

CHAPTER 24

In this chapter we have,

- I.** The toleration of divorce (v. 1-4).
- II.** A discharge of new-married men from the war (v. 5).
- III.** Laws concerning pledges (v. 6, 10-13, 17).
- IV.** Against man-stealing (v. 7).
- V.** Concerning the leprosy (v. 8, 9).
- VI.** Against the injustice of masters towards their servants (v. 14, 15). Judges in capital causes (v. 16), and civil concerns (v. 17, 18).
- VII.** Of charity to the poor (v. 19, etc.).

~~(520)~~ DEUTERONOMY 24:1-4

THE LAW CONCERNING DIVORCE

This is that permission which the Pharisees erroneously referred to as a precept, ~~(488)~~ Matthew 19:7, *Moses commanded to give a writing of divorcement*. It was not so; our Saviour told them that he only suffered it because of the hardness of their hearts, lest, if they had not had liberty to divorce their wives, they should have ruled them with rigour, and it may be, have been the death of them. It is probable that divorces were in use before (they are taken for granted, ~~(6214)~~ Leviticus 21:14), and Moses thought it needful here to give some rules concerning them.

1. That a man might not divorce his wife unless he *found some uncleanness in her*, v. 1. It was not sufficient to say that he did not like her, or that he liked another better, but he must show cause for his dislike; something that made her disagreeable and unpleasant to him, though it might not make her so to another. This uncleanness must mean something less than adultery; for, for that, she was to die; and less than the suspicion of it, for in that case he might give her the waters of jealousy; but it means either a light carriage, or a cross froward disposition, or some loathsome

sore or disease; nay, some of the Jewish writers suppose that an offensive breath might be a just ground for divorce. Whatever is meant by it, doubtless it was something considerable; so that their modern doctors erred who allowed divorce for every cause, though ever so trivial, ~~408~~ Matthew 19:3.

2. That it must be done, not by word of mouth, for that might be spoken hastily, but by writing, and that put in due form, and solemnly declared, before witnesses, to be his own act and deed, which was a work of time, and left room for consideration, that it might not be done rashly.

3. That the husband must give it into the hand of his wife, and send her away, which some think obliged him to endow her and make provision for her, according to her quality and such as might help to marry her again; and good reason he should do this, since the cause of quarrel was not her fault, but her infelicity.

4. That being divorced it was lawful for her to marry another husband, v. 2. The divorce had dissolved the bond of marriage as effectually as death could dissolve it; so that she was as free to marry again as if her first husband had been naturally dead.

5. That if her second husband died, or divorced her, then still she might marry a third, but her first husband should never take her again (v. 3, 4), which he might have done if she had not married another; for by that act of her own she had perfectly renounced him for ever, and, as to him was looked upon as defiled, though not as to another person. The Jewish writers say that this was to prevent a most vile and wicked practice which the Egyptians had of changing wives; or perhaps it was intended to prevent men's rashness in putting away their wives; for the wife that was divorced would be apt, in revenge, to marry another immediately, and perhaps the husband that divorced her, how much soever he thought to better himself by another choice, would find the next worse, and something in her more disagreeable, so that he would wish for his first wife again. "No" (says this law) "you shall not have her, you should have kept her when you had her." Note, It is best to be content with such things as we have, since changes made by discontent often prove for the worse. The uneasiness we know is commonly better, though we are apt to think it worse, than that which we do not know. By the strictness of this law God illustrates the riches of his grace in his willingness to be reconciled to his people that had gone a whoring from him. ~~409~~ Jeremiah 3:1, *Thou hast*

played the harlot with many lovers, yet return again to me. For his thoughts and ways are above ours.

~~(845)~~ DEUTERONOMY 24:5-13

JUSTICE AND GENEROSITY

Here is,

I. Provision made for the preservation and confirmation of love between new-married people, v. 5. This fitly follows upon the laws concerning divorce, which would be prevented if their affection to each other were well settled at first. If the husband were much abroad from his wife the first year, his love to her would be in danger of cooling, and of being drawn aside to others whom he would meet with abroad; therefore his service to his country in war, embassies, or other public business that would call him from home, shall be dispensed with, *that he may cheer up the wife that he has taken.* Note,

1. It is of great consequence that love be kept up between husband and wife, and that every thing be very carefully avoided which might make them strange one to another, especially at first; for in that relation, where there is not the love that should be, there is an inlet ready to abundance of guilt and grief.

2. One of the duties of that relation is to cheer up one another under the cares and crosses that happen, as helpers of each other's joy; for a cheerful heart does good like a medicine.

