

## **Dr. Elaine Phillips, OT History, Lit., and Theology, Lecture 12**

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### ***Preliminaries and Prayer***

#### **Introductory and Procedural Issues**

Well we're moving on today to social/civil Torah. A bit of a review: Civil / social Torah structures societal conduct. In other words, it gives us ways in which we function in communities, because that's where we're designed to live, and then it provides for proper administration of justice. What I'd like to do today is think in contrasts, at least initially, about what you know about our government system and what you've read as you've read particularly those assigned chapters in Exodus and Deuteronomy. In essence, what we are going to do for the next 50 minutes is talk about Israelite government about 3,500 years ago. For the first 15 or 20 minutes or so, hopefully we can carry on a good discussion in regard to this contrast. I hope you'll draw on the things that you know in terms of your own experience with our particular governmental system. Then we'll go into talking our way through the lecture outline. I've given you lots of information in terms of categories and I'm not going to talk through what looks like a grocery list. You can get those items from the material that's on Blackboard in the lecture outline. But I'd like to have at least at the beginning, a fairly engaging discussion. This is not an easy issue necessarily to deal with, and so let's talk about it a little bit.

#### **Ancient Near East Parallels – Hamurabi's Code**

First of all there are some ancient Near Eastern parallels. One of the things that we wanted to focus on is the Code of Hammurabi. In *Old Testament Parallels*, you have excerpts from this. What I have got in front of me (ANET) has the entirety of the Code of Hammurabi in it. This, by the way, is in the reference section of the library if you want to read the whole thing. What I'm going to do is read for you some segments from the Code and then some material from the book of Exodus, and let's just think in terms of comparisons and contrasts.

I'm starting with item number 195. Listen carefully to see what differs and what is similar. "If a son has struck his father, they shall cut off his hand. If a citizen has destroyed the eye of a member of the aristocracy, they shall destroy his eye. If he has broken another citizen's bone, they shall break his bone. If he has destroyed the eye of a commoner or broken the bone of a commoner, he shall pay one mina of silver. If he has destroyed the eye of a citizen's slave or broken the bone of a citizen's slave, he shall pay one half his value. If a citizen has knocked out the tooth of a citizen of his own rank, they shall knock out his tooth. If he has knocked out a commoner's tooth, he shall pay one third of a mina of silver." And it goes on with those kinds of things. Let me skip just a little on down here. "If a citizen struck another citizen's daughter and caused her to have a miscarriage, he shall pay 10 shekels of silver for the fetus. If that woman has died they shall put the citizen's daughter to death. If by a blow he's caused a commoner's daughter to have a miscarriage, he shall pay five shekels of silver. If that woman has died he shall pay one half a mina of silver." And it goes on and talks about what happens in the case of a female slave as well. One more thing we'll read here, "If a builder constructed a house for a citizen but did not make his work strong with the result that the house he built collapsed and so caused the death of the owner of the house, the builder shall be put to death. If it has caused the death of the son of the owner of the house, they shall put the son of that builder to death. If it caused the death of a slave, he shall give slave for slave to the owner of the house. If it has destroyed goods he shall make good whatever it destroyed. Also because he did not make the house strong which he built and it collapsed, he shall reconstruct the house which collapsed at his own expense." Well that's about 10 examples from Code of Hammurabi. I hope you're getting some things that are making your intellectual antennas wave a little bit.

Let me read some excerpts now from the book of Exodus. Chapter 21, starting with verse 12, "Anyone who strikes a man and kills him shall surely be put to death. If he didn't do it intentionally but God lets it happen, he is to flee to a place I shall designate. But if a man schemes and kills another person deliberately, take him away from my altar and put him to death. Anyone who strikes his father or his mother must be put to death.

Anyone who kidnaps another and either sells him or still has him when he's caught must be put to death. Anyone who curses his father or mother must be put to death. If men quarrel and one hits another with a stone or a fist and he does not die but is confined to bed, the one who struck the blow will not be held responsible if the other one gets up and walks around outside with his staff. However he must pay the injured man for the loss of his time." I'll skip down to verse 20, "If a man beats his male or female slave with a rod and the slave dies as a direct result, he must be punished. But he's not be punished if the slave gets up after a day or two since the slave is his property. If men who are fighting hit a pregnant woman and she gives birth prematurely but there is no serious injury, the offender must be fined whatever the woman's husband demands and the court allows. But if there is serious injury you are to take life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise." And it goes on.

