

### DEUTERONOMY

#### Lesson 34 - Chapter 25

This week we start Deuteronomy chapter 25; and in these verses are 5 laws about humanitarian and social concerns, followed by an instruction that Israeli's are to always remember what the Amalekites did to them and to despise them for it (and to eventually annihilate them).

Let's begin by reading all of chapter 25.

#### **READ DEUTERONOMY CHAPTER 25 all**

The first law is about the administering of corporal punishment upon a criminal; specifically the means of punishment is called flogging. The idea is that two men have a legal dispute between them and so they go to the Israelite Law system for it to be judged. This means that a formal court (at least formal for that era) is convened; a magistrate hears the case and renders a decision that by definition will be "for" one of the litigants and "against" the other. The one that is judged to have been in the wrong will be flogged. The case presented here is very general in nature and so no specific crime is even stated.

First we need to see that flogging (obviously) was not the penalty that every person found guilty of wrongdoing suffered. We have scores of laws in the Torah for which the punishment for violation is not specified; therefore the penalty was often left in the hands of the court to decide, and God was satisfied with this because He had established general guidelines involving punishment. After all, it is not possible to predict or address every possible violation individually.

We are given one explicit case in the Law whereby a person must be flogged: it was when a man married a woman and then falsely accused her of having not been a virgin at the time of their betrothal and then marital consummation. The man was to be taken to the city gates and whipped for this humiliation of his wife and assault on his father-in-law's family honor.

As stated in the last words of verse 2, however, the number of lashes is to be commensurate with the gravity of the crime; this principle is itself another of those general principles Yehoveh pronounced regarding punishment and retribution that is summed up in the “eye-for-an-eye” law that scholars call *lex talionis*.

We're then told that the absolute maximum number of lashes that can be administered is 40; and that the reason for this is so that the criminal (an Israelite brother) will not be humiliated or (in some versions) degraded. Why 40 lashes and not 30, or 45, or 50? We're not told; and there is much speculation as to why this number was chosen by Moses. It probably had to do with it being a less severe amount that was typically prescribed by the pagan societies of the Middle East in that era. Ancient records show that most Mesopotamian cultures specified the maximum number of lashes to be 100.

As we've studied Torah and the Law of Moses we've seen many laws that on the surface seem strange as to why they even existed or what logical purpose they could have served. Many Christians and Jews have attempted lofty and largely allegorical explanations for these laws, and some of those reasons have become part of Tradition. More often than not, however, those explanations are more fiction than fact and often make no sense when one understands the culture. In reality many of the commandments of the Law are about some Canaanite practice or ritual that the Lord despises and does not want the Israelites to mimic; so He takes that ritual or practice of the Canaanites and simply makes a law against it. One such example is the prohibition against boiling a kid in its mother's milk.

Here the decision is that it would be inhumane for a man to suffer more than 40 lashes. The reason given about it being humiliating or degrading, though, does NOT mean that being flogged is of itself degrading or inhumane. From a physical standpoint the idea is on the one hand too many strokes of the whip could cause death, or on other hand it could cause a man to cry and beg for mercy, or to break down and soil himself, or some other unbecoming reaction that is de-humanizing. Any of these things would bring great dishonor upon him that would last much longer than any remembrance of the crime and its painful penalty. A person who is punished too much or unreasonably doesn't gain by seeing their wrongness; rather they become cynical and embittered.

Naturally this exact principle is repeated in the New Testament.

***<sup>JB</sup> Ephesians 6:4 Fathers, don't irritate your children and make them resentful; instead, raise them with the Lord's kind of discipline and guidance.***

This law about limiting the number of lashes to 40 is one of the several elements that go into defining what “the Lord's kind of discipline and guidance” is.

From a spiritual standpoint, however, we must take into consideration the divine numerological meaning of “40” and the pattern it presents. Forty is indicative of a time of trial and/or preparation. Jesus was 40 days in the wilderness. The Great Flood involved 40 days and nights of rain. Moses went up to the summit of Mt. Sinai and was separated from his people for 40 days while he learned God’s Torah, but the people lost faith and turned to idolatry in the absence of their Mediator, Moses. Jonah warned the people of Ninevah that they had 40 days to repent and receive deliverance, or to not repent and face destruction. They did repent within the allotted 40 days so the Lord did not destroy them.

Notice that inherent in this pattern and God-principle is that when the 40 days of trial or preparation ends, Yehoveh provides deliverance of the righteous (or potentially righteous) as opposed to final judgment. After 40 hope still remains; utter, complete and final destruction for those who are the Lord’s is stopped short and instead there is deliverance or redemption from the trouble.

