

CHAPTER 22

INTRODUCTION TO DEUTERONOMY 22

In this chapter are various laws, concerning care of a neighbour's cattle gone astray or in distress, and of anything lost by him, (^(R21)Deuteronomy 22:1-4), forbidding one sex to wear the apparel, of another, (^(R21)Deuteronomy 22:5) and the taking away of the dam with the young found in a bird's nest, (^(R21)Deuteronomy 22:6,7), ordering battlements to be made in a new house, (^(R21)Deuteronomy 22:8), prohibiting mixtures in sowing, ploughing, and in garments, (^(R21)Deuteronomy 22:9-11), requiring fringes on the four quarters of a garment, (^(R21)Deuteronomy 22:12), fining a man that slanders his wife, upon producing the tokens of her virginity, (^(R21)Deuteronomy 22:13-19) but if these cannot be produced, then orders are given that she be put to death, (^(R21)Deuteronomy 22:20-21), then follow other laws, punishing with death the adulterer and adulteress, and one that hath ravished a betrothed damsel, (^(R21)Deuteronomy 22:22-27), amercing a person that lies with a virgin not betrothed and she consenting, and obliging him to marry her, and not suffering him to divorce her, (^(R21)Deuteronomy 22:28-29) and another against a man's lying with his father's wife, (^(R21)Deuteronomy 22:30).

Ver. 1. *Thou shall not see thy brother's ox or his sheep go astray*, etc.] Or "driven away"^{F313}; frightened and starved away from the herd or from the flock by a wolf or dog; and the ox and sheep are put for every other creature a man has, as camels, asses, etc. which last sort is after mentioned; and a brother means not one in the natural relation of kindred only, for it is supposed, in the next verse, that he might not only be at a distance, but unknown; nor by religion only, or one of the commonwealth or church of the Jews, for what is enjoined is a piece of humanity the law of nature requires and directs unto, and is even to be done to enemies, (^(R21)Exodus 23:4) and hide thyself from them; make as if he did not see them, and so be entirely negligent of them, and takes no care and show no concern about them, but let them go on wandering from the herd and flock from whence they were driven, and to which they cannot find the way of themselves:

thou shalt in any case bring them again to thy brother: to his herd or flock, or to his house, and deliver them into his own hands, or to the care of his servants.

Ver. 2. *And if thy brother be not nigh unto thee,* etc.] Does not live in the same neighbourhood, but at some considerable distance; so that he cannot soon and easily be informed of his cattle, or they be sent to him:

or if thou know him not; the owner of them, what is his name, or where he lives:

then thou shalt bring it into thine house; not into his dwelling house, but some out house, barn, or stable:

and it shall be with thee; remain in his custody, and be taken care of by him; and, as the Targum of Jonathan says, “be fed and nourished by him”; for, according to the Jewish canon^{f314}, whatsoever could work and eat, that should work and eat, and whatsoever did not work and eat was to be sold; for which there was a set time, as the commentators say^{f315}, for large cattle, as oxen, twelve months; for lesser cattle, as sheep, goats, etc. three months, here it is fixed,

until thy brother seek after it; though in the mean while the finder was to make use of means, whereby the owner might be informed of it; for whatsoever was lost, in which were marks and signs by which inquiries might be made, were to be proclaimed^{f316}; (and it is asked) how long a man was obliged to proclaim? until it was known to his neighbours; some say (he must proclaim it) at three feasts, and seven days after the last feast, so that he may go home three days, and return three days, and proclaim one day; if (the owner) tells what is lost, but does not tell the marks or signs, he may not give it him; and a deceiver, though he tells the signs, he may not give it him, as it is said, “until thy brother seek after it”; until thou inquirest of thy brother whether he is a deceiver or not: and elsewhere it is said^{f317}, formerly if a man lost anything, and gave the signs or marks of it, he took it; but after deceivers increased, it was ordered to be said to him, bring witnesses that thou art not a deceiver, and take it; and in the same place it is observed, that there was at Jerusalem a stone, called Eben Toim, “the stone of strays”, and whoever had lost or found anything repaired thither, and gave the signs and marks of it, and took it:

and thou shalt restore it to him again; he having made it fully to appear to be his, and having defrayed all expenses in advertising and keeping it; but if

no owner appear to claim it, or not to satisfaction, the finder was to keep it as his own; but otherwise he was by all means to restore it, or, as in (^{f318}Deuteronomy 23:1) “in restoring thou shalt restore them”^{f318}, that is, certainly restore them; and continually wherever it so happens: the Jewish canon is ^{f319},

“if he restores it, and afterwards it strays away, and he restores it again and it strays away, even though four or five times, he is bound to restore it; as it is said, “in restoring thou shalt restore them”; Maimonides says ^{f320}, that even an hundred times he is bound to restore them.”

