



## Deuteronomy - Chapter Twenty Two

### III Deuteronomy 12:1-26:19 - Moses' Second Speech: Specific Covenant Stipulations (continues)

#### III.k Deuteronomy 21:15-23:8 - Protecting sexual morality (continues)

#### III.k.iii Deuteronomy 21:22-22:12 - Miscellaneous Laws (continues/concludes)

#### Summary of Chapter Twenty Two

Moses completes a summary of miscellaneous laws, which had commenced at the end of the previous chapter. The chapter concludes with a number of laws relating to proof of a bride's virginity and sexual infidelity.

<sup>1</sup> You shall not watch your neighbour's ox or sheep straying away and ignore them; you shall take them back to their owner. <sup>2</sup> If the owner does not reside near you or you do not know who the owner is, you shall bring it to your own house, and it shall remain with you until the owner claims it; then you shall return it. <sup>3</sup> You shall do the same with a neighbour's donkey; you shall do the same with a neighbour's garment; and you shall do the same with anything else that your neighbour loses and you find. You may not withhold your help. <sup>4</sup> You shall not see your neighbour's donkey or ox fallen on the road and ignore it; you shall help to lift it up.

#### Deuteronomy 22:1-4

You shall not watch your neighbour's ox or sheep straying away and ignore them. Helping to protect a neighbour's property fulfils the command to love your neighbour as yourself: <<*You shall not take vengeance or bear a grudge against*

*any of your people, but you shall love your neighbour as yourself: I am the Lord*>> (Leviticus 19:18). God here condemned the sin of doing nothing. To see a brother or sister in need, and to do nothing, is to do evil. When one has the opportunity to good they may not withhold their help.

It shall remain with you until the owner claims it; then you shall return it. Simply put, when something is lost, a finder cannot claim it as theirs without taking all due diligence to restore it to the owner. If the owner seeks the missing object, it must be restored to him. Exodus 23:4-5 commands Israel to also help stray animals, but extends the obligation to the stray animals of an enemy, not just a brother. Scripture is all about having the right community relationships: <<*Do not forsake your friend or the friend of your parent; do not go to the house of your kindred on the day of your calamity. Better is a neighbour who is nearby than kindred who are far away*>> (Proverbs 27:10), and: <<*Thus says the Lord of hosts: Render true judgements, show kindness and mercy to one another; do not oppress the widow, the orphan, the alien, or the poor; and do not devise evil in your hearts against one another*>> (Zechariah 7:9-10)

You shall help to lift it up. Also, if someone's donkey falls down, and a person can help the owner to get the animal on its feet, then they are obliged to help. To pass by a brother or sister in need and to withhold help from them is to sin against both them and against God. The Parable of the Good Samaritan in Luke 10:25-37 brings the command to help a neighbour into the Christian life.

<sup>5</sup> A woman shall not wear a man's apparel, nor shall a man put on a woman's garment; for whoever does such things is abhorrent to the Lord your God.

#### Deuteronomy 22:5

This law most likely prohibits transvestism. The strong word abhorrent may also suggest transvestite practices associated with pagan temple prostitution. As with vv.9-11 below, the law seeks to uphold the order and distinction in God's creation.

Some have taken this command to be the proof-text against women wearing trousers and some Christian groups command that women wear only dresses. Yet, this is not a command against women wearing a garment that in some ways might be common between men and women, or indeed against men wearing kilts; it is a command against dressing in a manner which deliberately blurs the lines between the sexes.

<sup>6</sup> If you come on a bird's nest, in any tree or on the ground, with fledglings or eggs, with the mother sitting on the fledglings or on the eggs, you shall not take the mother with the young. <sup>7</sup> Let the mother

go, taking only the young for yourself, in order that it may go well with you and you may live long.

### Deuteronomy 22:6-7

If you come on a bird's nest. God simply and plainly commanded kindness to animals. Even a bird's nest was to be given special consideration and care. Some Jewish commentators say that this is the smallest, or least of all the commandments; yet even it has a promise of blessing for the obedient attached to it: in order that it may go well with you and you may live long.