Let's see if we can get at least a couple things that will help us think conceptually about some of the differences in cultural contexts. The Code of Hammurabi is coming from the 17<sup>th</sup>/18<sup>th</sup> century B.C. The Mosaic legislation, if we're going to go with the date of Moses [instead of much later composition], dates to about the 15<sup>th</sup> century - the 1400's.

### **Similarities between CH and Biblical Text**

Let's talk similarities first. Did you hear some things that are the same? [Student response] Good, the measure for measure punishment. The eye for eye and tooth for tooth, indicates to us that this is supposed to be the principle, measure for measure. The Code of Hammurabi spells it out. Any other similarities? [Student response...] Yes, there is a lot of similarity, isn't there, in terms of striking a women who is pregnant resulting isn some sort of premature birth. With regard to damage, the Hammurabi Code spells it out. The fetus is supposed to be paid for. And then there are some life for life issues as well. But did you notice a different in that context too in terms of the punishment? [Student response...] Did you notice what happens in the Hammurabi text if the woman

dies? Whose life is taken? [Student response...] Yes, the daughter of the offender dies. It is kind of an unusual balance there; it isn't really life for life. It's a woman's life for woman's life, which changes the equation just a little bit, doesn't it? Anything else in terms of similarities? [Student response...] Yes, they deal with the same basic crimes. To be sure, I've cheated a little bit and I've excerpted things that are the same, but you do have the same kinds of sequencing. The issues that have to do with striking people, kidnapping people, damage to property - those are all there. We all have the same basic ideas of justice and what is an injustice when it's done to us.

Did you notice as well that there are indications of social stratification in both texts? In other words, there are differences in regard to free persons as opposed to slaves. And there are gender differences in both texts.

### **Contrasts Between CH and Biblical Text**

But let's now look at some of the places where there are contrasts between Hammurabi and the biblical texts in terms of social stratification. What different classes of people did you hear as I was reading? [Student Response...] Good; aristocracy, citizens - which is kind of an odd word in this text, but that's probably the best translation for it. Commoners - there's also a commoner class in there. And then finally slaves are mentioned. There are different levels and then measuring out different punishments depending on where somebody falls in that whole caste system, which in some ways is what it is. There are ranks within some of these classes as well, and some of the particular legal stipulations indicate those. Any other differences that you heard? [Student Response...] Yes, the biblical text does say no punishment if the slave gets up and is able to walk again because he's property. Now I'll address that a little bit later on in terms of the implications of that. It's one of those things that's a little bit challenging. Did you notice that Hammurabi spells out payments as well? [Student Response...] Stealing people, i.e., kidnapping, meant the death penalty.. Striking your parents – same thing. And notice in Exodus it included both striking your father and striking your mother. The mother is included right up there. You're right; this is one of the places where we find

infractions of the Ten Commandments do merit death penalty, and it lists them right on in there. [more Student Response...] Yes, it did say bring it to the judges didn't it? And as a matter of fact, you've probably read the rest of these chapters of Exodus; there is clearly a system: there is more of an evident court system. Now I would suggest in all fairness to the Code of Hammurabi that that's presumed behind that too, although it doesn't build it right into the statement of these particular laws.

Well let's keep going a little bit, see what else we can do with this.[question in regard to life for life] It's a good question, and I'll answer it now because I'll probably forget to answer it later, although we are going to come back to measure for measure punishment in a moment. This is designed to function in a court system. God is setting up for his people how things are to operate in order to deal with problems in the community. The court system is there and basically this is to indicate that the punishment is to be the same measure as the crime. Because what's our tendency otherwise? You hit me; I chop your head off! If there is something that goes wrong, there is usually a reaction, and it's an overreaction. And then there is another reaction that's an overreaction and you have this ongoing, building feud that's really ugly business. What's going on both in the Code of Hammurabi and also in the biblical text is a system balanced justice. The nature of the crime has got to be balanced in the punishment; the latter is not to be overdone.

