

CHAPTER 24

INTRODUCTION TO DEUTERONOMY 24

This chapter contains various laws concerning divorces, (^{<6201>}Deuteronomy 24:1-4); the discharge of a newly married man from war and business, (^{<6245>}Deuteronomy 24:5); about taking pledges, (^{<6246>}Deuteronomy 24:6,10-13); man stealing, (^{<6247>}Deuteronomy 24:7); the plague of leprosy, (^{<6248>}Deuteronomy 24:8,9); and giving servants their hire in due time, (^{<6244>}Deuteronomy 24:14,15); concerning doing justice in capital cases, and towards the stranger, fatherless, and widow, (^{<6246>}Deuteronomy 24:16-18); and of charity to the poor, in allowing them the forgotten sheaf, and the gleanings of their oliveyards and vineyards, (^{<6249>}Deuteronomy 24:19-22).

Ver. 1. *When a man hath taken a wife and married her*, etc.] That is, when a man has made choice of a woman for his wife, and has obtained her consent, and the consent of her parents; and has not only betrothed her, but taken her home, and consummated the marriage:

and it come to pass that she find no favour in his eyes; is not agreeable to him, he takes no delight in her person, nor pleasure in her company and conversation; but, on the contrary, his affections are alienated from her, and he cannot bear the sight of her;

because he hath found some uncleanness in her; something that he disliked, and was disagreeable to him, and which made their continuance together in the marriage state very uncomfortable; which led him on to be very ill-natured, severe, and cruel to her; so that her life was exposed to danger, or at least become very uneasy; in which case a divorce was permitted, both for the badness of the man's heart, and in favour of the woman, that she might be freed from such rigorous usage. This word "uncleanness" does not signify adultery, or any of the uncleannesses forbidden in (^{<6886>}Leviticus 18:6-19); because that was punishable with death, when it could be proved; and where there was only a suspicion of it, the husband might make use of the bitter water: though the house of Shammai seem to take it in this sense; for they say a man might not divorce his wife unless he found her in some unclean thing, something dishonest

and wicked, and which they ground upon these words; but the house of Hillell say, if she burnt his food, or spoiled it by over salting, or over roasting it; and Akiba says, even if he found another woman more beautiful than her or more agreeable to him. But neither his sense, nor that of the house of Shammai, are approved of by the Jews in general, but that of the house of Hillell ^{f411}; and they suppose a man might divorce his wife for any ill qualities of mind in her, or for any ill or impudent behaviour of hers; as if her husband saw her go abroad with her head uncovered, and spinning in the streets, and so showing her naked arms to men; or having her garments slit on both sides; or washing in a bath with men, or where men use to wash, and talking with every man, and joking with young men; or her voice is sonorous and noisy; or any disease of body, as the leprosy, and the like; or any blemishes, as warts, are upon her; or any disagreeable smell that might arise from any parts of the body, from sweat, or a stinking breath ^{f412}:

then let him write her a bill of divorcement; Jarchi says, this is a command upon him to divorce her, because she finds not favour in his eyes; and so the Jews ^{f413} generally understand it, and so they did in the time of Christ, (~~4007~~ Matthew 19:7); whereas it was no more than a permission, for reasons before given. A man might not dismiss his wife by word of mouth, which might be done hastily, in a passion, of which he might soon repent; but by writing, which was to be drawn up in form; and, as the Targum of Jonathan, before the sanhedrim, in a court of judicature, which required time, during which he might think more of it, and either recede from his purpose before the case was finished, or do it upon mature deliberation; and a firm resolution. The Jews say ^{f414} many things of the witnesses before whom it was to be written and sealed, and at what time, and upon what, and with what it was to be written, and who were proper persons to write it or not, in a treatise of theirs, called Gittin, or divorces. In the Hebrew text this bill is called “a bill of cutting off” ^{f415}; because the marriage was rescinded, and man and wife were cut off and separated from one another for ever; of the form of such a bill, (see Gill on “~~4008~~ Matthew 5:31”);

and give [it] in her hand; which was to be done before witnesses, and which is one of the ten things requisite to a divorce ^{f416}; though it made no difference whether it was delivered by himself, or by a messenger; or whether to her, or to her deputy, appointed by her before witnesses; or whether it was put into her hand, or in her bosom, so be it that she was but possessed of it; with which agrees the Jewish canon,

“if he casts a bill to his wife, and she is within the house, or within the court, she is divorced; if he casts it into her bosom, or into her work basket, she is divorced^{f417}.”

and send her out of his house; which was a visible token and public declaration of her divorce; besides, were she to be continued in his house afterwards, it would give suspicion of cohabitation, which after a divorce was not lawful.

