

# CHAPTER 22

## INTRODUCTION TO EXODUS 22

This chapter contains various laws concerning theft, (<sup>Exodus 22:1-4</sup>), concerning damage done to fields and vineyards by beasts, and to corn in stacks or standing, by fire, (<sup>Exodus 22:5,6</sup>), concerning anything or creature deposited in the hands of a neighbour, and they be stolen or lost by one means or another, (<sup>Exodus 22:7-13</sup>), concerning anything borrowed, and it comes to any damage, (<sup>Exodus 22:14,15</sup>), concerning fornication, (<sup>Exodus 22:16,17</sup>) concerning witchcraft, bestiality, and idolatry, (<sup>Exodus 22:18-20</sup>) concerning oppression, and affliction of the stranger, fatherless, and widow, (<sup>Exodus 22:21-24</sup>) concerning taking usury and pledges, (<sup>Exodus 22:25-27</sup>), concerning irreverence to magistrates, (<sup>Exodus 22:28</sup>), concerning the offering of firstfruits to God, (<sup>Exodus 22:29,30</sup>) and the chapter is concluded with a prohibition of eating anything torn by beasts, (<sup>Exodus 22:31</sup>).

**Ver. 1.** *If a man shall steal an ox or a sheep*, etc.] In which the substance of men chiefly lay in those times, and particularly the people of Israel, who were now come out of Egypt, with their flocks and herds, and these lying near together, were the more liable to be stolen; and hence also the laws in the preceding chapter concerning oxen and damages done by them, and oxen and sheep are only mentioned; perhaps chiefly because used in sacrifice, as well as serviceable for other things; not but that stealing other cattle and other things were criminal and forbidden, and to be punished in proportion:

*and kill it, or sell it*; either of which cases would plainly show that he took it away with an intention to deprive the owner of it, and to convert it to his own use:

*he shall restore five oxen for an ox*, and four sheep for a sheep; the reason of this difference, five being obliged to be given for the one, and but four for the other, is, because the one was more valuable than the other, as well as more useful, and also more easily stolen, and therefore the greater mulct or fine was laid upon the theft of it, to deter from it: the Targum of

Jonathan expresses the reason of the law thus; five for oxen, because the theft of them hindered from ploughing, or made to cease from it; and for sheep but four, because there was trouble in the theft of them, and there was no tillage or agriculture by them: and Saadia Gaon observes, that the damage that comes to the owner of the ox is more than that by a lamb, because with it, the ox, he ploughs, which is a creature that was used in those countries to be employed in that service, as well as in treading out the corn: Maimonides<sup>f671</sup> accounts for it thus,

“the restitution of the theft of oxen is increased by one, because the theft of them is easy; sheep are fed in flocks, and are easily kept and watched, and can scarcely be taken away by theft but in the night; but oxen are fed scattered here and there, and therefore cannot be so easily kept by the herdsmen; hence also their theft used to be more common:”

four fold restitution was in use with the ancient Persians, with whom it was a rule,

“whoever took any substance of another, in retaliation they took fourfold from him, and if he restored it, he gave fourfold of the same<sup>f672</sup>.”

**Ver. 2.** *If a thief be found breaking up*, etc.] An house, in order to steal money, jewels, household goods, etc. or breaking through any fence, hedge, or wall of any enclosure, where oxen, or sheep, or any other creatures are, in order to take them away: the Targum of Jonathan is,

“if in the hole of a wall (or window of it) a thief be found;”

that is, in the night, as appears from the following verse, “if the sun”, etc. to which this is opposed, as Aben Ezra observes; some render it, with a digging instrument<sup>f673</sup>; and it is a Jewish canon<sup>f674</sup>, that

“if anyone enter with a digging instrument: he is condemned on account of his end;”

his design, which is apparent by the instrument found upon him; for, as Maimonides<sup>f675</sup> observes,

“it is well known, that if anyone enters with a digging instrument, that he intends, if the master of the house opposes him to deliver his goods out of his power, that he will kill him, and therefore it is

lawful to kill him; but it does not signify whether he enters with a digging instrument, either by the way of the court, or roof;”

*and be smitten that he die* be knocked down with a club, by the master of the house, or any of his servants, or be run through with a sword, or be struck with any other weapon, to hinder him from entrance and carrying off any of the goods of the house, and the blow be mortal: there shall no blood be shed for him: as for a man that is murdered; for to kill a man when breaking into a house, and, by all appearance, with an intention to commit murder, if resisted, in defence of a man’s self, his life and property, was not to be reckoned murder, and so not punishable with death: or, “no blood” shall be “unto him”<sup>f676</sup>; shall be imputed to him, the man that kills the thief shall not be chargeable with his blood, or suffer for shedding it; because his own life was risked, and it being at such a time, could call none to his assistance, nor easily discern the person, nor could know well where and whom he struck.

