

Deuteronomy 22: Biblical Reading and Reflections

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[0 : 00] Deuteronomy chapter 22 If you come across a bird's nest in a tree or on the ground, with young ones or eggs, and the mother sitting on the young or on the eggs, you shall not take the mother with the young.

You shall let the mother go, but the young you may take for yourself, that it may go well with you. And that you may live long. When you build a new house, you shall make a parapet for your roof, that you may not bring the guilt of blood upon your house, if anyone should fall from it.

You shall not sow your vineyard with two kinds of seed, lest the whole be forfeited, the crop that you have sown, and the yield of the vineyard. You shall not plough with an ox and a donkey together. You shall not wear cloth of wool and linen mixed together. You shall make yourselves tassels on the four corners of the garment with which you cover yourself. If any man takes a wife, and goes into her, and then hates her, and accuses her of misconduct, and brings a bad name upon her, saying, I took this woman, and when I came near her, I did not find in her evidence of virginity. Then the father of the young woman and her mother shall take and bring out the evidence of her virginity to the elders of the city and the gate. And the father of the young woman shall say to the elders, I gave my daughter to this man to marry, and he hates her.

[1 : 58] And behold, he has accused her of misconduct, saying, I did not find in your daughter evidence of virginity. And yet this is the evidence of my daughter's virginity. And they shall spread the cloak before the elders of the city.

Then the elders of that city shall take the man and whip him, and they shall fine him a hundred shekels of silver, and give them to the father of the young woman, because he has brought a bad name upon a virgin of Israel.

And she shall be his wife. He may not divorce her all his days. But if the thing is true that evidence of virginity was not found in the young woman, then they shall bring out the young woman to the door of her father's house, and the men of her city shall stone her to death with stones, because she has done an outrageous thing in Israel by whoring in her father's house.

So you shall purge the evil from your midst. If a man is found lying with the wife of another man, both of them shall die, the man who lay with the woman and the woman, so you shall purge the evil from Israel.

If there is a betrothed virgin, and a man meets her in the city and lies with her, then you shall bring them both out to the gate of that city, and you shall stone them to death with stones, the young woman because she did not cry for help, though she was in the city, and the man because he violated his neighbour's wife, so you shall purge the evil from your midst.

[3 : 13] But if in the open country a man meets a young woman who is betrothed, and the man seizes her and lies with her, then only the man who lay with her shall die. But you shall do nothing to the young woman, she has committed no offence punishable by death.

For this case is like that of a man attacking and murdering his neighbour, because he met her in the open country, and though the betrothed young woman cried for help, there was no one to rescue her.

If a man meets a virgin who is not betrothed, and seizes her and lies with her, and they are found, then the man who lay with her shall give to the father of the young woman fifty shekels of silver, and she shall be his wife, because he has violated her.

He may not divorce her all his days. A man shall not take his father's wife, so that he does not uncover his father's nakedness. In Deuteronomy chapter 22, we reach the end of the section devoted to the sixth commandment, and in verse 9 of this chapter, we move on to the material associated with the seventh.

Verses 1-4 concern brothers' animals gone astray or in need. Lost animals should be returned, and animals in need should be assisted. This is related to earlier commandments in Exodus chapter 23 verses 4-5.

[4 : 27] If you meet your enemy's ox or his donkey going astray, you shall bring it back to him. If you see the donkey of one who hates you lying down under its burden, you shall refrain from leaving him with it.

You shall rescue it with him. There seem to be a number of things going on. First of all, there is the concern of love for neighbour, your duty to return anything to your neighbour, not just an animal. But there seems to be something more than this. It's not just about the preservation of your neighbour's property. There is a focus upon animals for a reason, upon living things. Do not let an animal suffer on account of your disputes or your neglect.

This is something that comes, again, under the sixth commandment. If you're truly caring about life, if you're truly opposed to the wrongful taking of life, then you will take care for animals.

You will not let them suffer on account of your hatred. Verse 5 is a very unusual one in this particular context. A woman is not to wear a man's garment, nor a man a woman's cloak.

[5 : 25] Now, why this is found under this particular section is not entirely clear. What does this have to do with the sixth commandment? It would seem to belong more naturally with the section that follows, concerning the seventh.

