

Deuteronomy 24: Biblical Reading and Reflections

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[0 : 00] Deuteronomy chapter 24 When a man is newly married, he shall not go out with the army, or be liable for any other public duty.

He shall be free at home one year to be happy with his wife, whom he has taken. No one shall take a mill or an upper millstone in pledge, for that would be taking a life in pledge.

If a man is found stealing one of his brothers of the people of Israel, and if he treats him as a slave or sells him, then that thief shall die, so you shall purge the evil from your midst. Take care in a case of leprous disease to be very careful to do according to all that the Levitical priest shall direct you.

As I commanded them, so you shall be careful to do. Remember what the Lord your God did to Miriam on the way as you came out of Egypt. When you make your neighbour a loan of any sort, you shall not go into his house to collect his pledge.

You shall stand outside, and the man to whom you make the loan shall bring the pledge out to you. And if he is a poor man, you shall not sleep in his pledge. You shall restore to him the pledge as the sun sets, that he may sleep in his cloak and bless you.

[1 : 47] And it shall be righteousness for you before the Lord your God. You shall not oppress a hired worker who is poor and needy, whether he is one of your brothers or one of the sojourners who are in your land within your towns.

You shall give him his wages on the same day, before the sun sets, for he is poor and counts on it, lest he cry against you to the Lord, and you be guilty of sin. Fathers shall not be put to death because of their children, nor shall children be put to death because of their fathers.

Each one shall be put to death for his own sin. You shall not pervert the justice due to the sojourner or to the fatherless, or take a widow's garment and pledge. But you shall remember that you were a slave in Egypt, and the Lord your God redeemed you from there.

Therefore I command you to do this. When you reap your harvest in your field, and forget a sheaf in the field, you shall not go back to get it. It shall be for the sojourner, the fatherless, and the widow, that the Lord your God may bless you in all the work of your hands.

When you beat your olive trees, you shall not go over them again. It shall be for the sojourner, the fatherless, and the widow. When you gather the grapes of your vineyard, you shall not strip it afterward.

[2 : 59] It shall be for the sojourner, the fatherless, and the widow. You shall remember that you were a slave in the land of Egypt. Therefore I command you to do this. Deuteronomy chapter 24 has material related to both the 8th and the 9th commandments.

Like the previous chapter, it begins with laws concerning marriage, and ends with laws relating to the needy having access to other people's crops. Verses 1 to 4 in the beginning of this chapter has law concerning a divorce.

It is less a law about divorce than a law that deals with a situation that might arise after a divorce had occurred. Like many aspects of the law, divorce is not directly covered in the book of Deuteronomy.

Deuteronomy isn't a comprehensive body of law. It is an exemplary body of law. The point of it is to promote meditation upon the principles of justice that it discloses. Divorce seems to have been a matter of customary law, not something derived from explicit divine revelation.

Moses tacitly permits the continuance of such customary law, but curbs it in one particular respect. The woman who has left her husband and married another cannot return to her original husband if she divorces the second man.

[4 : 10] This would be a sort of adultery, and indeed the custom might have served as a cover for adultery in some instances. This law is alluded to at some points in the prophets, in Isaiah chapter

50 verse 1 and also in Jeremiah chapter 3 verse 1.

If a man divorces his wife and she goes from him and becomes another man's wife, will he return to her? Would not that land be greatly polluted? You have played the whore with many lovers, and would you return to me?

Declares the Lord. Jesus also teaches concerning this law quite famously in Mark chapter 10 verses 2 to 9. And Pharisees came up, and in order to test him asked, Is it lawful for a man to divorce his wife?

He asked them, What did Moses command you? They said, Moses allowed a man to write a certificate of divorce and to send her away. And Jesus said to them, Because of your hardness of heart he wrote you this commandment.

But from the beginning of creation God made them male and female. Therefore a man shall leave his father and mother and hold fast to his wife, and the two shall become one flesh. So they are no longer two but one flesh.