Ver. 3. *In like manner shall thou do with his ass*, etc.] As with his ox or sheep when astray, and found, keep it until it is owned, and then restore it; this is expressly mentioned in (^{f320}Exodus 23:4)

and so shalt thou do with his raiment; if that is lost and found, it must be restored to the owner, he describing it; a garment is particularly mentioned, it is said ^{f321}, because in every garment there is a mark or sign by which the owners can inquire about it; for it is made by the hands of men, and does not come from anything common:

and with all lost things of thy brother's, which he hath lost, and thou hast found, shalt thou do likewise: this comprehends everything that is lost, that is properly so; it is asked ^{f322};

“what is a lost thing? if a man finds an ox or a cow feeding in the way, this is not a lost thing; an ass whose instruments are inverted, and a cow running among the vineyards, this is a lost thing:”

thou mayest not hide thyself: from seeing it and taking care of it, in order to restore it to the right owner; or dissemble a sight of it, and pretend he never saw it, and so entirely neglect it. In some instances the Jews allow they were not obliged to take any notice or care of it, as,

“if a man find a cow in a cow house (which is not shut), he is not obliged (to take care of it); if in a public place, he is obliged; if it is in a burying ground he may not defile himself for it ^{f323}.”

Ver. 4. *Thou shall not see thy brother's ox or his ass fall down by the way*, etc.] And lie under his burden, not being able to rise with it of himself, nor with all the assistance about it, without further help:

and hide thyself from them; cover thine eyes, or turn them another way, and make as if thou didst not see them in distress:

thou shalt surely help him to lift them up again; that is, help the brother and owner of it, the ox and ass; assist him in getting them up again, and lay on their burden, and fasten them aright, which either were rolled off by the fall, or were obliged to be taken off in order to raise them up; and if this was to be done for an enemy, then much more for a brother, as is required, (see Gill on “^{f323}Exodus 23:5”), or “lifting up, thou shalt lift them up with him”^{f324}; that is, most certainly do it, and lift with all his strength, and as often as there is occasion; if they fell down again after raised up, help is still to be continued, even, as Maimonides^{f325} says, though it was an hundred times.

Ver. 5. *The woman shall not wear that which pertaineth unto a man*, etc.]

It being very unseemly and impudent, and contrary to the modesty of her sex; or there shall not be upon her any “instrument of a man”^{f326}, any utensil of his which he makes use of in his trade and business; as if she was employed in it, when her business was not to do the work of men, but to take care of her house and family; and so this law may be opposed to the customs of the Egyptians, as is thought, from whom the Israelites were lately come; whose women, as Herodotus^{f327} relates, used to trade and merchandise abroad, while the men kept at home; and the word also signifies armour^{f328}, as Onkelos renders it; and so here forbids women putting on a military habit and going with men to war, as was usual with the eastern women; and so Maimonides^{f329} illustrates it, by putting a mitre or an helmet on her head, and clothing herself with a coat of mail; and in like manner Josephus^{f330} explains it,

“take heed, especially in war, that a woman do not make use of the habit of a man, or a man that of a woman;”

nor is he to be found fault with so much as he is by a learned writer^{f331}, since he does not restrain it wholly to war, though he thinks it may have a special regard to that; for no doubt the law respects the times of peace as well as war, in neither of which such a practice should obtain: but the Targum of Jonathan very wrongly limits it to the wearing fringed garments, and to phylacteries, which belonged to men:

neither shall a man put on a woman's garment; which would betray effeminacy and softness unbecoming men, and would lead the way to many

impurities, by giving an opportunity of mixing with women, and so to commit fornication and adultery with them; to prevent which and to preserve chastity this law seems to be made; and since in nature a difference of sexes is made, it is proper and necessary that this should be known by difference of dress, or otherwise many evils might follow; and this precept is agreeably to the law and light of nature: it is observed by an Heathen writer^{f332}, that there is a twofold distribution of the law, the one written, the other not written; what we use in civil things is written, what is from nature and use is unwritten, as to walk naked in the market, or to put on a woman's garment: and change of the clothes of sexes was used among the Heathens by way of punishment, as of the soldiers that deserted, and of adulteresses^{f333}; so abominable was it accounted: indeed it may be lawful in some cases, where life is in danger, to escape that, and provided chastity is preserved:

for all that do so are an abomination to the Lord thy God; which is a reason sufficient why such a practice should not be used. Some from this clause have been led to conclude, that respect is had to some customs of this kind used in idolatrous worship, which are always abominable to the Lord. So Maimonides^{f334} observes, that in a book of the Zabians, called "Tomtom", it is commanded, that a man should wear a woman's garment coloured when he stood before the star of Venus, and likewise that a woman should put on a coat of mail and warlike armour when she stood before the star of Mars; which he takes to be one reason of this law, though besides that he gives another, because hereby concupiscence would be excited, and an occasion for whoredom given: that there was some such customs among the Heathens may be confirmed from Macrobius^{f335}, and Servius^{f336} as has been observed by Grotius; the former of which relates, that Philochorus affirmed that Venus is the moon, and that men sacrificed to her in women's garments, and women in men's; and for this reason, because she was thought to be both male and female; and the latter says, there was an image of Venus in Cyprus with a woman's body and garment, and with the sceptre and distinction of a man, to whom the men sacrificed in women's garments, and women in men's garments; and, as the above learned commentator observes, there were many colonies of the Phoenicians in Cyprus, from whom this custom might come; and to prevent it obtaining among the Israelites in any degree, who were now coming into their country, it is thought this law was made; for the priests of the

Assyrian Venus made use of women's apparel^{f337}, and in the feasts of Bacchus men disguised themselves like women^{f338}.

Ver. 6. *If a bird's nest chance to be before thee in any tree, or on the ground*, etc.] Which are the usual places in which birds build their nests; and this, as Jarchi observes, excepts such nests that are prepared, that is, that are purposely made for fowls kept at home; and with which agrees the Jewish canon, which says^{f339}

“the letting go (the dam out of) the nest is not used but of a fowl, and it is not used but of what is not prepared; what is that which is not prepared? such as geese and hens, whose nest is in an orchard; but if their nest is in the house, and so doves kept at home, a man is free from letting (the dam) go;”

that is, he is not obliged to let it go; and this is to be understood of clean birds only; so the Targum of Jonathan,

“the nests of clean birds;”

agreeably to the same canons and the explanation of them^{f340},

“an unclean bird is free from letting go; so an unclean bird, that sits upon the eggs of a clean bird, also a clean bird that sits upon the eggs of an unclean bird, are free from letting go;”

or persons are not obliged to let such go:

whether they be young ones or eggs; that are in the nest; and the Jewish canon is^{f341},

“if there is but one young one, or one egg, a man is obliged to let go the dam, as it is said a nest: a nest is a word of a large sense:”

and the dam sitting upon the young or upon eggs, thou shalt not take the dam with the young; according to the above canon,

“if she is flying at the time her wings reach the nest, a man is bound to let her go; but if her wings touch not the nest, he is free from letting her go--if the young ones are capable of flying, or the eggs rotten, he is free from letting her go, as it is said, and the dam sitting, etc. as the young are alive, so the eggs must be firm and sound, rotten ones are excepted; and as eggs have need of their

dam, so the young have need of their dam; those (therefore) that can fly are excepted.”

the dam is not to be taken with her young upon any account; yea, it is said ^{f342}, not even to cleanse a leper; and whoever does take her is to be beaten: this law was made partly to preserve the species of birds, and prevent the decrease of them; for a dam let go might breed again, and to this purpose are the verses ascribed to Phocylides ^{f343}, which contain the substance of this law, and this reason of it: and partly, as Maimonides observes ^{f344}, that the dam might not be afflicted at the sight of the spoil of her young; for this law does not prohibit the taking of her in any other place but in her nest, nor after her young are taken, but not together; and, as the same writer remarks, if the law would have such care taken of beasts and birds, that they might be freed from sorrow and distress, how much more of man? Wherefore the intention of this law is to teach humanity, compassion, and pity in men to one another, and to forbid cruelty, covetousness, and such like vices; as also to instruct in the doctrine of Providence, which has a respect to birds; and our Lord may be thought to have this law in view, ([Ⓢ]Luke 12:6).

