger and disapproval. *Deuteronomy 24:4 is a statement of punishment for anyone who resorts to divorce rather than to forgiveness.* This man is being sent into spiritual exile never to return home again. There will never be any reunion between this man and his God, any more than there will be between him and his wife. The one relationship is symbolised in the other.

Verse 4 conveys God's strong disapproval of divorce in a way which allows Him to exert His dominance over all the members of His Covenant. They can flout His design for marriage as revealed in Genesis 2:24, and force through their 'right' to divorce their wives, but there is a terrible cost to pay if they go down that path, namely, no reconciliation with God or with his wife. The one is mirrored in the other. Divorce is one of the unforgivable sins of the Old Covenant. The punishment of this sin is reserved for men, because only men reserved to themselves the right to divorce their wives.

- (9) I disagree with the idea that "this legislation [Dt 24:1-4] protects the original husband by preserving his spiritual and sexual purity" (p. 249). If the first husband was a righteous man and he reluctantly divorced her after it became obvious that she would never reform, why would it ever occur to him to take her back again? You do not need legislation to cover this exceptional case. Jesus took a very different line on divorce. He said it was not introduced by His Father but by Moses, and Moses introduced it because of the hardness of men's hearts. *Take that hardness away and the justification for divorce disappears.* Jesus promises a new heart and a new spirit to all His followers. This permits His followers to forgive the sins of all who sin against them, no sin is excluded, which means that even the sin of adultery can be forgiven and reconciliation experienced in full—the classic example being Hosea and Gomer. *Jesus' doctrine of forgiveness rules out the need for divorce.* There are no exception clauses for 'dirty talk,' or hatred, or just plain boredom with a faithful wife. Marriage is for life. *There are no grounds for divorce where a lawful union has taken place.* Jesus was an absolutist when it came to breaking up what God had fused together. No Christian should ever agree to a divorce no matter how evil or

murderous his wife has become (and vice versa). Separation—yes; divorce—never; and severance is by death alone. Jesus' doctrine of total forgiveness and His detestation of divorce on any grounds go hand in hand. They are fully compatible and in harmony with the new life He imparts to every believer. The 'world' will go on divorcing using the Mosaic model, which panders to legalised revenge and locks in hatred in the one who demands the divorce. No divorce is valid or recognised in the eyes of God. All remarriages are adulterous relationships if severance by death has not preceded them.

- (10) **[She married another man who was willing to cooperate with her perversion, at which point she became permanently defiled or polluted.]** I disagree with the suggestion that it was only after the first wife found a second husband who was willing to engage in her perverted sexual practice(s) that she became 'defiled' *through this perversion* in the judgment of Yahweh, and that it was solely on account of her sexual perversion that she was not permitted to return to her first husband (p. 248). The truth is that she became defiled by the simple act of sleeping with a second man while her husband was still alive. What sexual perversions she brought into the second marriage is an irrelevance. The primary, and first cause, of her becoming a defiled person is the second marriage itself.

If we are to interpret the text as A. Garrett suggests we do, then the vast majority of divorced persons can remarry their first partners provided they do not fall into the extremely narrow category of perverts (including those who talk the 'dirty talk').

I disagree. The truth is that every woman who remarries becomes defiled the moment she sleeps with another 'husband' (cf. John 4:18). It does not require her to be a pervert to become defiled, as this article suggests. This article limits the ban on the reconciliation of divorced couples to *sexual* perverts, or more accurately, to *female* sexual perverts. This means that if a divorce was granted on a non-sexual basis, then these couples can be reunited at a later date to their first husbands (should they wish to be so). The implication of this article is that the ban only applies to *female sexual perverts*. It follows from this that non-perverts can be reconciled to their first husbands (should they so wish).

- (11) If instead of the first husband divorcing his wife over '*erwat dābār* (עֲרוּת דָּבָר), which means "the nakedness of a thing," suppose he divorced her because "he hated her" (which Yahweh [we are to assume] nominates as the reason for the second divorce), would this make any difference to a future reconciliation? If we assume that the husband's hatred had nothing to do with any sin on the part of his wife, and she was the innocent party, why could she not be reunited to him after the death of her second husband, if his hatred turned to love once more? On my understanding of the text, Yahweh makes no provision for such a reconciliation, so that *all* divorces come under the ban on reconciliation. In this case there is no sexual perversion to shield the first (supposedly) righteous husband from.

The case of the 'hate divorce' allows me to see that the obstacle to reconciliation does not lie in the grounds of the original divorce (such as 'dirty talk'), but in the fact that the divorced wife has slept with another man *while her first husband was still alive*. The reason is this, the ban is a punishment *on the*

first husband. This is the reason why Yahweh will not permit them to be reconciled.³

Likewise, what if a wife was divorced for 'dirty talk,' and she learns the lesson the hard way, and puts away such talk and longing for such perverted acts *before* marrying a second, righteous husband, who accepted her reformed state as genuine (and as it turned out to be), and he died, why may she not be reconciled to her first husband? This, too, is banned by Yahweh, on my understanding of the text. Why? *Because she has slept with a man other than her first husband*. So it is the remarriage that is the cause of His disgust, not anything the wife did or didn't do to justify her divorce. Her moral character is irrelevant; her sexual history is determinative.

We can conclude from this that no matter what reason a husband uses to divorce his wife (the grounds are irrelevant), she only becomes an abomination (a disgusting person) in the eyes of Yahweh the moment she remarries, because the "law of the husband" is still in force (Rom 7:2). But she has been forced into an illegal remarriage (in the eyes of Yahweh) for her own self-preservation, for which action the first husband will be held accountable (Mt 5:32).

According to this article she becomes a defiled person (an abomination) *only* when she *practices* her perverted sex with another man. In which case only a small category of women become defiled persons and ineligible to remarry their first husbands. On my view she becomes a defiled person (an abomination) *only* when she *sleeps* with a second man. In which case *every* woman becomes a defiled person the moment she remarries, and all are ineligible to remarry their first husbands.

One implication of the author's view is that if a woman did not practice her perversion with her second husband she would have been permitted to remarry her first husband, but the author does not raise this possibility, or he is not aware of it, or he has not worked through the ramifications of his new interpretation.

Apart from the specific points of disagreement that I have raised above there are some disturbing implications that arise from the proposed scenario.

A. YAHWEH APPROVED OF DIVORCE AND SANCTIONED IT

The scenario takes for granted that divorce is approved of by God and that *God*—not Moses—introduced it into Israel to deal with a specific sin on the part of an ungodly wife. The author assumes that God singled out a righteous man who is united to a disagreeable wife. This wife is a potential threat to his desire to live a righteous life, and so God introduced the institution of divorce to enable this righteous man (and others like him) to be rid of his wife, and seek another, purer woman, to bear his children.

The institution of divorce is presented as a good thing in the eyes of God. But if it is, it is heavily biased in favour of the husband. The wife has no right to divorce her husband. The house of her husband is also his court-house. Her husband is the judge and the jury. There is no appeal against his verdict of guilty. It is all one-sided. She has no hope of justice. She is the victim each time. Her husband is answerable to

³ Presumably, if the wife of the first husband married five more men in succession, she could remarry her second or third divorced husband, because she was already an abomination, and the ban only covered her returning to her *first* husband.

no one, not even his community. His right to divorce his wife cannot be challenged or overturned, such is the dictatorial powers that he possesses.

