

March 29, 2020 - Deut. 23:21 – 24:18 - Vows, Divorce, Laws of Equity
Torah Reading: Deuteronomy 23:21 – 24:18 - Vows, Divorce, Laws of Equity
Psalm 133-135 (repeat)
Haftarah: Isaiah 19:21

Vows, Divorce, Laws of Equity

Deuteronomy 23:21-22 - "When thou shalt vow a vow unto the LORD thy God, thou shalt not slack to pay it: for the LORD thy God will surely require it of thee; and it would be sin in thee. But if thou shalt forbear to vow, it shall be no sin in thee."

Vows are more fully treated in **Numbers 30**, including the annulling of vows.

The prohibition against bringing the hire of pagan temple prostitute as payment for a vow is mentioned in the preceding verses (**Deuteronomy 23:18**). This expands on that and reminds Israel that vows are discouraged, but if they make a vow it must be fulfilled.

The usual case was someone would vow to bring a sacrifice or a freewill offering because of God's goodness to them, or if God would do something, etc. If three pilgrimage feasts passed, then the vow was overdue, because offerings were usually brought at those times.

- **Ecclesiastes 5:5** - "Better is it that thou shouldest not vow, than that thou shouldest vow and not pay." (NET -"It is better not to vow than to make a vow and not fulfill it")

The Kol Nidre on Yom Kippur annuls any personal or religious oaths or prohibitions, to preemptively avoid the sin of breaking vows made to God which cannot be or are not upheld.

- **Matthew 5:33-37** - "Again, you have heard that it was said to the people long ago, 'Do not break your oath, but keep the oaths you have made to the Lord. But I tell you, Do not swear at all: either by heaven, for it is God's throne; or by the earth, for it is his footstool; or by Jerusalem, for it is the city of the Great King. And do not swear by your head, for you cannot make even one hair white or black. Simply let your 'Yes' be 'Yes,' and your 'No,' 'No'-- anything beyond this comes from the evil one."

"If the Lord Will..."

- **James 4:13-16** - "Go to now, ye that say, To day or to morrow we will go into such a city, and continue there a year, and buy and sell, and get gain: Whereas ye know not what shall be on the morrow. For what is your life? It is even a vapor, that appeareth for a little time, and then vanisheth away. For that ye ought to say, If the Lord will, we shall live, and do this, or that. But now ye rejoice in your boastings: all such rejoicing is evil."

James takes a hard line on vows, saying they lead to hypocrisy:

- **James 5:12** - "But above all things, my brethren, swear not, neither by heaven, neither

by the earth, neither by any other oath: but let your yea be yea; and your nay, nay; lest ye fall into condemnation (*hypokrisis* - hypocrisy)."

Deuteronomy 23:23 - "That which is gone out of thy lips thou shalt keep and perform; even a freewill offering, according as thou hast vowed unto the LORD thy God, which thou hast promised with thy mouth."

This extends the commandment to simple truth versus lying. A vow not fulfilled is a lie, especially abominable because it is directed to God.

In the end, only God can truly vow:

- **Isaiah 45:23** - "I have sworn by myself, the word is gone out of my mouth in righteousness, and shall not return, That unto me every knee shall bow, every tongue shall swear."

Paul completes this as referring to the Messiah:

- **Philippians 2:10-11** - "...at the name of Jesus every knee should bow, of those in heaven, and of those on earth, and of those under the earth, and that every tongue should confess that Jesus Christ is Lord, to the glory of God the Father."

What is Owed the Traveler

Deuteronomy 23:24 - "When thou comest into thy neighbor's vineyard, then thou mayest eat grapes thy fill at thine own pleasure; but thou shalt not put any in thy vessel."

The rabbis focused on this being allowed to the workers in the vineyard. But Josephus expands it to anyone passing by. They were permitted to fill themselves with the grapes to refresh themselves, as if they were their own, whether they were of the country or were strangers.

Deuteronomy 23:25 - "When thou comest into the standing corn of thy neighbor, then thou mayest pluck the ears with thine hand; but thou shalt not move a sickle unto thy neighbor's standing corn."

Rashi believed this also referred to workers in the field, but it really applies to anyone passing through.

Jesus and the disciples did this on the Sabbath:

- **Luke 6:1** - "And it came to pass on the second sabbath after the first, that he went through the corn fields; and his disciples plucked the ears of corn, and did eat, rubbing them in their hands."

These two cases remind us that what we own is not really our own, it is a gift from God and we are the stewards only. Those in need are owed something from our abundance.