**Ver. 3.** *If the sun be risen upon him*, etc.] Either upon the thief, or upon the master of the house, or the person that finds the thief and smites him that he dies; it matters not which it is interpreted, it is true of both, for when it is risen on the one, it is on the other:

*[there shall be] blood [shed] for him*; the person that kills him shall die for it: the Targum of Jonathan is,

“if it is as clear as the sun (and so Jarchi), that not to kill any he entered, and he should kill him, there is guilt of shedding innocent blood:”

because coming at broad daylight, and when the sun was up, it was a plain case he came not with a design to murder, but only to steal; besides, being at such a time, the master of the house could call for help and assistance, and take him; which is what is suggested he should do, and not take away his life, but oblige him, if he had got any of his goods, to restore them, as follows:

*for he should make full restitution*; by returning them and as much more, as the following verse shows:

*if he have nothing, then he shall be sold for his theft*, by the sanhedrim, or court, of judicature: as the Targum of Jonathan, before whom he should be brought, and the theft proved upon him, and unto the year of the remission

or release, as the same Targum; nor were such to be sold to strangers, or to serve forever, for they were to be dismissed after six years, as Josephus<sup>f677</sup> observes: and it is a canon with the Jews<sup>f678</sup>, that,

“an Hebrew servant whom the sanhedrim sell, they do not sell him but to an Israelite, or to a proselyte of righteousness;”

according to the Targum of Jonathan, it seems as if he was to be sold to the person from whom he stole, since it is,

“he shall he sold to him;”

but if not, however, the price he was sold at was to be given to him for a recompence of his loss; so says Maimonides<sup>f679</sup>,

“if he have not goods, neither movable nor immovable the sanhedrim sell him, and give the price to him that is injured, as it is said: “if he have nothing”, etc. and adds, a man is sold for his theft but not a woman<sup>f680</sup>.”

from hence it appears that theft was not a capital crime by the law of Moses: Draco is said to be the first who made it so; but his law being thought by the Athenians to be too severe, was annulled by them<sup>f681</sup>: the law of the twelve tables, with the Romans greatly agrees with the Mosaic laws about theft; these permitted to kill a thief who should be taken in open theft, if either when he committed the theft it was night or if in the daytime, and he defended himself with weapons when about to be taken<sup>f682</sup> or, as elsewhere expressed<sup>f683</sup>, an open thief was delivered to servitude to him who was robbed, but nocturnal thief it was lawful to kill by the law of the twelve tables.

**Ver. 4.** *If the theft be certainly found in his hand alive*, etc.] Or, “in finding be found”<sup>f684</sup>, be plainly and evidently found upon him, before witnesses, as the Targum of Jonathan; so that there is no doubt of the theft; and it is a clear case that he had neither as yet killed nor sold the creature he had stolen, and to could be had again directly, and without any damage well as it would appear by this that he was not an old expert thief, and used to such practices, since he would soon have made away with this theft in some way or another:

*whether it be ox, or ass, or sheep*, or any other creature; and even, as Jarchi thinks, anything else, as raiment, goods, etc.

*he shall restore double*; two oxen for an ox, two asses for an ass, and two sheep for a sheep: and, as the same commentator observes, two living ones, and not dead ones, or the price of two living ones: so Solon made theft, by his law, punishable with death, but with a double restitution <sup>f685</sup>; and the reason why here only a double restitution and not fourfold is insisted on, as in (<sup>Exodus</sup> Exodus 22:1) is, because there the theft is persisted in, here not; but either the thief being convicted in his own conscience of his evil, makes confession, or, however, the creatures are found with alive, and so more useful being restored, and, being had again sooner, the loss is not quite so great.

**Ver. 5.** *If a man shall cause a field or vineyard to be eaten*, etc.] Which is not his own, by putting cattle into it to feed upon it, as it is explained in the next clause:

*and shall put in his beast, and shall feed in another man's field*; do damage in one or both those two ways, either by his feet treading down the grass and fruits of the earth, which the Rabbins, as Jarchi says, think, is meant by putting in his beast; or with his beast eating up the same, which is intended by the latter phrase:

*of the best of his own field, and of the best of his own vineyard, shall he make restitution* for what damage is done by his beast in his neighbour's field or vineyard; and this held good of any garden or orchard injured in like manner; and it is a general rule with the Jews, that when any damage is sustained, he that does the damage is obliged to pay with the best the earth produces <sup>f686</sup>, even though better than was the man's that suffered the loss, that for the future he might be more careful of doing injury to another <sup>f687</sup>.

**Ver. 6.** *If fire break out*, etc.] Even though of itself, as Jarchi interprets it:

*and catch in thorns* a thorn hedge or fence, with which cornfields might be enclosed:

*so that the stacks of corn, or the standing corn, or the field, be consumed [therewith]*; whether it be corn cut down, bound up in sheaves, and laid up in heaps or stacks, or whether it be yet growing, and not fully ripe, at least not cut down, or any other fruits of the field; if the fire that takes the thorns which are near them should reach to those, and kindle upon them and destroy them:

*he that kindleth the fire, shall surely make restitution*: that is, though he kindles the fire upon his own ground, yet being careless of it, it breaks out without his intention and design, and catches hold on a thorn hedge between him and his neighbour's field, and so spreads itself to the corn there, whether standing or in stacks, or to other fruits either lying or growing there; now, though he did not kindle the fire in the corn, and among the stacks or heaps of fruit in his neighbour's field, yet, for his carelessness in not looking after the fire he had kindled in his own field, he was to make good all the damages his neighbour sustained hereby: the Jewish canons relating to this affair are these;

“if a man kindles a fire by the hands of a deaf man, or a fool, or a child, he is free by human judgment, but he is bound by the judgment of heaven (that is, to make restitution); if he kindles it by the hand of a knowing and understanding man, he is bound; one brings fire and another “afterwards” brings wood, he that brings the wood is bound; one brings wood and another “afterwards” brings fire, he that brings the fire is bound; “after that”, another comes and blows the flame (or fire), he is bound; “but if” the wind blows it they are all free; he that kindles fire and it consumes wood or stones, or dust, he is bound, as it is said, (<sup><12716></sup>Exodus 22:6) “if fire break out”, etc. if the fire passes over a fence four cubits high, or a public road, or a river, he is free <sup>f688</sup>;”

those two things last mentioned, feeding on another man's field and fire, with the ox and the pit, observed in the preceding chapter, are with the Misnic doctors <sup>f689</sup>, the four fathers' fountains, or sources of damages.