If God approves of the power He has given to each husband to divorce his wife, then He must also pay attention to each husband's verdict on this Earth, and copy the earthly court record into His books in heaven, acknowledging that He has severed the 'one flesh' union between a husband and his hated wife, on the grounds that this is what the husband—through the divorce courts—has been granted on Earth. This puts God in a passive role. Others are making the decisions and He must meekly record their decisions and He must never disagree with them otherwise there would be chaos in the courtrooms throughout the Earth.

Are we really to believe that the courts of this world are reflecting the decisions made in the Court of Heaven? Is every divorce granted by a human court a reflection of what is granted in the heavenly court? Who is doing the separation between husband and wife? Is it a human judge or God?

Is God today standing in every courtroom of the Earth recording the decisions of judges when they divorce a married couple? Can He only rubber-stamp their decisions? Is God bound to take account of every judge's decision to grant a permanent divorce and release the pair to remarry? Is every divorce granted by a human judge automatically granted by the Divine Judge?

B. DIVORCE WAS INSTITUTED TO PROTECT RIGHTEOUS MEN

The scenario assumed to lie behind Deut 24:1-4 assumes that all divorces are conducted by righteous men. What about the cases where the husband expects his wife to indulge in his sexual perversions? What if she refuses to cooperate? Can her refusal be a grounds for divorce? If 'hatred' is a legitimate grounds for divorce (as it is in v. 3) then an unscrupulous husband can divorce his wife if she does not agree to his sexual perversions ('please him'). Is this the 'right' that God has given to every husband? Can the boot be on the other foot, and the wife be the victim of a perverted husband's whim?

In the case of the second husband who divorced the first husband's wife on the grounds that he hated her, God is made to approve this reason also. This cannot be so. And if this cannot be so then the narrative is purely descriptive and tells us nothing about the legitimate grounds (of which there are none) for divorcing an obnoxious wife.

Everything leads to verse 4 as the goal of the narrative, and there God makes it clear that the wife who sleeps with a second husband is an abominable person in His eyes. She was forced into this situation by her first husband, but that does not lessen her defiled state. The fact that she is not permitted to return to her first husband has nothing to do with her moral state, because she can have as many husbands as she cares to go after (cf. Jn 4:16-18). She is denied a reunion with her first husband because God is bent on punishing the first husband for his unrighteous deed in divorcing her in the first place. He will be held accountable for her defiled state, as Jesus pointed out in Matthew 5:32.

C. YAHWEH MADE DIVORCE EASY

If God approved of the righteous man divorcing his wife for 'dirty talk' alone, that is, it did not reach the stage where he succumbed to her perverted schemes, then this sets a precedent, and a very low tolerance bar, to divorce every single wife who ever lived, for what wife is there whose tongue will not cause offence at some time or other? By setting the standard of tolerance at the 'word' (or speech) level then the pressure on every wife to 'hold her tongue' lest she end up on the street

becomes intolerable, and while some husbands will put up with more abuse and argy-bargy than others, they will all believe that they have God's blessing if they divorce their ungodly wives on grounds of 'speech' alone.

Her ungodliness could also become a grounds for divorce because it, too, could lead the righteous husband away from God (just as the 'dirty talk' of the first wife threatened to do). On this reading of the text, Hillel was right to advocate divorce for any cause a husband may choose to nominate, and, according to this article, he has the approval of Yahweh Himself.

D. FAILURE TO SEE THE BIGGER PICTURE

In this article there is a piecemeal approach to the thinking of the Trinity as it is revealed over the course of history, culminating in the New Testament writings. Knowing that God does not shift His set of values, allows one to bring the teaching of the latest revelation to bear on every other revelation in the Bible bearing on the topic of divorce and remarriage. All the parts should be brought together in the belief that the teaching of the Trinity is the same yesterday, today, and forever, and that what God reveals in one part will be in harmony with what He reveals in another part. The supreme Teacher and revealer of all time is the Lord Jesus Christ, who framed the universe and the Torah, and who consistently pointed to His Father's directive for marriage as laid down in Genesis 2:24. The teaching in this verse takes precedence over what Moses introduced many centuries later under duress from hard-hearted husbands and elders.

E. QUIRKY INTERPRETATIONS

The author has put forward a novel interpretation without thinking through all its ramifications. First, if he is correct that *'erwat dābār* (עֲרוּת דְבָר), is a highly specialised term with a highly specialised meaning, then he is alone in this discovery. Second, if *'erwat dābār* means only one thing, namely, "unclean words," then the Jews have been guilty of misinterpreting it for millennia as a general term, and using it as a basket term to include a multitude of reasons for granting a divorce. Thirdly, if the author is correct in seeing *'erwat dābār* as a very special term with a very narrow meaning, then all divorces throughout Israel's history which were granted on the assumption that this was a blanket term are invalid divorces. Fourthly, the author overlooked the fact that 'hate' is also given as a valid reason for divorce in Deut 24:3 (see no. 7 above). Fifthly, the author has not thought through the implications of obtaining a divorce through 'hate.' He is adamant that if a divorce was obtained on the grounds of "unclean speech," there could be no reunion with the first husband, because, in his view, she is contagious. The author believes that if a wife is legitimately divorced in the eyes of Yahweh for *talking* about her perverted sexual acts, and she then puts these into *practice* with the cooperation of a second husband this, and this alone, puts her in the category of an abomination in the eyes of Yahweh. It is because she is in this category that the first husband cannot take her back. But what happens if the first husband divorced her on the grounds of 'hate,' rather than her perverted ideas? Is she free to be reunited with her first husband? The logic of his position is that if the grounds for the divorce was 'hate' then all such divorced wives can remarry their first husbands. This means that no such wives have been defiled through their second marriages.

The author is aware that he has introduced a quirky interpretation that has no support anywhere in rabbinical literature, and he can find no one who supports his reinterpretation of *'erwat dābār* as meaning "uncleanness of words" (which, in any

case, is a linguistic blunder), so he conjures up another scenario to account for the loss of his interpretation. He suggests that his interpretation was the traditional interpretation from the time of Moses and that it was lost sometime in the period before king Josiah rediscovered the Torah in 622 BC. He believes that he *alone* has rediscovered the *real* (i.e., the original) interpretation of Deuteronomy 24:1-4. While interpretations of individual, rare words in the Old Testament may be lost through disruptions or the death of key scholars who knew their meanings, customs are not lost, or very rarely, and not one so frequently in use as divorce. There would have been no break in that line of transmission.