Ver. 7. *But thou shall in any wise let the dam go, and take the young to thee*, etc.] Or “in letting go, let go”, or “in sending, send away” ^{f345}; that is, willingly, certainly, entirely, frequently, always; so the Jewish canons ^{f346},

“if anyone lets her go, and she returns, even four or five times, he is obliged to let her go, as it is said, “in letting go, let go”;

nay, Maimonides says ^{f347}, even a thousand times; the canon proceeds,

“if anyone says, lo, I take the dam and let go the young, he is obliged to let her go; if he takes the young, and returns them again to the nest, and after that returns the dam to them, he is free from letting her go;”

that it may be well with thee, and that thou mayest prolong thy days; the Targum of Jonathan is,

“that it may be well with thee in this world, and thou mayest prolong thy days in the world to come:”

the same blessing that is promised to observers of the fifth command, which is one of the weightier matters of the law, is made to this; which the

Jews say ^{f348} is but as the value of a farthing, or of little account in comparison of others; wherefore, as Fagius rightly observes ^{f349}, God, in bestowing such rewards, has regard not to the works of men, but to his own grace and kindness; for what merit can there be in letting go or preserving the life of a little bird?

Ver. 8. *When thou buildest a new house*, etc.] Which is to be understood of a house to dwell in, not of a granary, barn, or stable, or such like, and every house ^{f348} that is not four cubits square, as Maimonides observes ^{f350}:

then thou shalt make a battlement for thy roof; in the Talmud ^{f351} it is asked, what is the meaning of, or why is it said, “thy roof?” to except synagogues and schools; the gloss upon which is, synagogues, etc. do not belong to any single person, and besides are no dwelling place. A battlement, as Jarrift describes it, was a fence round the roof; or, as more fully described by Kimchi ^{f352}, it was an edifice made for a roof round about it, ten hands high, or more, that a person might not fall from it; so Ben Melech from him. The reason of this law was, because the roofs of houses in those countries were flat, on which they used to walk for diversion and recreation, or retire for devotion, meditation, prayer, and social conversation; such they were in the times of the Canaanites, (^{<0006>}Joshua 2:6) and in the times of Saul and David, (^{<0025>}1 Samuel 9:25 ^{<0002>}2 Samuel 11:2 16:21) and in the times of the New Testament; (see Gill on ^{<0007>}Matthew 10:27”), (see Gill on ^{<0047>}Matthew 24:17”), (see Gill on ^{<0004>}Mark 2:4”), (see Gill on ^{<0009>}Acts 10:9”), and so in later times, and to this day. Rauwolff ^{f353}, traveller in those parts, relates, that at Tripoli in Phoenicia,

“they have low houses, ill built, and flat at the top, as they are generally in the east; for they cover their houses with a flat roof or floor, so that you may walk about as far as the houses go, and the neighbours walk over the tops of their houses to visit one another; and sometimes in the summer they sleep on the top of them.”

Now to prevent falling from thence, and mischief thereby, such a battlement as before described was ordered:

that thou bring not blood upon thy house; be not the occasion of blood being shed, or contract guilt of blood through negligence of such a provision the law directs to, the guilt of manslaughter, or of shedding innocent blood in thy house, as the Targums of Jonathan and Jerusalem;

hence the Talmudists ^{f354} extend this to other things, and by this law also they suppose men are bound to guard against all dangers in any other way; as if a man had a well or pit of water in his courtyard, he ought either to put a cover over it, or to make a fence round it as high as this battlement ^{f355}.

if any man fall from thence; that is, if a man walking on the roof of an house should make a slip or a false step, and stumble and reel, and so be falling, and fall from thence; which might have been prevented, even his falling from thence or to the ground, if such a battlement had been made.

Ver. 9. *Thou shalt not sow thy vineyards with divers seeds*, etc.] As wheat and barley between the rows of the vines; and this is to be understood only of divers sorts of corn, and of divers sorts of herbs, but not of trees; hence we read of a fig tree in a vineyard, (^{<2136}Luke 13:6), and this only respects what is sown with design, and not what is casual, as the Jews interpret it ^{f356},

“if a man passes through a vineyard, and seeds fall from him, or they are carried out along with dung, or with water; or when a man is sowing, and a storm of wind carries it behind him (i.e. to a vineyard behind him), it is lawful;”

that is, it may be let grow, and the fruit of it enjoyed; the same here is said of the vineyard as of the field in (see Gill on “^{<1899}Leviticus 19:19”);

lest the fruit of thy seed which thou hast sown, and the fruit of thy vineyard; be defiled; that is, lest not only the increase of these divers seeds sown, but also the increase of the vines among which they are sown, become unlawful, and unfit for use, and so a loss of all be sustained: the Targum of Jonathan is,

“lest it be condemned to burning;”

or thou art obliged to burn it; for, according to the Jewish canons ^{f357}, the mixtures of a vineyard, or the divers seeds of it, and the increase thereof, were to be burnt; and the commentators of the Misnah ^{f358} frequently explain this phrase by “*lest it be burnt*”.