It seems to be premised upon the need for a distinction between the sexes. The distinction between the sexes being considered here are conventional. Like language, conventional forms of attire for the sexes change from society to society.

Likewise, the implements that they use and the other things that they are associated with. However, God is concerned that there is not any confusion between men and women. That distinction is meaningful and important.

And it must be preserved in language, it must be preserved in dress, it must be preserved in custom and convention, and all these different ways. The actual form that living out such a commandment would take would differ from society to society.

In no two societies are customs and conventions surrounding male and female behaviour exactly the same. But every single society draws a distinction between male and female.

[6 : 28] While behavioural and dress norms for men and women radically differ from society to society, and in no two societies are the same, every single society has such distinctions.

And it is important that we preserve them and honour them, that there is not confusion between these things. Some have suggested that perhaps there is a reference to the woman dressing for war here, that she should not dress for war, she should not go out to war.

That's a possibility. Either way, it is odd in its place. What might it have to do with the sixth commandment? I really don't know. One suggestion would be that an attack upon differentiation is presented as an attack upon life itself.

Life is formed by differentiation. Differentiation is what makes us fruitful as male and female, different from each other, but yet fruitfully related. And an attack upon that differentiation is an attack upon life itself.

It breaks down life. It attacks that core symbol of the fruitfulness of life, the difference between male and female. And for that reason, perhaps, it comes under the commandment not to murder.

[7 : 34] But I suspect that something more still is going on here. It's worth looking at more closely. Right now, our understanding of this text might be something like a loose thread that threatens to unravel a few things.

It needs closer thought. The commandment that follows, in verses 6 to 7 concerning the bird's nest, is another odd one. Like the commandment against boiling kids in their mother's milk, some concern is shown in it for the relationship between the mother and the child.

There's an honouring of the maternal bond here. Do not take advantage of the maternal bond in order to kill a creature. The person who finds this nest happens across it.

The person doesn't seem to be purposefully hunting for bird's eggs. Rather, they chance across it. And they chance across it with the mother there. And the mother's there because she wants to protect her nest.

In that situation, the mother is vulnerable precisely because of her maternal instinct. And refusing to take advantage of that maternal instinct, to take her along with her young, is a way of honouring the

maternal instinct more generally.

[8 : 36] We have a similar expression used in Genesis chapter 32 verse 11, where Jacob speaks to the Lord, Please deliver me from the hand of my brother, from the hand of Esau, for I fear him, that he may come and attack me, the mothers with the children.

The situation would be one of Esau attacking the children and the mothers being defenceless but not being able to run because their children are being attacked. An interesting feature of this law is that it comes with a promise, that it may go well with you and that you may live long.

This is the same promise that is attached to the fifth commandment. And so honouring father and mother, and in this case particularly the mother, is related to the commandment here concerning the bird.

Yet this comes under the sixth commandment. And under the sixth commandment, it's about the preservation of life. And in this particular case, it's about the honouring of the maternal instinct, even in its most fragile and small form, in a little bird, that you will honour that instinct.

And as a result of that, you will be honoured in the land. That instinct is one of the reasons why you enjoy life. And so you do not use that as a means of bringing death. Verse 8, and the parapet law, is the last material that falls under the sixth commandment.

[9 : 47] Israel is required to be proactive in guarding life. Once again, there's concern for the guilt of spilled blood, even in an accident. A failure to take concern for safety of people on your property can make you culpable for your negligence.

Such case laws are exemplary. They're not comprehensive. There are very glaring gaps in the material that we have in the law here. It's not a comprehensive legal system. It was never intended to be.

Rather, it gives us principles by which we understand justice. And the more that we learn justice and its principles through reflecting upon these laws, the more that we will be able to apply them to novel situations.

In verses 9 to 11, we move into a new body of material. This is material associated with the seventh commandment. You shall not commit adultery. Yet it seems a strange body of material with which to begin.

To appreciate what's going on in the laws concerning unlawful mixtures, we need to think about the symbolism of commandments. The commandments of the law often have a symbolic import. They represent bigger truths in symbolic categories.

[10 : 53] Human realities are mapped on to animal realities and agricultural realities. Israel is a vineyard. But Israel as a vineyard must not be sown with two kinds of seed.

