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Most likely these laws and commandments were grouped together based upon minor thematic and verbal connections, which aided memorization.

**Divorce & Remarriage (24:1–4)**

The opening verses of our parashah form the only instructions regarding divorce and remarriage in the Torah. Other Torah texts that refer to divorce (but give no guidelines) are: Lev 21:7,14; 22:13, which prohibit a priest from marrying a divorced woman; Num 30:9, which states that a divorced woman’s vows stand (i.e., cannot be annulled like those a husband may annul for his wife or daughter), and Deut 22:19, 29 which deny the ability of a husband to divorce his wife in certain situations.

Though nowhere in the Torah is there any provision (or mention) of a wife divorcing her husband, the rabbinic laws provided the right of a wife to sue for divorce in the hearing of judges, and if they...
find in her favor, the husband is compelled to issue her a get or a bill of divorcement (cf. Mechilta, Mishpatim, 3; m. Arachin 5.6). However, the rabbinic debate on this subject immediately raised the objection that a valid get required that the husband act freely and not under duress. The response to this objection is contained in b. Bava Batra 48a: “Similarly in the case of divorces, [where the Rabbis have said that the husband can be forced to give a divorce] we say [that what is meant is that] force is applied to him till he says, ‘I consent.’” Thus, the judges act on the presumption that every Israelite intends to do according to the Torah, and the Torah requires that one submit to the rulings of the judges. Thus, the husband is compelled to obey the Torah and offers the get freely as the fruit of such submission.

It is likewise from this reasoning that the rabbis refused to accept as valid a get prepared in pagan courts unless it is clear that the pagan court issued the command “Do what the Israelites tell you to do,” i.e., follow the rulings of the Jewish court (cf. m. Gittin 9.8). In the end, while the rabbis did give a woman the right to sue for divorce, they never offered women the right to serve their husbands with a get. The get or Bill of Divorce could only be written and served by the husband.

The laws pertaining to divorce and remarriage contained in our portion have given rise to many interpretations. The central issue revolves around the term עֶרְוַת דָבָר, ervat davar, translated in the NASB as “some indecency” — “and he finds some indecency in her.” The only other time this exact phrase is found in the Torah is at Deut 23:14, speaking of the need to construct latrines outside of the camp since Adonai “marches along with you” and “He must not see anything indecent among you.” Tigay (JPS: Deuteronomy, p. 220) translates “he discovers her doing something obnoxious.” The famous debate on this phrase between the house of Hillel and the house of Shammai reveals the polar positions taken by the Sages. Hillel ruled that the ervat davar is governed by the use of דָבָָר, davar, interpreted to mean “any matter.” He therefore ruled that anything the husband found displeasing could constitute grounds for the divorce. Akiva took Hillel’s viewpoint to the extreme, as did Philo (Laws 3.80). Josephus also agreed with Hillel’s ruling (Ant. 4.8). Shammai, however, restricted ervat davar to matters of unchastity, and found grounds for a valid divorce only on the basis of sexual misconduct.

The mishnah describing the differences is m. Gittin 9.10 (cf. also Sifre Deut. 269; y. Sota 1.2, 16b) –

The House of Shammai say, “A man should divorce his wife only because he has found grounds for it in unchastity,” since it is said, “Because he has found in her indecency in anything (Dt. 24:1).” And the House of Hillel say, “Even if she spoiled his dish,” since it is said, “Because he has found in her indecency in anything.” R. Aqiba says, “Even if he found someone else prettier than she,” since it is said, “And it shall be if she find no favor in his eyes” (Dt. 24:1).

Josephus indicates that divorce for any reason was common in his day (Ant. 4.8), and it was to this deplorable situation that our Master’s words and teaching are undoubtedly directed.

