

DID GOD MAKE A LAW LETTING DIVORCE HAPPEN IN THE BOOK OF DEUTERONOMY?

Introduction

People have always tried to say that Deuteronomy 24:1-4 seems to allow divorce and use that as a way of erasing the force of Jesus' teaching. These are the only regulations for divorce in the Old Testament. Jesus could be interpreted as having said that Moses allowed it here because the people were too stubborn to obey God's will that man and woman should be one flesh for life and Moses did not necessarily think divorce was okay. Some scholars disagree with Jesus for Moses said a man could divorce his wife just because he found something immoral in her which is so vague and therefore very liberal so Moses went so far that the peoples' stubbornness had nothing to do with his law for he could have worked out some compromise.

Did Jesus then really contradict Moses? Even if he did, Jesus was overruling Moses.

Let us look more into it.

How did Jesus view Deuteronomy 24?

Jesus when asked about if a man should divorce his wife for any reason as in giving her a legal divorce said divorce is against God's plan for one man and one woman to become one flesh in sex in marriage for life. He blamed Moses for writing the commandment allowing divorce claiming he did so under pressure for the people were too stubborn to live without it.

This says that divorce is always to be blamed on people being bad. Rather than allow it as a necessary evil to be regulated and put up with, Jesus banned it outright. He said God joins marriage meaning that he will help people stay together. This blames the wife or husband if a divorce happens. They are also to blame for conducting a lie, that divorce ends marriage which it in fact does not.

The commandment comes from tradition for the Bible does not record that Moses made a commandment allowing divorce. There are commandments showing divorce was happening but that is a different thing.

At times, critics have said this:

"It is said the regulations in Deuteronomy 24 do not expressly permit or approve of divorce meaning the ending of the marriage bond of fidelity but just seek to control divorce which could still be considered an intolerable evil by God that he has to put up with for the people are too headstrong. We reject this view for the regulations certainly imply that divorce is right for God did not have to tolerate it or to forbid a first wife to return to her man after she married and divorced somebody else. Jesus would have noticed this when he himself gave out laws that the people loathed and yet he deceptively said that God had no choice but to put up with divorce!"

"The Law is tolerant of a man divorcing his wife for finding something indecent in her. This could be anything. When a law is worded like this it must be perfectly legal to divorce on a whim. What isn't made illegal is legal. The school of Hillel at the time of Christ were right to be liberal on divorce. But it is plain that God has gone too far in going along with unrestricted divorce. He didn't need to allow divorce at all when he allowed polygamy (another reason why it is wrong to suggest that the bloody-mindedness of Israel compelled God to let them have divorce as Jesus did). Men should have been told to be kind to their unloved wives and send them away and make sure they were looked after. In summary, because the grounds for getting rid of a wife were not specified it follows that God was liberal when it came to divorce."

In fact, if God could not stomach divorce it follows that it goes without saying it should not happen but for a serious reason. Hillel was wrong.

And the passage only discusses what a man who gives his wife a divorce is to do. It does not say if the marriage is really ended or not.

Deuteronomy says the first husband must not take her back as his wife. That is simply saying that God does not want him to remarry her for they are already married.

Some would say the first husband would not take her back without remarrying her and should not remarry her for she has dirtied herself with another man. That would suggest that that the remarriage is just a formality because only if the first marriage was still valid would the first husband have grounds to consider her to be shoddy goods.

Forbidding a wife to return to her first husband if she married another after leaving him does not necessarily imply that her marriage to her first husband no longer exists and that that is why she cannot go back. It could mean that since she committed adultery by marrying another that he should not take her back. She has defiled herself. God is saying that she is not a good woman and he is better off rid of her so the argument that this indicates that marriage can be dissolved is wrong. Because the man had let her go in the first place it is thought that the marriage must be over. The rule could be designed to ensure that everybody thinks twice about divorcing. It could be that the rule was deployed to force people not to separate.

Polygamy was allowed so what would a man need to divorce a wife for? The wife had no rights especially if she was accused of a serious crime. Still, the men could have been stubborn enough to expect the privilege of divorce.

It is said that the passage is not about divorce or even marriage breakdown as such but is about the hypothetical case of a man who sends away his wife and takes her back in such a way that he has virtually lent her to another man (page 17, *Hard Sayings*, Derek Kidner, Intervarsity Press, 1972). If so, the passage neither sanctions or repudiates divorce for a good reason but just condemns men who whimsically send their wives away and then look for them when they have already met other men. There is nothing in the passage about lending. The fact that the woman is the one who leaves the house after being divorced and gets herself another man disproves the lending theory. Her husband does not get the man for her.

Bible scholars feel that Deuteronomy does not sanction divorce at all (page 151, *Encyclopaedia of Bible Difficulties*).

Nothing in the Bible clearly permits divorce. The assertion of Jesus that divorce is bad and banned but pornea is a separate case does not clearly permit divorce if pornea happens. It is best understood as referring to unreal marriages. Jesus is saying that real valid marriage cannot be broken.

No fault divorce?

The supposition that Deuteronomy 23:1 permits no fault divorce but only for men appears in the book *Christianity is Not Great*. If that is true then that would be extremely cruel in a nomadic culture where poverty was rife.

Since Jesus believed in Moses and invested him with full authority like God for he was the prophet of God, I believe Jesus held that Moses could not be explicit on what grounds he would allow divorce for the people were too vicious. Jesus thought it was up to him to decide what Moses meant. Perhaps Jesus thought that the divorce law was absolutely right but should not have been revealed for it was too open to abuse but that God and Moses had to put it in the Torah for the people were too stubborn to do without it. This would imply that divorce is fine but only under very restricted and extreme conditions but a blanket ban was imposed by Jesus for even then it would be abused and the way would be opened for misuse. Even then there is nothing said about a right to remarry.

Suppose Moses did allow divorce though God did not want it or tell him to allow it. Though divorce is sanctioned as a civil decree and even Catholics allow it when it is believed to be only just that and when it is necessary to preserve overriding rights but not a dissolution in the sight of God, remarriage is not explicitly approved of in Moses' text. It is not enough for any scripture to allow divorce. It has to say it allows remarriage for that alone would clearly prove that the marriage bond was not considered indissoluble and that divorce in the Bible wasn't just a form of legal separation without any right to marry.

Separation is always divorce in a sense because the Church says that marriage is the undivided union of man and woman which requires them to live together for life (page 263, *Moral Philosophy* by Fr Joseph Rickaby) for if it were not for life the union would not be as strong. It follows that they have a duty to be as close as possible and even if they cannot get along they have to live together.

Malachi 2 enjoins oneness between husband and wife and asks them to have godly children. He said God said he hated divorce. Some say that this does not rule out divorce as a necessary evil. But there is always something that can be done to keep the couple together in some form. A hard man could stand outside the door while a violent husband and his poor wife act married for a few hours a week. If marriage is for children and is valid even if no children can be conceived it implies that divorce over adultery is wrong. To divorce over adultery would be to say that marriage is primarily for love and fidelity.

Remarriage is what people want. It is ruled out by the Bible. If God owns marriage not man as Jesus says then it is God's prerogative.