Thus from a spiritual perspective the urgent instruction of this law to not exceed 40 lashes is because this is a trial for the criminal that is meant not only to punish but to change his behavior. It is NOT meant to kill him, it is not meant to bring him to destruction.

The next law concerns a prohibition against muzzling an ox while it is performing its job as a beast of burden; in this case the job is the threshing of grain. Now understand that while we can look at this regulation and say to ourselves that this seems logical and the humane and a kind thing to do for the animal, in fact the logic would have seemed odd and even counter-productive to anyone of the Biblical era. In fact if one ever hoped to finish the threshing function in a timely manner the ox HAD to be muzzled and/or whipped and goaded as well.

The threshing process was that an ox (though it could be other animals as well) either trampled on the stalks of grain with their hooves or they pulled a kind of sled or threshing skid over the top of the grain stalks thus causing the ripened kernels to separate from the heads. As oxen are grazers it is their nature to bend their neck down and eat constantly during the threshing process. This law states that despite the need for productivity the ox is not to be muzzled but allowed to graze and eat during the process. The problem is that from a practical point of view this meant that to keep the animal moving it had to be constantly whipped or goaded.

Therefore it became the norm of the Hebrews to muzzle the animal and then occasionally remove the muzzle for it to eat so that 1) the spirit of the law of Deuteronomy 25 could be maintained and 2) so that the animal did NOT have to be whipped in order to keep it moving if it were NOT muzzled and thus break the principles of humane treatment of beasts. This principle of not muzzling an ox while he is working is brought forward into the New Testament in an interesting context. Turn your Bibles to 1 Cor. 9.

### READ 1 COR. 9:1 – 14

Paul directly quotes Deuteronomy 25:4 in his response to a pressing issue: support for the apostles and disciples who travel to various congregations to preach and teach the Good News that Messiah has come and sins are forgiven. So the practice is that whether man or animal, any living creature that works and is productive should be able to enjoy the fruits of his labor. This is, rightfully so, the reason that pastors should be paid for their work because they've earned it. This does NOT answer the question of course as to whether pastors should be paid less than the average congregation member earns, nor be provided with an extravagant lifestyle. This also in no way says that whatever one gives as his tithes and offerings necessarily ALL goes to the pastor or local church treasury.

Let me also be clear about what was NOT being stated here in Corinthians: this was not a statement indicating that a pastor, teacher, or evangelist should at all times have all of his personal needs (or wants) met by the congregation; it depends on the situation. If the person in question had plenty of time to both hold a job and preach or teach, then he should work but also perhaps receive some wages (if he needed them) for his time spent away for his job to serve the congregation. This view is what most Rabbis go by today. If the person was called to fulltime service to preach and teach, then during that time the congregation should be sure that his reasonable needs were generally met. Most, like Paul, fell somewhere in between; his craft brought him some of the needed income but when he left his craft (often for months at a time) to travel and preach then he needed support to make up for it.

The bottom line is that the rule that “an ox should not be muzzled while he threshes” has always been understood by the Hebrew sages to be more proverb than law. A proverb is a wisdom saying; it is not a command per se. A proverb is a general rule of thumb for living a redeemed life and making decisions in a way that aligns you with the way God created the Universe; it is not a law the violation of which is necessarily a sin nor punishable. Muzzling an ox while he threshes doesn't make the violator a criminal subject to penalty nor does a congregation not sufficiently supporting a teacher or a pastor make them open for God's wrath. However to do such a thing is not wise, and it is not kind, and the blessings that God would often like to bestow upon you may well not come about either as a direct or natural consequence of ignoring this divine wisdom instruction.

Beginning in verse 5 is the subject of what is called Levirate marriage. The term Levirate marriage will not be found in the Bible; it is a Latin term based on the Latin word *levir* that means “husband's brother”. The case example used is of a man who dies and leaves no son, and so the wife of the dead man is obligated to marry within the husband's family or as the verse states in the negative, she may **not** marry a stranger. Further in this case the deceased man has a brother and it is the obligation of the living brother to marry the dead

brother's widow.

Since reproduction was ALWAYS the first aim of Hebrew marriage (as demonstrated by the Abrahamic Covenant instruction that every Israelite had a duty to be fruitful and multiply), then the primary purpose of this more or less forced marriage was that the living brother should impregnate the former widow. The first SON born to this woman shall be considered the son of the deceased man. And as stated in verse 6 the reason for this protocol is so that the deceased man's name will not be blotted out from Israel.