What Jesus is doing when you start reading Matthew chapter 7 is warning against applying this in personal interactions. So there is a difference there. In your personal interactions, you don't react like that. Instead, you reverse things incredibly. You do what is totally contrary to human nature and that is you forgive; you turn the other cheek. So he's not controverting in any way the judicial principle. This is part of the Sermon of the Mount, which is one reversal after another. It's telling us that we've got to live life entirely differently from what our natural inclinations are. [Student question] Great question. I'm going to get to that in a moment. It's a great question. If I don't deal with it satisfactorily in about five or ten minutes bring it back up again.

## **Larger Contextual Differences Between Ancient Near East and Western Contexts**

Here we are, talking about Israelite social justice, and we're in the 21<sup>st</sup> century. There are some differences. Let's see if we can map out four or five things that are distinctly different between what you learned in your 9<sup>th</sup> grade civics class and what you're getting out of reading Exodus/Deuteronomy. What are some of the differences? Don't think specifics now, think sort of generally. (Student Response...) Okay, so we see a whole lot more implementation of the death penalty in the Torah. Now interestingly enough, this is in contrast to us as we go up and down on the death penalty. Sometimes it's there; sometimes it's not - which brings us to another whole difference, the prison system, but I'll come back to that in a moment. [further student response...] of course, I suspect if you sat down and read things lawyers have to read we'd see a distressing amount of specificity. You know, hundreds and hundreds and hundreds of pages. But yeah, there's some specifics here, that's quite true. [further student response...] Okay, so we have a constitution and especially Bill of Rights that have a positive thrust to them. I would say that there is also a fair amount of Torah that has a positive thrust to it too. But you're right. The intention of the laws that we're reading with regard to structuring societal conduct and dealing with infractions is going to have obviously a "here's the crime; here's the punishment" tone to it. Anything else?

Let me ask it this way. As you read particularly the second half of Exodus 21 about oxen and property, what kind of society is that describing? It's certainly not urban industrialized, is it? We're talking about two different kinds of social structures. That was an agrarian society and the regulations are presented in terms of the issues that unfold with regard to damages and property and infractions within the context of something that we'd call rural. Most of our population lives in cities, they're urban, and we have industrialized economy base. Anything else? Who's the authority in that social structure? [Student Response...] It's God! This is a theocracy, isn't it? which means that God is the ultimate Ruler. Yes, under the rulership of God, we have the kings, the prophets, the priests and those offices, but God is the ruler. What's ours? Presumably it's a democracy, which means it is ruled by the people. A very interesting book called *Epic of Eden* talks

about the distinctions between democracy and theocracy. The author says when you talk about democracy it is “rule of the mob.”

Anything else that’s different? [Student Response...] Right. There are different ways of dealing out punishment, most notably our extensive prison system which may or may not be good. All you need to do is read some sociological issues with regard to what’s going on in prisons and we have to wonder how really helpful they are. In the Torah, is there any parallel to prison? Most of that system involved immediate punishment. You find out the person’s guilty and you fine them four, five, two times if they’ve stolen something. Or there’s the death penalty, but is there any parallel to prison? [Student Response...] Yes, it’s the city of refuge, which was for a person who killed in an unpremeditated context. It’s designed to protect that person because otherwise who’s going to come along? The avenger of blood, and again, we’re going to have the escalation that I talked about earlier in terms of taking blood vengeance for some person’s death.

Are there any other differences that we need to mention? There’s one that you women ought to have your antennas waving on. There are some gender differences, aren’t there? Presumably we have a culture where women have equal rights along with men. Why was it so different back then? Anybody want to venture into this tiny little mine field? Here’s the thing - if a women was not under the protection of her father, her brother, or her husband she was destined to starve. You didn’t have independently living women in those contexts. And so therefore with that particular kind of a social structure in this larger family structure - we call it the *Bet Av*, the extended family - women had to be under the protection of father, brother, or husband simply to survive. That created some differences as well. Now we’re going to come back to that whole issue of gender when we start talking about the issue of political marriages farther on down the pike, but for now let’s leave it at that.