But what does our Torah text mean? If עֶרְוַת דָבָר is understood to be marital unfaithfulness, would this not have been covered in the laws pertaining to adultery? Furthermore, the phrase itself is curious since עֶרְבַת (indecent) is in the construct, where we might presume the order should be changed (דָבָָר עֶרְבַת) to yield “a matter of indecency.” As it stands, the text literally reads “an indecency of a matter,” which appears to have a broader meaning (e.g., its use in Deut 23:14). We may presume that עֶרְבַת does not refer specifically to adultery, for that would be superfluous in light of the fact that a woman convicted of adultery would be executed. And if the husband suspected his wife of adulterous activity, yet did not have sufficient witnesses to prove it, the ritual of the bitter waters (Num 5:11ff)
is prescribed. It would seem very probable, then, that עֶרְוַת דָבָר describes some other kind of sexual unchastity which, though not rising to the level of overt adultery, still constituted sufficient grounds for the dissolution of the marriage. In the Talmud (b. Gittin 90b), some Sages apparently understood our text as describing a flirtatious wife.

Most important for our understanding of this Torah text on divorce and remarriage are the words and teaching of Yeshua, our Teacher. In Matt 19:7–9, certain Pharisees were testing Yeshua to see how His halachah regarding divorce and remarriage squared with the prevailing halachah of the Sages. They introduce their argument by asking if divorce is permitted “for any reason.” Obviously, they are seeking to know how He understood עֶרְוַת דָבָר in Deut 24:1. Our Master’s initial response is, as always, to emphasize the heart of God in the Torah itself, and He therefore quotes Gen 2:24, “For this reason a man shall leave his father and mother and cleave to his wife, and the two shall become one flesh.” In other words, our Master’s clear point is that divorce was not part of God’s plan for marriage. But then the Pharisees quote Deut 24:1, which provides the husband the ability to write a get and send his wife away (which is technical verbiage for “divorce”), and question Yeshua about how this fits with His emphasis upon Gen 2:24. They argue that Moses “commanded” divorce (Matt 19:7). Our Master’s response is insightful: “Because of your hardness of heart Moses permitted you to divorce your wives; but from the beginning it has not been this way” (Matt 19:8). He changes the “commanded” of the Pharisee’s argument to “permitted,” and points to the cause of divorce in the first place: “because of your hardness of heart.” (In the Mark parallel [10:1–12], however, the Pharisees use the word “permitted” and Yeshua speaks of the “command” of Moses regarding divorce.) The point seems to be that the provision of divorce was given in the Torah in order to deal with the results of sinful behavior, the hard heartedness of mankind’s heart, and perhaps specifically the hardness of a husband’s heart toward his wife.

In Yeshua’s further comments, it seems likely that He agreed with Shammai in interpreting עֶרְוַת דָבָר of Deut 24:1 as some kind of unchastity, for He includes the exception of “fornication” (πορνεία, porneia) in His prohibition of divorce: “And I say to you, whoever divorces his wife, except for immorality (πορνεία, porneia), and marries another woman commits adultery.” Previously, in Matthew (5:32) Yeshua taught: “but I say to you that everyone who divorces his wife, except for the reason of unchastity (πορνεία, porneia), makes her commit adultery; and whoever marries a divorced woman commits adultery.” The Synoptic parallel gives further explanation: “Whoever divorces his wife and marries another woman commits adultery against her; and if she herself divorces her husband and marries another man, she is committing adultery” (Mk 10:11–12).

It is interesting to note that the extant Hebrew manuscripts of Matthew (all of which are very late) are divided on the term used in Yeshua’s exception clause. Both the DuTillet and Münster (Quinquaria)us have a form of "זָנַה (zanah), “to commit fornication.” The Shem Tov, however, has נִיאוּף, ni’uf, “to commit adultery.” These variants may reflect the on-going rabbinic debate over what actually constituted עֶרְוַת דָבָר in Deut 24:1. Rabbi Gershom (ca. 960–1028) made takkanah (a rabbinic enactment) that abolished (for Ashkenazic Jewry) all causes for divorce except for a legally compelling reason (such as apostasy, refusal of conjugal rights, infidelity, etc.). He also prohibited polygamy by a similar takkanah. Thus, the Hebrew Matthews (all of which date to the 13th or 14th Centuries) may reflect these later rabbinic debates and halachic decisions.