**Ver. 7.** *If a man shall deliver unto his neighbour money or stock to keep*, etc.] Without any reward for keeping it, as the Targum of Jonathan; and so other Jewish writers <sup>f690</sup> understand this passage of such as keep a deposit freely, having nothing for it; whether it be money or goods, gold, silver, jewels, raiment, household stuff or any kind of vessels or instruments used in the house, or in trade; and also cattle, as appears from (<sup><12719></sup>Exodus 22:9)

*and if it be stolen out of the man's house*; into whose custody it was delivered:

*if the thief be found, let him pay double: the worth of what is stolen*, agreeably to the law in (<sup><12724></sup>Exodus 22:4) that is, if it was found in his

hands; but if he had disposed of it, then he was to pay five fold or four fold, as in (<sup>f691</sup>Exodus 22:1), and so runs the Jewish canon <sup>f691</sup>,

“if anyone delivers to his neighbour a beast or vessels, and they are stolen or lost, he shall make restitution; but if he will not swear, for they say, one that keeps for nothing, may swear and be free; then if the thief should be found he shall pay double; if he has killed or sold, he shall pay four fold or five fold: to whom shall he pay? to him with whom the depositum is: if he swears, and will not pay, and the thief is found, he shall pay double; if he has killed or sold he shall pay four fold and five fold: to whom shall he pay? to the owner of the depositum.”

**Ver. 8.** *If the thief be not found*, etc.] And so no account can be given of the goods deposited, what is become of them, and it becomes a doubtful case whether they have been stolen or embezzled, and there is suspicion of the latter:

*then the master of the house shall be brought unto the judges*: here called Elohim, gods, because they were God’s vicegerents, and represented him, and acted under his power and authority; and who at this present were Moses, and those that judged the people under him, and afterwards the seventy elders, and all such who in succeeding times were judges in Israel, and bore the office of civil magistrates; before these the master of the house, or the person who had any goods committed to his care, and they were lost, was to be brought and put to his oath, and upon it examined, in order to find out what was become of the goods committed to him: to see whether he has put his hand to his neighbour’s goods: took them to himself, made use of them, or disposed of them to his own advantage, and which was no other than a kind of theft.

**Ver. 9.** *For all manner of trespass*, etc.] With respect to what is committed to a man’s trust, and it is lost to the owner of it, there must be somewhere or other a trespass committed, either by the person into whose hands it was put, or by a thief that has stolen it from him:

*whether it be for ox, for ass, for sheep, for raiment, or for any manner of lost thing* by which it appears that either of these, or any other cattle not named, as well as money and vessels, or household goods, or goods in trade, were sometimes, or might be lodged in the hands of another as a

depositum for safety or convenience; and for which, or any other so deposited, and lost,

*which another challengeth to be his*, or affirms that he put into the hands of his neighbour, to be kept by him for him; “or who shall say this is he”, or “he is” the person into whose hands I put it, or this is “it”<sup>f692</sup>; such and such were the thing or things I delivered to him:

*the cause of both parties shall come before the judges*; who were to hear what each party had to say, and to examine the witnesses each of them brought, and consider the nature of the evidence given, and to judge and determine:

*and whom the judges shall condemn*; or “pronounce wicked”<sup>f693</sup>, as having done a wicked thing; either the one as having brought a false accusation against his neighbour, charging him with a depositum he never had, or the other as having converted it to his own use:

*he shall pay double unto his neighbour*; either the depositor, who pretended to be so and was not, but brought a false charge against his neighbour, or a false witness, as Jarchi, such as one was to pay double to the person charged wrongfully; or, on the other hand, the person with whom the depositum was put, if it appeared that he had acted a fraudulent part, and abused his trust, then he was to pay double to the depositor.

**Ver. 10.** *If a man deliver to his neighbour an ass, or an ox, or a sheep, or any beast to keep*, etc.] And he keeps it without a reward, as the Targum of Jonathan; but Jarchi and Aben Ezra more rightly interpret this of one that keeps for hire, as herdsmen, shepherds, etc. The Jews say<sup>f694</sup> there are

“four sorts of keepers; he that keeps for nought (or freely), he that borrows, he that takes hire, and he that hires; he that keeps for nought swears in all cases (and is free), he that borrows pays for all (that is lost or stolen, etc.) he that takes hire, and he that hires, swear on account of that which is torn, or carried away, or dies, and they pay for that which is lost or stolen,”

which are the cases after supposed:

*and it die*; either of the above, or any other under the care of another; that is, dies of itself, not being killed by any, and its death sudden, and not easily accounted for:



*or be hurt*; receive any damage in any part, though it die not; or “be broken”<sup>f695</sup>; have any of its limbs or bones broken; or be torn by a wild beast, as the Targum of Jonathan adds:

*or driven away*; from the flock or herd by thieves or robbers, or rather carried captive by an enemy in an hostile way, (see <sup><0221></sup>Exodus 22:12):

*no man seeing it*; die, or be hurt, or carried off; and so, as the above Targum paraphrases it, there is no witness that sees and can bear witness, that is, to any of the said things which have happened to it.