Let the mother go. Puritan commentator Matthew Poole wrote on this, "Partly for the bird's sake, which suffered enough by the loss of its young; for God would not have cruelty exercised towards the brute creatures; and partly for men's sake, to restrain their greediness and covetousness, that they should not monopolise all to themselves, but might leave the hopes of a future seed for others." Conservationists today would identify with this sentiment. Man has dominion over nature but not the right to destroy it all for his own gain.

In order that it may go well with you and you may live long. If Israel would obey this commandment, they would find blessing and long life, both as individuals and as a nation: <<*If only they had such a mind as this, to fear me and to keep all my commandments always, so that it might go well with them and with their children for ever!*>> (Deuteronomy 5:29). What possible connection can there be between showing kindness to bird's nests and eggs and little baby birds and national survival? It is because:

1. Obedience to the smallest of God's commands brings blessing. It puts people into a properly submissive relationship to him, that this always brings blessing to those who obey.
2. Kindness and gentleness in the small things often, but not always, speaks to the human ability to be kind and gentle in weightier matters. If someone is cruel to animals, not only is that sin in itself, but they are also much more likely to be cruel to people. If Israel allowed such cruelty to flourish, it would harm the nation.

Like the treatment of trees in Deuteronomy 20:19-20, this law preserves the means of life and seeks to prevent short-sightedness, requiring wise and respectful use of all creation.

<sup>8</sup> When you build a new house, you shall make a parapet for your roof; otherwise you might have blood-guilt on your house, if anyone should fall from it.

## Deuteronomy 22:8

You shall make a parapet for your roof. Builders and homeowners must take adequate safety measures in building houses. Flat roofs were used for various household activities, including sleeping in hot weather, as seen in Scripture: <<*Before they went to sleep, she came up to them on the roof*>> (Joshua 2:8), <<*When they came down from the shrine into the town, a bed was spread for Saul on the roof, and he lay down to sleep*>> (1 Samuel 9:25), <<*It happened, late one afternoon, when David rose from his couch and was walking about on the roof of the king's house, that he saw from the roof a woman bathing; the woman was very beautiful*>> (2 Samuel 11:2), and: <<*About noon the next day, as they were on their journey and approaching the city, Peter went up on the roof to pray*>> (Acts 10:9).

Otherwise you might have blood-guilt on your house. Failure to build in a safe way would bring guilt, i.e. liability, on the owner or builder of the home. They were responsible for the safety of those who would use the home.

<sup>9</sup> You shall not sow your vineyard with a second kind of seed, or the whole yield will have to be forfeited, both the crop that you have sown and the yield of the vineyard itself. <sup>10</sup> You shall not plough with an ox and a donkey yoked together. <sup>11</sup> You shall not wear clothes made of wool and linen woven together.

## Deuteronomy 22:9-11

These laws prohibit mixing various items, reflecting God's ordering of creation 'according to its kind' (e.g. Genesis 1:25). They also reminded Israelites that God had separated them from other peoples to be distinct and holy: <<*For you are a people holy to the Lord your God; it is you the Lord has chosen out of all the peoples on earth to be his people, his treasured possession*>> (Deuteronomy 14:2).

You shall not sow your vineyard with a second kind of seed. Each of these laws was meant to separate Israel from its pagan neighbours, who would commonly combine unlike things to achieve what was thought to be a 'magical' combination.

You shall not plough with an ox and a donkey yoked together. In pagan cultures it was common to combine different kinds of seed in a vineyard; or to plough with an ox and a donkey together; or to wear a garment of wool and linen mixed together. When God commands Israel to not do these things, it is not so much for the sake of the combinations themselves, but so that Israel would not imitate the pagan, occultic customs of their neighbours. This is particularly true of partnerships between believers and non-believers. As Paul says: <<*Do not be mismatched with unbelievers. For what partnership is there between*

*righteousness and lawlessness? Or what fellowship is there between light and darkness?>> (2 Corinthians 6:14).*

<sup>12</sup> You shall make tassels on the four corners of the cloak with which you cover yourself.

#### Deuteronomy 22:12

You shall make tassels on the four corners of the cloak. This command was also to distinguish Israel from their pagan neighbours; in this way, an Israelite man was immediately known by the clothes he wore. A symbolic meaning is given to these tassels in Numbers 15:37-41, namely that they are a reminder to Israel to keep God's law. Like most good commands of God, men have the capability to twist and corrupt this command. In Jesus' day, he had to condemn the Pharisees in Matthew 23:5, saying they enlarge the borders of their garments. In other words, they made the tasselled portion of their garments larger and more prominent to show how spiritual they were.