Ver. 10. *Thou shalt not plough with an ox and an ass together*, etc.] They might be used separately, but not together; nor was it uncommon in some countries for asses to be employed in ploughing as well as oxen. Pliny ^{f359}

makes mention of some fruitful land in Africa, which when it was dry weather could not be ploughed by oxen, but after showers of rain might be ploughed by a mean little ass; so Leo Africanus ^{f360} says, the Africans only use horses and asses in ploughing. The reason why they were not to be put together was either (as some think) lest the law should be broken which forbids the gendering of cattle with a divers kind, (^(B99)Leviticus 19:19) but Aben Ezra thinks the reason is, because the strength of an ass is not equal to the strength of an ox; and therefore he supposes this law is made from the mercy and commiseration of God extended to all his creatures; though perhaps the better reason is, because the one was a clean creature, and the other an unclean, and this instance is put for all others; and with which agree the Jewish canons, which run thus,

“cattle with cattle, wild beasts with wild beasts, unclean with unclean, clean with clean (i.e. these may be put together); but unclean with clean, and clean with unclean, are forbidden to plough with, to draw with, or to be led together ^{f361}.”

The mystery of this is, that godly and ungodly persons are not to be yoked together in religious fellowship: (see ^(C64)2 Corinthians 6:14).

Ver. 11. *Thou shalt not wear a garment of divers sorts*, etc.] The Jews say nothing is forbidden under the name of sorts but what is spun and wove, as it is said, “thou shalt not wear sheatnez”, a thing that is carded, spun, and wove ^{f362}; which Ainsworth translates “linsie woolsie”, and is explained by what follows: as “of woollen and linen together”; of which (see Gill on ^(B99)Leviticus 19:19”), whereas Josephus ^{f363} observes, this was granted to the priests only to wear such garments. Bochart ^{f364} affirms it to be false; but that great man is mistaken; the blue, purple, and scarlet, in the priests’ garments, were no other than dyed wool; and it is a sentiment in general received by the Jews, that the priests wore no other but woollen and linen in their service; see the note on the above place; otherwise this law is so strictly observed, as not, to sew a woollen garment with linen thread, and so on the contrary ^{f365}.

Ver. 12. *Thou shalt make thee fringes*, etc.] Though a different word is here used from that in (^(H58)Numbers 15:38), yet the same things are intended, and Onkelos translates both by one and the same word, and which is no other than a corruption of the Greek word used in (^(A23)Matthew 23:5). Though there have been some, whom Aben Ezra takes notice of, who supposed that this is a law by itself, and to be observed in

the night, as that in (⁰⁴⁵⁸Numbers 15:38) was in the day; but these he warmly opposes, and calls them liars:

upon the four quarters of thy vesture, wherewith thou coverest thyself; upon the four skirts of the uppermost vesture, called Talith; (see Gill on “⁰⁴⁵⁸Numbers 15:38”).

Ver. 13. *If any man take a wife, and go in unto her, and hate her.*] That is, marries a wife, and cohabits with her as man and wife, and after some time dislikes her, and is desirous of parting with her, and therefore takes the following wicked method to obtain it: this is to be understood of a virgin taken to wife, as the Targum of Jonathan explains it; and what follows confirms it.

Ver. 14. *And give occasions of speech against her,* etc.] Among her neighbours, who by his behaviour towards her, and by what he says of her, will be led in all company and conversation to traduce her character, and speak of her as a very bad woman:

and bring up an evil name upon her; take away her good name, and give her a bad one; defame her, and make her appear scandalous and reproachful to all that know her: though the Jews understand this not of private slander, but of bringing an action against her in a public court of judicature, the substance of which follows: “and say, I took this woman, and when I came to her, I found her not a maid”; the sense is, that he had married her, and when he came to cohabit with her as man and wife, it appeared to him that she was vitiated, and not a pure virgin. This is the charge in court against her, the action laid by him; so Jarchi observes, a man might not say this but before a magistrate, in a court of judicature, which is thus represented by Maimonides ^{f366};

“a man comes to the sanhedrim, and says, this young woman I married, and I did not find her virginities; and when I inquired into the matter, it appeared to me that she had played the whore under me, after I had betrothed her; and these are my witnesses that she played the whore before them.”