Ver. 2. *And when she is departed out of his house*, etc.] With her bill of divorce, by which departure out of his house it is notified to all:

she may go and be other man's [wife]; it was permitted her to marry another man, she being by her divorce freed from the law of her former husband; and who indeed, in express words contained in the divorce, gave her leave so to do; which ran thus,

“thou art in thine own hand, and hast power over thyself to go and marry any other man whom thou pleasest; and let no man hinder thee in my name, from this day forward and for ever; and, lo, thou art free to any man;”

(see Gill on “^{f418}Matthew 5:31”).

Ver. 3. *And [if] the latter husband hate her*, etc.] Or less loves her than another woman, and she is disliked by him as she was by her former husband;

and write her a bill off divorcement, and giveth [it] into her hand, and sendeth her out of his house: as he had by this law a permission, in like manner as her former husband had; (see Gill on “^{f419}Deuteronomy 24:1”);

or if her latter husband die, which took her [to be] his wife; and she survives him; as she is then by death loosed from the law of an husband, she may lawfully marry another man, but not her former husband, as follows.

Ver. 4. *Her former husband which sent her away may not take her again to be his wife*, etc.] Though ever so desirous of it, and having heartily repented that he had put her away: this is the punishment of his fickleness and inconstancy, and was ordered to make men cautious how they put away their wives; since when they had so done, and they had been married to another, they could not enjoy them again even on the death of the

second husband; yea, though she was only espoused to him, and he had never lain with her, as Ben Melech observes, it was forbidden the former husband to marry her; though if she had only played the whore, according to the same writer, and others^{f418}, she might return to him:

after that she is defiled; not by whoredom, for in that case she was not forbidden, as it is interpreted, but by her being married to another man; when she was defiled, not by him, or with respect to him, nor with regard to any other man, whom she might lawfully marry after the decease of her latter husband; but with respect to her first husband, being by her divorce from him, and by her marriage to another, entirely alienated and separated from him, and so prohibited to him; and thus R. Joseph Kimchi interprets this defilement of prohibition, things prohibited being reckoned unclean, or not lawful to be used:

for that [is] abomination before the Lord; for a man to take his wife again, after she had been divorced by him, and married to another man; and yet, such is the grace and goodness of God to his backsliding people, that he receives them when they return unto him their first husband, and forsake other lovers, (^{<401>}Jeremiah 3:1 ^{<407>}Hosea 2:7,19);

and thou shalt not cause the land to sin which the Lord thy God giveth thee [for] an inheritance; since if this was allowed, that men might put away their wives, and take them again at pleasure, and change them as often as they thought fit, no order could be observed, and the utmost confusion in families introduced, and lewdness encouraged, and which would subject the land and the inhabitants of it to many evils and calamities, as the just punishment thereof.

Ver. 5. *When a man hath taken a new wife*, etc.] A wife he has lately married, new to him, though a widow, as Jarchi observes; but the Targum of Jonathan says a virgin; however this is opposed to his old wife, and divorced; for this, as Jarchi and Ben Melech say, excepts the return of a divorced wife, who cannot be said to be a new one:

he shall not go out to war; this is to be understood of a man that had not only betrothed, but married a wife; a man that had betrothed a wife, and not married her, who went out to war, might return if he would, (^{<408>}Deuteronomy 20:7); but one that had married a wife was not to go out to war:

neither shall be charged with any business; as betrothed ones were; they, though they had a liberty of returning, yet they were to provide food and drink for the army, and to prepare or mend the highways, as Jarchi observes; but these were not obliged to such things, nor even to keep watch on the walls of the city, or to pay taxes, as Maimonides^{f419} writes:

[but] he shall be free at home one year; not only from all tributes and taxes, and everything relative to the affairs of war, but from public offices and employments, which might occasion absence from home. Jarchi remarks, that his house or home comprehends his vineyard; and so he thinks that this respects his house and his vineyard, that if he had built a house and dedicated it, or planted a vineyard and made it common, yet was not to remove from his house because of the necessities of war:

and shall cheer up his wife which he hath taken; or rejoice with his wife which he hath taken, and solace themselves with love; and thereby not only endear himself to her, but settle his affections on her, and be so confirmed in conjugal love, that hereafter no jealousies may arise, or any cause of divorce, which this law seems to be made to guard against. So it is said^{f420}, that Alexander after the battle of Granicus sent home to Macedonia his newly married soldiers, to winter with their wives, and return at spring; which his master Aristotle had taught him, and as he was taught by a Jew.

