

Parashah One Hundred Forty-Two

Deuteronomy 21:10–22:7; Isaiah 54:1–10; Galatians 3:11–14

notes by Tim Hegg

“You Shall Keep My Charge”

Our *parashah* contains a number of instructions and laws pertaining to very practical aspects of human existence. And it is one of the sections of the Torah that is often referenced by those who believe the Torah not only has no value for us today, but that it is actually harmful and dangerous—that it was originally given to Israel as a condemnation for her wayward heart of rebellion. Some time ago I listened to a local pastor in his Sunday morning message mocking what he saw as the utter failure of the Torah to address important issues of life. “Could any of you help me?” he said. “I saw my neighbor mowing his lawn on the Sabbath, and I need you to come and help me stone him!” Then he continued, “Oh, and my son is rebellious too. I suppose we should stone him at the same time!” As I listened to his words, I wondered how he could consider the very words of God in such a manner. Has God changed? Are the liberal scholars right when they teach that the God of the Old Testament was harsh and demanding, while the God described and revealed by Jesus in the New Testament is kind and forgiving?

We believe that the word of God is eternal, and that it was given to us by the Almighty so that we might know Him in truth and enter into an intimate covenant relationship with Him. Furthermore, we believe that the instructions given to us in the Torah not only tell us about the One Who gave them, but that they are also the safeguards given to us by a loving Father—protections that will keep us on the path of life to enjoy the blessings God intends for His children. This means that the laws He has given were good when He gave them, and remain good for all time. This is because we believe God is good, and that all that He does and says is right and holy. Moreover, we believe (on the basis of the Scriptures) that Yeshua, our Master, believed and taught the same thing (Matt 5:17–20), and that He is grieved when the words of His Father are mocked as the impractical legislation of an angry despot.

In fact, viewing the Torah as the barbaric laws of an ancient society is entirely mistaken. The Torah is like the railing on a balcony that keeps people from falling to their death. In fact, God refers to the commandments and statutes He has given to us as “My charge” (cf. Gen 26:5; Deut 11:1), a translation that masks the obvious meaning of the word, for it is מִשְׁמֶרֶת, *mishmeret*, derived from the verb שָׁמַר, *shamar*, “to guard.” The same word is used elsewhere of a “guard post” (cf. Is 21:8; Hab 2:1), the high point on a city wall or on the perimeter of a village where a guard is posted to watch for enemies and alert the people of danger. When used as description for the Torah, this word would better be translated “safeguards” (as the Stone Chumash translates). Far from being a snare to condemn a wayward people, the Torah is given as a guard, a sentry, to alert us to danger that would otherwise harm us. Even more, enlightened by the Spirit of God to the hearts of those who have put their trust in God, the instructions of the Almighty protect us from danger, and particularly from the danger of our own fallen viewpoints.

When we read the Torah as the loving instructions of our Father Who desires to bless us, we understand them from a proper perspective. We seek to know how these divinely inspired words reveal the very heart of our Creator, and how they instruct us in wisdom and righteousness. Of course, such an enterprise requires diligence and hard work! We cannot be satisfied with a mere surface reading that leaves us with more questions than answers, nor can we attempt to understand

God's word through the politically correct lenses of our day. We must seek to know Him as He has revealed Himself, not as mankind has refashioned Him to fit his own agenda.

The *parashah* for this Shabbat contains a number of related topics, though at first glance we may wonder how they are related. The first topic relates to warfare, and the taking of captives, particularly, of taking a captive woman for one's wife (21:10–14). Next, the text turns to the inevitable woes that attend polygamy, and the plight of a wife who is unloved (21:15–17). Then come the laws pertaining to the matter of a rebellious son (21:18–21), followed by laws pertaining to capital punishment (21:22–23). Next are the instructions relating to things lost by one's neighbor, and the requirement to care for them and return them (22:1–4). After this is the prohibition against cross-dressing (22:5), followed by laws of the humane treatment of animals (22:6–7). What all of these have in common, and no doubt why they are grouped together, is that they all relate to life issues that have the potential of ruining community relationships. The first laws relate to family relationships, for families are the building blocks of any community. Then come laws dealing with relationships of the wider community. In all of these, the goal is that the community should live in such a way as to manifest the presence of the Holy One of Israel within her midst.