Ver. 15. *Then shall the father and the mother of the damsel take,* etc.] Power from the court, according to the Targum of Jonathan; having leave and licence granted them to do what follows, these were to, and would, concern themselves in such an affair, partly for the credit and reputation of

their child, and partly for their own honour, who were in danger, as Jarchi observes, of coming into contempt for their ill education of her:

and bring forth the tokens of the damsel's virginity; the sheet she lay in when she first bedded with her husband, in her parents' possession, and kept by them as a witness of her purity, should there ever be any occasion for it: and which were to be brought

unto the elders of the city in the gate; which sat in the gate of the city to try causes: the Targum of Jonathan calls it the gate of the sanhedrim, or court of judicature; and, according to Maimonides^{f367}, this court was the court of twenty three judges; for this was a capital crime accused of, a cause relating to life and death, which could not be heard and tried in a lesser court.

Ver. 16. *And the damsel's father shall say unto the elders*, etc.] Not her mother; hence we learn, says Jarchi, that a woman has not power (or is not allowed) to speak before men; that is, in public (see ~~4143~~ 1 Corinthians 14:34) and it was most proper for a father to appear in court for her, and defend her; and if she had no parents living then, those that brought her up, her guardians, that had the education of her, and placing her out in marriage, were to undertake her cause; or, as Josephus^{f368} says, those that were next akin to her; or, as, Aben Ezra, one appointed by the court:

I gave my daughter unto this man to wife; and, by the Jewish canons^{f369}, a man might give his daughter in marriage, but a woman might not:

and he hateth her; has taken a dislike to her, and wants to be rid of her, and therefore has brought this infamous action against her.

Ver. 17. *And, lo, he hath given occasion of speech against her*, etc.] In the neighbourhood where they dwell; has been the cause of persons speaking reproachfully of her, as one of ill fame:

saying, I found not thy daughter a maid; so that it seems he said this not only to his neighbours, and before a court of judicature, but to the parents of the damsel:

and yet these are the tokens of my daughter's virginity; which were brought with him, and produced in open court:

and they shall spread the cloth before the elders of the city; that they might have ocular proof and evidence of the truth of what he said, by

having spread before them the sheet stained with the blood of her virginity upon her husband's first congress with her. It seems that the mother, as well as the father, were present and concerned in this action: for it is said, "they shall spread"; and though the mother might not speak, she was the proper person to bring this cloth and spread it; and indeed it was particularly in her care and keeping; for we are told ^{f370}, that two persons, called **μννυβϙωϙ**, "the friends" of the bride and bridegroom, went first into their bedchamber, and thoroughly examined the bed, whether there was anything relating to the sign of virginity, by which one might impose upon another; and they stood all night keeping watch with great joy and cheerfulness, as if they had been the guards of a king and queen; (to which is thought the allusion is in (~~413~~) John 3:29)) their business was, when the bridegroom and bride came out, to rush in immediately, and examine all things again; and knowing and owning the former linen sheets in which they had lain, took them and delivered them to the mother. Nor need spreading such a cloth before the court be thought unlikely because of the indecency of it, when it is observed that persons and things much more filthy came under the cognizance and examination of the priests, as leprous, menstruous, and profluvius persons, and their respective disorders; nor is it at all improbable that there should be such evident tokens as are said to be given, when it is observed, especially of the Jewish women, at what a tender age they were marriageable, and were frequently married, namely, when twelve years and one day old. And the Africans, as we are told ^{f371}, have a custom with them similar to this at a wedding;

"a feast is prepared, and a certain woman waits without, until the bride is lain with; and then a linen cloth, stained with blood, is reached out to her, which she carries in her hands, and shows to the guests, crying out with a loud voice that this was a virgin hitherto not corrupt; then she, with other women, are splendidly received, first by the parents of the bridegroom, and then of the bride; but if she does not appear to be a virgin, she is returned to her parents under the disgrace of all, and the marriage made null and void."

Indeed there are some Jewish writers, that interpret this cloth in a parabolical and allegorical sense, and understand by it witnesses that; would make the case as clear and plain as the spreading out a cloth or garment. They suppose that before the damsel was lain with she was examined by several matrons, who declaring her to be a virgin, gave it under their hands in writing to her parents, which they were capable of

producing in court when there was occasion for it; so Jarchi says, this is a parable; the meaning is, they made things as clear and as plain as a new cloth; with which agrees the Talmud^{f372} he seems to have taken it from, where on these words, and they shall spread the cloth, this remark is made; but the literal sense seems best.