It is interesting that in rabbinic literature there is a difference between *'erwat dābār* and *dābār 'erwat*. The former means "nakedness of a matter," the latter means "a matter of nakedness." The former is non-sexual, the latter is sexual. The former refers to the exposure of excrement which should have been concealed in the ground, as used in Deut 23:14. Here 'nakedness' means 'exposed,' or 'uncovered.' It does not mean 'unclean/defiled,' which does not apply in the case of exposed excrement. As Yahweh walked up and down through the camp of Israel He said He did not want to see the "nakedness of a matter," and He gave excrement as an example of what He meant. He did not say a "matter of exposure," which has a sexual connotation. So the word order (*'erwat dābār* and *dābār 'erwat*) is not to be brushed aside as unimportant, because the word order in 23:14 and 24:1 is the same. If the terms had been reversed in 24:1 then the author would have had a case to read the text as "a matter of nakedness."

The author sought to evade the significance of the word order in 23:14 for an understanding of the same word order in 24:1 by claiming that "the verb is different in the two passages. Deuteronomy 23:14 reads: *so that he does not see ervat davar among you*, while Deuteronomy 24:1 reads *he finds ervat davar about her*. He claims that this difference allows for a difference in meaning of the phrase *ervat davar*" (p. 249).

This is linguistic nonsense. It makes no difference to the sense of 23:14 if the text read that Yahweh "**finds** the exposure of a matter [= excrement]," or Yahweh "**sees** the exposure of a matter [= excrement]." The verb is irrelevant; the word order is relevant, and that is the same in both situations. If a schoolboy argued that "the man **saw** the table," and "the man **found** the table," must logically mean that the man saw a different "table" because the verbs are different, we would be quick to point out the illogicality of his thinking, yet this is the parallel the author has drawn between the use of different verbs in 23:14 and 24:1.

Rabbis and Christians have drawn attention to the use of *'erwat dābār* as a general term to refer to anything that was deemed to be inappropriate, disgusting or shameful, and which instantaneously evoked a sense of embarrassment at some unexpected disruption, or disorder in an orderly society, with set customs and traditions. Finding human excrement lying uncovered in the street would be just one example of an *'erwat dābār*. In this case there is no hint of nudity, and that is the clue to how the same term should be understood in 24:1.

It is childish to assume that because *'erwat on its own* means 'nakedness' that it must be used in a literal sense in 24:1 when it is plain that it cannot mean that in 23:14. Anything could qualify as an *'erwat dābār* provided it evoked instant embarrassment or disgust in real time. The use of 'nakedness' in both texts is metaphorical, not literal, which does not rule out *anything*, non-sexual or sexual, word or deed, sight or sound, to come under its application. It is a universal expression used to cover a multitude of situations. It has no boundaries. It cannot be restricted (as the author has done) to purely sexual matters because it contains the word 'naked.'

Consider the following linguistic parallel. The term 'divorce' is frequently used in a metaphorical sense when we say that "You cannot divorce thunder and lightning," meaning that they belong inextricably together, like a horse and carriage. We do not envisage a literal divorce, so neither when we use the term 'naked' should we always envisage a literal case of nudity. It is only children who make such elementary mistakes. Adults should be able to spot the difference between "the nakedness of a matter," and "a matter of nakedness." The former is used in a metaphorical sense, the latter in its literal sense. The literal sense is not found anywhere in the Bible, only its metaphorical use.

Now apart from the linguistic traps that the author has fallen into, he does not understand the Hebrew paired categories of 'unclean' and 'clean,' and the pair 'holy' and 'unholy' (see (4) above). He assumes that *'erwat dābār* is an 'unclean' state. He even translates it as "unclean words." The two-word term (*'erwat dābār*) is used to denote uncovered human excrement. In the Western mind excrement is 'unclean' from a medical/biological point of view, but this is not so in Hebrew culture. Nowhere is excrement deemed to be an unclean thing that can make another person 'unclean' if touched, like touching human bones. Excrement is secreted by the High Priests and by Jesus and His Apostles. It is a natural substance. It is not contagious, therefore it cannot be deemed, in terms of ritual activity, to be clean or unclean. It is neutral. Nudity is not a 'clean' or 'unclean' state. Words (*d'varim*) are not 'clean' or 'unclean.' It is elementary mistakes like this that undermine the claim to have recovered a 'lost interpretation' of Scripture. The wary should check out the credentials of those who make such big claims.

Unfortunately, the author has no qualifications in the Hebrew language or expertise in rabbinic literature, and this has contributed significantly to his unsupported interpretation of key terms in the debate. What we have in this article is a classic example of imposing a quirky interpretation on the text and then seeking to support it as best he can.

Those who know their God will recognise that Yahweh never instituted divorce, rather He punished it whenever it occurred in Israel. It was a sin He refused to forgive while His people lived under the Mosaic Covenant. This Covenant was defective and abolished when the Lord Jesus fulfilled its every demand.

Under the Old Covenant a divorced couple could never be reconciled, showing that God could never be reconciled to one who committed this sin. Divorce was a deliberate sin, and there is no provision under the Law for deliberate sin. Under the New Covenant they can be reconciled, and God can be reconciled to one who has committed the sin of divorce, and who used the divorce courts of this world (which are not His courts) to obtain it from Satan.

There are some errors (including a substantial omission) in the author's attempted literal translation of Deut. 24:1-4, so I have given a closer rendering of the Hebrew text which has been taken from my revised web-page article on divorce and remarriage.

I have also followed this with two extended extracts from my web-page article which sets out my understanding of what God was teaching His people about marriage. At the end of this critique you will find my own presentation and final assessment of the author's quirky interpretation of Deut 24:1-4.

Lastly, it is possible to create different, plausible scenarios, to account for Deuteronomy 24:1-4. Someone might think that the purpose of Deut 24:1-4 was to protect a Hebrew or Jewish husband from marrying a latent sexual pervert. The scenario is this. Suppose a righteous, betrothed husband did not discover until after he had married his bride-to-be that she had no intentions of having normal sexual

relations with him. The law, however, views him as a married man and married for life. Then consider a second scenario in which the betrothed husband could not wait to have sexual relations with his bride-to-be, but she made it clear to him that she had no intentions of having normal sexual relations with him once they were married, and that she was prepared to have abnormal sex with him *before* they were married. Alarmed at this state of affairs he quickly backs out of the marriage contract, and so he is free to marry a bride who will have normal sex with him.

Now, the unrighteous, betrothed husband only found out about his bride's true intentions by tempting her to have sex with him *before* they were married. If he had been a righteous, betrothed husband he would not have found out the truth about his bride until *after* he had married her. Some believe that it was to solve this problem that God wrote Deuteronomy 24:1-4, believing that God saw the dilemma that the righteous groom got himself into through waiting until they were married.

In reply it should be pointed out that if God was to deal with the hundreds of permutations involving 'dirty talk' and 'dirty walk' the world would not contain the legislation to cover all eventualities. God does not go into the bedroom and lay down minute laws governing what is allowed and what is not allowed. What is missing in this understanding of Deut 24 is that vv. 1-3 is restricted to one, unique, problem scenario, which would have not obtained in Hebrew culture. It might be more appropriate in a Western culture today.

The scenario presented by A. Garrett has very similar properties to the above scenario, and therefore the same criticism applies to his understanding of the presence of Deut. 24:1-4 in the Hebrew Scriptures. These kinds of dreamed up scenarios arise out of the false assumption that the scenario in 24:1-3 is prescriptive, rather than descriptive.

