

CHAPTER 17

INTRODUCTION TO DEUTERONOMY 17

This chapter begins with a caution not to sacrifice anything to the Lord that is blemished or ill favoured, (^{<6170>}Deuteronomy 17:1), an order is given to put to death men or women guilty of idolatry, where it is clearly proved upon them, (^{<6172>}Deuteronomy 17:2-7) and it is directed that when cases are too hard for inferior judges to determine, they should be brought to Jerusalem to the priests, Levites, and judges, which formed the great consistory there, whose sentence was to be adhered unto on pain of death, (^{<6178>}Deuteronomy 17:8-13), and rules are given about the choice of a king, and he is informed what he must not do, and what he should do, (^{<6174>}Deuteronomy 17:14-20).

Ver. 1. *Thou shalt not sacrifice unto the Lord thy God any bullock or sheep wherein is blemish*, etc.] No sacrifice of any sort, whether burnt offering, sin offering, or peace offering, was to have any blemish in it; typical of the unblemished and immaculate Lamb of God, who, being without sin, offered himself without spot to God, and so could take away the sins of others by the sacrifice of himself; (see ^{<6228>}Leviticus 22:18-25),

[or] any evilfavouredness; any sickness or disease upon it of any sort, which made it ill favoured to the sight, or disagreeable to the smell, or however unacceptable for sacrifice:

for that is an abomination to the Lord thy God; every such blemished and ill favoured sacrifice; (see ^{<3008>}Malachi 1:8,14).

Ver. 2. *If there be found among you, within any of thy gates which the Lord thy God giveth thee*, etc.] In any of their cities in the land of Canaan: *man or woman that hath wrought wickedness in the sight of the Lord thy God*: as all that is wrought is in the sight of the omniscient God; here it means not any kind of wickedness, for there is none lives without committing sin of one sort or another, all which is known to God the searcher of hearts, but such wickedness as is after described:

in transgressing his covenant; that is, his law, and particularly the first table of it, which respects divine worship, and which is in the nature of a marriage contract or covenant; which, as that is transgressed by adultery committed by either party, so the covenant between God and Israel was transgressed by idolatry, which is spiritual adultery, and going a whoring after other gods, as it follows:

Ver. 3. *And hath gone*, etc.] The Targum of Jonathan adds, after the evil imagination or concupiscence, lusting after other lovers, and forsaking the true God, and departing from his worship:

and served other gods; strange gods, the idols of the people, other gods besides the true God; the creature besides the Creator:

and worshipped them; by bowing down before them, praying to them, or ascribing their mercies and blessings to them, and giving them the glory of them:

either the sun, or moon, or any of the host of heaven: the two great luminaries, and the planets, constellations, and stars, any of them; which kind of idolatry very early obtained, and was in use at this time among the Heathens, and was an iniquity to be punished by the judge, (^{<3812>}Job 31:26-28), which sin, though so strictly forbidden, the people of Israel sometimes fell into, (^{<1213>}2 Kings 21:3 23:4)

which I have not commanded: and which is a sufficient reason, in matters of worship, to avoid and abstain from anything, that God has not commanded it; for in things of that nature nothing should be done but what he has ordered, who is a jealous God, and will not suffer any to take upon them to direct what should be done as a religious service and duty; and if any are so presumptuous, they must expect it will be resented; (see ^{<3012>}Isaiah 1:12) and especially with respect to the object of worship, as here, and which relate to things if not forbid expressly, yet tacitly, to do which was an abomination to the Lord.

Ver. 4. *And it be told thee, and thou hast heard of it, and inquired diligently*, etc.] A report of this kind was not to be neglected; though it was not to be concluded upon as certain by hearsay, it was to be looked into, and the persons that brought it thoroughly examined; so the Targum of Jonathan,

“and inquired the witnesses well,”

what proof and evidence they could give of the fact, who the persons were, when and where, and in what manner the sin was committed:

and, behold, [it be] true, [and] the thing certain; upon examining the witnesses the case is plain and out of all question:

that such abomination is wrought in Israel; to do it in any country was abominable, but much more so in the land of Israel, among the professing people of God, who had the knowledge of the true God, and had had so many proofs of his deity, his power and providence, as well as received so many favours and blessings from him, and had such laws and statutes given them as no other people had.

