

Deuteronomy Chapter 25

Verses 1-3

These verses guarantee the proper exercise of justice to convicted criminals in cases demanding corporal punishment.

Excessive beating would humiliate a man to the level of a beast and thus his dignity would be offended.

“Forty” blows were the maximum number, a figure that occurs also in the Assyrian Code and suggests a widespread custom.

Every punishment should be with solemnity, that those who see it may be filled with dread, and be warned not to offend in like manner.

And though the criminals must be shamed as well as put to pain, for their warning and disgrace, yet care should be taken that they do not appear totally vile.

Happy are those who are chastened of the LORD to humble them, that they should not be condemned with the world to destruction.

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

Between two or more.

"And they come unto judgment":

Into a court of judicature, bring their cause thither.

"That the judges may judge them":

Who were never less than three.

The great Sanhedrin at Jerusalem consisted of seventy one, the lesser court was of twenty three, and the least of all, three only.

"Then they shall justify the righteous, and condemn the wicked":

Acquit the one, whose cause is good, and condemn the other to punishment, who is guilty of a crime, and as that deserves punishment.

Which is to do righteous judgment.

The contrary to this is an abomination to the LORD (Prov. 17:15).

This is simply saying, if they cannot settle it themselves, they come and let the judge decide it.

The judges were cautioned to judge with righteousness under the direction of the LORD.

The judge should be able to determine who is at fault, and appropriate fair punishment.

Deuteronomy 25:2 "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."

Which the Jews say was the case of all those crimes which the law commands to be punished, without expressing the kind or degree of the punishment.

"That the judge shall cause him to lie down":

Which seems to be on the floor of the court, since it was to be done immediately, and in the presence of the judge

And the Jews gather from hence, that he was to be beaten neither standing, nor sitting, but bowed.

That is, ye shall command or order him to lie down, or to fall upon the ground with his face towards it.

"And to be beaten before his face":

In the presence of the judge, that the sentence might be properly executed, neither exceeded not diminished.

And indeed, all the judges were to be present, especially the bench of three, while he was beating.

The chief of the judges read the passage in (Deut. 28:58); and he who was next to him counted the strokes, and the third at every blow said Smite: of the manner of beating or scourging (see note on Matt 10:17).

"According to his fault, by a certain number":

As his crime and wickedness was more or less heinous, more or fewer stripes were to be laid on him.

As ten or twenty, fewer or more, according to the nature of his offence, as Aben Ezra observes.

Only he might not add above forty.

Though he says there are some who say that according to his fault the stripes are larger or lesser, but all of them in number forty.

This whipping would be on the upper part of his back and shoulders.

He was to lie down with his face covered.

This beating took place in front of the judge, so he could make sure the correct number of blows were administered.

Punishment for each crime was different.

The number of blows was determined by the seriousness of the crime.

Deuteronomy 25:3 "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."

The law of Moses very wisely limited the number of stripes, lest severe judges should order delinquents to be lashed to death.

As was often done among the Romans, which, perhaps, a more cruel kind of death can hardly be devised.

And it seems not to have been superstition, but prudent caution, in the Jews, when they would not exceed thirty-nine stripes.

Lest, through mistake or forgetfulness, they should go beyond the bounds which they were commanded to keep.

"Lest if he should exceed, and beat him above these with many stripes":

They might diminish them, if a man was weak, and not able to bear them.

But they might not exceed them, if a man was as strong as Samson, as Maimonides says.

"Then thy brother should seem vile unto thee":

I.e. should be made contemptible to his brethren, either by this cruel usage of him, as if he were a slave or brute beast.

Or by the deformity or infirmity of body which excessive beating might produce.

The maximum number of stripes was 40, so the judge would make it 39 or less, to make sure they did not exceed the punishment.

To whip someone more than that, might kill him.

It would certainly show no regard for his welfare.

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

A worker must be allowed to enjoy the fruit of his own labor (1 Cor. 9:9; 1 Tim. 5:18; 2 Tim. 2:6).

Animals were to be treated mercifully.

Paul used this verse to demonstrate that the human laborer is also worthy of his hire (1 Cor. (9:9-10; 1 Tim. 5:18).

Love and kindness were to be shown to all God's creatures (22:6-7; Prov. 12:10).

This is the same thing as saying, the man is worthy of his hire.

Whatever an animal worked at, he deserved to be fed.

This possibly, has the larger meaning, that whoever works deserves to be paid a fair wage.