1.6. DEUTERONOMY 24:1-4

Deuteronomy 24:1-4 is the backcloth against which the Pharisees challenged Jesus about His contrasting teaching on divorce and remarriage. The following is a literal translation of the Hebrew text.

24:1 When a man takes a woman and he owned [= *ba'al*] her, and it was^{happened}, if not she is finding favour in his eyes—because he found in her an unseemly matter,⁴

⁴ On the term '*erwat dābār* (עֲרוֹת דְּבָר), J. Blenkinsopp ('The Jewish Family in First Temple Israel,' in L. G. Perdue et al., *Families in Ancient Israel* (Louisville, 1997), 48-103) wrote: 'The impossibility of a literal translation ('nakedness of a thing') indicates idiomatic usage; it occurs elsewhere only in Deut 23:15 [EV 23:14], with reference to feces or other unclean matter in the camp.' He takes the term to mean something 'improper, indecent or at least objectionable,' and was 'probably chosen precisely because it was vague, ill-defined, and nonrestrictive.' Blenkinsopp (pp. 65, 97 n. 33) denied that Deut 24:1-4 was designed to state the basic law of divorce (it is descriptive rather than prescriptive), and blamed Jerome's misunderstanding of its syntax as placing the divorce procedure in the apodosis rather than the protasis. It makes sense that God would point to the non-sexual excuse for the divorce, and it amounts to 'any cause' a man might arbitrarily nominate to get rid of her. The Rabbis exploited its vagueness to fit their theology; see Mishnah Gittin 9:10. For sources, see Bernard S. Jackson, "The 'Institutions' of Marriage and Divorce in the Hebrew Bible," *JSS* LV1/2 (2011) 221-251, esp. p. 241 nn. 82-84. The term '*erwat dābār*' is found in the Sifre to Deuteronomy 23:15, citing Sotah 17a, where it is translated as

and he wrote for her a document of cutting-off [= severance], and he gave [it] into her hand, and he sent her out of his house.

24:2 And she went out from his house, and she walked away, and she was^{became} to another man.

24:3 And the latter [=next] man hated her,
and he wrote for her a document of cutting-off [= severance], and he gave [it] into her hand, and he sent her out of his house.

Or, when the latter [=next] man died who took her to him for a woman,

24:4 not he is able—her first owner, who sent her out—to turn back to take her to be to him for a woman, after that she has been made^{constituted} unclean {by him⁵},⁶ because an abomination it [is] before Yahweh, and not you are causing the land [=inhabitants of the land⁷] to sin, which Yahweh your God is giving to you [as] an inheritance.⁸

Note the underlined texts. This draws attention to the fact that the legal procedure is the same.

The pivotal clue to Yahweh's disgust lies in the phrase, "after that she has been made [or: become] unclean [by someone or something]." The verb here is *הטמנה* (*huttammānāh*), which is a recognised mutation of *התטמנה* (*huthammānāh*), which is the rare Hothpa'el theme in Hebrew.⁹ So rare is this theme that it occurs only seven

an 'indecent thing'; cf. D. Daube, *The New Testament and Rabbinic Judaism* (London, 1956; reprinted New York, 1973), p. 368f.

⁵ It is the action of the second husband sleeping with her that actually defiles her, but the first husband will be held accountable for her defilement (cf. Mt 5:32).

⁶ In Islamic law a divorced wife can return to her first husband but only on condition that she has slept with another man in the meantime: 'If he divorces her, she is not lawful for him afterwards, until she marries another husband' (Qur'an 2:229).

⁷ The 'land' cannot sin (i.e., break a law—the 'law of the husband,' Rom 7:2), only the inhabitants of the land can sin, or more specifically, the *men* of the land, because they are the ones who instigate the divorce proceedings.

⁸ Alternative grammatical translation of verse 4: "... after that she has been made unclean, because an abomination [is] SHE (היא) before Yahweh, and not SHE (היא) is causing the land to sin, . . ." Grammatically, the pronoun היא could be understood to refer to the woman or to the abomination, since both are feminine. The verb היא can be parsed as either 2 pers. masc. sg. ("you are causing"), or 3 pers. fem. sg. ("she is causing"). In this syntax, it is more usual for היא, to refer back to 'abomination' and to read: "because an abomination it [is]" (cf. Lev 18:22). This would make the act of sleeping with a second man constitute the abomination. The syntax does not favour the translation "because an abomination [is] she [= the defiled woman] before Yahweh," even though this fits in with Jesus' insight that the divorced woman becomes a cause of sin to other men who might think that her legally conducted divorce ended her marriage, and that she was legally free to remarry.

⁹ Gesenius' *Hebrew Grammar as edited and enlarged by . . . E. Kautzsch*. 2nd English edition by A. E. Cowley (Oxford: Clarendon Press, 1910), §§54h,l. See also Bruce K.

times in the Hebrew Bible. The occurrences are Num 1:47; 2:33; 26:62; 1 Kgs 20:27 (all using the root פקד); Lev 13:55, 56 (root כבס); Isa 34:6 (root דשן); and Deut 24:4 (root טמא). The Hothpa'el is the passive form of the Hithpa'el, which occurs more frequently, and which means to do something with oneself (reflexive), such as "to walk about." The passive of this would be "to be walked about [by someone, such as a nurse]." The passive meaning of the Hothpa'el comes out in its use in Isa 34:6 where Yahweh's sword is "coated [or encased] with fat." The Hothpa'el meaning of the four occurrences of פקד is *to allow oneself to be reviewed* for numbering purposes ("not they were presented for numbering").

Both Gesenius and Fuerst¹⁰ give the active Hithpa'el of טמא (the root verb used in Deut 24:4) the meaning, *to be or become unclean, impure; to be defiled, polluted*, chiefly of Levitical uncleanness, both of persons and animals. In Num 5:13, 14 it translates *to defile oneself* (as of a woman in adultery), or *a people polluted by fornication or idolatry*, as in Hos 5:3; 6:10. In the case of the Hothpa'el in Lev 13:55, 56 the priest examines the plague in the skin of a person "after that it has been washed [by someone]." Here the passive aspect of the Hothpa'el can be seen. If the Hithpa'el means *to make oneself unclean*, then the passive of this is *to be made unclean (by something)*. Hence my translation of the Hothpa'el verb in Deut 24:4 as, "she has been made^{constituted} unclean {by him}." She is passive and something is done to her. In the case of her first husband, by his decision to put her out in the street to fend for herself, as no longer under his care, or wanted by him, she becomes in the eyes of her community an unclean woman. She may have been perfectly innocent, but now, for the rest of her life she is tarred with the brush of being a defiled woman, and no man, you would think, would want to use her womb to have sons and daughters, who would come into the world with the stigma of being the offspring of an unclean woman.

There is a possible confusion over what the 'abomination' refers to. Some take it to refer to the reconciliation itself of two divorced persons getting back together, which is highly unlikely since reconciliation is what the NT revelation teaches and encourages as the inevitable outcome of forgiveness. This leaves the defiled woman herself, *through her remarriage*, as the 'abomination' and this fits the complete revelation on the subject. As Jesus noted, this was not a legitimate (re)marriage, but simply the case of a bloke having unlawful sex with her, and in the process defiling her body (cf. John 4:16-18).