Ver. 5. *Thou shall bring forth that man or that woman which have committed the wicked thing,* etc.] Idolatry in any of the above instances: this must be supposed to be done after he or she have been had before a court of judicature, and have been tried and found guilty, and sentence passed on them, then they were to be brought forth to execution:

unto thy gates; the Targum of Jonathan says, unto the gates of your sanhedrim, or court of judicature; but Jarchi observes, that this is a mistake of the paraphrase, for he says, we are taught by tradition that “thy gate” is the gate in which he has served or committed idolatry; and so says Maimonides^{f188}, they do not stone a man but at the gate where he served or worshipped; but if the greatest part of the city are Heathens, they stone him at the door of the sanhedrim; and this is received from tradition, that “to thy gates” is the gate at which he served, and not where his judgment is finished:

[even] that man or that woman; this is repeated, and the woman as well as the man is expressed, to show that no compassion is to be had on her as is usual, nor to be spared on account of the weakness and tenderness of her sex, but she as well as the man must be brought forth and executed according to her sentence, without any mercy shown; and this is observed to show the resentment of the divine Majesty, and his indignation at this sin:

and shalt stone them with stones until they die; of the manner of stoning men and women, (See Gill on “~~4078~~ Acts 7:58”).

Ver. 6. *At the mouth of two witnesses, or three witnesses, shall he that is worthy of death be put to death,* etc.] The idolater found guilty was to be

stoned; two witnesses were sufficient to prove a fact, if three the better, but, on the testimony of one, sentence might not be pronounced. Aben Ezra observes, that some say, if two witnesses contradict two other, a third turns the scale and determines the matter; and others say, that two who are wise men will do, and three of others; and because it is said “at the mouth” of these witnesses, it is concluded, that a testimony should be verbal and not written; should not be recorded, neither in pecuniary cases nor in capital ones, but from the mouth of the witnesses, as it is said “at the mouth”, etc. at their mouth, and not from their handwriting^{f189}:

[but] at the mouth of one witness he shall not be put to death; so careful is the Lord of the lives of men, that none should be taken away but upon full and sufficient evidence, even in cases in which his own glory and honour is so much concerned.

Ver. 7. *The hands of the witnesses shall be first upon him to put him to death*, etc.] Of everyone of them, as Aben Ezra; they were to cast the first stone at him, which would be a further trial and confirmation of their testimony; for if they readily and without reluctance first began the stoning of the idolater, it would not only show their zeal for the honour of the divine Being, but an unconsciousness of guilt in their testimony, and be an encouragement to others to proceed with safety:

and afterwards the hands of all the people; should be employed in taking up stones, and casting at him until he was dead:

so thou shall put the evil away from among you; both the evil man and the evil committed by him, which by this means would be prevented from spreading, seeing by his death others would be deterred from following his example; as well as the evil of punishment, which otherwise would have come upon the nation, had they connived at so gross an iniquity.

Ver. 8. *If there arise a matter too hard for thee in judgment*, etc.] This is spoken to inferior judges in cities in the country, who sometimes might have cases too wonderful and mysterious, as the word signifies, or secret and hidden, such as were out of their reach and beyond their capacity, and so be very difficult for them to determine what should be done:

between blood and blood; that is, whether a man is guilty of shedding innocent blood or not; when such a case is depending between a person charged with it and the relatives of the deceased, or between a man slayer and the avenger of blood, and the question is, whether he may have the

benefit of a city of refuge or not, and there are some circumstances attending it which make it difficult how to determine:

between plea and plea; of the plaintiff on one side and of the defendant on the other, and both have so much to say in their own cause, that it is hard to decide which is in the right and which is in the wrong, whether in capital or pecuniary cases; it chiefly if not solely respects civil things in controversy:

and between stroke and stroke; blow or wound which one man received from another, and for which he commences a suit of law upon it, (^{Exodus 21:18,19}) or for assault and battery; and so Aben Ezra interprets it of blows and bruises; but the Jewish writers generally interpret it of the plague, or stroke of leprosy; so the Targums of Jonathan and Jerusalem; but the examination of such a case did not belong to the civil magistrate, but to a priest; nor was such a person had up to Jerusalem to be searched, but was shut up in a house until further evidence could be got; and, besides, the signs of the leprosy are so distinctly given, that at waiting a proper time, there was seldom or ever any difficulty about determining it:

[being] matter of controversy within thy gates; or what are matters of controversy about anything else; for the phrase is general, as Aben Ezra observes, and takes in everything in which anything difficult might occur; so Jarchi interprets it of things which the wise men of a city are divided about; one pronounces a person or thing unclean, another clean, one condemning and another justifying, and so far rightly; for this respects not controversies between men, that may be brought into courts of judicature, but controversies or divisions arising in these courts upon them, between the judges themselves, they not agreeing in their opinions:

then shalt thou arise and get thee up into the place which the Lord thy God shall choose; to Jerusalem, to the great sanhedrim or court of judicature, to which the inferior judges were to apply themselves, in matters of moment and difficulty, for instruction, information, and direction; it being supposed that in such a court such like cases may have been brought before them, and they were expert and understanding in them.

Ver. 9. *Thou shalt come unto the priests, the Levites*, etc.] The priests that are of the tribe of Levi, as the Targum of Jonathan, and so Jarchi; for Aben Ezra says there are priests that are not of the genealogy of Levi; such there

were indeed in Jeroboam's time, (^{<1123>}1 Kings 12:31 13:33). Maimonides ^{f190} observes, that it is ordered that there should be in the great sanhedrim priests and Levites, as it is said: "and thou shalt come unto the priests, and the judge that shall be in those days, and inquire"; judge is here put for judges, of which the great court consisted, being priests, Levites, and Israelites; (see Gill on "^{<1168>}Deuteronomy 16:18"), though others think that only a single person is meant, such as Othniel, Ehud, Gideon, Samson, etc. but then as there was not always such an one in being, I should rather think that the judge here, if a single person, is the president or prince of the great sanhedrim, who succeeded Moses, and sat in his place; and of him and his court, the priests, and Levites and Israelites that composed it, inquiry was to be made:

and they shall show thee the sentence of judgment; give their judgment in the difficult case proposed, and declare what is right to be done, and what sentence is to be pronounced.

Ver. 10. *And thou shalt do according to the sentence which they of that place which the Lord shall choose shall show thee*, etc.] The judges of the inferior courts were to return and proceed on the difficult case according to the judgment of the great court at Jerusalem, and follow the directions and instructions they should give them:

and thou shalt observe to do according to all that they inform thee; not only observe and take notice of what they say, but put it in practice, and not in some things and some circumstances only, but in all and everything they should give them information about relating to the case in question.

Ver. 11. *According to the sentence of the law which they shall teach thee*, etc.] For they were not to make any new law, but to teach the law of God, and so far as their sense and opinion of things agreed with that law they were to be regarded:

and according to the judgment which they shall tell thee, thou shalt do; what were law and justice, what were fit and right to be done, according to the will of God, which they should declare unto them, that was carefully to be done by them:

thou shalt not decline from the sentence they shall show thee, to the right hand nor to the left; by setting up after, all their own judgments against theirs to whom they had applied for information and direction, which to have done would have been very insolent and affronting; they were not to

depart from the determination they made of the case, on pretence of knowing better, nor even in any minute circumstance to deviate from it, but strictly and closely to keep unto it; though not to follow them so implicitly as to receive from them and embrace things the most absurd and unreasonable, as Jarchi suggests; who says, that their sense was to be abided by, even if they should say that the right hand is the left, and the left hand the right.

Ver. 12 *And the man that will do presumptuously*, etc.] The judge of the country court that makes his application to that at Jerusalem for information and direction; if, after all, he is conceited in his own opinion, and rejects theirs, and is obstinate, and will not be guided and directed, but will take his own way, and pursue his own sense of things, and act according to that:

and will not hearken to the priest that standeth to minister there before the Lord thy God; the priests of the tribe of Levi, of whom the court generally consisted, (^{f179}Deuteronomy 17:9), priest for priests; though some think the high priest is meant, to whom the character very well agrees; but he was not always at the head of the sanhedrim, nor indeed a member of it, unless he had the proper qualifications; (see ^{f188}Deuteronomy 18:18)

or unto the judge; or judges; (see Gill on “^{f179}Deuteronomy 17:9”).