Verses 5-16

This section relates to the tenth commandment, and three issues dealing with coveting are covered.

Verses 5-12

The custom here regulated seems to have been in the Jewish law in order to keep inheritances distinct; now it is unlawful.

Verses 5-10:

Levirate marriages (from Latin, *levir*, "husband's brother"), provided that the brother of a dead man who died childless was to marry the widow in order to provide an heir.

These were not compulsory marriages in Israel, but were applied as strong options to brothers who shared the same estate.

Obviously, this required that the brother be unmarried and desired to keep the property in the family by passing it on to a son.

Compare (Lev. 18:16; 20:21), where adultery with a living brother's wife is forbidden.

Though not compulsory, this practice reflected fraternal affection, and if a single brother refused to conform to this practice, he was confronted with contempt and humiliation by the elders.

The perpetuation of his name as a member of the covenant people witnessed to the dignity of the individual.

Since (Num. 27:4-8), gave daughters the right of inheritance when there were no sons in a family, it is reasonable to read "no child" rather than "no son" in (verse 5).

Compare (Tamar in Gen. 38:8-10, and the Boaz-Ruth marriage in Ruth 4:1-17).

These verses deal with levirate marriage.

Levirate is from the Latin meaning "brother-in-law" or "husband's brother".

This was not unique with Israel, for the Hittites and Assyrians observed the practice.

The Assyrians extended the practice of a betrothed person.

(Note Gen. 38:1-10 for the ancient practice in Israel).

In Jesus' day, the Sadducees used this law in their attempt to prove the absurdity of the belief in the Resurrection (Matt. 22:23-33; Mark 12:18-27).

This custom was designed to prevent extinction of the family name and property (compare Num. chapters 27 and 36 with the daughters of Zelophehad).

"Loose his shoe" (compare Ruth 4:7-8):

When the woman did this to the man it indicated that the brother had abandoned his responsibility, and therefore deserved the shame symbolized by the spitting (Num. 12:14; Job 30:10; Isa. 50:6 relate to spitting as a shameful act).

The law of family redemption was shared by numerous cultures in the ancient Near East.

Yahweh, who is rich in mercy, included it as a gift to hurting people (Gen. 38:9; Matt. 22:2; Mark 12:19; Luke 20:28).

When a young woman lost her husband, her future was bleak at best.

Deuteronomy 25:5 "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 a husband's brother unto her."

Compare Matthew 22:24; Mark 12:19; Luke 20:28.

This dwelling together means they live near each other.

The main reason for her husband's brother performing the duty of a husband to her, is so there will be a heritage for his brother.

The child will bear the name of the deceased brother.

This is an example of putting family before your own feelings.

The Hebrews felt they were cursed of God, if they did not have a child to carry on the family name.

This marriage is to continue the name of the dead brother.

Deuteronomy 25:6 "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."

To her husband's brother, now married to her.

"Shall succeed in the name of his brother which is dead":

The meaning is, as the Targum of Jonathan, "he shall rise up in the inheritance in the name of his brother."

Or, as Jarchi expresses it, "he shall take the inheritance of the deceased in the goods of his father".

That is, he shall have his part and share in the inheritance that the deceased brother would have had if he had lived, which would come to him by his father.

"That his name be not put out of Israel":

That a family be not lost.

So this was a provision that the number of their families might not be diminished.

Not only will this child be named for the deceased brother, but will be registered on the roll as the deceased brother's child.

Deuteronomy 25:7 "And if the man like not to take his brother's wife, then let his brother's wife go up to the gate unto the elders, and say, My husband's brother refuseth to raise up unto his brother a name in Israel, he will not perform the duty of my husband's brother."

The provision here made by this law, when this was the case, is such as did not take place before it became a law.

For then Onan would have taken the advantage of it, and refused marrying his brother's wife, which it is plain was not agreeable to him (Gen. 38:9), as many do now on one account or another.

"Then let his brother's wife go up to the gate":

To the gate of the city, where the judges sit for public affairs.

To the gate of the Sanhedrin, or court of judicature, as the Targum of Jonathan.

And this affair was cognizable by the bench of three judges, and might be dispatched by them.

For so it is said, "the plucking off the shoe, and the refusal of marriage, are by three:"

I.e. three judges, which was the lowest court of judicature with the Jews.

"Unto the elders, and say":

Which according to the above Targum were to be five wise men, of which three were to be judges, and two witnesses.

And she was to say in the Hebrew language, in which, according to the Mishnah, she was to pronounce what follows.