Ver. 18. *And the elders of that city shall take the man, and chastise him.*] Not with words, but blows. Jarchi interprets it of beating, and so does the Talmud^{f373}; and both the Targums of Onkelos and Jonathan render it,

“shall beat him;”

that is, with the beating or scourging of forty stripes, save one.

Ver. 19. *And they shall amerce him in an hundred shekels of silver,* etc.] Which was about twelve pounds of our money; this was double the dowry he would have been obliged to have given her, if he had put her away; which he might have done with less trouble, and with a greater certainty of being rid of her; but being willing to save that expense, took this wicked method to accuse her falsely; and therefore is fined double that sum:

and give them unto the father of the damsel; as a sort of satisfaction or reparation for the scandal brought upon him and his family; if the damsel was fatherless, Maimonides^{f374} says, she was to have them herself:

because he hath brought up an evil name upon a virgin in Israel: defamed her among her neighbours and acquaintance, or brought a false accusation against her in court; alleging she was not a virgin when he married her, when she was one, which was a very great injury to her character:

and she shall be his wife, he may not put her away all his days: and so he was disappointed in his view of getting rid of her, and obliged to retain her as his wife, though hated, and was not suffered to divorce her as long as he lived; which was permitted and connived at in other men, and which he might have done before, without bringing such a charge against her; all which must be very mortifying to him, as to be whipped, to pay a fine, keep his wife, and not allowed ever to divorce her.

Ver. 20. *But if this thing be true,* etc.] Which the husband of the damsel laid to her charge, that she was no virgin when married to him, and she had committed whoredom, of which there was plain proof:

and the tokens of virginity be not found for the damsel; by her parents, or those who had the care of her; or no sufficient reason could be assigned for the want of them, through any family defect, or any disorder of her own; which, as Maimonides^{f375} says, the judges were to inquire into.

Ver. 21. *Then they shall bring out the damsel to the door of her father's house*, etc.] For his greater disgrace, and as a sort of punishment for his neglect of her education, not taking care to instruct her, and bring her up in a better manner:

and the men of her city shall stone her with stones, that she die; which was the death this sort of adulteresses were put to; others was by strangling, and the daughter of a priest was to be burnt; (see ^{<RB00>}Leviticus 20:10 21:9), which shows that this sin was committed by her after her espousals, as Jarchi and Aben Ezra note; or otherwise it would have been only simple fornication, which was not punishable with death:

because she hath wrought folly in Israel: a sin, as all sin is folly, and especially any notorious one, as this was; and which is aggravated by its being done in Israel, among a people professing the true religion, and whom God had chosen and separated from all others to be a holy people to himself:

to play the whore in her father's house; where she continued after her espousals, until she was taken to the house of her husband, to consummate the: marriage; and between the one and the other was this sin committed, and which is another reason for her execution at the door of her father's house:

so shalt thou put evil away from among you; deter others from it by such an example, and remove the guilt of it from them, which otherwise would lie upon them, if punishment was not inflicted; the Targum of Jonathan interprets it of the putting away of her that did the evil.

Ver. 22. *If a man be found lying with a woman married to an husband*, etc.]. This law respects adultery, and is the same with that in (^{<RB00>}Leviticus 20:10)

then they shall both of them die; with the strangling of a napkin, as the Targum of Jonathan, which is the death such persons were put to; and is always meant when death is simply spoken of, and it is not specified what death; (see Gill on "^{<RB00>}Leviticus 20:10"):

both the man that lay with the woman, and the woman; they were both to die, and to die the same death:

so shalt thou put away evil from Israel; such that do it, as the above Targum; (see Gill on “^{4622b}Deuteronomy 22:21”).

Ver. 23. *If a damsel that is a virgin be betrothed unto an husband*, etc.] But not married, not as yet brought home to her husband’s house, and the marriage consummated; for the Jews distinguish between being betrothed or espoused, and married; and generally there was some time between the one and the other. And a wife was obtained in this way by three things; by money, which was the most usual; and by writing, which was to be done before witnesses, and with her consent; and by copulation, which, though valid, was not so much approved of^{f376}. There is a whole treatise in the Misnah, called Kiddushin, or Espousals, which largely treats of this matter:

and a man find her in the city, and lie with her; with her consent, as might be presumed by her not crying out, when, had she, she might have been heard, being in a city; and her being there also makes against her, since, being betrothed to a man, she ought to have abode in her father’s house till her husband fetched her home, and not to have gadded abroad in the city, where she was exposed to temptation.