L’Empereur ^{f191} thinks, that the supreme senate, or grand sanhedrim, was twofold, according to the diversity of ecclesiastic and political matters; since where it treats of the supreme senators, or chief persons in the court, the priest is manifestly distinguished from the judge (i.e. priests or judges); now the man that has asked advice of them, and will not be directed by it, but takes his own way, this being so great a contempt of, and insult upon, the great senate of the nation:

even that man shall die; and this was by strangling, for so the rebellious older, as such an one is called, was to die according to the Misnah ^{f192}; and it is said ^{f193}, that the death spoken of in the law absolutely (without specifying what kind of death) is strangling:

and thou shall put away the evil from Israel; the evil man that is rebellious against the supreme legislature of the nation, and the evil of contumacy he is guilty of, deterring others from it by his death.

Ver. 13. *And all the people shall hear, and fear*, etc.] All the people of Israel in their own cities, and particularly the judges in those cities; they

shall hear of what is done to the obstinate and disobedient elder, and shall be afraid to commit the like offence, lest they should come into the same punishment:

and do no more presumptuously; after his example; hence, Jarchi says, they wait till the feast comes, and then put him to death; and so it is said ^{f194}, they bring him up to the great sanhedrim which is at Jerusalem, and there keep him until the feast (the next feast), and put him to death at the feast, as it is said,

all the people shall hear, and fear.

Ver. 14. *When thou art come unto the land which the Lord thy God giveth thee*, etc.] The land of Canaan:

and shalt possess it, and shalt dwell therein; be entirely in the possession of it, and settled in it; it seems to denote some time of continuance in it, as it was, before they thought of setting a king over them, about which are the following instructions:

and shalt say, I will set a king over me, like as all the nations that are round about me; which was what would and did lead them to such a thought and resolution; observing that the neighbouring nations had kings over them, they were desirous of being like them as to the form of their civil government, and have a king as they had.

Ver. 15. *Thou shalt in any wise set [him] king over thee whom the Lord thy God shall choose*, etc.] The Jews take this to be a command to set a king over them: whereas it is only a permission in case they should desire and determine on having one, as God foresaw they would; and this with a limitation and restriction to appoint none but whom God should choose, and which was their duty and interest to attend unto; for none could choose better for them, and was what he had a right unto, and it became them to submit to it, since he was their King in a civil and special sense, and another was only his viceregent; accordingly we find, when they expressed their desire to have a king in the time of Samuel, and it was granted, though not without some resentment, the Lord chose their first king for them, Saul, and, after him, David, and even Solomon, David's son; and though, in later times, they appointed kings without consulting him, it is complained of, (~~xxx~~ Hosea 8:4) hence this clause is prefaced in the Targum of Jonathan,

“ye shall seek instruction from the Lord, and after set him king, etc.”

which was to be done by the mouth of a prophet, or by Urim, as Aben Ezra observes:

one from among thy brethren shall thou set king over thee: that is, one of their own nation, an Israelite, a brother both by nation and religion:

thou mayest not set a stranger over thee that is not thy brother; one of another nation, that is not of the family of Israel, as Aben Ezra notes, even not an Edomite, though called sometimes their brother; and Herod, who was an Idumean, was set up, not by them, but by the Romans; now in this their king was a type of the King Messiah, of whom it is said, “their nobles shall be of themselves”, (²³⁰¹Jeremiah 30:21).

Ver. 16. *But he shall not multiply horses to himself*, etc.] That he might not put his trust and confidence in outward things, as some are apt to trust in horses and chariots; and that he might not tyrannise over and distress his subjects by keeping a number of horses and chariots as a standing army, and chiefly for a reason that follows; he was to have no more than for his own chariot, so Jarchi, and so the Misnah ^{f195} and Maimonides ^{f196}; the Targum of Jonathan restrains it to two:

nor cause the people to return to Egypt, to the end that he should multiply horses; which was a country that abounded with them, and therefore he was not to encourage, and much less oblige his subjects to travel thither or trade with that people for the sake of increasing his stock of horses, (²³⁰¹Isaiah 31:1,3)

forasmuch as the Lord hath said unto you, ye shall henceforth return no more that way; not that going into Egypt on any account whatsoever was forbidden, as for trade and merchandise in other things, or for shelter and safety, for which some good men fled thither; but for outward help and assistance against enemies, and for horses on that account, and particularly in order to dwell there, from which the Jews in the times of Jeremiah were dissuaded by him, and threatened by the Lord with destruction, in case they should, (²⁴²⁵Jeremiah 42:15-22). When the Lord said this is not certain; it may be when they proposed to make a captain, and return unto Egypt; or he said this in his providence, this was the language of it ever since they came out of it, or however this he now said; (see ⁵³⁸Deuteronomy 28:68).

