

“A BILL OF DIVORCEMENT”

Moses (writer of the book of Deuteronomy) first mentions a “bill of divorcement” in Deut. 24:1. Apparently most translations refer to it as a “bill” of divorcement or divorce and it is referred to as such when reference is made to it in the New Testament, except in Matt. 19:7 where the Pharisees called it a “writing of divorcement”. It may also be called a “certificate” of divorce.

We shall not attempt a thorough analysis of the entire text at this writing, but to zero in on the “bill” itself, as to **WHEN** it originated, and **WHO** gave it. Some believe it may have been a common practice of the day, as men were freely sending their wives away and gave them a paper to prove it. More in keeping with the totality of scripture is the belief that it was given by Moses as a command of God. Bear in mind that marriages became a common practice from the Garden of Eden. God made no allowance for ANY divorce or remarriage at that time, for “death” and “fornication” had never occurred. Those matters would be dealt with later, as God gave His revelation as circumstances demanded it (Isa.28:10, 13). There are several instances of marriage throughout the Old Testament record. By the time of the wilderness wanderings ended, God saw fit to have Moses write regarding a “bill of divorcement”, because of the hardness of hearts of the men who were sending away their wives and putting them in a precarious situation. So, Deut. 24 deals with situations where men (1) selected their wives, (2) married them and (3) THEN sent them away (a term for “divorce”). We know of no record of a “bill”, certificate, or writing of divorcement among the Jews prior to this point in Jewish history. Our interest here is to determine WHEN the bill originated, and WHO gave it. Did it originate with men of that age who wanted to protect their wives and give them written proof of having been sent away, and could then become wives to other men? Hardly, with their hardness of heart, they surely cared little about what happened to the women they were sending away.

In this study, we shall look at 4 major translations of Deut. 24:1, and then look to the teachings of Jesus on this subject, as recorded in Matthew and Mark in the New Testament record. *First*, the passage of Deut. 24:1. We shall emphasize portions of the text for special consideration.

KING JAMES VERSION: *“When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her: then **let him write her a bill of divorcement**, and give it in her hand, and send her out of his house”.*

NEW KING JAMES VERSION: *“When a man takes a wife and marries her, and it happens that she finds no favor in his eyes because he has found some uncleanness in her, and he **writes her a bill of divorcement**, puts it in her hand and sends her out of his house”.*

AMERICAN STANDARD VERSION: *“When a man taketh a wife, and marrieth her, then it shall be, if she find no favor in his eyes, because he hath found some unseemly thing in her, that he **shall write her a bill of divorcement**, and send her out of his house”.*

SEPTUIGANT TRANSLATION: *“And if any one should take a wife, and should dwell with her, then it shall come to pass if she should not have found favour before him, because he hath found some unbecoming thing in her, that **he shall write for her a bill of divorcement**, and give it into her hands, and he shall send her away out of his house”.*

Now, some comments on the varied readings. The KJV says, “let him write her a bill of divorcement”, as if man is PERMITTED to write such a bill if he wants to do so. Sometimes in scripture the word “let” is equivalent to a COMMAND, which is the case in this passage. For instance, in Rom.13:1 Paul said “LET every soul be in subjection to the higher powers”, which means we are to OBEY the higher powers. Cf 1Pet.2:13-17. Then, in 1Tim. 2:11, Paul wrote, “LET the women learn in silence with all subjection”, which means they are REQUIRED to do so”.

The NKJV simply states “he writes her a bill of divorcement”, without any indication of it being a requirement.

The ASV (American Standard Version of 1901) states, “he SHALL write her a bill of divorcement”, with the word “shall” signifying a requirement. The word “shall” (when used in the sense of responsibility” is suggestive of OBEDIENCE to a requirement, but when used in connection with a promised blessing, it suggests ASSURANCE that something WILL take place, such as in Mark 16:16, “He that believeth and is baptized SHALL be saved; he that believeth not SHALL be damned”. Thus, the ASV is more suggestive of a **command** to DO something on the part of the man sending away his wife.

Now, to the SEPTUIGANT translation of the Old Testament (the one that was in use in the first century by Christ and the apostles). This translation into English reads, “he SHALL write for her a bill of divorcement”--suggestive of a **COMMAND**. Thus, the KJV, ASV and the SEPTUIGANT all make it an imperative, suggesting authority behind the instruction.

