

CHAPTER 22

The laws of this chapter provide,

I. For the preservation of charity and good neighbourship, in the care of strayed or fallen cattle (v. 1-4).

II. For the preservation of order and distinction, that men and women should not wear one another's clothes (v. 5), and that other needless mixtures should be avoided (v. 9-11).

III. For the preservation of birds (v. 6, 7).

IV. Of life (v. 8).

V. Of the commandments (v. 12).

VI. Of the reputation of a wife abused, if she were innocent (v. 13-19), but for her punishment if guilty (v. 20, 21).

VII. For the preservation of the chastity of wives (v. 22). Virgins betrothed (v. 23-27), or not betrothed (v. 28, 29). And, lastly, against incest (v. 30).

~~1521~~ DEUTERONOMY 22:1-4

KINDNESS AND HUMANITY

The kindness that was commanded to be shown in reference to an enemy (~~1524~~ Exodus 23:4, etc.) is here required to be much more done for a neighbour, though he were not an Israelite, for the law is consonant to natural equity.

1. That strayed cattle should be brought back, either to the owner or to the pasture out of which they had gone astray, v. 1, 2. This must be done in pity to the very cattle, which, while they wandered, were exposed; and in civility and respect to the owner, nay, and in justice to him, for it was doing as we would be done by, which is one of the fundamental laws of equity. Note, Religion teaches us to be neighbourly, and to be ready to do all good offices, as we have opportunity, to all men. In doing this,

(1.) They must not mind trouble, but, if they knew who the owner was, must take it back themselves; for, if they should only send notice to the owner to come and look after it himself, some mischief might befall it ere he could reach it.

(2.) They must not mind expense, but, if they knew not who the owner was, must take it home and feed it till the owner was found. If such care must be taken of a neighbour's ox or ass going astray, much more of himself going astray from God and his duty; we should do our utmost to convert him (~~SEE~~ James 5:19), and restore him, considering ourselves, ~~SEE~~ Galatians 6:1.

2. That lost goods should be brought to the owner, v. 3. The Jews say, "He that found the lost goods was to give public notice of them by the common crier three or four times," according to the usage with us; if the owner could not be found, he that found the goods might convert them to his own use; but (say some learned writers in this case) he would do very well to give the value of the goods to the poor.

3. That cattle in distress should be helped, v. 4. This must be done both in compassion to the brute-creatures (for a *merciful man regardeth the life of a beast*, though it be not his own) and in love and friendship to our neighbour, not knowing how soon we may have occasion for his help. If one member may say to another, "I have at present no need of thee," it cannot say, "I never shall."

~~SEE~~ DEUTERONOMY 22:5-12

VARIOUS PROHIBITIONS

Here are several laws in these verses which seem to stoop very low, and to take cognizance of things mean and minute. Men's laws commonly do not so: *De minimis non curat lex* — *The law takes no cognizance of little things*; but because God's providence extends itself to the smallest affairs, his precepts do so, that even in them we may be *in the fear of the Lord*, as we are under his eye and care. And yet the significancy and tendency of these statutes, which seem little, are such that, notwithstanding their minuteness, being fond among the things of God's law, which he has written to us, they are to be accounted great things.

I. The distinction of sexes by the apparel is to be kept up, for the preservation of our own and our neighbour's chastity, v. 5. *Nature itself teaches* that a difference be made between them in *their hair* (^{<4114>}1 Corinthians 11:14), and by the same rule in their clothes, which therefore ought not to be confounded, either in ordinary wear or occasionally. To befriend a lawful escape or concealment it may be done, but whether for sport or in the acting of plays is justly questionable.

1. Some think it refers to the idolatrous custom of the Gentiles: in the worship of Venus, women appeared in armour, and men in women's clothes; this, as other such superstitious usages, is here said to be *an abomination to the Lord*.

2. It forbids the confounding of the dispositions and affairs of the sexes: men must not be effeminate, nor do the women's work in the house, nor must women be viragos, pretend to *teach, or usurp authority*, (^{<5421>}1 Timothy 2:11, 12. Probably this confounding of garments had been used to gain opportunity of committing uncleanness, and is therefore forbidden; for those that would be kept from sin must keep themselves from all occasions of it and approaches to it.

II. In taking a bird's-nest, the dam must be let go, v. 6, 7. The Jews say, "This is the least of all the commandments of the law of Moses," and yet the same promise is here made to the observance of it that is made to the keeping of the fifth commandment, which is one of the greatest, *that it may be well with thee, and that thou mayest prolong thy days*; for, as disobedience in a small matter shows a very great contempt of the law, so obedience in a small matter shows a very great regard to it. He that let go a bird out of his hand (which was worth two in the bush) purely because God bade him, in that made it to appear that he *esteemed all God's precepts concerning all things to be right*, and that he could deny himself rather than sin against God. But *doth God take care* for birds? (^{<4009>}1 Corinthians 9:9. Yes, certainly; and perhaps to this law our Saviour alludes. (^{<4216>}Luke 12:6, *Are not five sparrows sold for two farthings, and not one of them is forgotten before God?* This law,

1. Forbids us to be cruel to the brute-creatures, or to take a pleasure in destroying them. Though God has made us *wiser than the fowls of heaven*, and given us *dominion over them*, yet we must not abuse them nor rule

them with rigour. *Let go the dam to breed again; destroy it not, for a blessing is in it,* ^{<318>}Isaiah 65:8.