Ver. 17. *Neither shall he multiply wives to himself, that his heart turn not away,* etc.] From attending to the duty of his office, the care and government of his people, and from serious religion; and particularly from the worship of the true God, as the heart of Solomon was turned away from it by his numerous idolatrous wives, (~~1 Kings~~ 1 Kings 11:3,4), it is a common notion of the Jews that a king might have eighteen wives, and no more^{f197}: neither shall he greatly multiply to himself silver and gold; he might increase his wealth, but not greatly, lest his heart should be lifted up with pride by it, and lest his subjects should be oppressed and burdened with taxes for that purpose; or he, being possessed of so much, should make use of it to enslave them, and especially should be so elated with it as to deny God, and despise his providence, and disobey his laws; (see ~~Proverbs~~ Proverbs 30:9). The Jews generally say^{f198}, that he ought not to multiply more than what will pay the stipends or wages of his servants, and only for the treasury of the house of the Lord, and for the necessity of the congregation (or commonwealth), and for their wars; but not for himself, and his own treasury.

Ver. 18. *And it shall be, when he sitteth upon the throne of his kingdom,* etc.] When he is settled on it, and is even amidst all the pomp and glory of it: that he shall write him a copy of this law in a book; which copy the Septuagint and Vulgate Latin versions interpret of this book of Deuteronomy, which is a summary abstract and repetition of the various laws of God to the people of Israel; though the Jewish writers commonly understand it of the whole Pentateuch, the five books of Moses; which perhaps may be enlarging it too much, as it would be reducing it to too little to restrain it to this law concerning kings, as the Targum of Jonathan. The word “Mishneh”, rendered “copy”, signifies “double”; hence some take it to mean a double exemplar or copy of the law he was obliged to write out, whereby it would be the more imprinted on his mind, and he would be furnished with it for his use at home and abroad, as the Jewish writers observe; so Jarchi by the copy understands two books of the law, one to be left in his treasury, the other to go out and in with him. The same is said in the Talmud^{f199}, and with which Maimonides^{f200} agrees, whose words are,

“at the time a king sits on the throne of his kingdom, he writes for himself a book of the law, besides what his fathers left him; and he copies it out of the book of the court by the order of the sanhedrim of seventy one; if his fathers have left him none, or it is lost, he

writes two books of the law, one he leaves in the house of his treasures, which he is commanded, as everyone of Israel is, and the second never departs from him;”

but one may seem sufficient on all occasions, and for all purposes; and this was to be wrote out of that which is before the priests and Levites; the original copy of it, which was deposited in the side of the ark; (see ^{<15326>}Deuteronomy 31:26 ^{<12218>}2 Kings 22:8).

Ver. 19. *And it shall be with him*, etc.] Always, when at home or abroad, sitting on his throne or lying down, or wherever he went, unless in such places where it was not proper to read it, as the Jews observe ^{f201}: and he shall read therein all the days of his life; every day of his life; meditate on it night and day, as a good man does, that he might be well versed in it, and know how to govern his people according to it:

that he may learn to, fear the Lord his God; to serve and worship him both internally and externally, he having the fear of God always before his eyes, and on his heart, which the holy law of God directs to and instructs in:

to keep all the words of this law, and these statutes, to do them; not only such as concerned him as a king, but all others that concerned him as a man, a creature subject to the Lord, and as an Israelite belonging to the church and commonwealth of Israel, and so includes all laws, moral, ceremonial, and judicial.

Ver. 20. *That his heart be not lifted up above his brethren*, etc.] On account of his office, the dignity of it, considering that he was subject to the law of God, and accountable to the Lord for all his actions:

and that he turn not aside from the commandment, to the right hand or to the left; not in the least deviate from the law of God in the whole of his conduct, and particularly in the exercise of his kingly office:

to the end that he may prolong his days in his kingdom; ruling well according to the laws of God being the way to rule long:

he and his children in the midst of Israel; this shows, as Jarchi observes, that if his son was fit for the kingdom, he was to be preferred to any other man; for though it was elective, yet to be continued in the same family, provided they walked in the ways of the Lord, and observed his laws.