

April 7: Deut. 25:1-19:

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I. Case Study for a punishment for a crime (Verses 1-3)

“If there is a dispute between men and they go to court, and the judges decide their case, and they justify the righteous and condemn the wicked, ² then it shall be if the wicked man deserves to be beaten, the judge shall then make him lie down and be beaten in his presence with the number of stripes according to his guilt. ³ He may beat him forty times but no more, so that he does not beat him with many more stripes than these and your brother is not degraded in your eyes.

- a. About this section the ESV Study Bible shares: *Laws on Justice, Marriage, and Business. The laws in this section relate to things such as the administration of justice, provision for widows, and honesty in business (cf. the ninth commandment, “You shall not bear false witness” (5:20; cf. 25:1, 13–15)).¹*
- b. This is a case study where there is a dispute between two men and they end up in court.
- c. The judges decide the case. Judges are one of God’s positions so they punish the wicked and condemn the wicked.
- d. Verse 2: they had no problem with punishment by beating.
- e. The verse shares the process of punishment. The judge has him beaten in his presence.
- f. It seems that the judge is not the one doing the beating.
- g. He should be beaten a number based on his guilt.
- h. Verse 3: no more than 40 lashes because otherwise he will be degraded in his eyes.
 - i. From this we receive the NT idea of 40 lashes minus 1 which Paul received a number of times, but this was a Jewish idea and the Romans were known to beat people until they died.

¹ <https://www.esv.org/Deuteronomy+25/>

- ii. The ESV Study Bible shares: *The limit of forty stripes was to prevent the guilty man from being degraded or abused, presumably anticipating his restoration to the community. For fear of miscounting and going beyond 40, later Jews limited flogging to 39, as in the case of Paul (2 Cor. 11:24).*²
 - i. *The strokes were administered with a stick upon the back (Prov. 10:13; 19:29; 26:3, etc.). This was the Egyptian mode of whipping, as we may see depicted upon the monuments, when the culprits lie flat upon the ground, and being held fast by the hands and feet, receive their strokes in the presence of the judge.*³
 - j. In Turkey the punishments inflicted are much more severe, viz., from fifty to a hundred lashes with a whip; and they are at the same time inhuman (see v. *Tornauw, Moslem. Recht*, p. 234). The number, forty, was probably chosen with reference to its symbolical significance, which it had derived from Gen. 7:12 onwards, as the full measure of judgment. The Rabbins fixed the number at forty save one (vid., 2 Cor. 11:24), from a scrupulous fear of transgressing the letter of the law, in case a mistake should be made in the counting; yet they felt no conscientious scruples about using a whip of twisted thongs instead of a stick (vid., *tract. Macc. iii. 12; Buxtorf, Synag. Jud.* pp. 522–3; and *Lundius, Jüd. Heiligth.* p. 472).⁴
- II. Treating animals rightly (verses 4)
- ⁴ “You shall not muzzle the ox while he is threshing.
- a. They were to care for the animals.
 - b. Cross reference:
 - c. Prov 12:10; 1 Cor 9:9; 1 Tim 5:18⁵
- III. What to do if a husband dies without children (verses 5-10)
- ⁵ “When brothers live together and one of them dies and has no son, the wife of the deceased shall not be married outside the family to a strange man. Her husband’s brother shall go in to her and take her to himself as wife and perform the duty of a husband’s brother to her. ⁶ It shall be that the firstborn whom she bears shall assume the name of his dead brother, so that his name will not be blotted out from Israel. ⁷ But if the man does not desire to take his brother’s wife, then his brother’s wife shall go up to the gate to the elders and say, ‘My husband’s brother refuses to establish a name for his brother in Israel; he is not willing to perform the duty of a husband’s brother to me.’ ⁸ Then the elders of his city shall summon him and speak to him. And if he persists and says, ‘I do not desire to take her,’ ⁹ then his brother’s wife shall come to him in the sight of the elders, and pull his sandal off his foot and spit in his face; and she shall declare, ‘Thus it is done to the man who does not build up his brother’s house.’ ¹⁰ In Israel his name shall be called, ‘The house of him whose sandal is removed.’
- A. Verses 5-6: what is supposed to happen:
 - B. The husband has died without a son.
 - C. The wife of the deceased is not to marry outside the family.
 - D. The issue is having a male child to pass on the family name.