[5 : 18] What therefore God has joined together, let not man separate. Moses' permission of the custom was on account of the hardness of the people's hearts. He curbs it, but he does not forbid it.

Jesus places the practice of divorce in the light of God's original intent for marriage, and curbs it yet further. If marrying another man, then divorcing and marrying the original man again, is a form of adultery within Moses' teaching, then divorcing and marrying is too.

Jesus' teaching may be seen more as a matter of divorcing in order to marry. The person who is divorcing is divorcing precisely with the intent to marry another party. The woman in the scenario that Moses presents was legitimately divorced and remarried to the second husband.

The problem was that remarrying the original man again would make the union with the second man adulterous after the fact, even if he had died. As regards the woman's relationship to her first husband, she was defiled.

But there is probably more going on here. One of the mysteries that we have to address is why this material is found where it is, along with material related to the eighth commandment, you shall not steal.

[6 : 27] The answer to that may be found in the marriage customs of the time. Either the divorce or the remarriage may have been incentivised by a desire to profit, either from retaining a dowry or gaining money obtained through the divorce from or the death of the second husband.

The situation of the commandment, then, might give us some clue as to its purpose. One of the things that both Moses and Jesus are challenging in their teaching is the use of law and custom to give a veneer of legitimacy to the corruption of the institution of marriage and what God created at the beginning.

In the case of the law that Moses gives here, it seems to be aimed at stopping a practice that is designed to circumvent the purpose of marriage and to use divorce as a way to get out of the responsibilities of marriage in order to achieve some personal end.

Jesus' teaching seems to be designed with the same purpose. While the law is rightly accommodated to our sinfulness and our fallen condition, it is not supposed to be a cover for that, a means by which our sinfulness is given legitimacy.

Indeed, on this front, it is interesting that almost all the material that we have in scripture related to divorce is not instituting and mandating practices of divorce, rather it is trying to curb existing practices.

[7 : 46] Divorce, then, while tolerated and accommodated, is not granted the sort of weight of legitimacy that it might otherwise have. While God allows for its practice, it is very clearly not his intent for marriage.

Verse 5 is the law for the newly married man. As the flip side of their public privileges, men in Israel could be required to perform public duties, not least going to war, and then also doing some other business in the assembly.

The law about the newly married man concerns the rights of the newly married couple to each other. The newly married man must either be free at home to be happy with his wife, or, in another translation, to make happy his wife.

Requiring the man to go to war or to perform a public duty during this time would be wrongfully stealing him from his wife and stealing his right to enjoy the beginning of his marriage and family, especially if he were placed at risk of losing his life.

This law is pretty much given in an earlier section in chapter 20, in the laws concerning warfare. What is it doing here? In the earlier section, we see it under the aspect of the commandment not to murder.

[8 : 54] It's about protecting life from falling under the shadow of death and ensuring that people do not have the tragedy of their lives being condemned to futility by warfare. However, here we see it under a different aspect.

Here we see it under the aspect of the eighth commandment. It's the same commandment, but we're seeing a different facet of it. Placed in this context, for instance, the loss that the wife would sustain, as her new husband might potentially be taken from her by being lost to warfare, is something that is placed in sharp relief.

That was not the case in chapter 20, where it was a different set of facets of the situation that were more clearly seen. Verse 6 prohibits taking an upper millstone in pledge.

Pledges as securities on loans were commonplace, but certain items were placed off-limits for such purposes. A mill or an upper millstone is a person's means of production. Taking that prevents him from providing for himself or making a living.

As such, it is like taking a life itself, a very serious form of stealing. The principle beneath this law opposes exploitative business dealings more generally. People don't all have equal bargaining power, and certain transactions must be off-limit for that reason, lest people with power take advantage of that to oppress others.

[10 : 10] Verse 7 addresses the most serious form of stealing of all, man-stealing. This carries the death penalty, and it's focused upon Israelites here, presumably not because Israel was permitted to go around stealing foreigners as slaves, but because prisoners of war could be slaves.