Yahweh regards every wife, who has remarried in the lifetime of her first husband, as an unclean (or defiled) woman. That stigma will stick with her for the rest of her life unless she repents of her second marriage and ends it. Her first husband's action might appear to determine her status in God's eyes, if we read v. 4 as "...after that she has been constituted unclean *by him* (i.e., by the first husband)." Or, as we have noted above, her defilement came about by sleeping with another man, if we read v. 4 as "...after that she has been made unclean *by him* (i.e., by the second husband)." The abomination would then consist in the same woman passing between two contemporary men, which was totally contrary to God's design for woman. She was designed to live with one man for the duration of her life, or for the duration of her husband's life, and only on his death could she sleep with another man.

Waltke and M. O'Connor, *An Introduction to Biblical Hebrew Syntax* (Winona Lake, IN.: Eisenbrauns, 1990) §26.1.1d and §26.3b.

¹⁰ William Gesenius, *A Hebrew and English Lexicon of the Old Testament*. Translated from the Latin by Edward Robinson (Boston: Crocker and Brewster, 1836); and Julius Fuerst, *A Hebrew & Chaldee Lexicon to the Old Testament*. 3rd edition. Translated from the German by Samuel Davidson (Leipzig: Bernhard Tauchnitz, 1867).

On either reading, the ban on reconciliation is a punishment meted out by God on the first husband. In other words, the first husband's sin cannot be reversed. He has committed an unforgivable sin in the eyes of God. A hard-hearted husband may use his superior strength and dominance to inflict terrible cruelty on his defenceless wife, but Yahweh slaps down hard on such men and imposes a penalty on them that shuts them out of the Kingdom of God. God's Son pointed out that such divorces will lead to the divorced wife sinning if she remarries, but her sins will be laid at the door of her first husband, and he will be made accountable for her defilement (Mt 5:32).

God never introduced divorce into Israel. Man did. Deuteronomy 24:4 is God's judgment on man for this introduction. He, and the Son, are the same yesterday, today, and forever, in regard to their detestation of this man-made institution. God hates divorce. Full stop. It was an abomination to both members of the Trinity in Moses's day, and it is the same today. There has been no shift in God's value-system. But the Good News is that all sins can be forgiven under Grace, including the unforgivable sin of divorce obtained under the dispensation of the Law. Reconciliation under Grace abolishes the need for the injunction (*mishpat*) in Deut 24:4. But for all Jews throughout the world who are *still living under the Law* the force of the injunction is still in place *for them*.

To return to Deut 24:1-4, the action of a wife's husband is pivotal to her destiny. He is in total control of her life, and at his mercy. If he is an abusive or hard-hearted husband she is in for a hard life. If he is a righteous man then she can expect a more tranquil lifestyle. *It all depends on the husband*. Her life hangs by a thread—a daily thread. He can divorce her at a moment's notice. He is answerable to no one for his actions. He is her lord (*ba'al*), her owner. She is but a possession, to be disposed of or retained at the whim of the owner. Such was the plight that wives were in when Deut 24:1-4 was written.

It is clear from Yahweh's other laws that the grounds for divorce in Deut 24:1-3 cannot be adultery or, that she was not a virgin when he married her, for which two deviations He decreed the death penalty. The grounds, in this case, must be non-sexual. The fact that the husband seeks to take his wife back again, shows that he divorced her on trivial grounds. In effect he is turning a blind eye on his original action in making her an unclean person, and thereby constituting her unworthy to bear his children. By attempting to reverse his original judgment and assessment of his wife, and by taking her back as a clean person, he is admitting that he was wrong in the first place. Of course, being a hard-hearted individual, he is unlikely to say 'Sorry,' to her.

The idea of reconciliation, per se, cannot constitute the meaning of 'abomination,' since God desires this of all marriages. Neither is it the attitude and behaviour of the husband in getting a cheap divorce and then attempting to reverse her unclean status to clean, just to get her back again *as if he never divorced her in the first place and soiled her reputation*.¹¹ What constitutes God's abhorrence in this context is the remarriage itself.

¹¹ Jesus revealed that when the woman of Deut 24:2 entered into her second marriage, unknowingly, she was committing adultery, as was the man who married her, because in the eyes of God and the Son of God, she was still married to her first husband, because the document he put into her hand had no status (legal or otherwise) in God's eyes. It was a man-made set-up, which Jesus exposed and then demolished in Mt 19:9, so that those entering God's New Covenant would have to abide by a new appreciation of marriage. It was not really 'new,' as Jesus was quick to point out, because it had been in existence *before* Moses made regulations to

Marriage was a covenant (Mal 2:14), and Yahweh used this as a metaphor of the covenant-status He had with Israel—His bride (Ezek 16:8).¹² In the case of Israel she made herself unclean (Jer 13:27), and therefore Yahweh's 'divorce' did not make her unclean. His 'divorcement' only confirmed to her that she was in an unclean state. Hosea 2:2 may reflect the current language of divorce in Hosea's day: "She is not my wife, nor am I her husband." After Israel committed 'adultery' by serving other gods (*baals*), she eventually came to her senses and resolved, "I will go and return to my first husband." If God had followed through with the metaphor, He could have refused to have her back, because the sin of adultery was not punished by a divorce, but by death. He should have killed her. But, fortunately, His covenant was an everlasting covenant made with Abraham, and was indissoluble. Nevertheless, such a covenant allowed for many not to enter into the Promised Land, or into God's rest (Heb 4:1-10) through unbelief. Hosea is told to take back his adulterous wife on the analogy that God is taking back His adulterous wife—Israel (Hos 3:1). So the idea of reconciliation, per se, cannot constitute the meaning of 'abomination,' since God desires this of all marriages. The ban on reconciliation under the Old Covenant comes in the form of a punishment for a heinous sin, which God will not forgive.

One direct inference that one can draw from God's expressed anger over the example of a husband divorcing his wife for a non-sexual offence is that all such Mosaic divorces are an abomination to Him (as they have remained to this day). It also means that when Hillel permitted God's people to divorce their wives (and it was always men who did the divorcing) for trivial reasons such as burning a husband's food, or Akiba's justification that a man found a more beautiful woman, these men were utterly obnoxious and an abomination in the eyes of God.

After the woman of Deut 24:2 was divorced by her second husband for a non-sexual offence (which it had to be¹³), such as hate, it is likely that he could not take her back. The same would apply to her third, fourth, and subsequent husbands. None of them could have her back once they had divorced her, for whatever reason. So God's law of 'no return after divorce' was universal, and applied to all marriages under the Old Covenant. The law also implied there was no chance for the hard-

control the evil consequences of the sin of divorce. It is to the standard of Gen 2:24 that all Christians must rise to if they are to lead a life pleasing to God.

¹² God does not follow the metaphor of marriage and divorce to its conclusion in Deut 24:4. He chooses to adapt it to suit His own teaching on marriage as a permanent covenant between man and wife. See D. H. Aaron, *Biblical Ambiguities. Metaphor. Semantics and Divine Imagery* (Boston, 2002).