"My husband's brother refuseth to raise up unto his brother a name in Israel, he will not perform the duty of my husband's brother":

That is, in a few words, he will not marry her.

He did not have to marry her if he did not want to, but he must be willing to face the consequences.

The wife is allowed to complain to the elders.

Her complaint is that he refuses to raise up a child in his brother's name.

Deuteronomy 25:8 "Then the elders of his city shall call him, and speak unto him: and [if] he stand [to it], and say, I like not to take her;"

Require him to come, before them, and declare his resolution, and the reasons for it.

Recite this law to him, and explain the nature of it, and exhort him to comply with it.

Or show reason why he does not, at least to have his final resolution upon it.

"And speak unto him":

Talk with him upon this subject, and give him their best advice; and what that was Maimonides more particularly informs us.

If it is good and advisable to marry, they advise him to marry; but if it is better advice to pluck off the shoe, they give it.

As when she is young and he is old, or she is old and he young, they advise him to allow the shoe to be plucked off.

"And if he stand to it":

And say, I like not to take her; if, after all the conversation, debate, and counsel between them, he is resolute.

And abides by his first determination, that he will not marry her, then the following method was to be taken.

Before any action is taken against him, the elders talk to him to get him to change his mind.

He still has the option to refuse.

Deuteronomy 25:9 "Then shall his brother's wife come unto him in the presence of the elders, and loose his shoe from off his foot, and spit in his face, and shall answer and say, So shall it be done unto that man that will not build up his brother's house."

The time and place being appointed the evening before by three Rabbins, and two witnesses, as Leo of Modena says.

Of which she was apprized, and ordered to come.

"And loose his shoe from off his foot":

Partly as a sign of his resignation of all his right to the woman, and to her husband's inheritance.

For as the shoe was a sign of one's power and right (Psalms 60:8; 108:9).

So, the parting with the shoe was a token of the giving up of such right, and that he would not, and henceforth might not, enter upon his brother's land.

And partly as a note of infamy, to signify that by this unnatural and disingenuous action he was unworthy to be amongst free-men.

And fit to be reduced to the condition of the meanest servants or captives, who used to go barefoot (Isa. 20:2, 4).

"And spit in his face":

In a way of contempt, as a token of shame and disgrace.

But the Jewish writers generally interpret this in a softer manner, as if it was not in his face, but in his presence, upon the floor, and seen by the judges.

"And shall answer and say, so shall it be done unto the man that will not build up his brother's house":

That is, in this contemptuous and shameful manner shall he be used.

"To spit in someone's face" shows utter disgust.

The "taking off of his shoe" shows that he is not worthy of standing in his brother's place.

This is done in disgust by the wife of the dead brother.

The statement is made to cause him to feel shame for not giving his brother a son.

Deuteronomy 25:10 "And his name shall be called in Israel, The house of him that hath his shoe loosed."

Not his particular and personal name, but his family.

For it seems that not only a mark of infamy was set upon him for refusing to marry his brother's widow, but upon his family also.

"The house of him that hath his shoe loosed":

Which, as Leo of Modena says, was repeated by her three times.

And at every time the people with a loud voice answer and call him, one that had his shoe loosed.

And then the Rabbin tells the man that he is at liberty now to marry whom he pleases.

And if he desires a certificate from them of this setting free his kinswoman, they presently give him one.

And she also had a writing given to her by the judges, certifying the same, that she was free also to marry another.

All of Israel looks on him in disgust, because he did not perform his duty for his brother.

Verses 11-12

The consequence of the immodest act was the only example of punishment by mutilation in the Pentateuch.

Deuteronomy 25:11 "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:"

Quarrel with one another, and come to blows, and strive for mastery, which shall beat, and be the best man.

"And the wife of the one draweth near for to deliver her husband out of the hand of him that smiteth him":

Perceiving that his antagonist has more skill or strength, or both, for fighting.

And is more than a match for her husband, who is being bruised and hurt.

Wherefore, to save him out of the hands of the one doing the smiting, she goes up to them to part them, or take her husband's side.

"And putteth forth her hand, and taketh him by the secrets":

Or private parts.

In Hebrew his "shameful" parts, which through shame are hidden, and modesty forbids to express in proper terms.

And such is the purity of the Hebrew language, that no obscene words are used in it.

For which reason, among others, it is called the holy tongue.

This immodest action was done partly out of affection to her husband, to oblige his antagonist to let go his hold of him.

