The point of Jeremiah iii 1 lies in the analogy which the prophet draws between the spiritual condition of Judah and the case of a woman divorced by her first husband, married to a second and then, either as a consequence of a second divorce or of the death of her second husband, returning to her first husband. The legal passage in question occurs in Deut. xxiv 1-4 and there are several things that we should note in this connection. This is a typical example of a casuistic law, in which the conditions required for its application are laid down in a series of conditional clauses. This particular law is concerned with defining the conditions that require to be fulfilled before its decision, namely “then her former husband, who sent her away, may not take her again to be his wife”, can be implemented. There are, in this case, three such conditions, and we may assume that all three would require to be fulfilled. In the first place, the wife must have been divorced by her first husband and, incidentally, have been furnished with the proper document. Secondly, she must have remarried. Thirdly—and here there are two possibilities—she must be divorced by her second husband or else the latter must have died, that is she must be legally free to contract another third marriage. The last three phrases of V. 4 seem to be theological explanations, additional to the strictly legal ones, as to why this law should operate, namely the fact that such a woman was defiled, that such a practice was an abomination in the sight of God, and, thirdly, that it would bring guilt upon the whole land.

The first question that this raises is, of course, Jeremiah’s knowledge of the Deuteronomic law-code. It is fairly certain that the Book of the Law found in the Temple in Jerusalem in 621 B.C. was part, at least, of our present Book of Deuteronomy, but there is no general agreement as to how much or which parts of the present book existed in the Book of the Law. G. E. WRIGHT, for example 1), indicates that

only chs. xii, xviii, part at least of xxviii and possibly xxix-xxx made up the 621 book, though he goes on to say, with regard to ‘virtually the whole of iv 44-xxx 20’, that it cannot be proved that the Book of the Law contained that much, nor can it be proved that it contained less. But whether or not xxiv 1-4 in particular was amongst the laws found in 621, we can say that, since a written codification was found in 621, the Book of the Law was based on older legal tradition, either in operation at an earlier date and since forgotten, or else still officially in operation but not implemented.

There is one particular textual emendation in Jer. iii 1 which calls for comment in this connection. Jer. iii 1c reads: ‘Would not that land be greatly polluted?’ and both the LXX and the Vulgate have ‘that woman’ instead of ‘that land’. BH3 accordingly suggests that ba‘issā should be read for ba‘āres at this point, and several commentators adopt this reading 1). We should, however, note that Deut. xxiv 4 gives, as one of its theological reasons for the existence of this law, ‘for that is an abomination before the LORD, and you shall not bring guilt upon the land which the LORD your God gives you for an inheritance’. The Hebrew verbs in the two contexts are different, hnp in Jer. and the Hiph‘il of ht’ in Deut., but the idea behind them is surely similar in both cases. 2) As a result of the sin and guilt of individuals the land, too, incurs some measure of guilt and sin.

The idea of a land being defiled or polluted is fairly common in the Old Testament. Most of the instances, however, bear the idea that a land is polluted as a result of the collective sins of the totality of its inhabitants, and nearly all of these instances are found in Jeremiah, cf. ii 7; iii 2, 9; xvi 18. This is also the idea behind Deut. xxix 27

1) J. P. Hyatt (J.B.), H. Cunliffe-Jones (Torch) and A. S. Peake (Century Bible). A. Weiser (A.T.D.) would retain MT but says nothing about this suggested emendation. It is curious that W. Rudolph, who edited the MT of Jeremiah in BH3 and suggests the emendation there, argues in his commentary (H.A.T.) for the retention of MT. None of those who retain MT allude to the reference to ‘land’ in Deut. xxiv 4.

2) At first sight there appears to be a considerable difference between the word ‘pollute’ and the words ‘bring guilt upon’ or ‘cause to sin’. The root hnp contains the idea of distortion or, as L. Koecher defines it (Lexicon in Veteris Testamenti Libros, s.v.), ‘to be inclined away from the right relation to God’. The root ht’ contains the idea of missing a mark, and the ‘mark’ in the ethical-religious sense might be defined as ‘the right relation to God’. If the land has been ‘polluted’ it implies that it has been removed from the right relation to God, guilt has been brought upon it. There is not, then, such a wide divergence of theological content between these two words as the English translations ‘pollute’ and ‘bring guilt upon’ would suggest.