**Ver. 11.** *Then shall an oath of the Lord be between them both*, etc.] Either by the one, the keeper, for the satisfaction of the owner, or by them both; by the owner, that he delivered such and such cattle to the keeper; and by the keeper, that he was no ways concerned in the death, hurt, or carrying off of the same: and this is called “the oath of the Lord”, not only because in this law required by him, but because sworn by him, or in his name, and made before him, in his presence, who is hereby appealed unto; and who is called upon to take vengeance on the person that takes the oath of perjury; and such an oath only is a lawful one, men are to swear only by the Lord. But this oath was not tendered to anyone:

“if a man was suspected of an oath (i.e. of perjury) they might not give him his oath, neither the oath of the law, nor the oath from their words (the scribes), nor the oath of imposition (imposed by the wise men); and even though he that brought the action would have it, they might not hearken unto him: if a man has sworn falsely a rash oath, or an oath of testimony, or an oath concerning anything deposited, or a vain oath, lo, he is suspected of an oath, and so everyone that is rejected for witness on account of any transgression<sup>f696</sup>.”

The oath to be taken by the keeper, and who indeed seems to be the only person that was to take one, was, “that he hath not put his hand unto his neighbour’s goods”; so as either to kill or maim, or drive away, or suffer to be driven away, any of the cattle committed to his care, or that he had not disposed of them to his own use and profit:

*and the owner of it shall accept thereof*; of the oath, as the Targum of Jonathan and Jarchi, and so be satisfied, and give no further trouble, such an oath being for the confirmation of the thing, and to put an end to strife; or he shall take the ass, ox, or sheep, as it was, and be content; but then,

though he might take the dead or maimed one, he could not take that which was driven or carried away, wherefore the first sense, is best:

*and he shall not make [it] good*; or pay for it to the owner what it was worth.

**Ver. 12.** *And if it be stolen from him*, etc.] Or “but if”<sup>f697</sup> it was taken away by theft; and that “from with him”<sup>f698</sup>, as it may be literally rendered, from among his own cattle, and they not taken; and he being present, pretending to have an eye upon them and keep them, but was careless and negligent, at least, if he did not connive at the theft:

*he shall make restitution to the owner thereof*; for in such a case there was ground for suspicion of fraud; however, there was apparent carelessness, and it was but just he should make restitution, since he had hire or wages for keeping it; which is the reason Aben Ezra gives for it, and is suggested by the Targum of Jonathan; which adds to the former clause, by way of explanation,

“that which was with him to be kept for a reward.”

**Ver. 13.** *If it be torn in pieces*, etc.] By some wild beast, at least as pretended:

*[then] let him bring it for witness*; part of that which is torn, that it may be witness for him that it was torn, as in (<sup>3182</sup>Amos 3:12) as Aben Ezra observes; and so the Jerusalem Targum, “let him bring of the members of it a witness,”

which would make it a clear case that it had been so used; but it is possible that the whole carcass might be carried off, and nothing remain to be brought as a proof of it; wherefore the Targum of Jonathan is,

“let him bring witnesses;”

and so some versions render it<sup>f699</sup>; and to this agrees Jarchi, whose note is,

“let him bring witnesses of its being torn by violence, and he is free,”

such who saw it done; but it is before supposed, that such cattle may be hurt, broken, or maimed, no man seeing it, (<sup>1221</sup>Exodus 22:10) and therefore in such a case no witnesses could be brought, wherefore the first sense seems best:

*[and] he shall not make good that which was torn*; or shall not pay for it, pay the price of it, as much as it is worth. Here Jarchi distinguishes,

“there is that which is torn, for which a man pays, and there is that which is torn, for which he does not pay; that which is torn by a cat, or a fox, or a marten (a kind of weasel), he pays for, but that which is torn by a wolf, a lion, or a bear, he does not pay for:”

the reason of which is, because it is thought the keeper might have preserved and delivered from the former, and therefore was culpable, when it was not in his power to save from the latter; and the Misnic doctors observe, that one wolf is not violence, but two are; so that what is torn by one, the keeper is bound to pay for, but not what is torn by more. But two dogs are not violence, unless they come from two different quarters, and then they are: a single thief is violence, and so is a lion, a bear, a leopard, a basilisk, and a serpent, and this only when they come willingly, and of themselves; but if they (the cattle) are brought to places where there are troops of wild beasts, and thieves, it is no violence<sup>f700</sup>, and in such a case the keepers are liable to pay; and so unless he makes use of staves, and calls in other shepherds to his assistance, as Maimonides<sup>f701</sup> observes, when it is in his power to do it; and so at least might make an attempt to save or rescue the cattle.

**Ver. 14.** *And if a man borrow [ought] of his neighbour*, etc.] Any beast, as it should seem, as an ox to plough with, an ass, horse, or camel to ride on, though the Jewish writers carry it also to any kind of household stuff:

*and if he be hurt or die*; if any damage comes to it, or it dies while it is in the borrower's hands, and when employed in that work for which he borrowed it; the Targum of Jonathan is,

“and the vessel should be broke, or the beast die:”

and the owner thereof being not with it; at the time of its being hurt, or of its death, and so could not be so well satisfied whether used well or not, nor how the damage and death came to it:

*he shall surely make it good*; pay the full price for it it is worth; which, though it may seem hard, was necessary, in order to make men careful of things they borrowed, and that lenders may not be losers for their kindness.