Ver. 6. *No man shall take the nether or the upper millstone to pledge*, etc.] The first word being of the dual number takes in both stones, wherefore Vatablus renders the words,

“ye shall not take for a pledge both the millstones, nor indeed the uppermost;”

which is the least; so far should they be from taking both, that they were not allowed to take the uppermost, which was the shortest, meanest, and lightest; and indeed if anyone of them was taken, the other became useless, so that neither was to be taken:

for he taketh [a man's] life to pledge; or with which his life is supported, and the life of his family; for if he has corn to supply them with, yet if his mill or millstones are pawned, he cannot grind his corn, and so he and his family must starve: and in those times and countries they did, as the Arabs do to this day, as Dr. Shaw^{f421} relates,

“most families grind their wheat and barley at home, having two portable millstones for that purpose; the uppermost whereof is turned round by a small handle of wood or iron, that is placed in the rim;”

and these millstones being portable, might be the more easily taken for pledges, which is here forbidden, for the above reason; and this takes in any other thing whatever, on which a man’s living depends, or by which he gets his bread^{f422}.

Ver. 7. *If a man be found stealing any of his brethren of the children of Israel*, etc.] Whether grown up or little, male or female, an Israelite or a proselyte, or a freed servant; all, as Maimonides^{f423} says, are included in this general word “brethren”; though Aben Ezra observes, that it is added, “of the children of Israel”, for explanation, since an Edomite is called a “brother”. Now, a man must be “found” committing this fact; that is, it must plainly appear, there must be full proof of it by witnesses, as Jarchi explains this word:

and maketh merchandise of him; or rather uses him as a servant, and employs him in any service to the least profit and advantage by him, even to the value of a farthing; yea, if he does but lean upon him, and he supports him, though he is an old man that is stolen; this is serving a man’s self by him, as Maimonides^{f424}, which is what is forbidden as distinct from selling him, as follows:

or selleth him: to others; and both these, according to the above writer^{f425}, using him for service, and selling him, are necessary to make him guilty of death; not the one without the other; but reading them disjunctively, as we do, gives the better sense of the words:

then that thief shall die; by strangling with a napkin, as the Targum of Jonathan; and so Maimonides^{f426} says, his death is by strangling:

and thou shall put evil away from among you; both him that does evil, as the Targum of Jonathan, and the guilt of it by inflicting due punishment for it; and so deter from such practices, and prevent evil coming upon the body of the people, should such a sin be connived at; (see ^{<0216>}Exodus 21:16).

Ver. 8. *Take heed, in the plague of leprosy*, etc.] Whether in the bodies of men, or in houses, or in garments, not to hide and conceal it; or, as Jarchi,

weaken the signs of it, or cut out the bright spot; so the Targum of Jonathan:

that thou observe diligently, and do according to all the priests the Levites shall teach you: according to the laws and rules given in such cases, whether they order to shut up persons, houses, or clothes, or pronounce unclean or clean; in all things they were to do as they directed, which appeared to be agreeably to the said rules; for the judgment, management, and ordering of these things, belonged to the priests: of which (see ^{<BIBL>}Leviticus 13:1-14:57);

as I commanded them, [so] shall ye observe to do: which shows the they were not to comply with their orders, and conform to them, any further than they agreed with the commands of God, and the instructions he had given them in the places referred to.

Ver. 9. *Remember what the Lord thy God did unto Miriam,* etc.] Who was stricken with leprosy for speaking against Moses, and was shut up seven days; and they are reminded of this instance, partly to warn them against entertaining evil suspicions, and surmises of persons in power and authority, and speaking evil of them; and partly to expect that punishment would certainly be inflicted on them, should they be guilty of the same crime; nor should they think it hard, either to be smitten with leprosy, or to be shut up for it; since Miriam, a prophetess, and the sister of Moses, was so used; and that when

by the way, after that ye were come out of Egypt: when upon their journey, and were retarded in it, and obliged to stay at least seven days before they could proceed on in it; (see ^{<BIBL>}Numbers 12:14-16).