Let's spend a little time with this because it plays a central role in a couple of key Biblical stories.

Josephus said that the understood purpose of this law of Levitate marriage was to keep a man's family name from dying out and it was also to prevent his property from being passed on to relatives. Another purpose was so that the widow would be properly cared for especially in her elder years. The Bible says that the purpose is so that the man's name is not blotted out.

We've talked at length about death, the afterlife, **Sheol** and such in much earlier Torah Class lessons and in some detail as concerns what was believed and practiced by the ancients including the Hebrews. What we see in the Biblical era is quite different from what we know today.

I mentioned that a kind of ancestor worship was practiced by the Patriarchs, and that the idea so central to Christianity of dying and going to Heaven was virtually unknown in the Torah and was only vaguely implied in some of the Psalms. Rather what was nearly universally accepted in one form or another in the world of the Old Testament was that the souls or spirits of the deceased continued living some sort of shadowy existence below ground and that it was the solemn duty of their descendants to tend to them. Part and parcel was the belief that a man's life essence continued on in his offspring; therefore without offspring (a son, really) the man's life essence came to an end.

In addition to the ancient beliefs about afterlife we also have studied at some length the concept of the term "name" (**shem** in Hebrew). Briefly the term "name" meant much more, and something different, in antiquity than it does today. Quite literally the word **shem** meant both name and reputation; this is because a man's name often was descriptive OF his reputation. In fact many names given at birth were either historic (in that the name described a circumstance surrounding the person's birth) or it was prophetic (by means of pronouncing that persons' destiny in advance). There is both superstition and reality involved here; superstition in that it was thought that by preserving memory of a person's name his spirit

would remain in existence. Thus we have memorial monuments built with a deceased person's name inscribed on them. This was the beginning of the more modern day idea of tombstones and grave markers. So the notion was that if a corpse's name was still present, and his family still spoke it, then his spirit was still operating in some mysterious way.

From a reality standpoint we find many Biblical names fully indicative of a mission or destiny that person fulfilled: Yeshua, for instance.....God saves.

But what happened if a man died childless (or better, son-less)? If that happened then there were no descendants to utter his name, carve it upon monuments, keep his life essence alive within their own bodies of the succeeding generations, or tend to his afterlife needs. Therefore his afterlife existence ceased (a truly terrifying and terrible proposition).

We find these beliefs almost universal in nature in ancient times and we find it even mentioned in the Bible. We find both Jacob and his son Joseph insisting that they be brought outside of Egypt and buried next to their deceased ancestors so they could commune with them. We also find this repeated phrase in the bible: "he died and went to be with his fathers". This shows us how much the Hebrews continued to believe in some kind of ill-defined afterlife, in which not only could the dead commune with other dead, but that the living had obligations to the dead so that their spirits could continue on.

Thus we have another critical reason for Levirate marriage; it is all part of the same ball of wax to keep the spirit of the deceased existing. If a Hebrew man died without having a son then his name would die out. Because he had no male offspring to continue the family line his life essence would not continue; he would have no descendant to attend to his afterlife needs; but worse, his family line NAME would end. This is essence of the statement in verse 6 where it says his name would be eliminated or blotted out from Israel. The Lord found this issue important enough to do something about it thus the rules that the brother of the deceased man was to marry the widow AND give her children. Simply marrying her was NOT the issue; giving her children (theoretically a son) was the issue.

I demonstrated to you in the last couple of lessons how we find this amazing progression in Holy Scripture whereby unchangeable God-principles are not pronounced as laws but rather their practice is buried deep within the stories of the Patriarchs. Only later did these embedded principles (many of which were more everyday custom than well thought out rules) eventually become well-defined laws (with consequences for disobedience to them) on the slopes of Mt. Sinai. Here I have an opportunity to show you another example.

We find the concept of Levirate marriage in use among the Patriarchs long before it was ever a written law among the Hebrews. Later, well AFTER the Law was given about Levirate marriage

we'll find it expanded and brought to another level during the time of the Judges. But before Moses, back in Genesis 38 we get the story of Judah and Tamar. Tamar was Judah's daughter-in-law but she became widowed when her husband (Judah's son) suddenly died and left her without children. Custom demanded that Onan, Judah's next son, marry Tamar and give her a child. He reluctantly married her but refused to impregnate her (choosing instead, as the Torah puts it, to "spill his seed on the ground").