¹³ The Jews were prepared to inflict the death penalty on the woman taken in adultery (Jn 8:5) in accordance with the law of Moses (Lev 20:10), therefore we must reject the interpretation that Deut 24:1-3 allowed divorce for adultery. It is assumed that under Roman rule capital punishment was abolished (see D. W. Amran, 'Adultery,' *The Jewish Encyclopedia* [New York, 1925], I.217). This is incorrect, because Pilate gave the Sanhedrin the necessary permission to execute Jesus "according to your law" (Jn 18:31), but the Jews wanted the Romans to do it for them, so the charges were changed to put Jesus in conflict with Roman law (Lk 23:2, 5, 14; Jn 18:30b), but he was found not guilty on those charges (Lk 23:14-15, 22, 23; cf. Mt 27:18, 23). With the dispersal of the Jews after the Second Jewish War in AD 132-35, and lacking nation status to implement the requirements of the Torah, rabbinic law developed to make divorce of an adulterous wife mandatory, see Mishnah Sotah 5:1, Sotah 18b, 27b, Ketubot 9a. This was just one of a number of adjustments that the Jews had to make after AD 135, when God permanently took away their power to enforce His Law.

hearted husband to be reconciled, either to his divorced wife or to God. God locked him into a spiritual death penalty and threw away the key. Man might appear to get his own way in writing a divorce notice on a piece of papyrus or parchment, but, as usual, God gets His way in the end. He has the last laugh, and it is a mocking laugh at the fool of a husband who would dare to treat his covenant-wife in this manner.

While God clearly hated divorce, He was Lord of an unregenerate nation which was incapable of being holy as He was. Their natural state was one of hard-heartedness and they had settled into a sinful custom of divorcing their wives *for any cause*. If God had banned divorce entirely, it would have been like banning sin entirely. Banning sin and banning divorce would have been to raise the level of holiness to an impossible level. It would require the ability not to sin, which only became possible with the presence of Christ living in the believer (Rom 8:9b). So just as God could not ban sin, neither could He ban divorce. Both were the natural fruit of the natural man. But God was not entirely powerless to have some input into Moses's provision of divorce to regulate adultery. Divorce was a concession to the ubiquitous presence of sin in the human nature of those who lived 'under the Law.' But God's rider in Deut. 24:4 spelled out very clearly that there were dire *spiritual* consequences if any man took advantage of divorce (regulated, as Moses tried to minimise the confusion of who was married to whom) to sever what God had joined together in a 'one flesh' union.

In the case of Moses's provision for divorce for unforgiving, hard-hearted husbands, God did not stand passively by. He stepped in and banned reconciliation for divorced couples, which Moses did not plan for. God also stepped in to ban Moses's provision for divorce in the case of two specific circumstances. Firstly, where a man raped a virgin who was not betrothed (Dt 22:28-29). He humbled her, and for that deviation he can never divorce her. Secondly, where a man accused an innocent wife of not being a virgin when he married her (Dt 22:13-19). This accusation involved the death penalty for the woman if the man could prove his case. The stakes were very high. In view of this, and if the wife was proved to be innocent, God prevented such men from finding an excuse to divorce their accused wives later on. The marriage was for life in these two minority cases. Presumably, if such men later on forced through a divorce against God's specific command they would have been liable for the death penalty themselves. Their second marriages would certainly have been adulterous ones, since, in God's eyes, they were still married to their first wives.

That Jesus sets His Father's original law of marriage over-against Moses's is plain from the content of Moses's law. It is a discriminatory law against women. It is an unjust law. It was drawn up by men for men. Jesus' exegesis of Deuteronomy 24:1-4 is not difficult to work out. He would have declared that the first marriage bond was indissoluble and the second marriage was an adulterous one. This is not reading back New Testament doctrine into Deuteronomy 24:1-4 but recognising that the Father and the Son are consistent in their Law of Marriage "from the beginning" of humanity. And we would expect the Father to act in a way consistent with His own revealed will in the rider He placed against reconciliation.

1.6.1 Why was Deuteronomy 24:1-3 included in the Torah?

I view Deuteronomy 24:1-4 as follows. Part A: verses 1-3. Divorce was man's idea. Part B, verse 4. This was God's idea. Part A was not God's will for His people 'from the beginning,' as Jesus pointed out. But hard-hearted Hebrews forced it upon Moses as a *fait accompli*, so he complied, and introduced an unwritten, unsanctioned, law to alleviate the confusion that would follow if men were permitted to divorce 'for any cause.' Divorce is an evil. God hates it. He will not positively initiate a law

(examples of which appear before and after Dt 24:1-4) to permit the 'one flesh' union to be broken. Having seen the unwritten, unsanctioned, law that sinners concocted for themselves in Part A, God stepped in and put a rider on it, namely, verse 4, which Moses was obliged to write down and hand on. *So the only reason why Part A appears in Scripture is because of Part B.*

Part B had to be given a context, and that context is Part A. The unsanctioned, unwritten, oral law that Moses had accepted (by tradition) was now forced to be given a written form in order to put the rider on it. The rider could not exist on its own. It had to be given a context.

Another way of looking at Deut 24:1-4 is to envisage Moses receiving a *mishpat* (judgment) from God in the form of Part B. Moses is now under an obligation to pass on the contents of verse 4 to the people, because what it contains is vitally important seeing it comes from God, and not from man. Now Moses knows that he had been forced to adopt the unholy idea contained in Part A. It came up from below (from man); it did not come down from above (from heaven). Part A was originally an unwritten, unsanctioned, and pragmatic law, probably originating during the 430-year stay in Egypt.

So, given the constraint that Moses was under to impart the *mishpat* /law in 24:4, he was forced to put in writing what had been in practice in Part A, and this accounts for it appearing in a written form. But the written form is only there because he had to give Part B a context.

Verse 4 should be viewed as coming from God, and verses 1-3 as coming from man (through Moses). Too much commentary time is given to Part A as if it was God's idea. God has only allowed vv. 1-3 into His Law book in order to impose His rider on their man-made tradition of divorce, which was contrary to what He set up 'in the beginning.' Commentators should start with verse 4, and ask themselves, "Why did God not allow reconciliation of the original marriage under the Old Covenant, when He expects it of all those who enter the Kingdom of God under the New Covenant?" That question shows up the difference between God's people living without the gift of the Holy Spirit (and without faith), and God's people living with the gift of the Holy Spirit (through faith), and thus able to go back to the law that existed 'from the beginning,' which was God's true way of living, and not take advantage of the law of divorce that hard-hearted men had introduced.

The rider tells us that God is disgusted when a husband cheaply divorces his wife over a trivial matter. The result of his rash judgment is that his wife is obliged to sleep with a second man. But in God's original decree no woman could sleep with two living men. He was disgusted then, and He is disgusted today, when the same thing happens. His disgust has not changed. It has remained constant 'from the beginning.' The difference is that today, under grace, all sins can be forgiven and reconciliation is encouraged. Under the Old Covenant, the disgust over a husband's unjust action in constituting his wife an unclean woman was not forgiven, and the sin stood unforgiven for all time, which is conveyed to the sinner by a road-block to any future reconciliation with his first wife. The anger of God behind 24:4 comes out very strongly when viewed in this light.