**Ver. 15.** *But if the owner thereof be with it*, etc.] When it is hurt or dies; for in some cases the owner might go along with his beast, being borrowed or hired to do work with it; or, however, being upon the spot, must be satisfied that it was not ill used; and it may be reasonably presumed he would do all he could to preserve it: and this being the case,

*he shall not make it good*; that is, the borrower, but the loss would lie upon the lender; seeing this might have been the case if it had been at home, and not borrowed or lent. The Jewish writers understand all this in a different manner, that if the owner is not with it in the time of borrowing, though he is with it in the time of its being hurt, or of its death, the borrower must pay; but if he was with it in the time of borrowing, though not in the time of its receiving damage, or of its death, the borrower was free<sup>f702</sup>; for, as Jarchi says, whether it be in that work (for which he was borrowed), or in another work (it matters not), if he was with it at the time of borrowing, there was no necessity of his being with it at the time of its hurt or death. The reason of which, I must confess, I do not understand; unless the meaning is, that it was necessary that the owner, and the beast, should be both borrowed or hired together; and which indeed seems to be the sense of the Misnah, or tradition<sup>f703</sup>, which runs thus,

“if a man borrows a cow, and borrows or hires its owner with it; or if he hires or borrows the owner, and after that borrows the cow, and it dies, he is free, as it is said, (<sup>40225</sup>Exodus 22:15) but if he borrows the cow, and afterwards borrows or hires the owner, and it dies, he is bound to pay, as it is said, (<sup>40223</sup>Exodus 22:13) if his owner is not with it, etc.”

If it be an hired thing, it came for its hire; that is, if the beast which was come to some damage, or was dead, was hired, and not borrowed, then, whether the owner was with it or not at that time, he could demand no more than hire, and the person that hired it was obliged to pay that and no more; or if the owner himself was hired along with his beast, and so was present when it received its damage, or its death, nothing more could come to him than what he agreed for.

**Ver. 16.** *And if a man entice a maid, that is not betrothed*, etc.] For one might be betrothed according to the custom of those times, and not be married, or the nuptials consummated, and so be yet a maid or virgin; but being betrothed, it made the case different, because such an one was as a wife to a man: but the case here supposed is of a maid not betrothed, and

also not forced, but yielding to the solicitations of a man, as is implied by her being enticed; which signifies his gaining upon her affections, and obtaining her consent by expressing strong affection for her, and making large promises to her, and so both by words and gestures prevailing with her to yield to his desire:

*and lie with her*; in a way of carnal copulation; and such an action between two single persons, by consent, is what is called simple fornication: if this was done in a field, the maid was supposed to be forced, since there she might cry out, and not be heard; but if in a city, she is supposed to be enticed, and consent, since if she cried out she might be heard; this the Jewish writers gather from (<sup><1622></sup>Deuteronomy 22:23-27), though the law there respects a betrothed damsel:

*he shall surely endow her to be his wife*; give her a dowry in order to be his wife, or, however, such an one as he would or must give if she became his wife, even one suitable to her rank and dignity, whether he married her or not; for he was not obliged to it whether he would or not, and in some cases could not if he would, as follows.

**Ver. 17.** *If her father utterly refuse to give her unto him*, etc.] For wife, either because of his character, family, or circumstances; or, however, being disagreeable to him on one account or another, and therefore will by no means agree to marry his daughter to him, and not only give him an absolute denial, but resolutely persist in it: the Targum of Jonathan has it,

“if it seems not good to him;”

if he do not like nor choose to marry her; and some add also, if she herself do not approve of marrying him:

*he shall pay money according to the dowry of virgins*; as virgins on marriage have usually given them, according to their rank and dignity: here is no sum fixed, but the Targum of Jonathan is,

“he shall be mulcted in fifty shekels of silver,”

which is taken from (<sup><1623></sup>Deuteronomy 22:29) though that seems to be not altogether a like case with this; for though it respects a virgin not betrothed, as here, yet one that has been forced, and therefore the man was obliged to marry her, and never put her away; and the mulct or fine was to

be paid to the damsel's father and not to her: the Septuagint version here says, it was to be paid to the father.

**Ver. 18.** *Thou shalt not suffer a witch to live.*] Such that had familiar spirits, and conversed with them, and by means thereof got knowledge of many things relating to persons, at least pretending they did; and who did or seemed to do many strange and surprising feats, as even to raise the spirits of departed persons, to converse with them and gain knowledge by them, though in reality they did not, and could not do such things, but used some juggling tricks to deceive the people, and in which they might be assisted by evil spirits; as appears from the case of the witch of Endor, who was surprised at the appearance of Samuel, it being out of the ordinary course of her art and practice really to bring up the spirit of a man deceased, whatever pretensions might be made to it; however, such being deceivers of the people, and leading them into unwarrantable practices, and off of a dependence on God and his providence, and from seeking to him, and asking counsel of him, they are by this law condemned to death, such an one was not to be suffered to live; not that it was lawful for anybody to kill her, or that any private person might or must do it that knew her, or took her to be a witch; but she was to be had before a court of judicature and tried there, and, if found guilty, to be put to death by the civil magistrate: so Jarchi's note is,