And partly out of malice and revenge to him.

To spoil him, and make him unfit for generation, and therefore was to be severely punished, as follows.

It appears the husband of another woman is fighting with a man.

It appears the woman comes to help her husband in this matter, and whether accidental or on purpose, we are not told, grabs the man in a secret place.

Deuteronomy 25:12 "Then thou shalt cut off her hand, thine eye shall not pity [her]."

Partly because of the great mischief she did to him, both to his person and posterity.

And partly to deter all women from all immodest and impudent carriages, and to secure that modesty which is indeed the guardian of all the virtues.

As immodesty is an inlet to all vices, as the sad experience of this degenerate age shows.

And therefore, it is not strange that it is so severely restrained and punished.

"Thine eye shall not pity her":

On account of the tenderness of her sex, or because of the plausible excuse that might be made for her action, being done hastily and in a passion, and out of affection to her husband.

But these considerations were to have no place with the magistrate, who was to order the punishment inflicted.

Either in the strict literal sense, or by paying a sum of money.

Women should not be forward with men.

The penalty in this case, is the cutting off of the woman's hand.

This has never been a practice however.

The leaders started fining the woman the value of her hand.

Verses 13-16

A "just" weight is a "righteous one", a weight that conforms to the norm.

A similar law appears in (Leviticus 19:35-36).

Amos gives evidence that this law was broken (Amos 8:5).

Not only does the law prohibit the use of all dishonest weights and measures, but it even prohibits their possession.

Israel was urged to avoid tempting situations as well as the actual acts themselves.

The weights and measures of trade were to be kept equitably so people were not cheated.

Obedience meant prosperous years in the Land.

Dishonest gain always brings a curse on men's property, families, and souls.

Happy those who judge themselves, repent of and forsake their sins, and put away evil things, that they may not be condemned of the LORD.

Deuteronomy 25:13 "Thou shalt not have in thy bag divers weights, a great and a small."

Or, "a stone and a stone".

It being usual, in those times and countries, to have their weights of stone, as it was formerly with us here.

We still say, that such a commodity is worth so much per stone, a stone being of such a weight; Now these were not to be different.

"A great and a small":

Great weights, to buy with them, and small weights, to sell with them, as the Targum of Jonathan paraphrases it.

In Leviticus, a great deal was said about having honest weights.

The person who has two different weights is trying to cheat on the weight.

Leviticus 19:36 "Just balances, just weights, a just ephah, and a just hin, shall ye have: I [am] the LORD your God, which brought you out of the land of Egypt."

Proverbs 11:1 "A false balance [is] abomination to the LORD: but a just weight [is] his delight."

Deuteronomy 25:14 "Thou shalt not have in thine house divers measures, a great and a small."

Or, "an ephah and an ephah"; which was one sort of measure in use with the Jews, and held above a bushel.

And is put for all others, which should be alike, and not.

"A great and a small":

One to buy with, and another to sell by, as before observed.

Which would be to cheat both seller and buyer in their turns (see Amos 8:5).

We know that the measurements fall into the same category, as the just weights above.

Deuteronomy 25:15 "[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."

That is, full weights, and full measures. And such as are alike, and everywhere used.

According to the standard of the country (see notes on Lev. 19:36).

"That thy days may be lengthened in the land which the LORD thy God giveth thee":

Long life was always reckoned a blessing, and is frequently promised to.

Obedience, and particularly long life in the land of Canaan; which was a most delightful and fruitful land, and which a man might wish to live long in.

Deceitful men, are threatened with not living half their days, and such may they be said to be that use false weights and measures (Psalm 55:23).

The person who intends to build a business, must have just weights and measures.

People will not trade with a person who cheats on weights and measures.

God will bless those who deal fairly.

Deuteronomy 25:16 "For all that do such things, [and] all that do unrighteously, [are] an abomination unto the LORD thy God."

Keep, different weights and measures, and make use of them to defraud their neighbors in buying and selling.

"And all that do unrighteously":

What is not just and right between man and man, in any other instance whatever.

"Are an abomination unto the LORD thy God":

Both they and their actions.

He is a righteous God, and loves righteousness, and hates injustice of every kind.

Transgressions against God and your fellow man are abominations to God.

God wanted them to be holy, because he is holy.

We see in the following Scripture what the LORD requires.

Micah 6:8 "He hath shewed thee, O man, what [is] good; and what doth the LORD require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?"