Because Onan was evil in God's eyes for NOT giving Tamar children (and we're not told then why this was evil) God killed him and now Judah's youngest son had the duty to marry Tamar. Notice that indeed Onan DID marry Tamar, but it was because he refused to give her a son that God found him guilty. Judah did not want his youngest son to marry Tamar because he had already lost two sons, both who had married this woman and died; so he refused to allow the marriage. Tamar eventually tricked Judah into thinking she was a prostitute; she became pregnant by him and produced not ONE son but twins (one of whom went on to become Yeshua's ancestor).

Now the REASON Tamar did this was not selfish as it might seem (and has often been taught and preached as a selfish act). It was common knowledge of that era that the woman held the key to the afterlife of her husband. If she didn't produce children, his afterlife ended. Therefore Tamar went to great length to do something that was likely repugnant to her (acting as a prostitute to lure Judah) in order to fulfill her duty to birth a son in her dead husband's name, thus assuring the ongoing life of his spirit.

This is also why God killed Onan; Onan did an evil thing (as it turns out) by refusing to impregnate Tamar. Understand: Onan fully understood that by not fulfilling his duty his brother's life essence would cease. Thus in a spiritual sense Onan killed the vital part of his brother, his spirit. Therefore God killed Onan for refusing to do his duty to avert such a terrible thing.

We fast-forward a few centuries to long AFTER the time the law of Levirate marriage was given to Moses, to the time of Ruth. A man (Ruth's husband) died who had no living brothers and so it fell to more distant relatives to marry Ruth and give her a son. That man was Boaz. It is true that the story of Ruth also involves the law of the Kinsman Redeemer but Levirate marriage rules are also present and central to the story. So we see how over the centuries the laws of Levirate marriage were practiced in different stages of Israel's history.

But what happens if the deceased man's brother does not WANT to marry the widow? We find out what happens in that circumstance beginning in Deuteronomy 25:7. And it is that the widow brings the recalcitrant brother to the city gates (where the elders who are usually the town's judges handle the legal matters) and she declares that the responsible party refuses to do his duty. The elders of the town ask him if that is the case and if he confirms it then she walks up



to him, pulls the sandal off of one his feet, and then spits. She also makes what amounts to a curse upon the brother that what he has done to his brother should happen to him, and that he shall be known forever as the “unsandaled one”.....a very odd-sounding epithet, don't you think?

This is interesting enough to spend a moment explaining the sandal removing ritual. Let me begin by reminding you that sexuality was front and center in ancient cultures (including Hebrew culture) but is buried by well-meaning Bible translators such that we can hardly see it in present day Scripture renderings. Sexuality was not something seen as dirty, or taboo, but merely as much a part of life as breathing and eating. Naturally there were rules about sexuality (laws against homosexuality, incest, adultery and such), but it was THESE prohibited acts that perverted what the Lord created as normal and vital. Further, sexual illustrations and metaphors and word pictures were part of everyday language; again, not as tawdry or suggestive but merely as a way to communicate in well-understood and acceptable terms.

The point is that the ritual of pulling the sandal off the foot and spitting were completely sexual in their meaning. Recall how it is that in Hebrew thought when a man marries a woman he essentially puts on his wife as an article of clothing. She becomes a kind of covering for him just as he provides a different type of covering for her. Thus the Bible will at times refer to a wife as a “garment” for her husband (this is a beautiful and meaningful metaphor, not demeaning). The sandal in our story (of the brother who won't marry the widow) is representative of just this sort of imagery. Think of the story of Judah and Tamar as I explain this to you: the sandal is the woman's reproductive organ; the man's foot represents his reproductive organ. The man according to the Levirate marriage rules is supposed to WEAR the woman's reproductive organ but won't; therefore in the ritual the woman publicly removes the sandal from his foot.

Next she spits NOT **in his face** (as most versions say) but **before his PRESENCE**; the spit represents his semen. Ancient sages say that the ritual was that the jilted widow spit in front of the brother, onto the ground next to his bare foot. This essentially re-enacts the narrative of Onan and Tamar whereby the evil Onan would not place his seed into Tamar but instead elected to “spill it onto the ground”.

As the final insult on the brother, the widow declared that he would be known as the “unsandaled one”; that is the one who refused to do his duty of Levirate marriage. NOT the part about marrying but the part of giving the widow a male child.

As an interesting aside let's take a look at an episode in the New Testament where Jesus was arguing with some Sadducees and it involved the issue of Levirate marriage. Turn your bibles to Matthew 22.