“but she shall die by the house of judgment;”

or the sanhedrim; for these words are spoken to Moses the chief judge, and to those that were under him, and succeeded him and them; though the Targum of Jonathan prefaces them thus:

“and my people, the children of Israel, thou shalt not, etc.”

and though only a witch is mentioned, or this is only expressed in the feminine gender, because a multitude of this sort of people were found among women, as Ben Melech observes, and so Aben Ezra; yet wizards, or men that dealt with familiar spirits, are included; and it may be reasonably concluded from hence, that if women, who generally have more mercy and compassion shown them, yet were not suffered to live when found criminal in this way, then much less men: and this law is thought by some to follow upon the other, concerning enticing and lying with a virgin not betrothed; because such sort of persons were made use of to entice and decoy maids to gratify the lusts of men.

**Ver. 19** *Whosoever lieth with a beast*, etc.] In like manner as a man and woman, by carnal copulation; this is a crime so detestable and abominable, so shocking and dishonourable to human nature, that one would think it could never be committed by any of the human species, and that there was no occasion for making a law against it; but, such is the depravity and corruption of mankind, that divine wisdom saw it necessary, and, to deter from it, made it death, as follows; such an one

*shall surely be put to death*; no mercy shown him, no pardon or respite given him by the civil magistrate: according to the Targum of Jonathan, the death of such a person was by stoning, for it paraphrases the words,

“he shall be killed with the casting of stones.”

**Ver. 20.** *He that sacrificeth unto [any] god*, etc.] To Elohim, to strange gods, to the idols of the people, as the Targum of Jonathan; to the Egyptian deities, to the gods of the Moabites, Amorites, Edomites, Canaanites, Philistines, or any other: Aben Ezra says the word Elohim comprehends angels; and by the exceptive clause it is plain it takes in all that had been, were, or ever would be the objects of idolatrous worship, especially the sun, moon, and stars, the principal objects of worship in those days:

*save unto the Lord only*; the true and living God; Jehovah, the self-existent, immutable, and eternal Being; the Creator of all things, the possessor of heaven and earth, the most high God, and the only one: sacrificing takes in all the acts of service performed to an idol as to the true God, as offering incense, pouring out a libation, as well as slaying and burning an animal as Jarchi observes: he shall be utterly destroyed; be accursed, anathematized, devoted to destruction, as the word used signifies: the Targum of Jonathan is,

“he shall be killed with the sword, and his goods consumed,”

not only lose his life but his substance, and so be destroyed in body and estate.

**Ver. 21.** *Thou shall not vex a stranger*, etc.] One that is not born in the same country, but comes into another country to sojourn, as Jarchi; not a native of the place, but of another kingdom or country; a stranger to the commonwealth of Israel, that is only in it for a time on trade and business, or through one providence or another; or else a proselyte is meant, not a

proselyte of righteousness, who has embraced the true religion; but a proselyte of the gate, that takes upon him the commands of the sons of Noah; or, as Aben Ezra here expresses it, who takes upon him not to serve idols; such were allowed to dwell among the Israelites, and they were to carry it friendly and kindly to them, and “not vex” them, nor irritate them with words, as the Targum of Jonathan, and so Jarchi; by calling them names, Gentiles, uncircumcised persons, and the like; upbraiding them with their country, ignorance, and manner of life; they were not to say to a proselyte, as Ben Melech observes, remember thy former works; or, if the son of a proselyte, remember thy father’s works:

*nor oppress him*; by taking his goods, as the above Targum, and so Jarchi; by refusing to assist him with advice or otherwise, to trade with him, or to give him lodging, and furnish him with the necessaries of life:

*for ye were strangers in the land of Egypt*: out of which they were but just come, and therefore such a reason must be very striking and moving upon them: the Targum of Jonathan prefaces it,

“and my people, the house of Israel, remember that ye were strangers, etc.”

this they could not have forgot in so short a time, and the remembrance of this should move their compassion to strangers hereafter, when they came to settle in their own land; and therefore, as they would that men should have done to them when in such circumstances, the same they should do to others; and besides, the remembrance of this would serve to abate their pride and vanity, and their overbearing disposition.

**Ver. 22.** *Ye shall not afflict any widow or fatherless child.*] Who have no friends, husband, or father to be on their side and protect them, and are weak and helpless to defend themselves, and therefore it must be barbarous to do them any injury, either to their persons or property; no one ought to be afflicted and distressed by another, either in body or mind, or substance, and especially such as have no helper, not any to assist them and sympathize with them; for this is a law for every man, as Jarchi observes, is binding upon all; only the Scripture speaks of these, because of their weakness, and because they are more frequently afflicted than others, cruel and unmerciful men taking the advantage of their inability to defend themselves.



**Ver. 23.** *If thou afflict them in any wise*, etc.]. In any way, or by any means whatever; their minds, by reproaches, censures, insults, and their bodies by stripes, false imprisonment, etc. and in their substance, by withholding from them what belongs to them, taking what they have, or cheating and defrauding them in any respect; or, “in afflicting afflict them”<sup>f704</sup>; afflict them much, and continue to do so:

*and they cry at all unto me*; in prayer, as the Targum of Jonathan; or, “in crying cry”<sup>f705</sup>; cry vehemently, or importunately, and with constancy, or rather, cry ever so little:

*I will surely hear their cry*; the voice of their prayer, as the same Targum; or, “in hearing I will hear”<sup>f706</sup>; will certainly take notice of their cries, and return an answer to them, by appearing on their side, and avenging their injuries; for God is the Father of the fatherless, and the husband of the widow, and the Judge of them both: the manner of speaking or form of expression is the same in all these clauses, the words being doubled.