Ver. 10. *When thou dost lend thy brother anything,* etc.] Any sum of money he stands in need of, or demanded a debt of him, as Jarchi; money he is indebted to thee, which is the sense of the Septuagint version; and he is not able to pay it, but offers something: in pawn till he can pay it:

thou shall not go into his house to fetch his pledge; which would be an exercise of too much power and authority, to go into a neighbour's house, and take what was liked; and besides, as no doubt he would take the best, so he might take that which the poor man could not spare: and indeed, according to the Jewish canons ^{f427}, he could not take any pledge at all, but with the knowledge, and by the leave, of the sanhedrim, or court of judicature.

Ver. 11. *Thou shalt stand abroad*, etc.] Without doors, in the street, as the Targum of Jonathan, while the borrower or debtor looks out, and brings forth what he can best spare as a pledge:

and the man to whom thou dost lend shall bring out the pledge abroad unto thee; now as, on the one hand, if the lender or creditor had been allowed to go in and take what he pleased for a pledge, he would choose the best; so, on the other hand, the borrower or debtor would be apt to bring the worst, what was of the least value and use; wherefore the Jews made it a rule that it should be of a middling sort, between both, lest it should be a discouragement and hinderance to lend upon pledges ^{f428}.

Ver. 12. *And if the man [be] poor*, etc.] Which may be thought to be the case of everyone that gives pledges for a debt he owes, or a sum of money he borrows; yet there might be a difference: some might be so very destitute of goods and raiment in their houses, that whatever they parted with was distressing to them, and they could not well do without it:

thou shalt not sleep with his pledge; nor keep it a night; but deliver it to him, before he went to bed, and laid himself down to sleep.

Ver. 13. *In any case thou shalt deliver him the pledge again, when the sun goeth down*, etc.] If it was a night covering, as Jarchi remarks; but if it was his day clothes, he was to return it in the morning, when the sun arose; and this was to be done every day, which resist occasion a great deal of trouble, and the pledge of little use; so that it seems as though they might as well be without it as have it, and lend freely; but the Jews say, that there was an advantage by it; for it is said in answer to such a question,

“of what profit is the pledge? by this means the debt is not released on the seventh year, (when all other debts were released, (^{f428}Deuteronomy 15:1,2)) nor could the borrower dispose of his goods to his children, but payment was made from the pledge after his death ^{f429}.”

now this delivery of the pledge at sun setting was ordered,

that he may sleep in his own raiment; have his night covering to sleep in, his pillow, and bolster, and bedding to lie on, and bed clothes to cover him; and indeed the clothes they wore were made in such form, as would serve for covering to sleep in at night, as well as to wear in the day; and such is the clothing of the Arabs now, which they call “hykes”.

“The usual size of them (Dr. Shaw says ^{f430}), is six yards long, and five or six feet broad, serving the Arab for a complete dress in the day; and as they “sleep in their raiment”, it serves likewise for his bed and covering by night:”

and bless thee: for using him so mercifully and kindly, as to return him his pledge, which is so necessary to his comfortable repose in the night; and not only will he praise him, and speak well of him for it, and give him thanks; but will pray to God to bless him in soul, body, and estate, for such kindness shown him:

and it shall be righteousness unto thee before the Lord thy God; not his justifying righteousness before God, for by the deeds of the law shall no flesh living be justified in his sight; but it shall be owned and approved of as a good and righteous action, and answerable to the intention of this law, which is, that mercy should be shown to persons in distress; in which sense the word “righteousness” is sometimes used, even for a merciful action, (^{<f31>}Psalm 112:9 ^{<2127>}Daniel 4:27); so alms is called **δικαιοσύνη**, “righteousness”, (^{<4081>}Matthew 6:1), in some copies.