II. A law against man-stealing, v. 7. It was not death by the law of Moses to steal cattle or goods; but to steal a child, or a weak and simple man, or one that a man had in his power, and to make merchandize of him, this was a capital crime, and could not be expiated, as other thefts, by restitution — so much is *a man better than a sheep*, ~~(412)~~ Matthew 12:12. It was a very heinous offence, for,

1. It was robbing the public of one of its members.

2. It was taking away a man's liberty, the liberty of a free-born Israelite, which was next in value to his life.

3. It was driving a man out from the inheritance of the land, to the privileges of which he was entitled, and bidding him go serve other gods, as David complains against Saul, ^{<0834>}1 Samuel 26:19.

III. A memorandum concerning the leprosy, v. 8, 9.

1. The laws concerning it must be carefully observed. The laws concerning it we had, ^{<0834>}Leviticus 13:14. They are here said to be commanded to the *priests and Levites*, and therefore are not repeated in a discourse to the people; but the people are here charged, in case of leprosy, to apply to the priest according to the law, and to abide by his judgment, so far as it agreed with the law and the plain matter of fact. The plague of leprosy being usually a particular mark of God's displeasure for sin, he in whom the signs of it did appear ought not to conceal it, nor cut out the signs of it, nor apply to the physician for relief; but he must go to the priest, and follow his directions. Thus those that feel their consciences under guilt and wrath must not cover it, nor endeavour to shake off their convictions, but by repentance, and prayer, and humble confession, take the appointed way to peace and pardon.

2. The particular case of Miriam, who was smitten with leprosy for quarrelling with Moses, must not be forgotten. It was an explication of the law concerning the leprosy. Remember that, and,

(1.) “Take heed of sinning after the similitude of her transgression, by despising dominions and speaking evil of dignities, lest you thereby bring upon yourselves the same judgment.”

(2.) “If any of you be smitten with a leprosy, expect not that the law should be dispensed with, nor think it hard to be shut out of the camp and so made a spectacle; there is no remedy: Miriam herself, though a prophetess and the sister of Moses, was not exempted, but was forced to submit to this severe discipline when she was under this divine rebuke.” Thus David, Hezekiah, Peter, and other great men, when they had sinned, humbled themselves, and took to themselves shame and grief; let us not expect to be reconciled upon easier terms.

IV. Some necessary orders given about pledges for the security of money lent. They are not forbidden to take such securities as would save the lender from loss, and oblige the borrower to be honest; but,

1. They must not take the millstone for a pledge (v. 6), for with that they ground the corn that was to be bread for their families, or, if it were a public mill, with it the miller got his livelihood; and so it forbids the taking of any thing for a pledge by the want of which a man was in danger of being undone. Consonant to this is the ancient common law of England, which provides that no man be distrained of the utensils or instruments of his trade or profession, as the axe of a carpenter, or the books of a scholar, or beasts belonging to the plough, as long as there are other beasts of which distress may be made (*Coke, 1 Inst. fol. 47*). This teaches us to consult the comfort and subsistence of others as much as our own advantage. That creditor who cares not though his debtor and his family starve, nor is at all concerned what become of them, so he may but get his money or secure it, goes contrary, not only to the law of Christ, but even to the law of Moses too.

2. They must not go into the borrower's house to fetch the pledge, but must stand without, and he must bring it, v. 10, 11. *The borrower* (says Solomon) *is servant to the lender*; therefore lest the lender should abuse the advantage he has against him, and improve it for his own interest, it is provided that he shall take not what he pleases, but what the borrower can best spare. A man's house is his castle, even the poor man's house is so, and is here taken under the protection of the law.

3. That a poor man's bed-clothes should never be taken for a pledge, v. 12, 13. This we had before, ^{<2226>}Exodus 22:26, 27. If they were taken in the morning, they must be brought back again at night, which is in effect to say that they must not be taken at all. "Let the poor debtor sleep in his own raiment, and bless thee," that is, "pray for thee, and praise God for thy kindness to him." Note, Poor debtors ought to be sensible (more sensible than commonly they are) of the goodness of those creditors that do not take all the advantage of the law against them, and to repay their kindnesses by their prayers for them, when they are not in a capacity to repay it in any other way. "Nay, thou shalt not only have the prayers and good wishes of thy poor brother, but *it shall be righteousness to thee before the Lord thy God*," that is, "It shall be accepted and rewarded as an act of mercy to thy brother and obedience to thy God, and an evidence of thy sincere conformity to the law. Though it may be looked upon by men as an act of weakness to deliver up the securities thou hast for thy debt, yet it shall be looked upon by thy God as an act of goodness, which shall in no wise lose its reward."