**Ver. 24.** *And my wrath shall wax hot*, etc.] Against those that afflict them, being so devoid of humanity, compassion, and tenderness, and so guilty of oppression and injustice, which are aggravated by the circumstances of the persons they ill treat, and therefore the more provoking to God:

*and I will kill you with the sword*; with the sword of death, says the Targum of Jonathan; it designs one of God’s sore judgments, the sword of an enemy; the meaning is, that when such evils should become frequent among them, God would suffer a neighbouring nation to break in upon them in an hostile way, and put them to the sword; hence it follows:

*and your wives shall be widows, and your children fatherless*; be in the same circumstances with those they have injured, and therefore should consider not only the destruction that would come upon themselves, being cutoff by the sword, but the case of their families; and how, could they be sensible of it, they would like to have their wives and children used as they have used the widows and fatherless.

**Ver. 25.** *If thou lend money to any of my people that is poor by thee*, etc.]. Such only need to borrow money, and to whom it should be freely lent, when it may be to the good of the borrower, and not any injury to the lender: this law, according to the Jewish writers, only respects Israelites, and not Gentiles; agreeably to which is Jarchi’s note,

“if thou lend, that is, not to a Gentile; and to which of my people? the poor, and to which of the poor? that is with thee:”

*thou shalt not be to him as an usurer*; that will not lend without usury, nor without an exorbitant interest, and deals very hardly with the borrower if he is not punctual in the payment of it; the Israelites were not only not to be usurers, but they were not to be like them; they were not to require anything for lending a poor man a little money; as not any settled interest, so neither were they to take any previous gift or reward later, (see <sup>415b</sup>Luke 6:34,35)

*neither shalt thou lay upon him usury*; or oblige him to give interest for money borrowed: it is in the plural, number, “neither shall ye lay”; and Aben Ezra observes, that the lender, scribe, and witness, all transgress this law; that is, when a man lends money on interest, and a bond is made by the scribe for it, and this signed by witnesses, all are guilty of the breach of it: yea, some Jewish writers <sup>f707</sup> say, not only those, but whoever is a surety or bondsman for the payment, and even the borrower himself, ((see Gill on <sup>415b</sup>Psalm 15:5”)).

**Ver. 26.** *If thou at all take thy neighbour’s raiment to pledge*, etc.] So that it seems that the lender, though he might not impose usury on the borrower, or oblige him to pay interest for what he lent him, yet for the security of his money he might take his clothes, either his bed clothes or wearing apparel, or any instruments or goods of his; but when he did, he was bound to what follows:

*thou shalt deliver it to him by that the sun goeth down*; the reason of which appears in the next verse, with respect to his bed clothes, should that be the pledge: but Jarchi interprets it, not of his nocturnal clothes, but of his apparel in the daytime, and paraphrases it thus,

“all the day thou shalt restore it to him until the setting of the sun; and when the sun is set, thou shalt return and take it until the morning of the morrow comes; the Scripture speaks of the covering of the day, of which there is no need at night;”

but rather night clothes are meant by what follows.

**Ver. 27.** *For that is his covering only*, etc.] All that he has to cover him, the only covering he has when he lies down to sleep; and therefore should be restored to him by the time of sunset, at which time he returns from his

labour; and after some refreshment retires to his bed for rest, when his covering will be necessary:

*it is his raiment for his skin*; which is next to his skin, and covers his naked body, as it is when he lies down to sleep; and therefore if not returned, he must lie naked without any covering, which to deprive him of would be cruel: Jarchi interprets this covering of his shirt, but it rather means his bed clothes: the Septuagint version calls it the clothes of his shame, what cover and hide the shame of nakedness:

*wherein shall he sleep?* what shall he have to sleep in if this is detained from him? nothing at all; or it may be read without an interrogation, wherein he should sleep, or was used to sleep:

*and it shall come to pass, when he crieth unto me*; and complains of ill usage, that he has nothing to cover him in the night season, when he lies down to sleep, which is very uncomfortable, as well as unhealthful and dangerous:

*that I will hear*; his cry and complaint, take notice of it, and resent the usage of him:

*for I am gracious*; or merciful; and therefore everything cruel and uncompassionate is disagreeable, and even abominable to him, and he will take care in his providence that the injured person shall be redressed and the injurer punished.

**Ver. 28.** *Thou shalt not revile the gods*, etc.] Meaning not the idols of the Gentiles, which they reckon gods, and worship as such; which is the sense of Philo, and some others, particularly Josephus<sup>f708</sup>, who, to curry favour with the Roman emperors given to idolatry, has from hence inserted the following among the laws given to Moses;

“let no man blaspheme the gods, which other cities think are such, nor rob strange sacred places, nor receive a gift dedicated to any deity;”

but this cannot be the sense of the text, being contrary to (<sup><6120></sup>Deuteronomy 12:2,3) nor can it be thought that care should be taken, lest the honour of the Heathen deities should be detracted from; but civil magistrates, the judges of the land, and the like, are meant, who are powers ordained of God, are in his stead, and represent him, and therefore respect should be

shown them; nor should they be treated with any degree of slight and contempt, which may discourage and intimidate them, and deter them from the execution of their office: the Targum of Jonathan interprets them of judges very rightly, agreeably to (<sup>1930B</sup>Psalm 82:1,6) and so Aben Ezra says,