Ver. 24. *Then ye shall bring them both out unto the gate of the city*, etc.] Where the fact was committed; the Targum of Jonathan is,

“to the gate of the court of judicature, which is in that city:”

and ye shall stone them with stones, that they die; a man that lay with a married woman, he and she were to be strangled; but this sort of adulterers and adulteresses were to be stoned, and it is thought that of this sort was the woman spoken of in (^{480B}John 8:3-5),

the damsel because she cried not, being in the city, and the man because he hath humbled his neighbour’s wife; as she was by espousal, by contract, by promise, and so was guilty of adultery, which was punishable with death:

so thou shalt put away evil from among you; (see ^{4622b}Deuteronomy 22:21,22).

Ver. 25. *But if a man find a betrothed damsel in the field*, etc.] Alone, and where she might cry out, and none hear, nor were any to help her:

and a man force her, and lie with her; or “take fast and strong hold on her”^{f377}; so that she is not able to get out of his hands, and make her escape, he being stronger than she, and so commits a rape upon her:

then the man only that lay with her shall die; he being guilty of adultery, in lying with a woman espoused to another man, but not she, because she consented not to it.

Ver. 26. *But unto the damsel thou shalt do nothing*, etc.] Neither fine her, nor beat her, and much less punish her with death:

there is in the damsel no sin worthy of death; because what was done to her was done without her will and consent, and was what she was forced to submit unto; but the Targum of Jonathan adds, that the man to whom she was betrothed might dismiss her from himself by a bill of divorce:

for as when a man riseth against his neighbour, and slayeth him, even so is this matter; as when a man comes unawares upon another, and lays hold on him, and kills him, being stronger than he, and none to help; so is the case of a woman laid hold on by a man in a field, and ravished by him, where no help could be had; and depriving a woman of her chastity is like taking away a man’s life; from this passage Maimonides^{f378} concludes, that impurities, incests, and adulteries, are equal to murder, to capital cases relating to life and death.

Ver. 27. *For he found her in the field*, etc.] Which is a circumstance in her favour, from which it might be presumed that she was forced, and did not consent; for had the sin been committed by agreement, they would doubtless have betook themselves to another place: and the betrothed damsel cried as it might be concluded from the above circumstance she did, and as she herself declared, and which he could not gainsay, or however disprove:

and there was none to save her; to help her against him, and deliver her out of his hands.

Ver. 28. *If a man find a damsel that is a virgin, which is not betrothed*, etc.] That is, meets with one in a field, which is not espoused to a man; and the man is supposed to be an unmarried man, as appears by what follows:

and lay hold on her, and lie with her, she yielding to it, and so is not expressive of a rape, as (⁴⁰²⁵Deuteronomy 22:25) where a different word

from this is there used; which signifies taking strong hold of her, and ravishing her by force; yet this, though owing to his first violent seizure of her, and so different from what was obtained by enticing words, professions of love, and promises of marriage, and the like, as in (⁽⁴²²⁶⁾Exodus 22:16,17) but not without her consent:

and they be found; in the field together, and in the fact; or however there are witnesses of it, or they themselves have confessed, it, and perhaps betrayed by her pregnancy.

Ver. 29. *Then the man that lay with her shall give unto the damsel's father fifty shekels of silver, &.]* For the abuse of his daughter; and besides this was obliged to give her her dowry also, as Philo ^{f379} says, which is commonly said to be fifty more:

and she shall be his wife; if her father and she agreed to it; and in such a case the man was not at his liberty to refuse, be she what she would, agreeable or not, handsome or ugly; he must, as the Jews express it, drink out of his pot, or marry her, if she is lame, or blind, or full of ulcers ^{f380}:

because he hath humbled her he may not put her away all his days: to all the other parts of his punishment, paying a fine of fifty shekels to the damsel's father, a dowry of the same sum to her, obligation to marry her whether he likes her or not, this is added, that he is not allowed to divorce her as long as he lives; which was permitted to other men, and this was wisely ordered to preserve chastity.

Ver. 30. *A man shall not take his father's wife, etc.]* Not marry her, whether his own mother, or a stepmother; or even, as Aben Ezra thinks, anyone that was deflowered by his father. Jarchi interprets it of his father's brother's wife, which he was obliged to marry by virtue of the law in (⁽⁴²³⁵⁾Deuteronomy 25:5)

nor discover his father's skirt; or lie with her his father had thrown his skirt over, or married; and which being the first, is mentioned here as a sample to all the rest forbidden (⁽⁴²³⁷⁾Leviticus 18:7) or, as Bishop Patrick expresses it, is a "short memorandum", to make them careful to observe all the other laws respecting incestuous marriages and copulations there delivered.