### **Cross-Cultural Principles**

Just a suggestion in terms of some cross-cultural principles that we want to keep in

mind as we're reading this material. In other words, we've noted a bunch of differences. Now, let's think of similarities. The Torah is adamant: justice has to be balanced. In fact that measure for measure principle comes up three times: Exodus 21, Leviticus 24, Deuteronomy 19 - all in response to a different kind of a circumstance. So we're supposed to get this idea of balanced justice, which is so contrary to our vengeful human nature. Remember Lamech, back in Genesis? The text emphasizes it here. Justice has to be balanced, properly applied, not perverted either in favor of one class or another. You know, it says don't favor the rich, but it also says don't favor the poor. There's got to be equal application here.

Interestingly enough two or more witnesses are required to effect a punishment, and particularly in regard to effecting the death penalty. Two or more witnesses were absolutely necessary or they couldn't do it. And those witnesses had to agree. By the time we get to the first century, our parade example is the trial of Jesus where they couldn't get the witnesses to agree. But by that time the Rabbis had constructed a very intricate system of making sure, making absolutely certain, that witnesses agreed word for word for word or they would not effect the death penalty. So in the Rabbinic court system, there were not a lot of cases of actually bringing about death penalties because they were so careful. And in fact the Rabbis worked really hard to try and think of ways to avoid bringing about the death penalty and do something else instead, like a fine.

How about care for the disadvantaged? The three paradigm words, and you see them over and over and over again, are widows, aliens, and orphans. These are people who are destitute, vulnerable, and have no means of support for themselves. Someone who was a widow had no means of support, and so the "state" was supposed to care for them. Why such a concern for aliens? What does the text say in terms of a reason? [Student Response...] That's exactly it. The principle is: you all were aliens in Egypt. You all know what it's like. You need to treat people who are aliens in your midst in a way that is gracious to them and supportive of them, not enslave them. And then, finally, there was a concern for human dignity. For example, if they were punishing somebody,

they could not punish them to the point where they became subhuman - not more than forty lashes and things like that so that human dignity was maintained.

### **Addressing the Challenging Aspects of these Laws**

What are some of the challenging issues? We've mentioned a few of them. Any others you can think of? As you read this, what makes you say, "I don't think I really like this" ?

Right. The whole issue of slavery's existence for the one thing, and then how slaves seem to be treated as a lesser quality person than somebody who's free, in particular, these free Israelites. Anything else?

The death penalty is mentioned so many times. Good, good. It doesn't sit well with us, does it? Now, again, I'm not going to go way down this path, but I would suggest to you that it may be that the reality of our prison system is as inhumane. Just a suggestion, but I realize that's a long, long, long debate.

There are also some interesting gender issues that come up here, aren't there? We have already mentioned those as well.

### **The Redemptive Movement Hermeneutic**

This is a chart that I want to take a moment to explain, which responds to some of the questions that have come up. The author [William Webb] has proposed what he calls a redemptive movement hermeneutic. In other words, the things that we read in the Torah are not static reflections of an all time principle. Let's see how this works.

Over here [left side], we have the expression of the laws in the wider, original culture. In other words, I've read you Hammurabi's stuff, which is reflective of the wider, ancient Near Eastern culture in the second millennium. Now I know it's broadly speaking because we've got 400 years difference. But, our original culture has certain things that we pointed out, certain things that made us a little uneasy. Into that culture, farther along

towards the ideal which is way out here [right side of the chart], come the biblical laws. We're going to see our arrow going from X [original culture's legal codes indicating their level of justice] all the way to Z. And Z is the ultimate ethic. The ideal. The way things should be. The thing toward which the spirit of the law is pointing. Somewhere along that continuum, we have Y. And these are the words as they are articulated in a particular culture of the Israelites. If we're going to take the Mosaic Law, the Torah, and the requirements said at Sinai, that is then going to be dated at that particular time. It's "frozen" in time. They're frozen in time because that's when the words were said and they're reflecting something of the bigger cultural picture.