DEUTERONOMY 24:14-22

JUSTICE AND GENEROSITY

Here,

I. Masters are commanded to be just to their poor servants, v. 14, 15.

1. They must not oppress them, by overloading them with work, by giving them undue and unreasonable rebukes, or by withholding from them proper maintenance. A servant, though a stranger to the commonwealth of Israel, must not be abused: “For *thou wast a bondman* in the land where thou wast a stranger (v. 18), and thou knowest what a grievous thing it is to be oppressed by a task-master, and therefore, in tenderness to those that are servants and strangers, and in gratitude to that God who set thee at liberty and settled thee in a country of thy own, *thou shalt not oppress a servant.*” Let not masters be tyrants to their servants, for their Master is in heaven. See ^{<BIB>}Job 31:13.

2. They must be faithful and punctual in paying them their wages: “*At his day thou shalt give him his hire*, not only pay it in time, without further delay. As soon as he had done his day's work, if he desire it, let him have his day's wages,” as those labourers (^{<BIB>}Matthew 20:8) *when evening had come*. he that works by day-wages is supposed to live from hand to mouth, and cannot have to-morrow's bread for his family till he is paid for this day's labour. If the wages be withheld,

(1.) It will be grief to the servant, for, poor man, he *sets his heart upon it*, or, as the word is, he *lifts up his soul to it*, he is earnestly desirous of it, as the reward of his work (^{<BIB>}Job 7:2), and depends upon it as the gift of God's providence for the maintenance of his family. A compassionate master, though it should be somewhat inconvenient to himself, would not disappoint the expectation of a poor servant that was so fond to think of receiving his wages. But that is not the worst.

(2.) It will be guilt to the master. “The injured servant will cry against thee to the Lord; since he has no one else to appeal to, he will lodge his appeal in the court of heaven, and it will be sin to thee.” Or, if he do not complain, the cause will speak for itself, the *“hire of the labourers which is kept back by fraud will itself cry,”* ^{<BIB>}James 5:4. It is a greater sin than

most people think it is, and will be found so in the great day, to put hardships upon poor servants, labourers, and workmen, that we employ. God will do them right if men do not.

II. Magistrates and judges are commanded to be just in their administrations.

1. In those which we call *pleas of the crown* a standing rule is here given, that *the fathers shall not be put to death for the children, nor the children for the fathers*, v. 16. If the children make themselves obnoxious to the law, let them suffer for it, but let not the parents suffer either for them or with them; it is grief enough to them to see their children suffer: if the parents be guilty, let them die for their own sin; but though God, the sovereign Lord of life, sometimes visits the iniquity of the fathers upon the children, especially the sin of idolatry, and when he deals with nations in their national capacity, yet he does not allow men to do so. Accordingly, we find Amaziah sparing the children, even when the fathers were put to death for killing the king, ^{<1246>}2 Kings 14:6. It was in an extraordinary case, and no doubt by special direction from heaven, that Saul's sons were put to death for his offence, and they died rather as sacrifices than as malefactors, ^{<1219>}2 Samuel 21:9, 14.

2. In common pleas between party and party, great care must be taken that none whose cause was just should fare the worse for their weakness, nor for their being destitute of friends, as strangers, fatherless, and widows (v. 17): *“Thou shalt not pervert their judgment, nor force them to give their very raiment for a pledge, by defrauding them of their right.”* Judges must be advocates for those that cannot speak for themselves and have no friends to speak for them.

III. The rich are commanded to be kind and charitable to the poor. Many ways they are ordered to be so by the law of Moses. The particular instance of charity here prescribed is that they should not be greedy in gathering in their corn, and grapes, and olives, so as to be afraid of leaving any behind them, but be willing to overlook some, and let the poor have the gleanings, v. 19-22.

1. “Say not, ‘It is all my own, and why should not I have it?’ But learn a generous contempt of property in small matters. One sheaf or two forgotten will make thee never the poorer at the year’s end, and it will do somebody good, if thou have it not.”

2. “Say not, *‘What I give I will give,* and know whom I give it to, why should I leave it to be gathered by I know not whom, that will never thank me.’ But trust God's providence with the disposal of thy charity, perhaps that will direct it to the most necessitous.” Or, “Thou mayest reasonably think it will come to the hands of the most industrious, that are forward to seek and gather that which this law provides for them.” 3. “Say not, *‘What should the poor do with grapes and olives? It is enough for them to have bread and water;’* for, since they have the same senses that the rich have, why should not they have some little share of the delights of sense?” Boaz ordered handfuls of corn to be left on purpose for Ruth, and God blessed him. All that is left is not lost.