The use of prisoners of war as forced labour comes down to the modern times. In 1947, a quarter of Britain's land workforce were POWs. At many points, we've encountered verses that have caused us to wonder what they're doing in their particular place, and verses 8 to 9 of this chapter are no exception.

The instruction that the Levites must be honoured in the case of leprosy is maybe an unusual one to find in this particular section. The Israelites are to learn from the example of Miriam in this regard.

And this seems strange. Miriam certainly had leprosy, but what does this have to do with the attitude to the Levites in a case of leprosy? I believe that looking back at the story of Miriam will help us to find the answer.

Numbers chapter 12 verses 1 to 10. Miriam and Aaron spoke against Moses because of the Cushite woman whom he had married, for he had married a Cushite woman. And they said, Has the Lord indeed spoken only through Moses?

[11 : 21] Has he not spoken through us also? And the Lord heard it. Now the man Moses was very meek, more than all people who were on the face of the earth. And suddenly the Lord said to Moses and to Aaron and to Miriam, Come out, you three, to the tent of meeting.

And the three of them came out. And the Lord came down in a pillar of cloud and stood at the entrance of the tent and called Aaron and Miriam. And they both came forward. And he said, Hear my words.

If there is a prophet among you, I, the Lord, make myself known to him in a vision. I speak with him in a dream. Not so with my servant Moses. He is faithful in all my house.

With him I speak mouth to mouth clearly and not in riddles. And he beholds the form of the Lord. Why then were you not afraid to speak against my servant Moses? And the anger of the Lord was kindled against them.

And he departed. When the cloud removed from over the tent, behold, Miriam was leprosy like snow. And Aaron turned toward Miriam. And behold, she was leprosy. The Levites' management of cases of leprosy would presumably not be particularly popular.

[12 : 27] They could remove people from the camp. They could require them to live away from others, to cry out unclean, and even to tear down their houses. One could imagine that, like Miriam did with Moses, people would be tempted to speak against the Levites in the case of leprosy, spreading slander and false reports and cursing the authorities.

Yet the Lord gave the commandment to the Levites. And this is emphasized within these verses. The people must honour the Lord by honouring his servants. Leprosy was the punishment for

Miriam's false witness against Moses.

So leprosy is a situation where Israelites should beware of the danger of falling into the sin of false witness against their leaders. As should now be apparent, we've just moved from the eighth commandment to the ninth.

Verses 10 to 13 return to the subject of pledges, but now not under the eighth commandment, under the ninth. Showing dignity to others in the handling of pledges is the point here.

For many, if someone owes you something, you are permitted to offend against their dignity to get it back. However, once again, there are boundaries that should not be trespassed. This is incredibly important when it comes to the most vulnerable in society, especially as people can use violence, intimidation and oppression to force people to repay loans.

[13:42] People who show dignity to their debtors will have that counted as righteousness for them before the Lord, as evidence of their faithfulness as members of his people. Now this is a peculiar law to find in this context.

Most commentators who note the patterning of Deuteronomy's material according to the ten commandments are clear that this law belongs in this section, but few of them elaborate how it fits under the ninth commandment.

You shall not bear false witness against your neighbour. We've had material related to pledges just a few verses earlier in the eighth commandment. What's going on? Is this something that really belongs elsewhere?

Here's a possibility, which I think is amply borne out in the verses that follow. Sometimes in the structuring of the material of chapters 6 to 26, the relevant one of the ten commandments really serves to illumine the specific case law.

Sometimes both illumine each other, but sometimes the case law is that which most powerfully illumines the specific one of the ten commandments, and here I think that is what's taking place.

[14:42] Bearing false witness against one's neighbour may be a much broader principle than we initially think. And in this law, and in those which follow, it clearly relates to treating people with fairness and resistance to oppression.

False witness against a neighbour is a paradigm case of oppression. It uses the power of the law to oppress someone, perverting its power structure. If we were to write the ten commandments, we would probably have something about oppressive power structures in it.