God's new people have the gift of the Holy Spirit, and they have saving faith, and both of these take the Christian into a new realm of living, in which divorce is a violation of that Spirit-filled life. The two are incompatible for anyone living 'in Christ.' God has reconciled Himself to all men through the death of Jesus (Rom 5:10; Heb 2:9; 1 Jn 2:2), and that reconciliation includes the forgiveness of the sin of adultery through second marriages.

The Christian should no more think of contemplating divorce than he would think of stealing. Stealing and divorce belong to the sub-standard world of Moses,

and God interacted with these sub-standards when He held His people together 'under Law' until the coming of Christ.

I understand (with Paul) that in and of itself the Law is good and spiritual, if used legitimately, because whatever comes out of the mouth of God reveals something of His nature, His values, His ideas, His hopes for His people.

A Note on the syntax of Deuteronomy 24:1-4

The *English Standard Version* and the *New International Version* correctly reflect the Hebrew in viewing the whole four verses as one long conditional sentence (v. 1, "if . . . [through to the end of v. 3] . . . then¹⁴ her former husband . . . may not take her.").¹⁵

The use of the Suffix form of בעל (*lorded, owned, mastered*) indicates that the marriage was consummated, whereas the notice that "he takes a woman" (Heb. Prefix-form) is ambiguous since it could indicate a betrothal, but taking ownership puts what follows in a definite marriage context. The use of the Suffix form of היה indicates that some time after the marriage was consummated (for this is the way Hebrew recommences events some time in the future), she did something that he considered 'obscene.' The term used: 'erwat dābār (עֲרוּת דָּבָר), occurs only twice in the OT,¹⁶ here and at Deut 23:14 where it is used of Yahweh inspecting the desert camp of Israel and coming across an 'erwat dābār. The sight of an 'erwat dābār would disgust Him, He says, and cause Him to withdraw from the site—to separate Himself from the 'unseemly thing.' The immediate context is human excrement which must be defecated outside the camp and covered over. An 'erwat dābār in the camp would lead to Him removing His presence from among them (Deut 23:14) and *this* is the phrase He uses to refer to the deviant behaviour of the defiled woman in Deuteronomy 24:1.

The LXX translates 'erwat dābār in Deut 24:1 by ἄσχημον¹⁷ πρᾶμα¹⁸ and in Deut 23:14 by ἀσχημοσύνη πράγματος. The Hebrew term 'erwat occurs 54 times in the OT and in the LXX it is translated by ἀσχημοσύνη 41 times and eight times by αἰσχύνειν. The former means, something *indecent, obscene, nakedness, shame, the private parts*. The latter means, *disgrace, scandal, infamy, shame*.

The predominant context for the use of 'erwat / ἀσχημοσύνη relates to human nakedness, especially the nakedness of close, female relatives. The closer the relative, the greater the obscenity was felt to be. The first occurrence of 'erwat / ἀσχημοσύνη relates to Noah's nakedness as he lay drunk in his tent. His son, Ham, laughed at him, but his other two sons put a garment on their shoulders and walked backwards

¹⁴ The *ESV* and *NIV* have correctly supplied "then" here, even though it is not explicitly in the Hebrew. The construction demands it.

¹⁵ Translating the waw+Suffix by a series of Present tenses in English is an acceptable way to convey the Hebrew Attributive action in this particular passage, but it would be closer to the Hebrew to use the Past tense throughout, as in my translation above.

¹⁶ For a summary of interpretations of this term, see C. Pressler, *The View of Women found in the Deuteronomic Family Laws* (BZAW, 216; Berlin/New York: W. de Gruyter, 1993), pp. 45-62.

¹⁷ The same idea occurs at 1 Cor 12:23, "our unseemly parts (τὰ ἀσχήμονα) have seemliness more abundantly." This is a euphemistic expression for the human private parts. It was her sexuality that was in question, not her looks, or disabilities, or lack of skills, etc.

¹⁸ This word may also be a euphemism for *unlawful sexual conduct* in 1 Thess 4:6, though its primary meaning is *a thing done, fact, deed, affair*.

into the tent so as not to see their father in that state. They were blessed and Ham was cursed by God, who also put great emphasis on His priests wearing undergarments so that their nakedness was not seen when officiating in His Temple (Exod 28:42; 20:26) which incurred the death penalty (Ex 28:42-43).

END OF EXTRACT

McFALL'S ASSESSMENT OF THE QUIRKY INTERPRETATION OF DEUTERONOMY 24:1-4

In this section I shall attempt to trace the origin and development of Anthony Garrett's quirky interpretation of Deut. 24:1-4.

Stage 1. The origin of the author's interpretation most likely started with Yahweh's ban on the first wife returning to her first husband. He came to the conclusion that while the wife was a pervert *in her mind* when her husband divorced her, she became a pervert *in deed and practice* due to her marriage to a man who facilitated her perverted sexual acts. He thought that the term 'abomination' in 24:4 referred to the obnoxious idea that she might be reunited to her first husband, and it was this possibility that horrified God. This is what constituted the 'abomination' and nothing else, according to A. Garrett.

This definition of 'abomination' cannot be correct because if it were, then God would be inconsistent in His value-system. It would mean that 'reconciliation' would be an abomination during the Old Testament period, but it would be encouraged during the New Testament period (1 Cor 7:11-15). This is not possible. It is for this reason that the author's reconciliation cannot constitute the 'abomination' in Deut 24:1-4. We must hold that the Trinity is not subject to contradictory *moral* value judgments. We should expect to find the Trinity speaking from a solid, unchangeable, moral basis throughout world history.

I am of the view that 'reconciliation' is not what 'abomination' refers to in 24:4. The 'abomination' refers to her coitus with a second man, *while her first husband was still alive*. This is the "law of the husband" referred to by Paul in Romans 7:2. This definition of 'abomination' never changes, and it is still in place today and will be to the end of time.

This means that every modern remarriage is an abomination when it takes place in the lifetime of the divorced couple. No remarriage can take place following such a divorce. Even if one partner goes off and remarries this does not justify the other party going off and remarrying. Both are an abomination in the sight of God. No woman can have sex with another man while her first husband is still alive. It makes no difference whether he is an atheist, or a follower of another religion. What matters is that all lawful marriages (pagan or Christian) cannot be severed in this life. This is in keeping with the "law of the husband." You can only be married once, and that 'once' remains in force until death intervenes and severs the relationship.

Stage 2. The author had to find a class of sin that was an abomination in itself, such as homosexuality, or having intercourse with animals, both of which are described as abominations (Lev 18:20-30). These are abiding abominations, but 'reconciliation' to a former spouse is not. The author hit upon the idea that if the wife was guilty of a similar abhorrent sin, this would justify her husband divorcing her. This was his solution.