Now, let's go to the New Testament record, where the question of “causes” came up as the Pharisees questioned Jesus, as recorded in Matt.19, and Mark 10. In Matthew's account of the conversation, after having answered the question of the Pharisees, they asked, “Why did Moses then COMMAND to give a writing of divorcement and to put her away?” (Matt. 19:7, KJV). Thus, THEY were of the understanding that what Moses said was indeed a “command”. When Jesus responded to their question, He did NOT rebuke them for using the word “command”. He then went on to say that Moses “suffered” them to put away their wives because of the hardness of their hearts, which from “the beginning” was not the way God intended. This is NOT to say that all men were thus commanded to “put away their wives”, but rather when they DID send them away, it was to be accompanied by a “writing of divorcement”. At this point Jesus gave HIS instruction (the exception of “fornication” in verse 9) which was in harmony with the way it was “from the beginning”. The Lord obviously recognized that “fornication” against the sacred institution of marriage can be as heart-rending as death, which clearly ended an earthly bond of marriage, allowing the surviving mate to remarry.

We might observe here that what Moses “suffered” does not always mean to “simply look the other way and allow it”, but it was used interchangeably with the word “command”, of verse 7. We recall where Paul “suffered” NOT a woman to teach over the man—which meant that it was REQUIRED to be that way.

Anyhow, as we go to Mark's account of the encounter with the Pharisees, it was JESUS who used the word “command”, and the Pharisees used the word “suffered”. He asked, “What did Moses COMMAND you?” (Mark 10:3), and then THEY (the Pharisees) used the word “suffered” in reference to what Moses WROTE, saying, “Moses SUFFERED to write a bill of divorcement and to put her away” (v. 4) Thus, the two inspired writers

record the words “command” and “suffer” interchangeably, as they are both legislative. On top of this compilation of evidence, Jesus THEN added that Moses 'WROTE" a "PRECEPT". Now, Moses WROTE the law, and IT was a "precept". Interestingly, another passage in the New Testament uses the word “precept” in reference to the LAW of Moses. That passage is Heb. 9:19, which reads, “For when Moses had spoken every PRECEPT to all the people ACCORDING TO THE LAW...” So, the PRECEPTS were according to the LAW, and were part OF the law. The word for “precept” is *entole*, which MEANS “commandment”. (See its usage in Rom. 7:8-13; 13:9; Eph. 3:15; 1 Cor. 7:19; and Acts 17:15—where the word is translated “commandment”).

Obviously, God's revelation was given to control the conduct of people in His society, especially as they were about to enter the promised land as a new nation of His people. THEN, God required (1) A bill of divorcement (for the welfare of the women who were being unjustly sent away), (2) An implied allowance for the women to have another husband (under the law of Moses), and (3) A non-acceptance of a mate who had been sent out, remarried and then desirous of returning to the first husband.

Some argue that the “uncleanness” of Deut. 24:1,2 is equivalent to “fornication” of Matt.19:9. The word “uncleanness” is from the Hebrew word *ervah*, which is used to describe “nakedness”, and nakedness is NOT fornication, though it is sometimes associated with sexual activity (Gen. 9:22; 42:9; Lev. 20:11). Even IF uncleanness and fornication are the same thing, it would mean that the woman put away would have the right to remarry, but the innocent husband would not have that right—putting a premium on sin. *This is an absurd type of reasoning.*

God has obviously always hated putting away (Mal. 2:16). NOW, in the gospel age where God has a “spiritual” nation, He has declared that if one (man or woman) puts away a mate AND marries again, adultery is the result; and whoever marries one put away also commits adultery (Matt.5:28; 19:8, 9). One who puts away a mate NOT for the cause of fornication, must remain unmarried, or be reconciled to the original mate (1Cor.7:10,11). As in the O.T., allowance is made for a remarriage in the event of the death of a mate, but if there is NO death of a mate, and one marries again, adultery is the result. Adultery is NOT just a “one time” act committed during the first sexual relationship after a “remarriage”, but continues “while her husband liveth, she be married to another man” (Rom. 7:2). Incidentally, she is CALLED such by the Lord, and not just by men. This would be the case if she had divorced her husband to whom God joined her, or if she just took on another “husband” WITHOUT having divorced the first one. Loose thinking brethren are saying we should abandon this “tradition”, but it IS the word of the Lord. We MUST hold fast the tradition of God as revealed in scripture (2Thess.2:15).

Conclusion: It seems perfectly clear that though the Jews may have been sending away their wives without divine authority in the beginning of this practice, God had Moses give the law about a “writing of divorcement”, to regulate their conduct, AND, it was given about the time of the retelling of the law of Moses as they were leaving the wilderness wanderings to enter into the promised land.

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