Nevertheless, "Y" is farther along toward the ideal from the bigger cultural picture. Let's take the idea of slavery. Yes, slavery still exists in the biblical cultural picture. It's part of the whole cultural context. It's part of the economic system. But it's only in the text of Torah, interestingly, where masters need to be concerned. They are obligated to be concerned with their slaves' welfare. Yes, they're still called property; but the master needs to be concerned with that slave's welfare. And there's a system for letting them go free and when they go free, how do they go free? They go free with possessions. They go free provisioned. So it's a little farther along the way toward the ideal. The New Testament's going to move the slavery issue along a little bit. You've got Paul, who doesn't say with regard to Philemon to release him, but he certainly suggests it, doesn't he? The things he says to Onesimus are kind of strong in that direction. We get to a point where he suggests that by and large, we are a little closer to the ideal because we've had time to practice some of these things. Now the reason he says "by and large" is this. There are some cases where our particular social structures and our government are not necessarily reflecting a better ethic in our laws and the things that are part of our legal system, than the biblical text.

A classic example might be the whole issue of abortion. There's not much of a concern for life in that. Instead, it focuses on "rights" that are often somewhat self-centered. And you can think of other issues as well where you might say, "Well, where

we are right now isn't necessarily here, between Y and Z. It might be somewhere back there. So this is an important caveat. The point is that all of this, all of this, is aiming towards that ideal. Do you remember what I read to you last time that one of the purposes of the Torah was to point to the better things to come? Hebrew 10: 1, "The law is a shadow of the better things that are coming," and that's exactly what this redemptive hermeneutic is pointing out. It directs us to think of what that ideal perfect set of circumstances is going to be when everything is restored the way it is supposed to be restored.

[student question] By the way, the book of Hebrews is a fascinating book with lots of interesting things built into it from its own wider culture. But it uses the term "shadow." The law is a shadow of the good things to come, indicating that what we have in Torah is giving us the basic blueprint. Here is how things "ought to be," but we are still living in our own fallen world. Torah is pointing ahead to what the ideal is going to be. And therefore, there's a time when everything is going to be set right.

The whole idea of *shalom*, which I'm going to say a little more about in a moment, means much more than peace. We translate it "peace" and that's nice, but that's not the best word in the world. It means everything is set right, and it comes from a word, which means "to pay" and "to make sure that all the payment has been made fully."

[student question] How can you differentiate between what's culturally relevant and what's universally applicable? Good question! There's a book that I use in my Introduction to Biblical Studies class, *How to Read the Bible for All Its Worth*, and it gives some interesting principles because he has a whole chapter devoted to Torah. The best way to think about this, I think, is to say in all of this material, we have principles. And so what you do is read whatever Torah you're reading, whatever chapter of the Bible you're in, and you say, "Okay we may not be building parapets around our houses anymore, but we need to be building fences around our swimming pools. It's the same principle, the preservation of life." So you look at it all very carefully and say, is this something that's applicable? If it is, great. If it's a matter of, oh not wearing clothing that

has linen and flax mixture in it, that might be a reflection of the Egyptian culture from which they've come. Now it may say something to us on a very symbolic level about not mixing things, but I wouldn't push it too far, actually. It's a matter, I would suggest, of seeing which laws and regulations have a pattern of reappearing throughout the Bible.

To take a classic, but a very hot button and uncomfortable issue, the biblical text is uniformly right from Genesis, right on through to the New Testament, Corinthians, Jude, it's uniformly condemning of homosexual behavior. Thus, whether it is comfortable or not, we still need to think of it as sinful behavior – for which grace and forgiveness are offered. Now, it's a huge issue in terms of how we think about it, and deal with it.

[student question] Yes, there is a lot of material there in terms of how, in that culture, the mixing works and what the mixing implies. All I'm going to say with regard to that, is that there is a strong emphasis on purity, because God's people were to be clean and pure. And I think the symbolism behind that is what is going on. So therefore, we take that particular principle and theme and we apply it the way we would apply it in this day today.