The early church agreed:

Augustine of Hippo (354-430 A.D.): "Find out how much God has given you, and from it take what you need; the remainder which you do not require is needed by others. The superfluities of the rich are the necessities of the poor. Those who retain what is superfluous possess the goods of others."

Basil of Caesarea (330-379 A.D.): "The bread that you store up belongs to the hungry; the cloak that lies in your chest belongs to the naked; and the gold that you have hidden in the ground belongs to the poor."

Grounds for Divorce

Deuteronomy 24:1-2 - "When a man hath taken a wife, and married her, and it come to pass that she find no favor 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. And when she is departed out of his house, she may go and be another man's wife."

"uncleanness" = *'ervâh* - nakedness, but this context figuratively - shame or disgrace

The Jews interpreted this very loosely. The disciples of Rabbi Akiba said this must be something really dishonest and wicked. The house of Rabbi Hillel said, "if she burnt his food, or spoiled it by over salting, or over roasting it." In general a man might divorce his wife for any ill qualities of mind in her, or for any ill or impudent behavior of hers, or if her voice is noisy, or any disease of body, as 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. (Babylonian Talmud, Gittin, fol. 90. 1. 2. Misn. Cetubot, c. 7. sect. 6, 7. & Maimon. & Bartenora in ib.)

In truth, this also had some social benefit by releasing a woman from possible abuse or cruelty by her husband.

The "*Get*", or "a bill of cutting off" had to be written down to prevent hasty decisions in the moment of anger. It had to be delivered and witnesses attest it was delivered into her hand, and then the wife had to leave the home.

"let him write her a bill of divorcement" - Rashi saw this as a command.

Rashi - In this case] he has an *obligation* to divorce her, lest she find favor in his eyes [and he might consequently wish to keep her, which he must not do, since she had committed an act of impropriety]. — [Gittin 90b]

But the prophets give a different view of this:

- **Malachi 2:16** (NET) - "'I hate divorce," says the LORD God of Israel, "and the one

who is guilty of violence," says the LORD who rules over all. "Pay attention to your conscience, and do not be unfaithful."

Jesus disagreed, in **Matthew 19:3-12** - A discussion of marriage. Divorce was an *allowance* because of the hardness of their hearts.

- **Matthew 19:7-8** - "They say unto him, Why did Moses then command to give a writing of divorcement, and to put her away? He saith unto them, Moses because of the hardness of your hearts suffered you to put away your wives: but from the beginning it was not so."

In Jesus' view, divorce was only allowable if the partner had committed adultery, and - contradicted the allowance that the divorced woman is free to marry someone else:

- **Matthew 19:9** - "And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery."

Deuteronomy 24:3-4 - "And if the latter husband hate her, and write her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house; or if the latter husband die, which took her to be his wife; Her former husband, which sent her away, may not take her again to be his wife, after that she is defiled; for that is abomination before the LORD: and thou shalt not cause the land to sin, which the LORD thy God giveth thee for an inheritance."

Rashi - Scripture informs him that eventually he will [come to] despise her, and if not, she will bury him, for it says, "or if the latter husband... dies."- [Sifrei 24:135]
This is similar to what he said in **Deuteronomy 21** about the pagan captive wife. The result of the marriage will be a hated wife, and a firstborn son of her will be "a glutton and a drunkard."

Also, the woman who remarries her original husband would appear too much like property, which could be disposed of at one time and reclaimed at another.

Maimonides explains the form of the "*Get*" or bill of divorcement:

"On such a day of the week, in such a month, of such a year, either from the creation, or the epocha of contracts, according to the usual way of computation, which we observe in such a place; I such an one, the son of such an one, of such a place; or if I have any other name, or surname, or my parents, or my place, or the place of my parents; by my own will, without any force, I put away, dismiss, and divorce thee. Thee, I say, who art such an one, the daughter of such an one, of such a place; or if thou hast any other name, or surname, or thy parents, or thy place, or the place of thy parents; who wast my wife heretofore, but now I put thee away, dismiss and divorce thee; so that 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: and let this be unto thee, from me, a bill of

divorce, an instrument of dismissal, and a letter of forsaking, according to the law of Moses and Israel."

(Hilchot Gerushin, c. 4. sect. 12.)

Despite this prohibition against taking back the divorced wife, God by His grace is willing to break His own commandment to take back Israel, if she repents:

- **Jeremiah 3:1** - "They say, If a man put away his wife, and she go from him, and become another man's, shall he return unto her again? Shall not that land be greatly polluted? But thou hast played the harlot with many lovers; yet return again to me, saith the LORD."