² Ibid.

³ Carl Friedrich Keil and Franz Delitzsch, *Commentary on the Old Testament*, vol. 1 (Peabody, MA: Hendrickson, 1996), 953.

⁴ Carl Friedrich Keil and Franz Delitzsch, *Commentary on the Old Testament*, vol. 1 (Peabody, MA: Hendrickson, 1996), 953.

⁵ *New American Standard Bible: 1995 Update* (La Habra, CA: The Lockman Foundation, 1995).

- E. The NET Bible gives insight: *This is the so-called “levirate” custom (from the Latin term levir, “brother-in-law”), an ancient provision whereby a man who died without male descendants to carry on his name could have a son by proxy, that is, through a surviving brother who would marry his widow and whose first son would then be attributed to the brother who had died. This is the only reference to this practice in an OT legal text but it is illustrated in the story of Judah and his sons (Gen 38) and possibly in the account of Ruth and Boaz (Ruth 2:8; 3:12; 4:6).*⁶
- F. *The Israelites were to practice levirate marriage only in cases where the brothers had lived together (v. 5) and the remaining brother was not already married. Living together meant sharing the same estate, not necessarily residing under the same roof. When another kinsman voluntarily assumed the responsibility of the surviving brother, that brother was apparently under no obligation to marry his sister-in-law (cf. Ruth 4).*⁷
- G. Verse 6: the husband’s brother should have children by her and the children are to carry on the family name.
- H. The ESV Study Bible: *In Latin, brother-in-law is levir, hence the term “levirate marriage” is applied to this law. Its purpose was protection for the widow and is a case where polygamy was allowed (i.e., the brother-in-law may have already been married). See also [Gen. 38:8–10](#). The law reflects the strong sense of obligation placed on family, as well as a desire to preserve the family line (see [Deut. 25:9](#)). [Ruth 4:1–12](#) seems to combine this institution with redemption by the closest kinsman (see [Introduction to Ruth: Key Themes](#)). In [Matt. 22:23–33](#) the Sadducees use this law in an effort to disprove the idea of resurrection, and Jesus reveals their faulty reasoning. It is possible that Paul’s advice in [1 Cor. 7:39](#), allowing a widow to marry “whom she wishes,” was addressed to Christians who thought this law was still applicable.*
- I. In Verses 7-10 we see what to do if the brother will not take this responsibility
- J. She goes to the city gate. The city gate is where business was to take place. She talks with the elders.
- K. In verse 8 we see the elders are to summon him and speak to him. Then if he persists we see verse 9. The wife is to come to him in the sight of the elders:
- a. Pull of his sandal
 - b. Spit in his face
 - c. Declare: *‘Thus it is done to the man who does not build up his brother’s house.’*¹⁰ *In Israel his name shall be called, ‘The house of him whose sandal is removed.’*
- L. The ESV Study Bible shares: *This public event brings shame on the brother-in-law ([Num. 12:14](#); [Job 30:10](#)). He is not, however, forced into taking the widow as his wife—which would have protected her from a reluctant husband.*
- M. Moody Bible Commentary:
- N. *Here is an example where values could be in tension, and so a law was needed to provide clarity as to how to handle the situation. One value was the desire for a husband to have male heirs to pass on his family name, and another value was to maintain high standards of sexual purity. If a husband died having not yet produced a male heir, how could an heir be provided in a legitimate*

⁶ Biblical Studies Press, [The NET Bible First Edition Notes](#) (Biblical Studies Press, 2006), Dt 25:5.

⁷ Tom Constable, [Tom Constable’s Expository Notes on the Bible](#) (Galaxie Software, 2003), Dt 25:5.

fashion? A brother was not permitted to sleep with his sister-in-law (Lv 18:16), but here is an exception to that law if specific requirements were met. If brothers live together and one of them married but then passed away without producing an heir, then one of his brothers was allowed to take the deceased brother's wife as his own wife to produce an heir who would assume the name of his dead brother. This is often called a Levirate marriage (vv. 5-6).