### **Principled Applications**

Well, should we move on from our redemptive movement hermeneutic? We can do this material pretty quickly. I'll land on some things with a little more force. Measure for measure - I've already intimated that this is indeed designed to prevent over-excessive vengeance. And as I said earlier, these three passages all deal with different original situations, but the conclusion is that there is no place for excessive vengeance. Always, punishment has to be balanced. Justice is balanced.

Then we also have a very clearly established judicial system. Deuteronomy 16 established judges in every town. And that makes sense; it was a very practical thing. However, as Deuteronomy 17 goes on to point out for us, if you had a case that was too difficult, you took it to the judges and they'd only had their JD for about two years, and they were not really sure about how the intricacies of this case worked out, there was the

equivalent of a Supreme Court. How did that work? They took it to the place where the priests were. The priests were in the presence of the Ark of the Covenant, the tabernacle, and later, the temple. Why is it that the priests had a special ability to answer these questions? The high priest wore a special garment when he was ministering before the Lord. In the breast piece that was on the ephod, which he put over the robe- in the breast piece were two things called the Urim and the Thummim--lights and perfections. We don't really know how they worked, but Exodus 28 tells us that they were used for making decisions before the Lord. This is a theocracy, remember? And if we're going to take seriously what's involved in the theocracy, then the priest as the mediator between humans and God, could bring these difficult cases into God's presence. And in some way that we don't understand, they would get an answer. Now, hang on to that, because we'll come back to Urim and Thummim when we do ritual Torah.

There are other issues that affected the administration of justice. In a nutshell: Intentional versus unintentional, particularly with regard to killing somebody. If you planned to do it, then it was murder, and the death penalty was in effect. If it was accidental; say you hit the person too hard and goodness gracious, they collapsed; then there was the city of refuge.

Gender - I've said some of this already, but just to flesh it out a little bit more. There's a whole difference as you read Exodus 21, between freeing female slaves and freeing male slaves. Male slaves went free, females not so easily. Why not? (although Deuteronomy does have a provision for female slaves going free) But why not? Because, if they didn't have the protection of a household, that put them in a vulnerable position. And that's important to keep in mind. Reading that text in Exodus 21 fairly carefully, you see that this young woman may have been sold into slavery because the economic circumstances of her father's family were really precarious. So she was sold into slavery, not as a nasty thing, but actually often times to enter into marriage with the receiving household. In some ways, it may have been a move up for her. And that might also affect

this difference in terms of whether or not she went free. If she was married to the son of the owner, that would be a problem in automatically freeing a slave.

That brings us to slaves. Again, this is something that we don't like to see, and it is difficult, but remember our redemptive hermeneutic model here. Slaves were paid for. It was almost like making a contract with a worker. You made a contract for a year. I've signed a contract with Gordon College. I need to work for Gordon College, at least until next August, unless of course, there are extenuating circumstances. And so slaves were those people under contract, if you want to think of it that way. Of course, it may not have been quite so benign as that. There were other issues as well. But the second point is one I want to make too and that is something I've mentioned already. There is no other Ancient Near Eastern Code (that's what ANE stands for) that is concerned to protect slaves against what owners might do to them, concerned with the slaves' wellbeing, and with the master's obligation also to be concerned with the wellbeing of the slave. So it is a move forward on our trajectory towards the ideal.

And then, you may have noticed as well, there are some differences between Israelites and foreigners and they show up, among other things, in the whole area of debts. Could you charge interests on debts? They were not allowed to charge Israelites interest. Why were people enslaved anyway? Why were they in debt? Because they didn't have money. If interest continued to accrue, what happened? You just got deeper and deeper and deeper in debt. So therefore, it was inadmissible to charge interest to fellow Israelites in that kind of a context. Well then why could you charge interest to foreigners? The suggestion is a socioeconomic one. The foreigners were the ones who were often merchants in that context. They were on the move. They were traveling through Israel. Do you remember where Israel is? It was the land between. You've got major international commercial routes going through there and foreigners going through all the time. You loan a foreigner some money? You may never see him again if they were traveling way off up to Mesopotamia, and way on down to Egypt. So the interest is allowed in those circumstances as sort of an insurance policy on your loan. So it's not

just, you can charge foreigners interest simply because they're foreigners. It probably had, at least to a degree, something to do with this whole business of the kinds of foreigners that would be indeed borrowing money. Now, that doesn't solve all the problems, but at least gives us maybe a little but more of a perspective on some of these issues that do indeed affect the administration of justice.