For us, however, it is our Lord Yeshua who gives us a clearer understanding of our Torah text. Divorce and remarriage are clearly allowed if the cause for divorce is that of sexual impurity (πορνεία, porneia) of some nature. As noted above, עֶרְוַת דָבָר must refer to something other than adultery, yet in
Yeshua’s day the boundaries of permissible divorce and remarriage had been stretched to such an extent that some divorces granted by the courts were actually invalid. The result of such invalid divorces was that remarriage constituted adultery in Yeshua’s judgment, for though they were granted by an earthly court, they were not recognized in the courts of Heaven. Still, how widely Yeshua interpreted עֶרְוַת דָבָר is not entirely clear. Given the later instructions of Paul (see below), however, it seems that Yeshua may have considered “fornication” (πορνεία, porneia) to include sins that irreparably damaged the marriage relationship (e.g., physical abuse, abandonment) and therefore as grounds for valid divorce and remarriage. However, we must not miss the primary focus of Yeshua’s teaching on this subject, which is this: there may be invalid divorces granted by earthly courts and in such cases, remarriage by either party constitutes adultery. Or to put it in positive terms: the marriage covenant, entered into by the taking of an oath, is of extreme importance and must be preserved at all costs.

In 1Cor 7:15, Paul teaches that abandonment by an unbelieving spouse constitutes grounds for a valid divorce and remarriage. He makes it clear (v. 12) that this is an extension of Yeshua’s own teaching on the subject (“I say, not the Lord”). Yet we must conclude that Paul considered this extension as consistent with Yeshua’s words even if He did not explicitly state it. For Paul, being an Apostle of Yeshua, would never have considered valid that which he knew was contradictory to His Master’s teaching. From this we may logically conclude that Paul understood Yeshua’s interpretation of עֶרְוַת דָבָר to include more than overt sexual sins.

We should emphasize, however, that even those sins that might constitute grounds for a valid divorce do not present a situation in which divorce is required. Forgiveness and reconciliation are always the greater course to follow. But God recognizes that in some cases where marital infidelity has occurred, or where an unbelieving spouse has abandoned the marriage, the relationship is broken beyond repair. In such cases, divorce is allowed and remarriage is honorable. Those who teach that the Bible allows divorce but prohibits remarriage fail to understand the essence of divorce in the ancient world. The “essential clause” that made a get valid was “Lo, you are permitted to any man” (cf. m. Gittin 9:3, 11). In other words, the very purpose of a divorce was so that the woman could legally remarry.

The question often arises as to what couples should do if they divorced and remarried without knowing what the Bible taught on the matter, or were unbelievers when their divorce and/or remarriage occurred. First, we should stress that divorce and remarriage is not the unpardonable sin. Regardless of what may have happened before one was a believer, or before one was aware of the Scriptural teaching, the most important thing is the current condition of the heart. Once we have genuinely repented of our sin, and sought God’s forgiveness, we may be confident that our sins have been removed and that God is eager to bless us. This also means that we should strive to make our marriage (regardless of how it may have begun) all that God intends it to be. But secondly, one should not presume upon the grace of God. If one says, “I’ll divorce and remarry, and then ask forgiveness,” this is the sin of the high-hand: “But the person who does anything defiantly, whether he is native or an alien, that one is blaspheming Adonai; and that person shall be cut off from among his people” (Num 15:30). In such cases, even genuine repentance may not be sufficient to restore the person to his or her community.

There are other clear commandments in our parashah relating to divorce and remarriage. Specifically, if a divorced woman remarries and then is divorced by her second husband, she is not allowed to return to her first husband. Such a practice would make women into “shared property” which was far too close in practice to prostitution. As our text says, “for that is an abomination before Adonai, and you shall not bring sin on the land which Adonai your God gives you as an inheritance” (24:4). This language is very close to the wording of Lev 19:29, “‘Do not profane your daughter by making her a
harlot, so that the land will not fall to harlotry and the land become full of lewdness.”

The next statute given in our parashah (24:5) prescribes a one year deferment from military service of any sort for a newly married man. The meaning of “new wife” (אִשָּׁה חֲדָשָׁה) means a woman never before married. In this text the purpose for the year deferment is stated to be that he might “give happiness to his wife.” In Deut 20:5–8 where similar laws are noted, the privileges of the man are the focus. Together these texts show that God’s intention is for a husband and wife to be joyful in their marriage, and to give particular attention to the first years of marriage in order to build a solid foundation for their enduring relationship.

The laws relating to pledges (24:6, 10–13) have the welfare of the poor or disadvantaged in mind. They are separated in our text because of digressions prompted by the vocabulary. To “take a life as a pledge” flows naturally into “stealing a life” (=kidnapping). And likewise, for a person with a life-threatening disease to remain unquarantined would be to threaten the life of others.