Stage 3. Then the author met a problem. He could not allow that the first husband engaged in his wife's sexual perversion, so she could only have *talked* about it. So he isolated the term *dābār* in the expression 'erwat *dābār* (עֲרוּת דְבָר) and noted that *dābār* could mean 'word' as well as 'deed/matter.' This gave him the idea that 'word' could also mean 'speech' (from 1 Sam 16:18) and this suggested that her perversion manifested itself first in the form of "unclean speech." So she was divorced because of her 'dirty talk.'

Stage 4. To account for the ban on a reunion the author had to assume that the second husband cooperated with her to move from 'unclean words' to 'unclean acts.' It was this transition from 'talk' to 'walk' that made her a defiled person. Although her acts were an abomination in themselves, the 'abomination' of 24:4, claims the author, was always the obnoxious suggestion that she could return to her first husband. In his opinion, it was the reunion itself that caused God the greatest anger and detestation.

Stage 5. The question then arose, Why is she permitted to defile her next husbands, but not her first one? Why didn't God isolate her from her community to stop her contaminating other men in Israel and causing the land to be defiled? The plausible answer had to be that the first husband must have been a righteous man, while all the others were not righteous, because they facilitated her abominable practices.

Stage 6. Once the author assumed that the first husband must have been a righteous man, then the institution of divorce was imperative to prevent him from remarrying his former wife, who was now contaminating other men. Because the institution of divorce was a good thing *in this context*, it had to come from God.

The flaw in this argument is that while the first husband may have used the institution of divorce to distance himself from a person who would defile him, and so his motive might be deemed to be pure in the eyes of God, verse 3 informs us that the same institution of divorce permitted a man to divorce his wife because he hated her. His motive could hardly be deemed to be pure in the eyes of God, because the author has stated that the second husband was an unrighteous man. How can the same institution be a defence against sin and an instrument for sin?

The universal ban on reconciliation, with no exception clauses, indicates that God pays no attention whatsoever to the grounds on which a man (and it is always a man) divorces his wife. God makes no distinction between a 'good' reason and a 'bad' reason. He makes no distinction between a 'good' divorce and a 'bad' divorce. He treats both the same, and that is highly significant. This means that His focus is on the act of remarriage itself. This is where the sin lies, and this is what He is penalising.

God, and God alone has the right to sever a one-flesh union, and the only instrument God uses is death to accomplish that. Man, on the other hand, has usurped God's prerogative and decided that *he* will create a thing called 'divorce' by which *he* will sever the one-flesh union *on his terms* and allow himself to marry another woman. Here we see a head-on clash between God and man over who has the authority to sever marriages. God lets man force through his will, but as a punishment for this brazen act of defiance, He imposes a condition on every divorce, without exception, that the partners are banned from ever being reconciled again. They are to remain permanently apart with no prospect of ever being reunited. So, while God lets man have his stubborn way, He puts down a marker for all time to come that this hard-hearted behaviour on the part of the men of the Covenant is

condemned by Him, and He confirms this with the explicit statement that every remarriage is an abomination to Him.

Suppose that A. Garrett is right in thinking that Deut 24:1 depicts a righteous husband who divorced his wife on the grounds of her 'dirty talk', what would have been Jesus' reaction to that? Jesus would have condemned this action outright with the reminder to him that only God can sever a one-flesh union. If that husband ignored Jesus' condemnation and remarried, Jesus would have called him an adulterer. If his divorced wife remarried, Jesus would have condemned her as an adulteress, and condemned her new husband as an adulterer. He would also have reminded all of them that no adulterer can enter the Kingdom of God.

Remarriage was an abomination in the sight of God the Father under the Old Covenant. Remarriage was an abomination in the sight of God the Son under the New Covenant. The two persons of the Trinity are one in their opposition to remarriages.

THE DAMAGE TO CHRISTIAN FAITH AND DOCTRINE

The reason why A. Garrett's interpretation will *never* find a place among the Elect people of God is that it makes God the creator and approver of the break-up of marriages. Whereas His Son taught that no marriage may be severed no matter what reason may be put forward to justify it, A. Garrett presents the Father as approving divorce for 'dirty talk' and also if the husband hates his wife. The Father and the Son are at loggerheads with each other if he is correct in his interpretation.

Jesus said He taught nothing except what the Father taught Him and authorised Him to teach to His apostles and through them to teach the universal Church of God. God hated divorce. Jesus hated divorce. These two are one in their attitude toward divorce from the beginning of creation. Even given the depths of sin and depravity that human beings can and do descend to, and the extreme forms of cruelty perpetrated by husbands and wives on each other, God never legislated for divorce. This was an expedient that originated in the mind of man, and it came into existence within a generation or two of the creation of Adam and Eve, because it is the inevitable consequence of the Fall of Man.

Bullying results in divorce. The desire to get revenge results in divorce. Wherever you look, behind divorce lies sin, and the sin that manifests itself supremely is hard-heartedness. Divorce is the evil fruit of hard-heartedness. Indeed, Jesus located the origin of divorce in the fallen nature of all men and all women. Divorce exists because a couple are unable to forgive one another. And they are unable to forgive because they do not have the spirit of Christ living in them. Divorce belongs to the world of the unregenerate—to the underworld of those who have fallen under the control of Satan.

While there are unregenerate men and women counted among God's Covenant people, there will always exist the 'natural' reaction to resort to divorce. But God moved in quickly at Sinai to legislate that if any man (for women were treated as mere chattels) divorced his wife, this sin would never be forgiven by Him. As a constant reminder of His hatred for divorce and His unwillingness to forgive this sin, He decreed that no man can return to his wife and be reconciled to her, and this ban on reconciliation mirrored the man's state before God, for just as he could never be reconciled to his wife, so neither could he ever be reconciled to his God. His severance from his wife is mirrored in his severance from God with no prospect of reunion to either his wife or his God. The two severances go together. No provision is made for the removal of the sin of divorce under the Old Testament sacrificial system. God punished the sin of divorce very severely under the Law. Through the

law of Deut 24:4 God manifested His hatred for divorce in a very tangible and practical form.

Divorce, Jesus pointed out, resulted in the spread of adultery. The one who married the divorced person became an adulterer, and the one who initiated the divorce was held responsible his or her decision to initiate divorce proceedings. Now this truth did not originate with Jesus. This truth existed from the beginning of the union of Adam and Eve. Consequently, when Deuteronomy 24:1-4 was written, this same truth was there in the background. God had not lowered His standard for His Elect people. The teaching of Genesis 2:24, Jesus pointed out, preceded the giving of the Torah, and consequently it took precedence over the Law. The hatred of the Trinity for the sin of divorce remained constant throughout world history, and it is still in place to this very day. Supremely, in Deut. 24:4 the anger of Yahweh bursts forth against the sin of divorce, and His refusal to be reconciled to hard-hearted sinners should be a warning to all His Elect people in the New Covenant Church.

The author of this article does not see the heinousness of divorce *per se*, nor the evil remarriage that follows it, nor does he appreciate the unchanging anger of the Trinity toward remarriages throughout history. He is a believer in the myth that divorce actually severs a lawful marriage. He believes that a remarriage is as valid as the first marriage. In this he parts company with the Lord Jesus.

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