Verses 17-19

The admonition to remember the treachery of the Amalekites was repeated to the new generation (see notes on Exodus 17:9-16).

For execution of the command (see 1 Sam. chapter 15).

“Amalek” was the grandson of Esau, and the Amalekites were bitter enemies of Israel.

Deuteronomy 25:17 "Remember what Amalek did unto thee by the way, when ye were come forth out of Egypt;"

The Amalekites, how they came out against them, and fought with them at Rephidim (Exodus 17:8).

"By the way, when ye were come forth out of Egypt":

Which was an aggravation of their cruel and inhuman action.

That they not only came out against them unprovoked, but were the aggressors, and fell upon them as they were travelling on the road.

But when they were just come out of Egypt, where they had been in hard bondage, and their spirits broken, and they were not used to war.

And so took them at all these disadvantages, a people that had not in the least injured them.

Deuteronomy 25:18 "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."

Not with necessary provisions, food and drink, which would have been but a piece of kindness and humanity to travelers.

But met them sword in hand, in order to stop their journey, and make them captives, at least to harass and distress them.

"And smote the hindmost of thee":

Came upon them in a sly cowardly manner, and attacked their rear.

"Even all that were feeble behind thee":

Women and children, and such men as were weak, sickly, laboring under some disorder, and so lagged behind, and could not keep up with the rest.

On these Amalek first fell upon, and began his attack there.

"When thou wast faint and weary":

With travelling, and the more so for want of water.

Which was their case at Rephidim, when Amalek came out against them.

Which is another aggravation of their unkind usage of them they were not to forget.

"And he feared not God":

Who was then in the pillar of cloud and fire with Israel, which phenomenon Amalek might see, and yet did not fear.

And who had done such wonders for Israel in Egypt and had brought them from thence.

And had drowned Pharaoh and his host in the Red sea.

Of which doubtless Amalek had heard, and yet feared not the LORD, who had done such great things.

Deuteronomy 25:19 "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]."

Not only when they had subdued the Canaanites, and got possession of their land.

But when they were clear and free from all their neighboring nations, Moabites, Midianites, Edomites, Ammonites, and Philistines.

Wherefore it may be observed, that this did not take place, as not immediately after the conquest of Canaan.

So, neither in the times of the judges, when they were harassed frequently by their neighbors, and not until the times of Saul, the first king of Israel.

"In the land which the LORD thy God giveth thee for an inheritance to possess it":

The sense is, when they were in the full possession of the land given them by the LORD, as an inheritance to be enjoyed by them and theirs.

And were at an entire rest from all enemies, and so had their hands at liberty to employ against Amalek.

"That thou shalt blot out the remembrance of Amalek from under heaven":

That is, utterly destroy them, so that there should be none left of them anywhere, to put in mind that there ever were such a people on earth.

Men, women, children, cattle of all sorts, were to be destroyed, and nothing left that belonged unto them.

That it might not be said this beast was Amalek's, as Jarchi, and to the same purpose Aben Ezra.

See the order for this renewed, and the accomplishment of it, at least in part (1 Sam. 15:2).

"Thou shall not forget it":

Neither the unkindness of Amalek, nor this order to destroy him.

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

Amalek was a very evil man.

Amalek was an example of the wickedness they had encountered on their journey to the Promised Land.

He attacked those already weak, who could not help themselves.

He had no fear of God, because he did not know God.

Wickedness of these heathen people had to be stopped.

God would not allow this evil man to live.

He wanted even his name removed from all records.

He must not be remembered.

He is cut off from history.

Deuteronomy Chapter 25 Questions

1. Who do they go to, when they cannot settle an argument themselves?
2. How were they to judge?
3. If he is to be beaten, what does the judge have him do?
4. Where would the whipping be done?
5. The number of stripes was determined by the _____ of the crime.
6. What is the maximum number of stripes he could have?
7. Why did the judge make it one less?
8. Thou shalt not _____ the ox when he treadeth out the corn.
9. What is another way of saying the same thing?
10. Who should the wife marry, if her husband dies without children?
11. What is the main reason for her marrying him?
12. Who shall the firstborn be named for?
13. If the brother does not want to marry her, what does she do?
14. What is the first thing the elders do?
15. What does "spitting in someone's face" show?
16. What does the "taking off of the brother's shoe" show?
17. Instead of cutting off her hand as the law speaks of, what does she pay for being personal with a man other than her husband?
18. How will God bless them, if they have just weights and measures?
19. Who was so evil, even the memory of him should be wiped out?