2. It teaches us compassion to those of our own kind, and to abhor the thought of every thing that looks barbarous, and cruel, and ill-natured, especially towards those of the weaker and tender sex, which always ought to be treated with the utmost respect, in consideration of the sorrows wherein they bring forth children. It is spoken of as an instance of the most inhuman cruelty that *the mother was dashed to pieces upon her children* (^{<314>}Hosea 10:14), and that the *women with child were ripped open,* ^{<300>}Amos 1:13.

3. It further intimates that we must not take advantage against any, from their natural affection and the tenderness of their disposition, to do them an injury. The dam could not have been taken if her concern for her eggs or young (unlike to the ostrich) had not detained her upon the nest when otherwise she could easily have secured herself by flight. Now, since it is a thousand pities that she should fare the worse for that which is her praise, the law takes care that she shall be let go. The remembrance of this may perhaps, some time or other, keep us from doing a hard or unkind thing to those whom we have at our mercy.

III. In building a house, care must be taken to make it safe, that none might receive mischief by falling from it, v. 8. The roofs of their houses were flat for people to walk on, as appears by many scriptures; now lest any, through carelessness, should fall off them, they must compass them with battlements, which (the Jews say) must be three feet and a half high; if this were not done, and mischief followed, the owner, by his neglect, brought the guilt of blood upon his house. See here, 1. How precious men's lives are to God, who protects them, not only by his providence, but by his law.

2. How precious, therefore, they ought to be to us, and what care we should take to prevent hurt from coming to any person. The Jews say that by the equity of this law they were obliged (and so are we too) to fence, or remove, every thing by which life may be endangered, as to cover draw-wells, keep bridges in repair, and the like, lest, if any perish through our omission, their blood be required at our hand.

IV. Odd mixtures are here forbidden, v. 9, 10. Much of this we met with before, ^{<309>}Leviticus 19:19. There appears not any thing at all of moral evil

in these things, and therefore we now make no conscience of sowing wheat and rye together, ploughing with horses and oxen together, and of wearing linsey-woolsey garments; but hereby is forbidden either,

- 1.** A conformity to some idolatrous customs of the heathen. Or,
- 2.** That which is contrary to the plainness and purity of an Israelite. They must not gratify their own vanity and curiosity by putting those things together which the Creator in infinite wisdom had made asunder: they must not be unequally yoked with unbelievers, nor mingle themselves with the unclean, as an ox with an ass. Nor must their profession and appearance in the world be motley, or party-coloured, but all of a piece, all of a kind.

V. The law concerning fringes upon their garments, and memorandums of the commandments, which we had before (~~CHS~~ Numbers 15:38, 39), is here repeated, v. 12. By these they were distinguished from other people, so that it might be said, upon the first sight There goes an Israelite, which taught them not to be ashamed of their country, nor the peculiarities of their religion, how much soever their neighbours looked upon them and it with contempt: and they were also put in mind of the precepts upon the particular occasions to which they had reference; and perhaps this law is repeated here because the precepts immediately foregoing seemed so minute that they were in danger of being overlooked and forgotten. The fringes will remind you not to make your garments of linen and woollen, v. 11.

~~CHS~~ DEUTERONOMY 22:13-30

THE PUNISHMENT OF FORNICATION

These laws relate to the seventh commandment, laying a restraint by laying a penalty upon those fleshly lusts which war against the soul.

I. If a man, lusting after another woman, to get rid of his wife slander her and falsely accuse her, as not having the virginity she pretended to when he married her, upon the disproof of his slander he must be punished, v. 13-19. What the meaning of that evidence is by which the husband's accusation was to be proved false the learned are not agreed, nor is it at all

necessary to enquire — those for whom this law was intended, no doubt, understood it: it is sufficient for us to know that this wicked husband, who had thus endeavoured to ruin the reputation of his own wife, was to be scourged, and fined, and bound out from ever divorcing the wife he had thus abused, v. 18, 19. Upon his dislike of her he might have divorced her if he had pleased, by the permission of the law (⁽⁶²¹⁾Deuteronomy 24:1), but then he must have given her her dowry: if therefore to save that, and to do her the greater mischief, he would thus destroy her good name, it was fit that he should be severely punished for it, and for ever after forfeit the permission to divorce her. Observe,

- 1.** The nearer any are in relation to us the greater sin it is to belie them and blemish their reputation. It is spoken of as a crime of the highest nature to *slander thy own mother's son* (⁽³⁸⁰⁾Psalm 50:20), who is next to thyself, much more to slander thy own wife, or thy own husband, that is thyself: it is an ill bird indeed that defiles its own nest.
- 2.** Chastity is honour as well as virtue, and that which gives occasion for the suspicion of it is as great a reproach and disgrace as any whatsoever: in this matter therefore, above any thing, we should be highly tender both of our own good name and that of others.
- 3.** Parents must look upon themselves as concerned to vindicate the reputation of their children, for it is a branch of their own.