“When you go out to war” is how the *parashah* begins. In this fallen world, war is inevitable. Though ultimately war will be done away with when the rule of God is established worldwide (Is 2:4), until that time, the realities of war are matters with which we must deal. In the struggle of war, a soldier is called upon to defeat the enemy, a task which often requires the taking of life. In undertaking such a duty, a soldier must often act out of pure impulse, for killing was never the design of God for mankind. The history of war has shown that often soldiers act out of their base passions, and commit deeds of immorality against the conquered people. Such is not to be the case when Israel goes to war. Thus, the soldier is not allowed to act out his impulses upon a conquered woman, but must restrain himself for a full month, and must look upon a woman of the conquered people as one created in the image of God, and therefore worthy of consideration and right treatment. Furthermore, a physical relationship, even in the face of war, is allowed only within the context of marriage.

The context appears to give no choice to the woman—she is brought to the soldier's family dwelling and her nails and hair cut and allowed a month of mourning for her deceased family members. Since in the previous *parashah* (20:10–18) the command was given to Israel that the inhabitants of a city conquered within the Land were all to be put to death, we must presume that the woman spoken of in our text is not from the Canaanite nation, but from cities “far away” to which peace was offered before being attacked. In the opinion of the Sages, it was always risky business for a soldier to marry a foreign woman from a conquered city, for marriages initiated by passion often fail. They saw in the requirement that the woman abandon her native dress (meaning she clothes herself as an Israelite), shave her head and cut her nails not only a reference to a period of mourning, but also as indicating a *mikvah*, which they interpreted (by later *halachah*) as conversion.

After the period of a month, if the soldier continues to desire her as his wife, she is obliged to comply. Yet as noted above, that month of waiting is all important. The impulsive passions of the soldier in the heat of battle are given time to subside, and the period of waiting allows him to consider the whole matter more rationally. Furthermore, in the setting of the ancient world where a woman left single was at a distinct and great societal disadvantage, to be married to a man, even a foreign man, who was required by the laws of his society to treat her with respect and to care for

her, was surely better than the alternative.

21:14 has been understood by some to teach that once the marriage had been consummated, if she no longer pleases the man who took her, he must “let her go as she desires” (וְשַׁלַּחְתָּהּ לְנַפְשָׁהּ) without consequence, except that he may not sell her (i.e., put her into slavery). But such an interpretation of the verse is reading too much into the text. First, there is no reason to think that the soldier was already married, and that the laws prescribed here are a concession to polygamy. Secondly, we should presume that often, during the “cooling off” period of a month, it was the case that a soldier changed his mind and decided against marrying the woman. It is to this situation that the laws pertaining to her being let go apply, not to a dissolving of the marriage after it has been consummated. In this case, however, since she has undergone the psychological trauma of preparing herself to marry a stranger, she is given her full freedom (taken to mean that she is allowed to assume the role of a *ger toshav*, a resident alien within the community of Israel and thus given the privilege of protection from the Torah as would a native born.) The language used to substantiate her right to be released as she wishes is: “because you have humbled her” (תַּחַת אֲשֶׁר עֲנִיתָהּ). The Hebrew phrase תַּחַת אֲשֶׁר (*tachat ‘asher*) means “inasmuch as” (cf. Num 25:13). The verb עָנָה (*‘anah*) means “to oppress,” “do injustice toward someone,” “to humble someone,” and admittedly is used at times to mean “to violate” someone (e.g., Gen 34:2). Yet in this case, the word may simply mean that the woman was required to undergo the preparations for marriage without actually receiving the benefits (protection and sustenance) that marriage would inevitably afford. It is her having been humbled by such a rejection that provide her the opportunity to leave as she pleases. In contrast to the prevailing practice of the pagan nations in times of war, the Torah prescribes protection for even a foreign woman, protection that was unheard of in the Ancient Near East.

Having prescribed the laws for a soldier who took a woman captive for the purpose of marriage, the text goes on to speak to the issue of polygamy, and particularly the apparently common occurrence that in a polygamous situation, one wife is loved and the other hated. Once again, passages such as this (as well as Ex 21:8ff) have been interpreted by some to indicate that polygamy was not only allowed but sanctioned by the Torah. However, we must remember that the Torah deals with the inevitable issues of community in a fallen world. In the same way that the Torah provides a solution for the thief (restitution of the thing stolen plus additional compensation), yet in every way condemns stealing, so the Torah provides solutions for the inevitable negative outcomes of sinful choices in marriage and family. God never prescribed polygamy, and in the progressive revelation of the Scriptures, we find out why. Marriage is to be a visible revelation of God’s covenant relationship with Israel (cf. Jer 31:31–34), and ultimately of Yeshua’s relationship with His bride (cf. Eph 5:25f). Polygamy ruins that picture.