Exemption of the Newly Married

Deuteronomy 24:5 - "When a man hath taken a new wife, he shall not go out to war, neither shall he be charged with any business: but he shall be free at home one year, and shall cheer up his wife which he hath taken."

That their affections may be firmly settled, so as there may be no occasion for the divorces previously mentioned. - *Benson Commentary*

Allowing a year of "cheering, being joyful" with his wife would also ensure the birth of a child, and a time to be with both of them for a few months before being exposed to possible death in battle.

On a betrothed couple, see **Deuteronomy 20:7** - "And what man is there that hath betrothed a wife, and hath not taken her? let him go and return unto his house, lest he die in the battle, and another man take her."

This rule had a wide influence.

Alexander the Great, 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." (Arrian. *Expedition of Alexander*. I. 1.)

'Service' as Warfare

This not only concerns serving in the army, but the same word is used to describe Levites and priests serving in the Tabernacle:

- **Numbers 4:22-23** - "Take a census of the Gershonites as well, by their families and clans, from thirty to fifty years old, counting everyone who comes to serve in the work at the Tent of Meeting.

"serve" = *tsaba* - to wage war, serve

The Tabernacle service - sacrifices, offerings, and all the service of lighting incense and keeping the altar fire going - is a picture for us of spiritual warfare, and how Christ fulfilled all this as our great high priest.

But Jesus makes clear this does not apply to a direct call from the Messiah to come to the wedding feast:

- **Luke 14:20** - "Still another said, 'I have married a wife, so I cannot come.' "

More Laws of Equity and Humanity

Millstones

Deuteronomy 24:6 - "No man shall take the nether or the upper millstone to pledge: for he taketh a man's life to pledge."

Just as making a man leave his new wife as a soldier would rob him of both the joys of married life and the fruit of that union - a new child, so taking the millstone robs the family of its source of bread, and therefore life or "*nephesh* - soul."

The joys of bride and bridegroom are linked with the millstone for daily sustenance of family life. When God warns Israel He will chasten them by an invasion:

- **Jeremiah 25:10** - "Moreover I will take from them the voice of mirth and the voice of gladness, the voice of the bridegroom and the voice of the bride, the sound of the millstones and the light of the lamp." (See also **Revelation 18:22**)

In fact, the upper and lower millstones are a sort of picture of the husband and wife, "grinding away" producing life. To take away one of them would be to rob the relationship of the chance of life.

This directed lenders to look to the comfort and subsistence of the borrowers, as much as to their own advantage.

Kidnappers, 'Man-Stealing' and the Slave Trade

Deuteronomy 24:7 - "If a man be found stealing any of his brethren of the children of Israel, and maketh merchandise of him, or selleth him; then that thief shall die; and thou shalt put evil away from among you."

Previously forbidden in **Exodus 21:16** - "And he that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death."

Man-stealing was a capital crime, which could not be settled, as other thefts, could by restitution.

The offender would die by strangling with a napkin, according to the Targum of Jonathan,

Deuteronomy 24:9 - "Take heed in the plague of leprosy, that thou observe diligently, and do according to all that the priests the Levites shall teach you: as I commanded them, so ye shall observe to do. Remember what the LORD thy God did unto Miriam by the way, after that ye were come forth out of Egypt."

There might be a tendency to relax the law in the case of great or wealthy persons. But Miriam the sister of Moses was one of the three leaders of Israel, yet she was shut out of the camp seven days (**Numbers 12:14**) when suddenly smitten with leprosy for speaking against Moses. So this again prohibits "respect of persons" when dispensing justice in these cases.

Deuteronomy 24:10-11 - "When thou dost lend thy brother any thing, thou shalt not go into his house to fetch his pledge. Thou shalt stand abroad, and the man to whom thou dost lend shall bring out the pledge abroad unto thee."

In fact, the lender could not take any pledge at all, without the knowledge, and by the leave, of the sanhedrim, or court of justice. (Misn. Bava Metzia, c. 9. sect. 13.)

He must remain 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.

But more importantly, it restrains the lender to a humane process, protecting the rights and dignity of the borrower.

This is closely related to the previous law about not removing a boundary stone. The borrower's home comprises his family's boundary of "personal space," which - because we are made in God's image - is not to be violated except by courts of law.

- **Deuteronomy 19:14** - "Thou shalt not remove thy neighbor's landmark, which they of old time have set in thine inheritance, which thou shalt inherit in the land that the LORD thy God giveth thee to possess it."

- **Proverbs 15:25** - "The LORD will destroy the house of the proud: but he will establish the border of the widow."