“they are the judges and the priests, the sons of Levi, with whom the law is:”

*nor curse the ruler of thy people* whether civil or ecclesiastic; the last mentioned Jewish writer intend of the king, who is the supreme ruler in things civil, and ought to be honoured and loved, served and obeyed, and not hated and cursed, no, not secretly, not in the bedchamber, nor in the thought of the heart, since not only the thing is criminal but dangerous; it is much if it is not discovered, and then ruin follows upon it, (<sup>2100B</sup>Ecclesiastes 10:20). The Apostle Paul applies it to the high priest among the Jews, who was the ruler in sacred things, (<sup>423B</sup>Acts 23:5) and may be applicable to the prince of the sanhedrim, or chief in the grand court of judicature; and even to all dignified persons, who ought not to be spoken ill of, and to be abused in the execution of their office, and especially when they perform well.

**Ver. 29.** *Thou shalt not delay to offer the first of thy ripe fruits*, etc.] Which, according to Maimonides <sup>f709</sup>, were of seven kinds only; for he says,

“they do not bring the firstfruits, but of the seven kinds, said in the praise of the land, (the land of Canaan), (<sup>488B</sup>Deuteronomy 8:8) and they are wheat, barley, grapes, figs, pomegranates, olives, and dates;”

and how much of these were to be offered is not fixed by the law, but were left to the generosity of the people: the above mentioned writer asks <sup>f710</sup>,

“what measure do the wise men set? a good eye (or a bountiful man) brings one of forty (or the fortieth part of his fruits); a middling one (one that is neither liberal nor niggardly) brings one of fifty (or the fiftieth part); and an evil one (a covetous man) one of sixty (or the sixtieth part), but never less than that.”

Now this was not to be delayed, but to be brought as soon and as early as could be: the Jewish writers seem to understand this of postponing things, or inverting the order of them, bringing that first which should be last, and that last which should be first; so Jarchi interprets it,

“thou shall not change the order of their separation, to postpone that which should be first, and to put before that which should be last; for the first oblation should not be brought before the firstfruits, and the tithes before the first oblation.”

And thus runs one of their canons or traditions <sup>f711</sup>,

“if anyone brings the first oblation before the firstfruits, the first tithe before the first oblation, the second tithe before the first, it is as if he transgressed a negative precept: “thou shalt not delay or postpone”, etc. (<sup><0223></sup>Exodus 22:29)”

*And of thy liquors*: and these, according to Maimonides <sup>f712</sup>, were only the firstfruits of liquors of olives and grapes:

*the firstborn of thy sons thou shall give unto me*; which is a repetition of the law. (See Gill on “<sup><0132></sup>Exodus 13:2”).

**Ver. 30.** *Likewise shalt thou do with thine oxen, and with thy sheep*, etc.] That is, with the firstborn, which were to be set apart to the Lord; and so the Targum of Jonathan paraphrases it,

“the firstborn of thine oxen, and of thy sheep;”

for having spoken of the firstborn of men, the Scripture proceeds to speak of the firstborn of cattle, great and small, the separation of which was enjoined in one and the same precept, (<sup><0132></sup>Exodus 13:2),

*seven days it shall be with his dam*; whether it be a calf or a lamb; before it was seven days old it was not to be taken from it, and given to the Lord:

*on the eighth day thou shall give it me*; that is, they might do it then, but not before; yet they were not obliged to bring it exactly on that day, but they might do it any time within the month, and at a month’s end they were obliged to redeem it, that is, give the priest the sum of five shekels for it, (<sup><0136></sup>Numbers 18:16). The Jewish canon runs thus <sup>f713</sup>;

“how long are Israelites bound for the bringing of the firstborn, i.e. before they offer it to the priest? in small cattle thirty days, in large cattle fifty days.”

**Ver. 31.** *And ye shall be holy men unto me*, etc.] They were so by God’s act of election, not special and particular, but general and national; choosing and separating them to be an holy people to him, above all the

people on the face of the earth, and in a ceremonial sense they observing laws and appointments of God of this kind; which is the sense here intended, as appears by what follows: all men, and so these Israelites, ought to be holy in a moral sense, and some are holy in a spiritual and evangelical sense, being made holy by the Spirit of God; of these the Apostle Peter speaks, in allusion to this, and such like passages, (<sup><4119></sup>1 Peter 2:9)

*neither shall ye eat any flesh that is torn of beasts in the field*; or in the house, as Jarchi notes; but the Scripture, as he observes, speaks of the place where it is more usual for beasts to tear, and so Aben Ezra; otherwise what is torn elsewhere, or by whatsoever accident it is bruised and maimed, was not to be eaten: ye shall cast it to the dogs: for even a stranger was not to eat of it, or if he did he was unclean, and was obliged to wash his clothes, and bathe himself, (<sup><8175></sup>Leviticus 17:15) and yet Jarchi interprets this figuratively of such as are like dogs, meaning the Gentiles, whom the Jews used to call so, (see <sup><4153></sup>Matthew 15:26). An Heathen poet gives instructions perfectly agreeable to this law;

“do not (says he) eat flesh fed upon by beasts, but leave the remains to the swift dogs<sup>f714</sup> .”