

April 5, 2020 - Deut. 24:19 – 25:19 - More Laws on Equity & Justice
Torah Reading: Deuteronomy 24:19 – 25:19 - More Laws on Equity & Justice
Psalm 136-137
Haftarah: Hosea 10:12-14 + 14:1-7

The Stranger, the Fatherless, and the Widow

Deuteronomy 24:19 - "When thou cuttest down thine harvest in thy field, and hast forgot a sheaf in the field, thou shalt not go again to fetch it: it shall be for the stranger, for the fatherless, and for the widow: that the LORD thy God may bless thee in all the work of thine hands."

"sheaf" = *`omer* - 1/10 *ephah* (about 2 litres)

Rashi - [Why the repetition of the word "field"? This comes] to include שכחה (forgetfulness) of standing grain, part of which the harvester had forgotten to reap, [not only bound up sheaves standing in the field]. - [Sifrei 24:149] Whatever is behind him is considered שכחה, "forgotten" [and may not be retrieved]. [Pe'ah 6:4]

This is in addition to **Leviticus 19:9-10** (and **Leviticus 23:22**) - "And when ye reap the harvest of your land, thou shalt not wholly reap the corners of thy field, neither shalt thou gather the gleanings of thy harvest. And you shall not glean your vineyard, nor shall you gather every grape of your vineyard; you shall leave them for the poor and the stranger: I am the LORD your God."

But this is different. It is when you "forget" that the commandment is activated. It is probably the only commandment that cannot be performed with your free will. (Because if you think about it, you won't forget the sheaf).

- Proverbs 22:22 - "Rob not the poor, because he is poor: neither oppress the afflicted in the gate: For the LORD will plead their cause, and spoil the soul of those that spoiled them."

The rabbis wondered, Why rob the poor when they have nothing a robber could take?

The poor are "robbed" when these commandments are not obeyed. From the moment you forget the sheaf in your field, it belongs to the poor. To then go back and retrieve it is to rob the poor.

"A pious man forgot a sheaf in his field. He said to his son, Go and offer for me a bull for a burnt-offering and a bull for a peace offering. His son said, Father! What makes you want to rejoice in this precept more than all others in the Torah? His father said to him, The Omnipresent has given all other precepts in the Torah to be observed consciously. But this one is to be unconsciously observed. Were we to observe this one of our own deliberate free will... we would have no opportunity of observing it.... If when man has no deliberate intention of performing a good deed it is nevertheless reckoned to him as one, he who deliberately performs a good deed, how much more so!" (Tosefta,

Peah 3,8)

Of course, Jesus turned this on its head in Matthew 25, when he commends his followers:

"I was an hungered, and ye gave me meat: I was thirsty, and ye gave me drink: I was a stranger, and ye took me in: Naked, and ye clothed me: I was sick, and ye visited me: I was in prison, and ye came unto me. ...Verily I say unto you, Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me." (See Matthew 25:31-46 -)

In other words, it was when they "forgot themselves" in giving that they were unconsciously ministering to Jesus Himself.

Additionally, by forgetting the sheaf and not returning, you give without knowing who is receiving and therefore without getting any personal credit or praise.

God's care for the poor is continually demonstrated:

- **Deuteronomy 15:3-4** - "Of a foreigner thou mayest exact it again: but that which is thine with thy brother thine hand shall release; Save when there shall be no poor among you; for the LORD shall greatly bless thee in the land which the LORD thy God giveth thee for an inheritance to possess it"

The Levite is also included in God's provision:

- **Deuteronomy 14:29** - "And the Levite, (because he hath no part nor inheritance with thee,) and the stranger, and the fatherless, and the widow, which are within thy gates, shall come, and shall eat and be satisfied; that the LORD thy God may bless thee in all the work of thine hand which thou doest."

Deuteronomy 24:20-21 - "When you beat your olive tree, you shall not go over the boughs again: it shall be for the stranger, for the fatherless, and for the widow. When you gather the grapes of your vineyard, you shall not glean it afterward: it shall be for the stranger, for the fatherless, and for the widow."

This provision added olive trees to the general idea of not going over the harvest a second time.