Deuteronomy 24:12-13 - "And if the man be poor, thou shalt not sleep with his pledge: In any case thou shalt deliver him the pledge again when the sun goeth down, that he may sleep in his own raiment, and bless thee: and it shall be righteousness unto thee before the LORD thy God."

The person's cloak is in mind, used for covering at night.

- **Exodus 22:26-27** - "If you take your neighbor's cloak as collateral, return it to him by sunset, because his cloak is the only covering he has for his body. What else will he

sleep in? And if he cries out to Me, I will hear, for I am compassionate...."

By allowing the poor man his covering, the lender would likewise be clothed in the garment of righteousness himself.

Later, Israel was condemned for ignoring this rule:

- **Amos 2:8** - "And they lay themselves down upon clothes laid to pledge by every altar, and they drink the wine of the condemned in the house of their god."

Payment of Wages

Deuteronomy 24:14-15 - "Thou shalt not oppress an hired servant that is poor and needy, whether he be of thy brethren, or of thy strangers that are in thy land within thy gates: At his day thou shalt give him his hire, neither shall the sun go down upon it; for he is poor, and setteth his heart upon it: lest he cry against thee unto the LORD, and it be sin unto thee."

"oppress" = *`ashaq* - oppress, defraud, deceive, do violence to

See **Leviticus 19:13** - "Thou shalt not defraud thy neighbor, neither rob him: the wages of him that is hired shall not abide with thee all night until the morning."

- **Malachi 3:5** - "And I will come near to you to judgment; and I will be a swift witness against the sorcerers, and against the adulterers, and against false swearers, and against those that oppress the hireling in his wages, the widow, and the fatherless, and that turn aside the stranger from his right, and fear not me, saith the LORD of hosts."

- **1 Timothy 5:17-18** - "Let the elders that rule well be counted worthy of double honour, especially they who labour in the word and doctrine. For the scripture saith, Thou shalt not muzzle the ox that treadeth out the corn. And, The laborer is worthy of his reward." (See also **Luke 10:7**)

- **James 5:4** - "Look, the wages you withheld from the workmen who mowed your fields are crying out against you. The cries of the harvesters have reached the ears of the Lord of Hosts."

Individual Responsibility for Sin

Deuteronomy 24:16 - "The fathers shall not be put to death for the children, neither shall the children be put to death for the fathers: every man shall be put to death for his own sin."

The Targum of Jonathan - "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."

God visits the father's sins upon the children (**Exodus 20:5, Exodus 34:7**), but does not allow humans to do so, except in those cases where He in his omniscience has commanded it, as **Deuteronomy 13:15** in the case of the inhabitants of Canaanite cities, and **Joshua 7:24** in the case of Achan and his family.

- **Ezekiel 18:20** - "The soul that sinneth, it shall die. The son shall not bear the iniquity of the father, neither shall the father bear the iniquity of the son: the righteousness of the righteous shall be upon him, and the wickedness of the wicked shall be upon him."

- **2 Kings 14:5-6** - "As soon as the kingdom was firmly in his grasp, Amaziah executed the servants who had murdered his father the king. Yet he did not put the sons of the murderers to death, according to what is written in the Book of the Law of Moses, where the LORD commanded: "Fathers must not be put to death for their children, and children must not be put to death for their fathers; each is to die for his own sin."

- **Jeremiah 31:29-30** - "'In those days, it will no longer be said: 'The fathers have eaten sour grapes, and the teeth of the children are set on edge.' Instead, each will die for his own iniquity. If anyone eats the sour grapes, his own teeth will be set on edge."

- **John 9:1-3** - "Now as Jesus was passing by, He saw a man blind from birth, and His disciples asked Him, "Rabbi, who sinned, this man or his parents, that he was born blind?" Jesus answered, "Neither this man nor his parents sinned, but this happened so that the works of God would be displayed in him"

Deuteronomy 24:17-18 - "Thou shalt not pervert the judgment of the stranger, nor of the fatherless; nor take a widow's raiment to pledge: But thou shalt remember that thou wast a bondman in Egypt, and the LORD thy God redeemed thee thence: therefore I command thee to do this thing."

The "stranger/ immigrant, the fatherless and the widow" comprise the most vulnerable in a society. The Torah includes numerous laws designed to protect these people from the rich and powerful.

See also **Exodus 22:22-24**

Mainly, these laws are concerned with their getting equal justice in courts of law.

In the New Testament we see this benevolent attitude toward the "stranger" displayed in the parable of the Good Samaritan (**Luke 10:25-37**).