### READ MATTHEW 22:23 – 32

Obviously Levirate marriage was well known in Jesus' day and He in no way disputed its validity. However the argument He was engaged in was really about the resurrection. The Sadducees were citing their tradition to Yeshua about resurrection and tried to use the law of Levirate marriage to prove that resurrection was little more than Jewish Law carried forward into a new physical world ruled by a new physical Jewish Kingdom. They saw no heavenly, spiritual element to resurrection (or to Levirate Marriage); only the earthly and physical and political aspects.

Therefore they used Levirate marriage to argue against Jesus' position. They said that if a man died without children, and a succession of his brothers married his widow and each died and each failed to sire a child with the widow, and then the widow died, whose wife was she after the resurrection? With the implication of course that the entire purpose of the Levirate marriage was NOT that the widow become a WIFE, but that she become a MOTHER (the mother of the son of the deceased man).

Jesus retorts that to argue this is pointless because this will be of no issue in the world to come; a world that will be more spiritual than physical in nature and dimension after the resurrection (meaning the general resurrection not HIS resurrection). Siring children and providing a deceased man with a son would have no more meaning then. Laws dealing with widows and families and ways to avoid social injustices are matters pertinent to the present physical world, not to Heaven and the future world-to-come. Further there won't even BE any marriage because our natures will more approximate that of angels than of human beings. Thus the example of marriage as a binding together of spirits and of perfect faithfulness will no longer be needed.

Let's move on to the next law in Deuteronomy 25; a very oddball one that we find in verses 11-13, and then an interesting 2<sup>nd</sup> one that follows in verses 13-16.

This oddball law is the one concerning the improper intervention of a woman (a wife) in a fight her husband is in. The case is that two men get into a fight with one another and the wife of one of the combatants decides to help her husband by grabbing the genitals of his foe. And this law says she is NOT to do this thing, and if she does she is to have her hand cut off as a penalty. At least this is what it APPEARS to say. I must admit the mental picture I get of this event is a bit hard to believe as something that might even occur; and the Rabbis agree with me on that. I mean most of the laws we've read have been enacted to prohibit something that regularly happened (but shouldn't) and needed to be dealt with or to establish something that needed to happen (but had not been). The likelihood of a woman grabbing the private parts of a man who was in a fight with her husband is almost impossible to imagine and there is no

record in Jewish literature of such a thing. So what is this about?

First, this is about a common civil fight, not war. This fight is not on the battlefield it's about two men (2 Israelites) disagreeing a little too vigorously over something. Second, the penalty of the offending woman grabbing a man's genitals seems completely disproportionate to the sentence of having her hand cut off. Third, the Torah reflects complete abhorrence at any kind of bodily mutilation as a judicial penalty, so this really makes little sense in the context of the bigger picture. Therefore the great Hebrew sages knew they had to look under the surface to see what was intended.

The general consensus is that this law is figurative, not literal, and that the underlying principle is **fundamental fairness** because fairness is a key ingredient to **fundamental holiness**. A woman grabbing a man's genitals would be a horrible, humiliating experience in that era even more so that it would be now. Further there is nothing to indicate that the fight was causing great bodily harm to her husband. Therefore for a 3<sup>rd</sup> party to intervene on behalf of one combatant in this type of situation and to take the strong action this woman figuratively takes, is patently unfair; it's cheating and unwarranted.

But it's when we get ready to move on to the law that follows this, the law about using correct weights and measures, that we see something really interesting. I won't get into the technicalities but if you'll remember back to your school days in English grammar courses, just as English literature has a rhythm and meter that varies with what KIND of literature it is (prose, poetry, narrative, etc.) so it is with Hebrew literature. And what we find is that verse 13 about not having alternate weights in your pouch is really an interconnecting bridge between the law of the improper intervention in a fight and the law of honest weights and measures. It is what writers call a double entendre; it overlaps two thoughts and the words have parallel meanings simultaneously.

Notice that in verse 12 the issue is the male genitalia and so what immediately follows is about weights in a pouch; or more literally what it says is "stones" in a pouch (the reference is obvious so I don't need to become too graphic). Then in verse 14 it speaks of not having larger and smaller weights (as measurement standards) in your house, which of course also connects to verse 13 about having a large and small stone in your pouch. And the admonition in the 2<sup>nd</sup> law is to give a fair amount when buying and selling according to ONE set of weights and measures.

So both laws come down to the issue of fundamental fairness and the use of the words "stones" and "pouch" are used to show the underlying connection between the law of the improper intervention in a fight by the woman, and the dishonest use of weights and measures to cheat someone.

We'll continue next week and discuss the law to “remember the Amalekites”.