The procedure was that some would climb into the trees and shake the boughs, while others stand below and beat off the fruit with long slender poles.

The wisdom of these rules helped the poor retain some semblance of dignity without directly receiving a handout, while still having to employ some labor in gathering.

Deuteronomy 24:22 - "And you shall remember that you were a slave in the land of Egypt: therefore I command you to do this thing."

Israel was meant to remember that they had to make bricks without straw. They would have been grateful to have had access to this provision while in Egypt.

Justice

Deuteronomy 25:1 - "If there be a controversy between men, and they come to judgment, that the judges may judge them; then they shall justify the righteous, and condemn the wicked."

"Justify" is here used forensically, not meaning "to make righteous," but to treat as righteous, after a fair trial has exonerated them.

This is a primary concern in scripture, because it reflects on God's own judgment:

- **Proverbs 17:15** - "He that justifieth the wicked, and he that condemneth the just, even they both are abomination to the LORD."

- **Proverbs 18:5** - "Showing partiality to the wicked is not good, nor is depriving the innocent of justice."

- **Exodus 23:7** - "Stay far away from a false accusation. Do not kill the innocent or the just, for I will not acquit the guilty."

- **Isaiah 5:20, 23** - "Woe to those who call evil good and good evil, who turn darkness to light and light to darkness, who replace bitter with sweet and sweet with bitter. ...who acquit the guilty for a bribe, and deprive the innocent of justice."

The Great Sanhedrin at Jerusalem consisted of seventy one judges, the Lesser Sanhedrin had twenty three, and no court had less than three judges.

Forty Stripes

Deuteronomy 25:2-3 - "And it shall be, if the wicked man be worthy to be beaten, that the judge shall cause him to lie down, and to be beaten before his face, according to his fault, by a certain number. Forty stripes he may give him, and not exceed: lest, if he should exceed, and beat him above these with many stripes, then thy brother should seem vile unto thee."

Scourging is named as a penalty in **Leviticus 19:20**. The beating here spoken of would be on the back with a rod or stick (compare **Proverbs 10:13**; **Proverbs 19:29**; **Proverbs 26:3**).

There were four kinds of capital punishment in Jewish law - stoning, strangling, burning and slaying with the sword; and lesser crimes not as severe as these were punished with beating or scourging.

Scourging was a common punishment in the Ancient Near East and later. Hammurabi's laws decreed in one case 'sixty blows of an ox-hide scourge.'

The Mosaic law introduced two important restrictions on this punishment, namely: (1) The punishment should be inflicted in the presence of the judge instead of being inflicted in private by some heartless official; and (2) The maximum amount of it should be limited to forty stripes, instead of being awarded according to the arbitrary will or passion of the magistrate.

In later times, when the Jews were exceedingly scrupulous in adhering to the letter of the law and, for fear of miscalculation, wanted to keep within the prescribed limit, the scourge was formed of three cords, terminating in leathern thongs, and thirteen strokes of this counted as thirty-nine stripes (**2 Corinthians 11:24**).

Rashi - not quite a full quota of forty, but the "number" that leads up to the full total of forty, i.e., "forty-minus-one." - [Mak. 22b]

They deduce this by combining the last word in verse 2 - "number" with the first of verse 3 - "Forty stripes"

They might diminish the stripes, if a man was weak and not able to bear them; but they might not exceed them, "even if a man were as strong as Samson," according to Maimonides.

See Paul - **2 Corinthians 11:24** - "Of the Jews five times received I forty stripes save one."

(Jesus' scourging was by the Romans not the Jews, with no constraints like we see here. Roman scourging was intended to weaken the victim to a state just short of collapse or death).

Before punishment, the judge would read **Deuteronomy 28:58-59** - "If thou wilt not observe to do all the words of this law that are written in this book, that thou mayest fear this glorious and fearful name, THE LORD THY GOD; Then the LORD will make thy plagues wonderful, and the plagues of thy seed, even great plagues, and of long continuance, and sore sicknesses, and of long continuance."

The idea being that the offender's sin places the whole nation in jeopardy with God.

"then thy brother should seem vile unto thee" - The Targum adds, "lest he be in danger."