That's very much a concern that we have within our society. Now, it seems strange that there isn't such a commandment within the ten commandments, not only in the light of our modern ethical sensibilities, but also because so much of scripture speaks against oppression.

However, when we get into the material devoted to the ninth commandment, we discover that in fact there was a commandment devoted to this purpose all along. The ninth commandment is a heading under which all these principles related to oppression come.

Handling pledges, then, is not only governed by the commandment not to steal, which this material could also reasonably have been classed under, but also under the ninth commandment's concern with fairness and the avoidance of oppression.

[15:53] Verses 14 to 15 concern the treatment of workers. Don't oppress workers and the economically vulnerable, whether a compatriot or a foreigner. Pay them swiftly, not least because the Lord will act on their behalf.

Don't take advantage of other people's economically precarious situations, but consider them and show compassion to them. Verse 16. Justice in punishment.

Individuals should be punished for their own sins only. A legal principle, but this is more broadly applied. It applies, for instance, to vendettas, where the sin of one member of a family can be used as warrant to deliver vengeance upon other members of the family.

That should be ruled out. This law is referenced at various other points in scripture. In 2 Kings chapter 14 verse 6, it explains why Amaziah does not kill the children of those who murdered his father.

But he did not put to death the children of the murderers, according to what is written in the book of the law of Moses, where the Lord commanded, fathers shall not be put to death because of their children, nor shall children be put to death because of their fathers, but each one shall die for his own sin.

[16:59] The application of this principle is complicated by the fact that there are various non-legal contexts where people clearly suffer for the sins of their parents. Sometimes we are members of

solidarities, and those solidarities commit themselves to ways of action that bring down guilt and judgment upon themselves and their members, for instance.

For instance, the judgment on the Canaanite nations was built up over generations and then fell upon the whole nation, even their young children. Likewise, there are situations in the law itself where a group's failure to deal with a particularly serious sin in their community, their town or their city, or their family, brings judgment upon them too.

Ezekiel chapter 18 is an important passage that's often referenced in the context of these discussions of the relationship between the sins of parents and the guilt that's placed upon children. Verses 1 to 4, The word of the Lord came to me. What do you mean by repeating this proverb concerning the land of Israel? The fathers have eaten sour grapes and the children's teeth are set on edge.

As I live, declares the Lord God, this proverb shall no more be used by you in Israel. Behold, all souls are mine. The soul of the Father as well as the soul of the Son is mine. The soul whose sins shall die.

[18:15] The sins of fathers can be used as an excuse for those who are continuing in their ways. The scribes and the Pharisees would blame their parents for killing the prophets, and yet continue to oppose and to kill the messengers that God sent to them.

Although we often like to blame the failures and the sins of our parents for our own failures, they cannot be used in such a manner. Everyone must take responsibility for their own sin. In some way, this could be seen as a conversion of the principle of this particular law.

When we are condemned with our parents, we are suffering for our own sins, not just for theirs. Verses 17 to 18 focus upon the principle of not perverting justice more directly.

Once again, we must show justice and avoid oppression with the most vulnerable and marginal, strangers, the fatherless and widows. If bearing false witness is the paradigm case of using the legal system as a form of oppression of neighbour, the principle of the ninth commandment stretches to refer to the use of perversions of the law more generally and its structures as forms of oppression.

The Lord designed the law as a means of release for his people of deliverance, so that the case of the widow and the fatherless and the stranger might be heard, that they might be saved from tyrants, not subjected to them.

[19:29] And when the law is made into a means of oppression, it becomes the very opposite of what God designed it to be. The final verses of this chapter return to a theme that we had at the end of the last chapter, provision of access to crops for people who have need.

Beyond not perverting justice for them, Israelites must, as a positive act of justice, allow widows, the fatherless and strangers to glean from their crops, ensuring that they leave enough to provide for them.

A question to consider. There appear to be some close affinities between the eighth and the ninth commandments that points here. Are there ways in which exploring these affinities could give us a deeper sense of God's justice?