Human persons are described as seed elsewhere in Scripture. In Jeremiah chapter 31, verse 27, Behold, the days are coming, declares the Lord, when I will sow the house of Israel and the house of Judah with the seed of man and the seed of beast.

The commandment not to have mixed seed within your vineyard is a commandment to ensure Israel's purity as a nation. God's concern here isn't really with what Israel sows in their physical vineyards.

That's a symbol of what he really cares about. What he cares about is their faithfulness as a people, their purity as a people, and the way they treat their vineyards will be a symbol of that. Likewise with the ox and the donkey.

The ox is clean and the donkey is unclean. Others have suggested that this may be a reflection upon events within Israel's history. Jacob is the ox. In the blessings and judgments upon his sons, he speaks about the hamstringing of an ox by Simeon and Levi, and it is likely that he's talking about himself.

[12 : 01] What then is the donkey? Donkey is Hamor, the wild ass, as his name means. This is a mixture of two households, a mixture of an unclean and a clean household, an attempt to bring them together as one people so that they intermarry.

They are not to do that. The commandment not to mix wool and linen seems to be an unlawful mixture for another reason. Such a mixture is holy. It's a mixture that you find in the garments of the priests.

And so purity, on the one hand, requires refraining from impure mixtures, and on the other hand, it requires refraining from mixtures that are holy to the Lord. Verse 12, concerning tassels and garments, again relates to the principle of purity.

In Numbers chapter 15, verses 37 to 41, the rationale of these tassels is explained. The Lord said to Moses, Speak to the people of Israel and tell them to make tassels on the corners of their garments throughout their generations and to put a cord of blue on the tassel of each corner. And it shall be a tassel for you to look at and remember all the commandments of the Lord, to do them, not to follow after your own heart and your own eyes, which you are inclined to whore after. So you shall remember and do all my commandments and be holy to your God.

[13:13] I am the Lord your God who brought you out of the land of Egypt to be your God. I am the Lord your God. The purpose of the tassels was to preserve Israel from spiritual adultery, to whore after their own eyes and heart.

These tassels are, as it were, signs of Israel's marital status, that they are holy to the Lord and they must live in such a manner. The tassels also seem to be connected with the garments of the high priest.

And so there is a natural association between this commandment and the one that immediately precedes it concerning the wool and the linen. Verses 13 to 21, the law concerning the woman accused of infidelity, is an incredibly difficult one to read.

It offends many of our modern sensibilities and we need to read it with care. First of all, how do we read difficult passages like this? The first thing to do is not to dodge the problems.

Be honest about the difficulties that we have. Look at the passage carefully. Be patient. Don't panic. Don't get tunnel visioned. Recognise the limitations of your understanding.

[14:16] Draw encouragement from your past experience. If you're anything like me, there have been many, many times that you have looked at a passage and felt daunted by it. You've not known how to understand it and then you've spent a lot of time with it and it's opened up.

The more that you've done that, the less threatened you are by passages and their challenges. In all likelihood, if you give time to it, this passage will open up too. Most importantly, trust the author. We know that the author of this text is God himself and we believe he is a good God. We have learnt so much about him elsewhere that we can trust him with those things that we do not know. Be prepared to continue to wrestle with the text in the darkness until you're blessed.

While admitting that you are in darkness, that you really do not know what it means, be patient and wait for things to open up. When dealing with the laws, we should also be clear that the laws are dealing with a fallen world.

The laws are accommodated to such a world and to the sinful people within it. Jesus' teaching about Moses' permission of divorce is a good example here. The permission of divorce is not the ideal, it's not the way that God designed things to be.

[15:20] God's intent is that marriage should be indissoluble. But in the sinful and fallen world, allowance has to be made for divorce. The laws are also accommodated to a far less socially and politically complex society, where social, political, police and legal structures were very limited and laws had to function within those limits.

Laws such as these had to function in a society that was much more patriarchal, where men, as the physically and socially stronger sex, had social, legal and political power and agency and women had very little.

This was less the result of direct oppression than it was the result of limited structures in society, where the fact that social institutions and power structures overwhelmingly arise out of male power was far more immediately felt, because there was much less abstraction of that power from the immediacy of the family structure into strong social institutions that could limit men.