To flog him indiscriminately was to treat him like an animal, exceeding the bounds of humanity. He was a brother, a partaker of human nature in common with themselves.

Rashi - [throughout the entire procedure], Scripture calls him עשֵׂר, "wicked," but, once he has been flogged, behold, he is "your brother." - [Sifrei 25:153]

"Whoever commits a crime, and is beaten, he returns to his dignity" - Maimonides

Worthy of His Hire

Deuteronomy 25:4 - "Thou shalt not muzzle the ox when he treadeth out the corn."

Cattle were sometimes used on the threshing floor to pull a threshing instrument over the grain to separate the chaff from the seed. They should be allowed to eat the grain beneath them during the process. This is another of the laws that emphasize kindness to God's creatures.

- **Proverbs 12:10** - "A righteous man regardeth the life of his beast: but the tender mercies of the wicked are cruel."

Paul uses this picture and applies it to ministers in the church receiving support from the congregation.

- **1 Corinthians 9:9-11** - "For it is written in the law of Moses, 'Thou shalt not muzzle the mouth of the ox that treadeth out the corn.' Doth God take care for oxen? Or saith he it altogether for our sakes? For our sakes, no doubt, this is written: that he that ploweth should plow in hope; and that he that thresheth in hope should be partaker of his hope. If we have sown spiritual things for you, is it a great thing if we reap your material things?"

- **1 Timothy 5:17** - "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 labourer is worthy of his reward.' (perhaps a reference to **Deuteronomy 24:14-15**?)

Levirate Marriage - Deuteronomy 25:5-10

Deuteronomy 25:5-6 - "If brethren dwell together, and one of them die, and have no child, the wife of the dead shall not marry without unto a stranger: her husband's brother shall go in unto her, and take her to him to wife, and perform the duty of an husband's brother unto her. And it shall be, that the firstborn which she beareth shall succeed in the name of his brother which is dead, that his name be not put out of Israel."

This law is made the subject of a whole treatise in the Talmud, called Yebâmôth.

The object of the law was to perpetuate the man's lineage in Israel after his death.

An earlier example of this is the story of Onan in **Genesis 38:8**, who instead of fulfilling this responsibility, shed his seed on the ground. The penalty then was death, rather than merely disgrace, as pictured in Mosaic law.

It is worth while to observe that the law itself demands that in some sense there should be a resurrection. Boaz puts it thus (**Ruth 4:4-5**), "to raise up the name of the dead

upon his inheritance.” Why should the name of the dead be kept up, if the dead has passed out of existence? We may well believe that this law was partly intended ...for the express purpose of keeping alive the hope of resurrection in the minds of the chosen people. - *Ellicott's Commentary*

It would also serve to keep up the distinction of tribes and families, so the Messiah might be discovered by the family from which he was appointed to proceed.

The Sadducees put the question to Jesus regarding a woman who married seven brothers who each died:

- **Matthew 22:28-30** - "In the resurrection, then, whose wife will she be of the seven? For all of them were married to her."

Jesus replied: "In the resurrection, people will neither marry nor be given in marriage. Instead, they will be like the angels in heaven."

If the younger brother declined to comply with the law, the widow brought her claim before the authorities of the place at a public assembly (the gate of the city); and he having declared his refusal, she was ordered to loose the thong of his shoe — a sign of degradation — following up that act by spitting on the ground — the strongest expression of ignominy and contempt among Eastern people. The shoe was kept by the magistrate as an evidence of the transaction, and the parties separated.

- *Jamieson-Fausset-Brown Bible Commentary*

Another 'Sin against the Seed'

Deuteronomy 25:11-12 - "When men strive together one with another, and the wife of the one draweth near for to deliver her husband out of the hand of him that smiteth him, and putteth forth her hand, and taketh him by the secrets: Then thou shalt cut off her hand, thine eye shall not pity her."

The punishment is the only mutilation prescribed by Deuteronomy apart from the *jus talionis* (**Deuteronomy 19:21**) See **Leviticus 24:19-20**

Coming just after the passages on Levirate Marriage, this is another safeguard of a family's lineage and the ability to conceive children.

