

CHAPTER 25

Here is,

- I.** A law to moderate the scourging of malefactors (v. 1-3).
- II.** A law in favour of the ox that treads out the corn (v. 4).
- III.** For the disgracing of him that refused to marry his brother's widow (v. 5-10).
- IV.** For the punishment of an immodest woman (v. 11, 12).
- V.** For just weights and measures (v. 13-16).
- VI.** For the destroying of Amalek (v. 17, etc.).

~~621~~ DEUTERONOMY 25:1-4

STRIPES NOT TO EXCEED FORTY

Here is,

- I.** A direction to the judges in scourging malefactors, v. 1-3.
 - 1.** It is here supposed that, if a man be charged with a crime, the accuser and the accused (*Actor* and *Reus*) should be brought face to face before the judges, that the controversy may be determined.
 - 2.** If a man were accused of a crime, and the proof fell short, so that the charge could not be made out against him by the evidence, then he was to be acquitted: "*Thou shalt justify the righteous,*" that is, "him that appears to the court to be so." If the accusation be proved, then the conviction of the accused is a justification of the accuser, as righteous in the prosecution.
 - 3.** If the accused were found guilty, judgment must be given against him: "Thou shalt *condemn the wicked;*" for to justify the wicked is as much an abomination to the Lord as it is to condemn the righteous, ~~375~~ Proverbs 17:15.

4. If the crime were not made capital by the law, then the criminal must be beaten. A great many precepts we have met with which have not any particular penalty annexed to them, the violation of most of which, according to the constant practice of the Jews, was punished by scourging, from which no person's rank or quality did exempt him if he were a delinquent, but with this proviso, that he should never be upbraided with it, nor should it be looked upon as leaving any mark of infamy or disgrace upon him. The directions here given for the scourging of criminals are,

(1.) That it be done solemnly; not tumultuously through the streets, but in open court before the judge's face, and with so much deliberation as that the stripes might be numbered. The Jews say that while execution was in doing the chief justice of the court read with a loud voice ^{<138>}Deuteronomy 28:58, 59, and 29:9, and concluded with those words (^{<938>}Psalm 78:38), *But he, being full of compassion, forgave their iniquity*. Thus it was made a sort of religious act, and so much the more likely to reform the offender himself and to be a warning to others.

(2.) That it be done in proportion to the crime, *according to his fault*, that some crimes might appear, as they are, more heinous than others, the criminal being *beaten with many stripes*, to which perhaps there is an allusion, ^{<124>}Luke 12:47, 48.

(3.) That how great soever the crime were the number of stripes should never exceed *forty*, v. 3. *Forty save one* was the common usage, as appears, ^{<124>}2 Corinthians 11:24. It seems, they always gave Paul as many stripes as ever they gave to any malefactor whatsoever. They abated one for fear of having miscounted (though one of the judges was appointed to number the stripes), or because they would never go to the utmost rigour, or because the execution was usually done with a whip of three lashes, so that thirteen stripes (each one being counted for three) made up thirty-nine, but one more by that reckoning would have been forty-two. The reason given for this is, *lest thy brother should seem vile unto thee*. He must still be looked upon as *a brother* (^{<135>}2 Thessalonians 3:15), and his reputation as such was preserved by this merciful limitation of his punishment. It saves him from seeming vile to his brethren, when God himself by his law takes this care of him. Men must not be treated as dogs; nor must those seem vile in our sight to whom, for aught we know, God may yet give grace to make them precious in his sight.

II. A charge to husbandmen not to hinder their cattle from eating when they were working, if meat were within their reach, v. 4. This instance of the beast that trod out the corn (to which there is an allusion in that of the prophet, ^{<301>}Hosea 10:11) is put for all similar instances. That which makes this law very remarkable above its fellows (and which countenances the like application of other such laws) is that it is twice quoted in the New Testament to show that it is the duty of the people to give their ministers a comfortable maintenance, ^{<499>}1 Corinthians 9:9, 10, and ^{<547>}1 Timothy 5:17, 18. It teaches us in the letter of it to make much of the brute-creatures that serve us, and to allow them not only the necessary supports for their life, but the advantages of their labour; and thus we must learn not only to be just, but kind, to all that are employed for our good, not only to maintain but to encourage them, especially those that labour among us in the word and doctrine, and so are employed for the good of our better part.