Here's another difficult issue to think about - the death penalty. And yes, it does show up more in the biblical text than we in our 21<sup>st</sup> cultural- western cultural context like. But one of the things that I think we need to notice is that perhaps, and I say this very carefully, the death penalty may be more merciful than some of the things that we have devised as punishment. I just suggest that.

One of the things the biblical justice system was very careful to do was to effect the death penalty as quickly as possible. As an example, stoning was a fast way of doing it. That doesn't mean throwing little stones at people. It means great big rocks and then the body was hung in a tree. This has a very interesting theological implication. Deuteronomy 21:23 says, that someone whose body has been hung on a tree is under God's curse. I think I alluded to that when we talked about Genesis 22 and the adumbration that we see with that ram caught in a thicket. Well you're going to see that all the way through the Old Testament and to what Paul says in Galatians 3:13 as he's talking about Jesus and the crucifixion—"cursed is everyone who is hung on tree."

Flogging, or other physical punishment, could not be overdone. As I said, fewer than 40 lashes so that the person not be completely degraded, or completely torn apart.

An additional example of punishment: There is that very interesting passage, I think it's Deuteronomy 25, where if a woman stepped in to break up a fight between two men and she hit a man's testicles with her hand, what happened to her hand? It was cut off, probably because she had possibly endangered the very source of life and progeny for him. And that had all sorts of implications in that culture, more so than we have in

ours. And of course, for her, if she did that, you can't do a measure for measure punishment!

Restitution: If you stole something, the expression that shows up over and over again is a Hebrew pair of words using the root verb, *Shalem*. It means "He will surely pay." The person who was guilty would surely pay. Built into that was the concept of setting things right, that is, achieving a state of *shalom* by making this payment. This was absolutely necessary, imperative payment. And depending on what had been stolen, it was set right by means of a double or perhaps four or five times repayment. The bigger the number meant larger items taken; four especially the five times was for beasts of burden, animals that were doing major work. They were economic investments. If that got stolen, some had really lost big time there. If you lost a cow or an ox or something of that sort, the payback was big once the thing was restored.

We've already mentioned the cities of refuge, which we'll talk more about when we talk about the tribal inheritances and where these cities got placed and why. There are interesting geographical issues there.

This next material summarizes what you've read in these chapters for today. There's a category on interpersonal relationships, the first one being injury. That includes everything from striking people, to causing death. Also in this category are all the issues with marriage and divorce. By the way, the discussion in Deuteronomy 24 about divorce and reasons for divorce, provides the basis for the Pharisees when they came to question Jesus. You may remember this in Matthew 19 – "for what reasons can a man appropriately divorce his wife?" That's reflecting an ongoing Pharisaical discussion on Deuteronomy 24. There's a word in there that's a little hard to interpret. The Hebrew word is *ervah*. What does it mean? Does it mean sexually improper conduct? Adultery or the like? Or does it simply mean displeasing? That was a big that was being discussed when those folks came to Jesus and asked that question. He came down on the side of interpreting it as more serious – adultery, sexual misbehavior.

At any rate, rape, family abuse, property damage, loss, and all those kinds of things that were part of a culture that was based on rural, agrarian concerns. Theft we've mentioned already in terms of the payment or repayment. The distinction was between stealing persons, on the one hand, kidnapping, which is punishable by death or simply stealing property.

Notice that the text is fairly concerned for some pretty basic economic issues. Wages, they've got to be fair. They've got to be paid. Debt, slavery, lending money - all of that is there. And then the inheritance rights, too; we learn- something we already knew from the stories in Genesis. That the inheritance rights go to the firstborn, and you have a double portion given to that firstborn.