The rabbis interpret this not of actual cutting off the hand, but of paying a valuable price put upon it; so Rashi; and Aben Ezra compares it with the law of retaliation, "eye for eye", **Exodus 21:24**; which they commonly understand of paying a price for them both; and who adds, if she does not redeem her hand (i.e. by a price) it must be cut off.

Rashi - [This verse is not to be understood literally, but rather, it means:] She must pay monetary damages to recompense the victim for the embarrassment he suffered [through her action. The amount she must pay is calculated by the court,] all according to the [social status] of the culprit and the victim (see B.K. 83b).

Just and Fair Balances

Deuteronomy 25:13-16 - "Thou shalt not have in thy bag divers weights, a great and a small. Thou shalt not have in thine house divers measures, a great and a small. But thou shalt have a perfect and just weight, a perfect and just measure shalt thou have: that thy days may be lengthened in the land which the LORD thy God giveth thee. For all that do such things, and all that do unrighteously, are an abomination unto the LORD thy God."

This was previously stated in **Leviticus 19:35-36**.

Targum of Jonathan: "great weights, to buy with them, and small weights, to sell with them"

The protection of the poor is the chief practical end in this; rich men can take care of themselves. Poor men are doubly robbed by short weight and measure, because they cannot protect themselves against it. The injustice tends to perpetuate their poverty.

Israel later failed to obey this law:

- **Amos 8:4-7** - "Hear this, O ye that swallow up the needy, even to make the poor of the land to fail, Saying, When will the new moon be gone, that we may sell corn? and the sabbath, that we may set forth wheat, making the ephah small, and the shekel great, and falsifying the balances by deceit? That we may buy the poor for silver, and the needy for a pair of shoes; yea, and sell the refuse of the wheat? The LORD hath sworn by the excellency of Jacob, Surely I will never forget any of their works."

Personally, when we evaluate and then judge down others in our thoughts, through bias or by outward appearance, we forget our "weights and measures" are fundamentally flawed by the fall of Adam, skewed toward boosting our own self-image. We must "empty our bag" of these false measurements. The same warning applies when we judge ourselves.

To God, the use of false weights and measures rises to the level of an "abomination."

Exterminate the Amalekites

And speaking of abominations and deceitfulness, this brings up Amalek!

Deuteronomy 25:17-19 - "Remember what Amalek did unto thee by the way, when ye were come forth out of Egypt; How he met thee by the way, and smote the hindmost of thee, even all that were feeble behind thee, when thou wast faint and weary; and he feared not God. Therefore it shall be, when the LORD thy God hath given thee rest from all thine enemies round about, in the land which the LORD thy God giveth thee for an inheritance to possess it, that thou shalt blot out the remembrance of Amalek from under heaven; thou shalt not forget it."

These were descendants of Esau (see **Genesis 36:15-16**) who surprised Israel, smiting the hindmost and the feeble, women and children, in cold-blood and unprovoked. The Amalekites were sneaky and cowardly. (See **Exodus 17:8**)

The extermination of Amalek was carried out in several stages: by Barak and Gideon (**Judges 5:14; Judges 6:3; Judges 7:12**, &c.), by Saul and Samuel (**1 Samuel 15**), by David (**1 Samuel 27:8-9; 1 Samuel 30:17**), by the Simeonites (**1 Chronicles 4:42-43**), and lastly by Esther, who exterminated the Agagites in Haman's house.

The Targum of Jonathan adds, "and even in the days of the King Messiah it shall not be forgotten."

This means for us today - that the spiritual type of the Amalekites and their opposition to God's kingdom, attacking us at our weakest points, must still be rooted out of our own inward parts by the cross of Jesus and by dying to self daily. Another instance of "revenging the disobedience"

(2 Corinthians 10:6)

Furthermore, we started this weekly reading with a provision of "forgetting" a sheaf in the field and not going back. Here, Israel is to "remember to forget" Amalek, and to pass on that forgetfulness from generation to generation. These are "bookends" that point to our personal abandonment of self (Amalek), leaving it behind. When we forget ourself, Christ in us truly fulfills God's commandments through His own righteousness.