^{<635>}DEUTERONOMY 25:5-12

MARRIAGE OF A BROTHER'S WIFE

Here is,

I. The law settled concerning the marrying of the brother's widow. It appears from the story of Judah's family that this had been an ancient usage (^{<138>}Genesis 38:8), for the keeping up of distinct families. The case put is a case that often happens, of a man's dying without issue, it may be in the prime of his time, soon after his marriage, and while his brethren were yet so young as to be unmarried. Now in this case,

1. The widow was not to marry again into any other family, unless all the relations of her husband did refuse her, that the estate she was endowed with might not be alienated.

2. The husband's brother, or next of kin, must marry her, partly out of respect to her, who, having forgotten her own people and her father's house, should have all possible kindness shown her by the family into which she was married; and partly out of respect to the deceased husband, that though he was dead and gone he might not be forgotten, nor lost out of the genealogies of his tribe; for the first-born child, which the brother or

next kinsman should have by the widow, should be denominated from him that was dead, and entered in the genealogy as his child, v. 5, 6. Under that dispensation we have reason to think men had not so clear and certain a prospect of living themselves on the other side death as we have now, to whom *life and immortality are brought to light by the gospel*; and therefore they could not but be the more desirous to live in their posterity, which innocent desire was in some measure gratified by this law, an expedient being found out that, though a man had no child by his wife, yet *his name should not be put out of Israel*, that is, out of the pedigree, or, which is equivalent, remain there under the brand of childlessness. The Sadducees put a case to our Saviour upon this law, with a design to perplex the doctrine of the resurrection by it (~~4721~~ Matthew 22:24, etc.), perhaps insinuating that there was no need of maintaining the immortality of the soul and a future state, since the law had so well provided for the perpetuating of men's names and families in the world. But, 3. If the brother, or next of kin, declined to do this good office to the memory of him that was gone, what must be done in that case? Why,

(1.) He shall not be compelled to do it, v. 7. If he like her not, he is at liberty to refuse her, which, some think, was not permitted in this case before this law of Moses. Affection is all in all to the comfort of the conjugal relation; this is a thing which cannot be forced, and therefore the relation should not be forced without it.

(2.) Yet he shall be publicly disgraced for not doing it. The widow, as the person most concerned for the name and honour of the deceased, was to complain to the elders of his refusal; if he persist in it, she must *pluck off his shoe, and spit in his face*, in open court (or, as the Jewish doctors moderate it, spit *before* his face), thus to fasten a mark of infamy upon him, which was to remain with his family after him, v. 8-10. Note, Those justly suffer in their own reputation who do not do what they ought to preserve the name and honour of others. He that would not build up his brother's house deserved to have this blemish put upon his own, that it should be called *the house of him that had his shoe loosed*, in token that he deserved to go barefoot. In the case of Ruth we find this law executed (~~4741~~ Ruth 4:7), but because, upon the refusal of the next kinsman, there was another ready to perform the duty of a husband's brother, it was that other that plucked off the shoe, and not the widow — Boaz, and not Ruth.

II. A law for the punishing of an immodest woman, v. 11, 12. The woman that by the foregoing law was to complain against her husband's brother for not marrying her, and to spit in his face before the elders, needed a good measure of assurance; but, lest the confidence which that law supported should grow to an excess unbecoming the sex, here is a very severe but just law to punish impudence and immodesty.

1. The instance of it is confessedly scandalous to the highest degree. A woman could not do it unless she were perfectly lost to all virtue and honour.

2. The occasion is such as might in part excuse it; it was to help her husband out of the hands of one that was too hard for him. Now if the doing of it in a passion, and with such a good intention, was to be so severely punished, much more when it was done wantonly and in lust.

3. The punishment was that her hand should be cut off; and the magistrates must not pretend to be more merciful than God: *Thy eye shall not pity her*. Perhaps our Saviour alludes to this law when he commands us to *cut off the right hand that offends us*, or is an occasion of sin to us. Better put the greatest hardships that can be upon the body than ruin the soul for ever. Modesty is the hedge of chastity, and therefore ought to be very carefully preserved and kept up by both sexes.