Consequently, the policing of men and the protection of women generally had to arise from men of her own family or from the wider congregation of men. While we should be mindful of the patriarchal origins and the foundations of social, political and legal structures, we should be very thankful that we have moved beyond them in a great many ways.

We should not idealise the situation here, but we should recognise that the law is speaking into it. Getting then to this particular law is one in which the man accuses his wife of sexual infidelity and the charge of infidelity is taken very seriously.

[16:47] It seems that he hates her and wants to put her away. He wants to divorce her. It's interesting that this is presented in a way that puts forward the false and malicious charge as if it were the typical case.

What is happening here is seemingly an attempt of a husband to get out of an unwanted marriage by blackening the name of his wife and the deterrent for false charges is very significant. There's a whipping, 100 shekels of silver he must pay to the family of his wife and no right to divorce his wife because he had brought a bad name upon her.

This would serve to give security to the woman and security to women more generally from such false charges. We can also see the test of jealousy in Numbers chapter 5 which deals with a similar case.

In that case the woman must be brought towards the Lord and the Lord will cast judgment in her case. Her case is not left in the charge of men. The concern here is less with virginity as such as it is with the honour of the woman.

I think that there is a clue to the actual nature of what is taking place in the fact that the man does not suffer the death penalty for his accusation. Usually there would be the death penalty for any false accusation in a capital case.

[17:58] Rather it seems that the man is trying to initiate a divorce by the false claim that she has been unfaithful. He's trying to put her away. He's not trying to put her to death with that claim.

This explains why the law starts with the false charge. The law is really about the way that a family could protect their falsely charged daughter. This is then why the punishment of the man is focused on his loss of right to divorce and his being dishonoured and required to give money to the family of his wife which like the bride price they would presumably keep in trust for her.

If she were not in fact a virgin the family could just let the divorce go ahead. Perhaps the death penalty comes when the woman and her family refuse to let the divorce go ahead and try and trap the man in the marriage but it is shown that she was in fact not a virgin.

In that case she is to be put to death for her infidelity. The law protects women's reputations then. It also gives them security against divorces undertaken on false grounds by providing strong deterrence.

However it also provides strong deterrence against non-marital sexual relations. Verses 22 to 29 are laws concerning seduction, rape and adultery.

[19:08] The punishment for adultery is severe. Adultery is taken extremely seriously and has implications for the entire community. They must purge the evil from Israel. Unfaithfulness in marriage is the dishonouring of an institution that lies at the heart of Israelite society.

This, like many other sexual sins, is not seen as a private matter. This is followed by the twin cases of the betrothed virgin, one in the city and one without. One is a situation where the relationship is presumed to be consensual because the woman didn't cry out or protest.

The other is one in which it is presumed to be non-consensual because there was no one to hear her. It's important to recognise that what we have here are illustrations of principles of justice, not so much laws that must be woodenly applied.

What happens if the woman in the city is prevented from crying out by her rapist? What if she doesn't cry out from fear when being raped but runs for help as soon as it is over? I presume that this would satisfy the principle.

However, if no protest or reporting occurs, there is good reason to believe that the act was consensual. The law of the man who lies with the unbetrothed virgin comes next. This law has a parallel in Exodus chapter 22 verses 16 to 17.

[20:20] If a man seduces a virgin who is not betrothed and lies with her, he shall give the bride price for her and make her his wife. If her father utterly refuses to give her to him, he shall pay money equal to the bride price for virgins.

Here it seems to be applied to someone who had forceful relations with a woman. If she wants to go ahead and marry him and her father consents, he must pay the bride price and he has no right to divorce her.

One could perhaps imagine this law being invoked in a situation where a man forced himself upon a woman against her protestations who was attracted to him but did not want to have sexual relations before they were properly married.

What it most definitely does not do is give the rapist the right to marry his victim. The bride price that would have to be paid even if she did not want to marry him was in part designed to ensure that she would not suffer on the account of his rape with potential suitors.

The final law of the chapter concerns incest, not taking your father's wife, not uncovering your father's nakedness. This language is language that we have already encountered in Leviticus.

[21 : 25] A question to consider, what are some specific applications that we might make in the modern day of the law of the mother bird? A question to consider, is that the A question to consider, is that the