Indeed, nearly every biblical narrative which speaks of a polygamous marriage contains the unhappy scenario of one wife loved and another hated. Unfortunately, the selfish choices which lead to such a situation have their greatest devastation in the lives of the children. The bitterness of infighting which existed between the rival wives would surely be passed on to the children if they, like their mothers, were also treated unjustly. The Abraham-Hagar-Sarah triangle illustrates this directly. Regardless of what might have been the immediate cause of sending Hagar and Ishmael away, the overarching reality was that Hagar and Sarah could not exist together, and the sinful choice of Abraham to take Hagar in the first place brought enduring consequences to Ishmael and his descendants, seen even in our own times.

The Torah commandments pertaining to the rights of the firstborn son are given to guard against the unworkable situations that polygamy brought. The firstborn son receives the double portion (פִּי שְׁנַיִם, literally “the mouth of two”), which could mean double what other sons received, or could mean “two-thirds” of the estate (cf. Zech 13:8 where the same expression means “two-thirds”). It was not uncommon in the Ancient Near East that the firstborn received the entire estate. The enduring principle here, however, is that the sinful choices of the father (polygamy) did not negate the legal rights given to the firstborn son (לֹא מְשַׁפֵּט הַבְּכֹרָה). The divine choice of the second born, a consistent phenomenon throughout the patriarchal narratives, is not in violation of this law. Israel is God’s firstborn (Ex 4:22) and has this status through Divine election. God’s choice of Isaac over Ishmael, Jacob over Esau, and Joseph over Rueven, is thus an identification of His firstborn son which is not constrained through physical lineage or birth order.

The law regarding a “rebellious son” has troubled many scholars and teachers, including the Sages. The rabbinic teachers point out that this law was never enacted in Israel against any son but that it was contained in the Torah as a means of showing God’s hatred of rebellion (and particularly of children rising up against their parents), and thus as a deterrent to such behavior as children are taught the Torah (m.*Sanhedrin* 8.1–4; b.*Sanhedrin* 71a; Rambam, *Hilkot Mamrim* 7). The language employed in our text helps define the situation envisioned. The son is described as “stubborn and rebellious” (סוֹרֵר וּמוֹזֵה), words used by the prophets to describe Israel as she turned from God and participated in idolatry (Ps 78:8; Is 30:1; 65:2; Jer 5:23; Hos 4:16; Zech 7:11). Perhaps the rebellious son is one who likewise refused to turn away from pagan practices, and who was even influencing others in his pagan ways. Moreover, the text indicates that the son had refused to heed the discipline of his parents (“when they chastise him, he will not even listen to them”). Whatever the case, the Torah ruling regarding a rebellious son is a clear indication of what God thinks about rebellion. It also teaches us a very important principle: children affect other children. The son who has entirely rebelled against his parents is a negative influence in the community. Since rebellion has a ready companion in the fallen nature of us all, and particularly in children who have yet to commit themselves to God’s ways, a son who has given himself over to overt and continued rebellion will surely affect others. And even if a society is unwilling or unable to deal with the rebellion of its youth, God is not so constrained. As the Proverbs teach: “The eye that mocks a father and scorns a mother, the ravens of the valley will pick it out, and the young eagles will eat it” (Prov 30:17). This gory picture is given to show how dreadful the outcome will be for someone who persists in rebellion against parental authority.

Rebellion against established authority is a capital crime in the Torah. The rebellious son is executed, though we presume this could only be done after a proper trial had been conducted and the son found guilty. In similar fashion, rebellion against the court draws the death penalty for adults as well (Deut 17:12) even if the original crime for which a man was charged was not a capital offense.

The next laws of our *parashah* (21:22–23) deal with the corpse of a criminal who has been executed. Hanging the corpse on a pole or impaling the corpse on an execution stake was done in times of war in the Ancient Near East as a psychological tactic—it was done to bring dread to the enemy and weaken the spirit of the opposing troops. According to recorded history, it was not a common practice in ancient Israel, though our text would indicate that it was done. Leaving a corpse unburied was considered a particularly accursed punishment, since it was believed in many cultures of ancient times that an unburied corpse had no possibility of finding rest in a future world.

The Sages ruled that even the corpse of an executed criminal was not to be maltreated because even the criminal was created in the image of God.