Ver. 14. *Thou shall not oppress an hired servant*, etc.] That is hired by the day, as appears by (^{<6245>}Deuteronomy 24:15); though the law may include such as are hired by the week, or month, or year; neither of whom are to be oppressed by any means, and chiefly by detaining their wages; so the Jerusalem Targum explains the phrase,

“ye shall not detain by force the hire of the hired servant;”

nor by fraud, as in (^{<5104>}James 5:4);

[that is] poor and needy; and so cannot bear the lest oppression of this kind, nor to have his wages detained from him any time, and much less wholly to be defrauded of them:

[whether he be] of thy brethren; an Israelite, and so a brother both by nation and religion:

or of thy strangers that [are] in thy land, within thy gates; Jarchi interprets this, both of proselytes of righteousness, and of proselytes of the gate; which latter are plainly described by this clause, and the former must be included; for, if proselytes of the gate are not to be oppressed, much less proselytes of righteousness, who were in all respects as Israelites, the same

law was to them both. Jarchi says, the phrase “in thy land” is intended to comprehend the hire of beasts, and of vessels; and these in the Misnah ^{f431} are said to be comprehended in this precept, as well as the hire of man.

Ver. 15. *At his day thou shalt give [him] his hire*, etc.] At the close of the day, when his work is done, the hire agreed for must be paid him; and, by the same rule, all such that were hired by the week, month, or year, were to have their wages paid them at the day their time was up:

neither shall the sun go down upon it; it was to be paid before sun setting, or at it; (see ^{<8993>}Leviticus 19:13);

for he [is] poor, and setteth his heart upon it; being poor, he cannot wait any longer for the payment of it; his personal and family wants are such as require immediate payment; and besides, he has been eagerly expecting it, and earnestly desiring it, that he may satisfy the craving necessities of himself and family; and therefore it would be a great balk and disappointment to him to have his wages detained:

lest he cry against thee to the Lord; having none to apply unto but him, who is the patron of the poor and needy, not being able to help himself, nor having interest in any to interpose on his behalf; and his cry, and the cry of his hire too, enter into the ears of the Lord of hosts, and is regarded by him, (^{<3084>}James 5:4);

and it be sin unto thee: be imputed to him, the guilt charged on him, and punishment inflicted for it.

Ver. 16. *The fathers shall not be put to death for the children*, etc.] By the civil magistrates, for sins committed by them of a capital nature, and which are worthy of death:

neither shall the children be put to death for the fathers; for sins committed by them that deserve it:

every man shall be put to death for his own sin: which is but just and reasonable; (see ^{<3884>}Ezekiel 18:4); which is no contradiction to (^{<0216>}Exodus 20:5); that respects what God himself would do, this what Israel, or the civil magistrates in it, should do; this is a command on Israel, as Aben Ezra observes; that the declaration of the sovereign Being, who is not bound by any law. Jarchi interprets these words differently, as that the one should

not be put to death by the testimony of the other; and it is a rule with the Jews,

“that an oath of witness is taken of men, and not of women; of those that are not akin, and not of those that are nearly related ^{f432}.”

on which one of the commentators observes ^{f433} that such that are near akin are not fit to bear testimony, because it is written, “the father shall not be put to death for the children”; that is, for the testimony of the children. Jarchi indeed mentions the other sense, for the sins of the children, which has been given, and is undoubtedly the true sense of the text. The Targum of Jonathan gives both;

“fathers should not be put to death, neither by the testimony, nor for the sins of the children; and children shall not be put to death, neither by the testimony, nor for the sins of fathers; but every man shall be put to death for his own sin by proper witnesses.”

Ver. 17. *Thou shalt not pervert the judgment of the stranger, [nor] of the fatherless*, etc.] Who are unable to defend themselves, and have but few, if any, to take their part; and therefore particular care should be taken by judges and civil magistrates to do them justice, or God will require it of them:

nor take a widow's raiment to pledge; nor anything else, as her ox or cow, (^{1824B}Job 24:3); according to the Jewish canons ^{f434}, of a widow, whether she is poor or rich, a pledge is not taken; the reason given for which is, that it would raise an ill suspicion, and cause an evil report of her among her neighbours ^{f435}; and which is suggested by the Targum of Jonathan

“neither shall any of you take for a pledge the raiment of a widow, lest wicked neighbours should arise, and bring an evil report upon her, when ye return the pledge unto her.”

But no doubt a poor widow is meant, and the design of the law is mercy to her, and that she might not be distressed by taking that from her she needed.