#### III.k.iv Deuteronomy 22:13-30 - Laws concerning Sexual Relations

This group of laws deals with infringements to proper moral sexual conduct. All these laws begin with a supposition and deal with the response to the criminal. Behind this selection is the seventh commandment: <<***You shall not commit adultery***>> (Deuteronomy 5:18).

<sup>13</sup> Suppose a man marries a woman, but after going in to her, he dislikes her <sup>14</sup> and makes up charges against her, slandering her by saying, 'I married this woman; but when I lay with her, I did not find evidence of her virginity.'<sup>15</sup> The father of the young woman and her mother shall then submit the evidence of the young woman's virginity to the elders of the city at the gate. <sup>16</sup> The father of the young woman shall say to the elders: 'I gave my daughter in marriage to this man but he dislikes her; <sup>17</sup> now he has made up charges against her, saying, "I did not find evidence of your daughter's virginity." But here is the evidence of my daughter's virginity.' Then they shall spread out the cloth before the elders of the town. <sup>18</sup> The elders of that town shall take the man and punish him; <sup>19</sup> they shall fine him one hundred shekels of silver (which they shall give to the young woman's father) because he has slandered a virgin of Israel. She shall remain his wife; he shall not be permitted to divorce her as long as he lives.

## Deuteronomy 22:13-19

A man makes up charges against her, slandering her. The idea is that the man accuses his wife of not being a virgin when they were married. Apparently, this was discovered on their wedding night, when they first had sexual intercourse, i.e. when I lay with her, I did not find evidence of her virginity. It is important to understand that in ancient Israel virginity was highly valued, indeed, expected in a first marriage. It was seen as a great loss to give up one's virginity before marriage, and if a woman was known to have lost her virginity, it greatly reduced her chances of getting married at all. By the same principle, if a husband believed that his wife had lied about her virginity, he felt cheated. What follows is an attempt to resolve the issue.

The text does not specify what constitutes evidence of virginity. This may be a garment stained with menstrual blood, which demonstrates that she is not pregnant, or a stain of hymenal blood, showing that the girl's first intercourse took place on her wedding night.

Many people argue that this custom of proving a woman's virginity is absurd, because it does not always work. Some have answered by saying it does work when girls are given in marriage at twelve or thirteen years of age, as was the custom in OT times.

The gate was where legal matters were heard and resolved: <<Now Ephron was sitting among the Hittites; and Ephron the Hittite answered Abraham in the hearing of the Hittites, of all who went in at the gate of his city, 'No, my lord, hear me; I give you the field, and I give you the cave that is in it; in the presence of my people I give it to you; bury your dead'>> (Genesis 23:10-11), <<No sooner had Boaz gone up to the gate and sat down there than the next-of-kin, of whom Boaz had spoken, came passing by. So Boaz said, 'Come over, friend; sit down here.' And he went over and sat down. Then Boaz took ten men of the elders of the city, and said, 'Sit down here'; so they sat down>> (Ruth 4:1-2), and: <<Absalom used to rise early and stand beside the road into the gate; and when anyone brought a suit before the king for judgement, Absalom would call out and say, 'From what city are you?' When the person said, 'Your servant is of such and such a tribe in Israel', Absalom would say, 'See, your claims are good and right; but there is no one deputed by the king to hear you'>> (2 Samuel 15:2-3).

The elders of that town shall take the man and punish him. If the parents could produce the evidence, then the man was found to have made false accusation against his wife and it was commanded that with a fine to be paid to the father of his bride.

One hundred shekels is a very hefty fine, much more than a bride-price (v.29). Workers in old Babylonian times earned half a shekel per month. Along with the rule that he may not divorce her, this law sought to deter men from making false allegations and pursuing easy divorce.

There was a significant debate between Pharisaical parties on the correct interpretation of Moses' divorce regulations, as noted from this excerpt from the Mishnah, Gittin 9.10: 'The school of Shammai says: A man may not divorce his wife unless he has found unchastity in her.' And the school of Hillel says: 'He may divorce her even if she spoiled a dish for him.' Rabbi Akiba says, 'He may divorce her even if he found another fairer than she.'