II. If the woman that was married as a virgin was not found to be one she was to be stoned to death at her father's door, v. 20, 21. If the uncleanness had been committed before she was betrothed it would not have been punished as a capital crime; but she must die for the abuse she put upon him whom she married, being conscious to herself of being defiled, while she made him believe her to be a chaste and modest woman. But some think that her uncleanness was punished with death only in case it was committed after she was betrothed, supposing there were few come to maturity but what were betrothed, though not yet married. Now,

- 1.** This gave a powerful caution to young women to flee fornication, since, however concealed before, so as not to mar their marriage, it would very likely be discovered afterwards, to their perpetual infamy and utter ruin.
- 2.** It is intimated to parents that they must by all means possible preserve their children's chastity, by giving them good advice and admonition,

setting them good examples, keeping them from bad company, praying for them, and laying them under needful restraints, because, if the children committed lewdness, the parents must have the grief and shame of the execution at their own door. That phrase of *folly wrought in Israel* was used concerning this very crime in the case of Dinah, ^{GENE}Genesis 34:7. All sin is folly, uncleanness especially; but, above all, uncleanness in Israel, by profession a holy people.

III. If any man, single or married, lay with a married woman, they were both to be put to death, v. 22. This law we had before, ^{LEVI}Leviticus 20:10. For a married man to lie with a single woman was not a crime of so high a nature, nor was it punished with death, because not introducing a spurious brood into families under the character of legitimate children.

IV. If a damsel were betrothed and not married, she was from under the eye of her intended husband, and therefore she and her chastity were taken under the special protection of the law.

1. If her chastity were violated by her own consent, she was to be put to death, and her adulterer with her, v. 23, 24. And it shall be presumed that she consented if it were done in the city, or in any place where, had she cried out, help might speedily have come in to prevent the injury offered her. *Qui tacet, consentire videtur — Silence implies consent.* Note, It may be presumed that those willingly yield to a temptation (whatever they pretend) who will not use the means and helps they might be furnished with to avoid and overcome it. Nay, her being found in the city, a place of company and diversion, when she should have kept under the protection of her father's house, was an evidence against her that she had not that dread of the sin and the danger of it which became a modest woman. Note, Those that needlessly expose themselves to temptation justly suffer for the same, if, ere they are aware, they be surprised and caught by it. Dinah lost her honour to gratify her curiosity with a sight of the *daughters of the land*. By this law the Virgin Mary was in danger of being made a public example, that is, of being stoned to death, but that God, by an angel, cleared the matter to Joseph.

2. If she were forced, and never consented, he that committed the rape was to be put to death, but the damsel was to be acquitted, v. 24-27. Now if it were done in the field, out of the hearing of neighbours, it shall be presumed that she cried out, but there was none to save her; and, besides,

her going into the field, a place of solitude, did not so much expose her. Now by this law it is intimated to us,

(1.) That we shall suffer only for the wickedness we do, not for that which is done to us. That is no sin which has not more or less of the will in it.

(2.) That we must presume the best concerning all persons, unless the contrary do appear; not only charity, but equity teaches us to do so. Though none heard her cry, yet, because none could hear it if she did, it shall be taken for granted that she did. This rule we should go by in judging of persons and actions: *believe all things, and hope all things.*

(3.) That our chastity should be as dear to us as our life when that is assaulted, it is not at all improper to cry *murder, murder*, for, *as when a man riseth against his neighbour and slayeth him, even so is this matter.*

(4.) By way of allusion to this, see what we are to do when Satan sets upon us with his temptations: wherever we are, let us cry aloud to heaven for help (*Succurre, Domine, vim patior — Help me, O Lord, for I suffer violence*), and there we may be sure to be heard, and answered, as Paul was, *My grace is sufficient for thee.*

V. If a damsel not betrothed were thus abused by violence, he that abused her should be fined, the father should have the fine, and, if he and the damsel did consent, he should be bound to marry her, and never to divorce her, how much soever she was below him, and how unpleasing soever she might afterwards be to him, as Tamar was to Amnon after he had forced her, v. 28, 29. This was to deter men from such vicious practices, which it is a shame that we are necessitated to read and write of.

VI. The law against a man's marrying his father's widow, or having any undue familiarity with his father's wife, is here repeated (v. 30) from ~~1888~~ Leviticus 18:8. And, probably, it is intended (as bishop Patrick notes) for a short memorandum to them carefully to observe all the laws there made against incestuous marriages, that being specified which is the most detestable of all; it is that of which the apostle says, *It is not so much as named among the Gentiles,* ~~461~~ 1 Corinthians 5:1.