Ver. 18. *But thou shalt remember that thou wast a bondman in Egypt*, etc.] The remembrance of which may cause sympathy with persons in distress; particularly the stranger, the fatherless, and the widow:

and the Lord thy God redeemed thee thence; the Targum of Jonathan,

“the Word of the Lord thy God;”

which, as it was an act of great kindness and mercy in God to them, taught them, and laid them under obligation to show favour to their fellow creatures in distress:

therefore I command thee to do this thing: not to pervert the judgment of the stranger and fatherless, nor take a widow’s raiment for a pledge; and it may be carried further into the context, and respect the laws about the pledge of the poor man, and giving the hired servant his wages in due time.

Ver. 19. *When thou cuttest down thine harvest in thy field*, etc.] Whether barley harvest or wheat harvest, when either of them are ripe for cutting, mowing, or reaping, and are cutting down:

and hast forgot a sheaf in the field; Jarchi says the phrase “in the field” is to include standing corn, some of which is forgotten in cutting down, and so is subject to this law as well as a sheaf; and a sheaf claimed by this name is one that is forgotten both by the workman and the owner; if by the one and not by the other, it could not be so called. The canon runs thus ^{f436},

“a sheaf which the workmen forget, and not the owner, or the owner forgets, and not the workman, before which the poor stand, or is covered with straw or stubble, is not a forgotten sheaf.”

And about this they have various other rules;

“a sheaf that is near the gate (of a field), or to an heap (of sheaves), or to oxen, or to instruments, and left, the house of Shammai say it is not to be reckoned a forgotten sheaf; but the house of Hillell say it is;--two sheaves are reckoned forgotten, three are not; a sheaf in which there are two sheaves (about a peck and a half), and they leave it, it is not reckoned forgotten ^{f437}.”

thou shall not go again to fetch it; which supposes a remembrance of it, or some intelligence about it when at home, and after the field has been cleared, and all carried in but this sheaf; then the owner might not go nor send to fetch it: the beginnings of the rows, they say, show when a sheaf is forgotten, or not; particularly the adverse sheaf, or that over against it, shows it ^{f438}; so Jarchi:

it shall be for the stranger; or proselyte; the proselyte of righteousness; of this there is no doubt, but it seems to be for the proselyte of the gate also:

for the fatherless and for the widow; which of them soever should first find it:

that the Lord thy God may bless thee in all the work of thine hands; in the culture of their ground the next year, and give them large and fruitful crops; they either purposely leaving the sheaf for the poor, or however suffer them to take it unmolested when found by them. The Targum of Jonathan is, “that the word of the Lord thy God may bless thee”, etc.

Ver. 20. *When thou beatest thine olive tree*, etc.] With sticks and staves, to get off the olives when ripe:

thou shall not go over the boughs again; to beat off some few that may remain; they were not nicely to examine the boughs over again, whether there were any left or not:

it shall be for the stranger, for the fatherless, and for the widow; who might come into their oliveyards after the trees had been beaten, and gather what were left.

Ver. 21. *When thou gatherest the grapes of thy vineyard*, etc.] Which was done much about the same time that the olives were gathered, and both after wheat harvest, about the latter end of June, or beginning of July; for they were more forward in those hot countries:

thou shall not glean [it] afterwards; go over the vines a second time, to pick off every berry or bunch that escaped them at first gathering:

it shall be for the stranger, for the fatherless, and for the widow; as the forgotten sheaf, and the olive berries left; these are all supposed to be poor persons, otherwise no doubt there were strangers, and fatherless persons, and widows, in good circumstances; who, as they needed not, so neither would give themselves the trouble, but think it beneath them to go into fields, oliveyards, and vineyards, to gather what was left by the owners. These laws were made in favour of the poor, that mercy and kindness might be showed to them, and that they might have a taste of all the fruits of the earth.

Ver. 22. *And thou shalt remember that thou wast a bondman in the land of Egypt*, etc.] When they would have been glad to have enjoyed the like favours, as small as they might seem to be, even to glean in their fields, vineyards, and oliveyards;

therefore I command thee to do this thing; to suffer the poor to take the forgotten sheaf, and to come into their oliveyards and vineyards, and gather what olives and grapes remained after the first beating of the one, and the ingathering of the other.