The Pharisees tried to trap Jesus by questioning him on Moses' divorce laws: <<Some Pharisees came, and to test him they asked, 'Is it lawful for a man to divorce his wife?' He answered them, 'What did Moses command you?' They said, 'Moses allowed a man to write a certificate of dismissal and to divorce her.' But Jesus said to them, 'Because of your hardness of heart he wrote this commandment for you. But from the beginning of creation, "God made them male and female." "For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh." So they are no longer two, but one flesh. Therefore what God has joined together, let no one separate'>> (Mark 10:2-9).

<sup>20</sup> If, however, this charge is true, that evidence of the young woman's virginity was not found, <sup>21</sup> then they shall bring the young woman out to the entrance of her father's house and the men of her town shall stone her to death, because she committed a disgraceful act in Israel by prostituting herself in her father's house. So you shall purge the evil from your midst.

#### Deuteronomy 22:20-21

If, however, this charge is true, that evidence of the young woman's virginity was not found. If this were the case, the woman was to be executed by stoning. This was not only for her sexual promiscuity, i.e. prostituting herself in her father's house, but for her attempt to deceive her husband. This law must be seen in connection with the command in Exodus 22:16-17, which commands that a man who entices a virgin must surely pay the bride-price for her to be his wife. This law in Deuteronomy is directed against the truly wanton woman, who has given up her virginity, yet not claimed her rights under Exodus 22:16-17. She did not value her virginity at the time she gave it up, yet she wanted to claim the benefits of it by deceiving her husband.

So you shall purge the evil from your midst. Again, the call is to extinguish all sources of evil from the community, whether they are pagan Canaanites or apostate Israelites who wantonly break the commandments of God.

<sup>22</sup> If a man is caught lying with the wife of another man, both of them shall die, the man who lay with the woman as well as the woman. So you shall purge the evil from Israel.

#### Deuteronomy 22:22

If a man is caught lying with the wife of another man. Adultery was a capital offense throughout the ancient world. To be convicted, the couple must be caught in the act and they were both punished equally. If the circumstances suggested that the woman had not consented, then only the man was punished (vv.25-27).

In a case of adultery or other sexual sins there would rarely be two eyewitnesses willing to initiate the execution, and so capital punishment would rarely be carried out. This also aids understanding as to what Jesus was doing when confronting the crowd who brought to him the woman taken in adultery. By their presence and words, they claimed to have caught the woman in the act, but why then did they not bring the guilty man as well? And who was willing to cast the first stone, that is, initiate the execution, for they had sinned by not bringing both the accused? (John 7:53-8:12).

So you shall purge the evil from Israel. Although the death penalty for adultery was carried out rarely, it still had value. It communicated loudly and clearly an ideal that Israel was to live up to, and it made people regard their sin much more seriously. Today, society has largely done away with this ideal, and people do not care much about adultery, and suffers greatly as a result.

<sup>23</sup> If there is a young woman, a virgin already engaged to be married, and a man meets her in the town and lies with her, <sup>24</sup> you shall bring both of them to the gate of that town and stone them to death, the young woman because she did not cry for help in the town and the man because he violated his neighbour's wife. So you shall purge the evil from your midst.

#### Deuteronomy 22:23-24

A virgin already engaged to be married. Betrothal was much more binding than modern engagement; hence the woman is called his neighbour's wife.

She did not cry for help in the town. The law considered that if a woman did not call out for help in residential areas then she must be a willing participant in the affair and therefore guilty of betraying her husband to be. The man is also

condemned to death because he violated his neighbour's wife: <<Let marriage be held in honour by all, and let the marriage bed be kept undefiled; for God will judge fornicators and adulterers>> (Hebrews 13:4).