The prohibition of taking a “hand mill set of stones” (רֵחַיִם, reichaim) or even just “the upper stone” (רָכֶב, rachev) as repayment of a debt guards the life of the impoverished person. Moreover, it seems clear that the creditor would not be using the seized collateral, since taking the upper stone of a set would benefit no one. Thus, what is prohibited is taking something of clear necessity in order to punish the debtor. Similarly, in our own jurisprudence, one who is forced into bankruptcy cannot be deprived of those things necessary to maintain basic living.

The laws regarding kidnapping (24:7) are essentially the same as stated in Ex 21:16 with a notable exception. Here, the law is specifically narrowed to “your fellow, one of the Israelites” whereas in Exodus, the law prohibits kidnapping of any sort. It may be that in this context, the kidnapping prohibited is envisioned as taking a family member of someone who was unable to repay a debt (and thus follows the theme of the millstone). Our text specifically states that the kidnapped person is sold or enslaved, which relates to repayment of a debt.

In the same way that kidnapping steals a life, so exposing others to a deadly disease puts lives in danger. Thus, the laws relating to infectious tzara’at (צָרַעַת) are noted, and the admonition that the judgment of the Levites (as described in Lev 3–4) is to be scrupulously followed. While most of the English translations speak of “leprosy,” the Hebrew word צָרַעַת may include a number of conditions affecting the skin, clothing, and walls of a house. Thus, the term most likely includes the unhealthy conditions produced by various molds.

Returning to the laws of pledges (24:10–13), the welfare of the poor is once again the focus. Taking those things that are essential for basic living as a pledge (such as one’s only outer garment) is prohibited. If they are retained for a day-time loan, they must be returned by sunset in order to provide proper coverings for one’s sleep. Furthermore, the debtor’s home is still his private domain. A creditor is not allowed to enter a home without the permission of the owner, the law that forms the basis for our own laws requiring a legal search warrant to enter a person’s home without his permission. Caring for the poor is predicated in our text upon the fact that God Himself is watching out for their welfare. Putting the needs of the poor over one’s own right to secure a loan requires faith that in so doing, God will bring a blessing for such acts of charity.

In the same way that a pledge for a loan given to a poor person must be returned before sunset, so the wages of a hired hand must be paid on a daily basis. An employer is to realize that a poor laborer depends upon his wages for his daily needs. In paying laborers immediately, the employer follows the example of the Almighty Who gives us our food every day (“Give us today the food we need,” Matt 6:11). To withhold wages is similar to robbery, which the parallel text in Lev 19:13 explicitly states:
“You shall not oppress your neighbor, nor rob him. The wages of a hired man are not to remain with you all night until morning.” Once again, an employer is to recognize that he will answer to God for the treatment of his employees, as our text clearly states.

Such judicial and righteous treatment of the individual leads to the law prohibiting generational punishment (24:16). Crimes deserving capital punishment may not be transferred to one’s family members. To do so entirely sidesteps the purpose of such punishment, for executing a criminal provides that he will be unable to commit such a crime again. Moreover, the law protecting the foreigner (גֵּר, ger), the orphan and widows (24:17–18), is added here because these groups represent those who, by no fault of their own, are most vulnerable to societal abuse since they lack the protection of close relatives within a family setting. The absence of a father or husband is not to be taken advantage of in their case. Instead, special effort is to be exerted to provide protection and care. The motivation for such special attention is that God provided precisely this same care for Israel as a whole when she was enslaved in Egypt. Since God has cared for me in my time of need, I must also care for others who are disadvantaged.