- O. *IVP BBC OT: Hittite law 193 and Middle Assyrian law 33 have very similar legislation, though neither offers an explanation in terms of providing a family heir or of passing on property in an orderly fashion. Both of these concerns are referred to in Deuteronomy. Thus the law, although it is also designed to provide the widow with the security attendant upon marriage and having a son, is primarily focused on the rights of the deceased husband. The obligation owed to the deceased by his brother (defined best as nearest male kin) can be an economic hardship (see Ruth 4). Thus the second part of this law allows the levir to renounce his obligation publicly and thus, judging by the example in Ruth, presumably allow the widow to marry whomever she wishes. Even though the levir must submit to public humiliation and be labeled uncooperative, the financial factors involved might make it justifiable.*
- P. **25:7–8. elders at town gate.** *Because of the constant traffic at the gate as people went to and from the fields, it became the place of judgment and business transaction in ancient Near Eastern towns. Merchants would set up collapsible booths or simply sit under an umbrella while their customers came to them (see Lot in Gen 19:1). When a legal matter came up, a group of the town elders either could be found sitting in the gate (Prov 31:23) or could be gathered from those passing by (Ruth 4:1–2).⁸*
- Q. *Sandals were the ordinary footwear in the ancient Near East, but they were also a symbolic item of clothing, especially in the relationship between the widow and her legal guardian or levir. This is due to the fact that land was purchased based on whatever size triangle of land one could walk off in an hour, a day, a week or a month (1 Kings 21:16–17). Land was surveyed in triangles, and a benchmark was constructed of fieldstones to serve as a boundary marker (Deut 19:14). Since they walked on the land in sandals, the sandals became the movable title to that land. By removing the sandals of her guardian (Ruth 4:7), a widow removed his authorization to administer the land of her household.⁹*
- R. Moody Bible Commentary
- A. *Spitting in his face would mean that he would be ceremonially unclean for at least seven days (Nm 12:14). Strong social pressure ensured compliance in this situation because it was important for each clan of each tribe to continue having offspring to inherit all of God's promises to Israel.*

IV. Verses 11-12: a case study, a wife improperly intervenes in a struggle

¹¹ *“If two men, a man and his countryman, are struggling together, and the wife of one comes near to deliver her husband from the hand of the one who is striking him, and puts out her hand and seizes his genitals, ¹² then you shall cut off her hand; you shall not show pity.*

- a. This is a simply and straightforward passage.

⁸ Victor Harold Matthews, Mark W. Chavalas, and John H. Walton, [*The IVP Bible Background Commentary: Old Testament*](#), electronic ed. (Downers Grove, IL: InterVarsity Press, 2000), Dt 25:5–8.

⁹ Victor Harold Matthews, Mark W. Chavalas, and John H. Walton, [*The IVP Bible Background Commentary: Old Testament*](#), electronic ed. (Downers Grove, IL: InterVarsity Press, 2000), Dt 25:9.

- b. 2 men are fighting, one of the wives intervenes but in doing so grabs his genitals. Verse 12 her hand should be cut off.
- c. This may correspond to the previous section dealing with the man being able to produce offspring.
- d. IVP BBC OT: *There is a very close parallel to this law in the Middle Assyrian code, in which the degree of physical punishment on the woman is dependent on whether one or both testicles are damaged. It would appear that punishment in the Deuteronomic law is based not on the degree of injury inflicted on the man's genitals but on the act of immodesty displayed by the woman. Her hand is severed because it is the offending appendage (see the comment on the laws of talion in Deuteronomy 19:21). Although she is attempting to help her husband, by grasping another man's genitals she has committed a sexual act that disonors her and her husband.*¹⁰

V. Verses 13-16: Justice regarding weights and measures

¹³ "You shall not have in your bag differing weights, a large and a small. ¹⁴ You shall not have in your house differing measures, a large and a small. ¹⁵ You shall have a full and just weight; you shall have a full and just measure, that your days may be prolonged in the land which the LORD your God gives you. ¹⁶ For everyone who does these things, everyone who acts unjustly is an abomination to the LORD your God.