~~6523~~ DEUTERONOMY 25:13-19

AMALEK TO BE DESTROYED

Here is,

I. A law against deceitful weights and measures: they must not only not use them, but they must not have them, not have them in the bag, not have them in the house (v. 13, 14); for, if they had them, they would be strongly tempted to use them. They must not have a great weight and measure to buy by and a small one to sell by, for that was to cheat both ways, when either was bad enough; as we read of those that made the *ephah* small, in which they measured the corn they sold, and the *shekel* great, by which they weighed the money they received for it, ~~3085~~ Amos 8:5. But *thou shalt have a perfect and just weight*, v. 15. That which is the rule of justice must

itself be just; if that be otherwise, it is a constant cheat. This had been taken care of before, ^{<0835>}Leviticus 19:35, 36. This law is enforced with two very good reasons: —

1. That justice and equity will bring down upon us the blessing of God. The way to have our days lengthened, and to prosper, is to be just and fair in all our dealings *Honesty is the best policy.*

2. That fraud and injustice will expose us to the curse of God, v. 16. Not only unrighteousness itself, but all that do unrighteously, are an *abomination to the Lord*. And miserable is that man who is abhorred by his Maker. How hateful, particularly, all the arts of deceit are to God, Solomon several times observes, ^{<0111>}Proverbs 11:1; 20:10, 23; and the apostle tells us *that the Lord is the avenger of all such* as overreach and defraud in any matter, ^{<0106>}1 Thessalonians 4:6.

II. A law for the rooting out of Amalek. Here is a *just weight* and a *just measure*, that, as Amalek had measured to Israel, so it should be measure to Amalek again.

1. The mischief Amalek did to Israel must be here remembered, v. 17 18. When it was first done it was ordered to be recorded (^{<0274>}Exodus 17:14-16), and here the remembrance of it is ordered to be preserved, not in personal revenge (for that generation which suffered by the Amalekites was gone, so that those who now lived, and their posterity, could not have any personal resentment of the injury), but in a zeal for the glory of God (which was insulted by the Amalekites), that *throne of the Lord* against which the hand of Amalek was stretched out. The carriage of the Amalekites towards Israel is here represented,

(1.) As very base and disingenuous. They had no occasion at all to quarrel with Israel, nor did they give them any notice, by a manifesto or declaration of war; but took them at an advantage, when they had just come out of the house of bondage, and, for aught that appeared to them, were only going to *sacrifice to God in the wilderness.*

(2.) As very barbarous and cruel; for they smote those that were more feeble, whom they should have succoured. The greatest cowards are commonly the most cruel; while those that have the courage of a man will have the compassion of a man.

(3.) As very impious and profane: they feared not God. If they had had any reverence for the majesty of the God of Israel, which they saw a token of in the cloud, or any dread of his wrath, which they lately heard of the power of over Pharaoh, they durst not have made this assault upon Israel. Well, here was the ground of the quarrel: and it shows how God takes what is done against his people as done against himself, and that he will particularly reckon with those that discourage and hinder young beginners in religion, that (as Satan's agents) set upon the weak and feeble, either to divert them or to disquiet them, and offend his little ones.

2. This mischief must in due time be revenged, v. 19. When their wars were finished, by which they were to settle their kingdom and enlarge their coast, then they must *make war upon Amalek* (v. 19), not merely to chase them, but to consume them, to *blot out the remembrance of Amalek*. It was an instance of God's patience that he deferred the vengeance so long, which should have led the Amalekites to repentance; yet an instance of fearful retribution that the posterity of Amalek, so long after, were destroyed for the mischief done by their ancestors to the Israel of God, that all the world might see, and say, that he who *toucheth them toucheth the apple of his eye*. It was nearly 400 years after this that Saul was ordered to put this sentence in execution (1 Samuel 15), and was rejected of God because he did not do it effectually, but spared some of that devoted nation, in contempt, not only of the particular orders he received from Samuel, but of this general command here given by Moses, which he could not be ignorant of. David afterwards made some destruction of them; and the Simeonites, in Hezekiah's time, smote the rest that remained (~~1~~1 Chronicles 4:43); for when God judges he will overcome.