We know that this text was used against the followers of Yeshua, for it states clearly that one whose body is hung on a stake (in this case עץ, 'etz may have the meaning “wood” which it often bears and not specifically a living tree) is “cursed of God” (v. 23). Since Yeshua was executed by the Roman method of crucifixion, His enemies took up the polemic that this proved God had cursed Him. In fact, this was the case! Yeshua, our Master, took upon Himself the curse that each of us deserved as rebellious sons. Paul makes this point in our Apostolic section (Gal 3:13): “Messiah redeemed us from the curse of the Torah, having become a curse for us—for it is written, “Cursed is everyone who hangs on a tree.” The point is that Yeshua was not cursed for His own rebellion, but for ours. He took our punishment so that we might become the “righteousness of God in Him” (2Cor 5:21).

But it was also our Torah text that compelled the followers of Yeshua to find a way to remove His body from the cross and bury it as quickly as possible. Likewise, it is this text that forms the basis for the rabbinic ruling that a body should be buried on the day of their death (something regularly practiced among Jewish communities today) unless a delay is necessary for a suitably honorable burial.

Next, our *parashah* outlines the laws pertaining to personal property that is lost, and the obligation of the one who finds it to return the lost item(s) to the owner. This, and the section on removing the young from a nest (vv. 6–7) formed the basis for entire sections of the rabbinic *halachah*. Personal ownership is considered by the Torah of high value and is to be guarded by the community. Whether the items are of high value (ox, lamb, donkey) or of lesser value (garments, other common items) makes no difference. What belongs to another person is to be safeguarded and returned. If what is found requires maintenance (such as feeding an animal), this is to be provided in order that the lost property may be returned in the condition in which it is found. The Sages ruled that if such maintenance was costly, when the item is returned, the owner may have legal obligations to repay the one who found it for the expenses incurred in keeping it. Moreover, the Torah teaches that we are not allowed to “ignore” the lost item (וְהִתְעַלְמָתָּ מֵהֶם), “and you hide *it* from them”) or “conceal” the matter (vv. 1, 4). Even though finding a lost item may require some sacrifice in guarding it and (in the case of an animal) maintaining it, one is still obligated to do so. The principle is that we are to put the good of our neighbor above our own needs and desires. “You shall love your neighbor as yourself” (Lev 19:18). This is confirmed by the fact that the section ends with the admonition to help a neighbor whose animal has fallen. If we would do so when our neighbor obviously needs our help, we must do so even when our neighbor is unaware that he has lost something. Moreover, as the final section of our *parashah* indicates, we are to care for animals themselves, so that helping a neighbor lift up a fallen animal both the neighbor and the animal are aided.

The section prohibiting cross-dressing most likely deals with the debased practice of paganism in sexual deviancy and homosexuality. It refers to a man appearing as a woman, or *visa versa*. Tigay notes that such perversions are documented in pagan literature (*JPS Commentary: Deuteronomy*, p. 200). God intends that we live according to the gender roles in which He has created us. We are to be grateful that we are male and female, and to find in our created roles the joy that comes from being who God created us to be. This, again, is foundational for a functioning, godly community.

The final laws pertaining to a bird and its young in a nest highlight the compassion of God that

extends even to the animal kingdom. The animals that God created are cared for by Him, and He has entrusted their care into our hands as well. The natural ties between a female and her chicks is implanted by the hand of the Creator, and are therefore to be acknowledged and fostered. Inhumane treatment of animals, something that inevitably attends pagan rituals, is not to be found among the people of God. As those who acknowledge the kingship of the Almighty, we are to extend proper compassion to the living things He has created. As with all good things that come from the Creator's hand, however, even the care of animals can be abused if priorities are confused. Clearly, human life is of greater value than the life of an animal since animals were not created in the image of God. When the life of a person is given less dignity than that of an animal, it is clear that God's ways have also been abandoned. Regrettably, in the history of our own country there were times when a slave had less value than the animals he or she tended. Even in our present world, there are instances where personal pets are given greater care and attention than children. If, however, we submit to God's clear directives, we will abide by His priorities, loving children as they are intended to be loved while at the same time showing appropriate compassion and care for animals.

In the end, what our *parashah* emphasizes once again, is that the commandments of God are given to us so that we might live as God intends, and in so living, to honor Him by sanctifying His Name in our world, enjoying to the fullest the blessings He has promised to those who love Him (cf. Gen 18:19).