- a. Verse 13: weights: notice that this verse references a bag. It also seems that the weights are really differing stones.
- b. Lots of cross references: Lev 19:35–37; Prov 11:1; 20:23; Ezek 45:10; Mic 6:11¹¹
- c. The IVP BBC OT gives insight: *Commerce in a society without coined money is dependent on standard weights and measures. Examples of stone and metal weights, marked with specific symbols designating weight values, have been found in Egyptian tombs as well as at several sites in Israel and Mesopotamia (stylized lion-weights were found in eighth-century B.C. levels of Nimrud in Assyria). The merchant who used a heavier weight to buy than to sell defrauded his suppliers and customers (see Prov 11:1; 20:23; Amos 8:5). Although this was condemned as an abhorrent practice, it was common enough in the ancient world. A good example is in the Egyptian Tale of the Eloquent Peasant, which accuses government officials and grain distributors of "shorting" the people.*¹²
- d. Verse 14: measurements: verse 14 references a house.
- e. "differing measures is literally an "ephah and an ephah." The NET Bible gives insight: *Heb* "an ephah and an ephah." An ephah refers to a unit of dry measure roughly equivalent to five U.S. gallons (just under 20 liters). On the repetition of the term to indicate diversity¹³

¹⁰ Victor Harold Matthews, Mark W. Chavalas, and John H. Walton, [The IVP Bible Background Commentary: Old Testament](#), electronic ed. (Downers Grove, IL: InterVarsity Press, 2000), Dt 25:11–12.

¹¹ [New American Standard Bible: 1995 Update](#) (La Habra, CA: The Lockman Foundation, 1995).

¹² Victor Harold Matthews, Mark W. Chavalas, and John H. Walton, [The IVP Bible Background Commentary: Old Testament](#), electronic ed. (Downers Grove, IL: InterVarsity Press, 2000), Dt 25:13–16.

¹³ Biblical Studies Press, [The NET Bible First Edition Notes](#) (Biblical Studies Press, 2006), Dt 25:14.

- f. Verse 15: both weights and measurements with the purpose of living in the land the Lord is giving them.
 - i. They cannot be a successful society without integrity.
 - ii. →How does this apply to us?
 - iii. →How must Christians have integrity today?
- g. Verse 16: those who do such things (lack justice) are an abomination. Proverbs 11:1 is a cross reference.
- h. Notice it is an abomination to have dishonesty.

VI. An example of injustice from the Amalekites and instructions to destroy them (verses 17-19)

¹⁷ “Remember what Amalek did to you along the way when you came out from Egypt, ¹⁸ how he met you along the way and attacked among you all the stragglers at your rear when you were faint and weary; and he did not fear God. ¹⁹ Therefore it shall come about when the LORD your God has given you rest from all your surrounding enemies, in the land which the LORD your God gives you as an inheritance to possess, you shall blot out the memory of Amalek from under heaven; you must not forget.

- a. Ex 17:8-16 records a battle with the Amalekites.
- b. This is an example of injustice.
- c. In verse 18: we see that Amalek met them when they were traveling and attacked the most vulnerable.
- d. **He did not fear God.**
- e. They are to kill all of the Amalekites.
- f. Actually, they are first to wait until they have rest from their surrounding enemies.
- g. This is once again listed as the land the Lord their God gives them as an inheritance to possess.
- h. Then they are to “blot out the memory” Amalek.
- i. Moody Bible Commentary: *The Amalekites are singled out in the Pentateuch as the Canaanite archenemy of Israel. Two earlier battles with them had been mentioned earlier (Ex 17:8-16; Nm 14:39-45), but here Moses revealed even more information about their actions against Israel. During Israel’s exodus from Egypt the Amalekites purposely killed the weak and the stragglers at the rear of the Israelite march (cf. 1Sm 15:2). This is especially egregious not just because they killed Israelites but because they killed the faint and weary. Care for the weak is an important theme in Deuteronomy, and the Amalekites intentionally violated a value that is dear to God’s heart. As a result the Israelites were to blot out the memory of Amalek from under heaven after they successfully occupied and settled in the promised land. Sadly they were not able to do so, as the Amalekites were still a force to be reckoned with later (2Sm 1:1; cf. 1Sm 15:20).*
- j. The New American Commentary shares:

VII. Though this closing paragraph may loosely be associated with the idea of interpersonal relationships elaborated throughout the lengthy section 23:19–25:19, its radically different subject matter (foreigners rather than fellow Israelites) and its apparent lack of reference to the Decalogue pose major problems about its present text location. Most scholars therefore either lump it under miscellaneous statutes or perceive it as having been misplaced in the text, perhaps from chap. 23.²⁵⁶ It seems best, however, to view it as a transitional piece between the past and the future, between the experience of Israel in the desert, where attack by Amalek was rather paradigmatic of the years of wandering, and the

²⁵⁶ So Mayes, *Deuteronomy*, 330.

hope of life in the land of promise, where God’s people would enjoy peace and prosperity (26:1–19).²⁵⁷

- a. **25:17–19** *The Amalekites, whom the Old Testament traces back to Eliphaz, son of Esau, and his concubine Timna (Gen 36:12), lived in the Arabian deserts east and south of the Dead Sea (Gen 36:16; Num 13:29; 14:25).²⁵⁸ They were a fierce nomadic people, hostile to Israel as their flagrant attack on the weak and elderly of the Exodus wanderers makes clear (Exod 17:8–16). Because of this cowardly act, the Lord placed them under his judgment (Exod 17:14), promising to bring them to utter ruin (Num 24:20). Eventually this came to pass but long after Israel’s settlement in Canaan. Saul was first commissioned to do so (1 Sam 15:1–3); but when he failed, the task fell to David, who appears to have been at least largely successful in achieving the long-sought objective (2 Sam 8:12). At the best, however, Israel failed to do what the law here commanded—to “blot out” (māḥâ) Amalek’s very memory “from under heaven” (v. 19).¹⁴*
- b. The IVP BBC OT:
- c. *The Amalekites were a confederation of tribes living primarily in the steppe area southeast of Canaan (Ex 17; Judg 6–7). There may have also been groups of Amalekites in the hill country west of Samaria. They are always portrayed as Israel’s rival for territory. The title of “first among the nations” may refer to what they called themselves or perhaps to their distinction as the first people to challenge the Israelites (Ex 17:8–15).¹⁵*
- d. *The Amalekites wandered through vast stretches of land in the Negev, Transjordan and Sinai peninsula. They are unattested outside the Bible, and no archaeological remains can be positively linked to them. However, archaeological surveys of the region have turned up ample evidence of nomadic and seminomadic groups like the Amalekites during this period. Despite several attempts to eliminate the Amalekites (Ex 17:8–13; 1 Sam 15:2–3), they reappear as enemies of Israel on an alarming number of occasions (Judg 6:3; 1 Sam 30:1; 2 Sam 8:12; 1 Chron 4:43). Their refusal to aid the Israelites as they crossed Sinai functions, as it does here, as the*

²⁵⁷ Craigie sees it as a piece of “unfinished business” between the past and future (*Deuteronomy*, 317–18). Amalek’s attack on Israel in the desert had to be avenged in the land of promise. Carmichael makes the helpful observation that the immediately preceding laws (vv. 5–10, 11–12, and even 13–16) had to do with strife between brothers, and inasmuch as Amalek descended from Esau (Gen 36:12), this “law of the Amalekites” is most fitting where it is (*Law and Narrative in the Bible*, 305).

²⁵⁸ G. L. Mattingly, “Amalek,” in *ABD* 1:169–71.

¹⁴ Eugene H. Merrill, *Deuteronomy*, vol. 4, The New American Commentary (Nashville: Broadman & Holman Publishers, 1994), 330–331.

¹⁵ Victor Harold Matthews, Mark W. Chavalas, and John H. Walton, *The IVP Bible Background Commentary: Old Testament*, electronic ed. (Downers Grove, IL: InterVarsity Press, 2000), Nu 24:20.

basis for the original enmity, but subsequent disputes are probably based on territorial clashes and raiding of each others' villages.¹⁶

¹⁶ Victor Harold Matthews, Mark W. Chavalas, and John H. Walton, [*The IVP Bible Background Commentary: Old Testament*](#), electronic ed. (Downers Grove, IL: InterVarsity Press, 2000), Dt 25:17–19.