### **Matters of National Interest**

We'll need to spend at least a couple of minutes here on matters of national interest. Let's do matters of the king first. And here I'll actually read the text because I want you to be thinking about this. Maybe you already have, as you read it for today. In Deuteronomy 17:14, right after the section on the "Supreme Court," we have the following. "When you enter the land the Lord your God is giving you, and you've taken possession and you settle, and you say, 'Let us set a king over us like all the nations round about us.'" Now we're going to see that happen. Verse 16, "He must not acquire great numbers of horses." Verse 17, "He must not take many wives." Are you thinking a minute about this? "Or his heart will be led astray. He must not accumulate large amounts of silver or gold." Those "must not's" remind us of Solomon. And we'll talk about Solomon. You know, Solomon was indeed led astray by his wives, and he built altars to worship foreign gods, in response to those wives. We'll have much more to say about that. He also amassed huge amounts of silver and gold, interestingly.

Well, let's also look at the positive side. "He is to write for himself a scroll of a copy of this law. It is to be with him. He is to read it all the days of his life so he that he may learn to revere the Lord his God and follow carefully all the words of this Torah, and

not consider himself better than his brothers.” Now unfortunately, one of the things that happens as we read through the history, and we’re going to be doing that shortly, is that the Torah gets lost for decades at a time. And of course, the king did not follow this as he should have.

There are also stipulations in terms of going to war that are rather interesting. Deuteronomy 20: The king is not the major figure as the people go to war. Did you notice that? “When you are about to go into battle the priest shall come forward and address the army. And he shall say ‘Hear, O Israel, as you’re going into battle against your enemies, don’t be fainthearted or afraid. Don’t be terrified. The Lord is the one who goes with you.’” But then the officers come along, and what do they say? There is a status, probably equivalent to our conscientious objector. If someone has just married, if he has just bought something, he can go back home. He’s not going to be drafted automatically. And even beyond that, “if he’s afraid...” The text even provides for someone who is just plain afraid to go into battle. Turn around, go home. So these provisions for going to war have a good deal of humanitarianism built right into them. “When you march up to attack a city, make first an offer of peace.” If they don’t accept it, then you carry through with the war issues. Now there’s more to that, but in the interest of time, I’ll let you read it on your own.

This is extremely important because in these pieces of social Torah, we see some things that I think are very helpful principles that we can take from ancient Israelite society. First of all, the Israelites were always to be giving tithes--one tenth. That was part of the principle and some of it was indeed to go to the support of the worship structure, the priests, etc. But, notice this particular stipulation at the end of every three years, bring the tithes of that year’s produce and store it in your towns so that the Levites, the aliens, the orphans, and widows may come and eat and be satisfied. The people who are disenfranchised were provided for, among other things, by the tithe. So there was a store of material that the theocratic government had, and they were to dole that out to care for people who were disenfranchised.

Secondly, you have gleaning. We see this when the narrative of Ruth unfolds. Gleaning was important. No matter what they grew, whether it was wheat, whether it was olives, or grapes. They were not to go over it a second time. They didn't pick up everything. They left what was there for people to go out and glean in the fields, glean in the grape orchards, the grape fields and the olive orchards--basically workfare. They got their sustenance by working for it.

And then we have seventh year procedures as well. And I'll let you look up that Deuteronomy 15 material on your own, but the whole point is here that every seventh year, debts were cancelled, and slaves went free. And that keeps a permanent underclass from forming, which is extremely significant. Debts cancelled. Slaves go free.

Well, one more thing - cities of refuge. Remember I said at the beginning and last time the three categories of Torah do not have hard and fast boundaries between them. Clearly as you've looked through what we've seen today, there is an unbreakable relationship between moral Torah, issues of life, issues of well-being, all those kinds of things, relationship between that and what goes on in the civil Torah realm. We've seen it in every point we've made today as we talked our way through this material. We're also going to see next time that civil Torah is related to ritual Torah. We've already seen it a little bit--with tithing. Tithing is a ritual practice, as I've said, used to support the temple tabernacle. But it's also significant in terms of civil Torah. And we'll see that develop a little more with regard to Sabbath issues.