These laws help to explain the disgrace Mary would have faced and the righteousness and faithfulness of Joseph in accepting her as his wife despite her pregnancy: <<Now the birth of Jesus the Messiah took place in this way. When his mother Mary had been engaged to Joseph, but before they lived together, she was found to be with child from the Holy Spirit. Her husband Joseph, being a righteous man and unwilling to expose her to public disgrace, planned to dismiss her quietly. But just when he had resolved to do this, an angel of the Lord appeared to him in a dream and said, 'Joseph, son of David, do not be afraid to take Mary as your wife, for the child conceived in her is from the Holy Spirit. She will bear a son, and you are to name him Jesus, for he will save his people from their sins.' All this took place to fulfil what had been spoken by the Lord through the prophet: 'Look, the virgin shall conceive and bear a son, and they shall name him Emmanuel', which means, 'God is with us'>> (Matthew 1:18-23).

<sup>25</sup> But if the man meets the engaged woman in the open country, and the man seizes her and lies with her, then only the man who lay with her shall die. <sup>26</sup> You shall do nothing to the young woman; the young woman has not committed an offence punishable by death, because this case is like that of someone who attacks and murders a neighbour. <sup>27</sup> Since he found her in the open country, the engaged woman may have cried for help, but there was no one to rescue her.

#### Deuteronomy 22:25-27

But if the man meets the engaged woman in the open country. If a man had sexual intercourse with a virgin who was betrothed, and it happened in the countryside where no one could hear the woman, even if she should cry out, then only the man was to be executed, because the woman was presumed to be the victim of rape. Significantly, the woman was not blamed for the rape, and it was presumed that she was innocent in this circumstance.

Again, all cases had to be examined thoroughly to determine the truth. After all, there is the example of Potiphar's wife, who falsely claimed that Joseph had assaulted her and she had cried out for help: <<When she saw that he had left his garment in her hand and had fled outside, she called out to the members of her household and said to them, 'See, my husband has brought among us a Hebrew to insult us! He came in to me to lie with me, and I cried out with a loud voice; and when he heard me raise my voice and cry out, he left his garment beside me, and fled outside'>> (Genesis 39:13-15). Sadly,

such cases do prevent justice from being done today for the majority of women who are assaulted against their will.

<sup>28</sup> If a man meets a virgin who is not engaged, and seizes her and lies with her, and they are caught in the act, <sup>29</sup> the man who lay with her shall give fifty shekels of silver to the young woman's father, and she shall become his wife. Because he violated her he shall not be permitted to divorce her as long as he lives.

#### Deuteronomy 22:28-29

If a man meets a virgin. If a man had sexual intercourse with a virgin who is not engaged, then he must pay a fine and was obligated to marry the woman and he forfeited his right to divorce her in the future. It is not stated whether the woman or her family had any say in the matter.

Since it states the man seizes her it can be assumed again to be a case of rape. However, for the man to be held to account they must be caught in the act. The woman cannot bring a charge against the man herself as she would be the sole witness and, in any case, little heed was taken if women testified in that culture.

Fifty shekels appears to be the bride-price: <<*When a man seduces a virgin who is not engaged to be married, and lies with her, he shall give the bride-price for her and make her his wife*>> (Exodus 22:16). Some Jewish commentators note that the fifty shekels of silver were to be paid in addition to the dowry. The law seeks to protect the woman, who is less likely to be married by someone else because she has been violated.

<sup>30</sup> A man shall not marry his father's wife, thereby violating his father's rights.

Verse 30 is Chapter 23:1 in the Hebrew.

#### Deuteronomy 22:30

A man shall not marry his father's wife, thereby violating his father's rights or uncover his father's nakedness. This is literally 'uncover his father's skirt,' i.e. the corner of his garment. It is probably an idiom meaning to bring dishonour to the father. The father's wife would presumably be the man's stepmother, such as in the case of polygamy or a second marriage if the mother had died or been divorced. It may even occur after the death of the father but would still be considered an incestuous relationship in the eyes of God.

Moses later gives an even stronger statement that the Levites are to proclaim over the people in the land: <<*Cursed be anyone who lies with his father's*

*wife, because he has violated his father's rights.' All the people shall say, 'Amen!'*>> (Deuteronomy 27:20).

Significantly, this was exactly the same kind of immoral relationship that the Corinthian church had accepted, and Paul had to rebuke them for it: <<*It is actually reported that there is sexual immorality among you, and of a kind that is not found even among pagans; for a man is living with his father's wife. And you are arrogant! Should you not rather have mourned, so that he who has done this would have been removed from among you?*>> (1 Corinthians 5:1-2).