This call to care for the disadvantaged moves easily into the laws of gleanings (24:19–22). Since the poor depend upon the gleanings for their sustenance, farmers must be careful to leave the gleanings for them. In the parallel of Leviticus (19:9–10; 23:22), this involves leaving the corners of the field unharvested as well as part of the vineyard. Based upon these texts, the Sages ruled that there were four categories that comprise the specific halachah: 1) pe’ah, the edges of fields, vineyards and groves are to be left unharvested, 2) shechichah, that which is “forgotten” in fields, vineyards and groves, 3) leket and peret, grain and grapes that are dropped by harvesters, and 4) ‘olelot, small, immature clusters of grapes. (See m.Peah)

The punishment of crimes which are not of a capital nature is next prescribed (25:1–3). Such corporal punishment is to be carried out under the supervision of the judges in order that the flogging not exceed what has been prescribed. Moreover, the flogging was never to be of such a nature that it would endanger the life of the one being punished. The maximum lashes was 40, and in rabbinic halachah, this was diminished by one to assure that the maximum was never exceeded. For if in the event that the punished criminal did die, had the one administering the lashes exceeded the maximum of 40, he would be liable for murder. The emphasis in our text, however, is that to exceed 40 lashes would degrade the one sentenced to such punishment: “… that your brother be not degraded in your eyes.” Mishnah Tractate Machot (lashes) makes it clear that once a person receives the prescribed lashes for his crime, he has paid the penalty, and he is to be received as a “brother” in every way. This helps to explain why Paul would have five times submitted to lashings at the hands of the Jewish court. He did so in order to retain his position as a “brother” among his brethren, even though his “crimes” (most likely associating with Gentiles and proclaiming the Messiahship of Yeshua) were no crimes at all.

The fair treatment of wrong doers is followed curiously by the prohibition of muzzling an ox when treading out grain. The animal was to be given opportunity to eat as it worked because such was necessary for its life. In addition to caring for the life of the animal, however, such care demonstrated the righteousness of the animal’s owner: “A righteous man has regard for the life of his animal, but even the compassion of the wicked is cruel” (Prov 12:10). Paul uses this text (1Cor 9:9; 1Tim 5:18) in order to derive the principle that a laborer is worthy of his hire, and specifically to admonish the congregations of The Way to support the livelihood of those who labored among them in the Scriptures and teaching (cf. 1Tim 5:17). In 1Cor 9:9, after quoting our Torah text, Paul asks: “God is not concerned about oxen, is He?” The answer to this rhetorical question is intended to be “no, He is not concerned.”
But clearly our Torah text indicates just the opposite. How are we to reconcile this? In the context of Paul’s admonition, his point is not that God is entirely unconcerned about the animal treading grain, but that the law prohibiting muzzling the ox is not only about the animal, but contains a principle derived from kal v’chomer. If God is concerned about an ox, then how much more is He concerned about those who labor in the Scriptures and teaching! So we may understand his rhetorical question to mean “You wouldn’t think that God is only concerned about the ox when He gave this Torah commandment, would you?”

The next section of our parashah (25:5–10) deals with the levirate marriage. Levirate is from the Latin levir meaning “husband’s brother.” Likewise, the Hebrew יבם (yavam) means “husband’s brother.” The text could be understood to mean that a levirate marriage is prescribed if a husband dies leaving no children, where ב is taken to mean “offspring” rather than specifically a “son.” The Sages as well as the Lxx (σπέρμα, “offspring”) took it this way, meaning that the requirement of a brother to marry his deceased brother’s widow applies only when no children have been born. Since Num 27:1–11 records the successful claim to inheritance by the daughters of Zelophehad, the halachah ruled that no levirate obligation existed where a daughter had been born to the couple. In the event that no children were born before the death of the husband, one of his brothers was obligated to marry the widow with the hope of fathering children in his deceased brother’s name. From the story of Ruth it seems clear that a brother already married could not fulfill such a duty, and we may reason that such a law applied only to an unmarried brother. In light of the strong prohibition of sexual relations with the wife of one’s brother (Lev 18:16; 20:21), we must understand that death severs the marriage covenant, at least as it pertains to life upon this earth. This is Paul’s point in Rom 7:1ff.

In the event that a brother was able but unwilling to perform the duties of a levirate, he could refuse, but in doing so, he publicly participated in a ceremony that brought him shame. In the presence of the elders (that ruling body spoken of in the previous chapter as “the assembly of Adonai”) at the city gate, the public announcement is made that the brother refuses to act as a levirate. The first symbol of the ceremony is the removal of one sandal from his foot. The exact meaning of this action is not known, but if the sandal needed to be untied, it might symbolize the release of the woman from any ties to the family. Tigay (JPS: Deuteronomy, p. 233) notes that in a Bedouin formula for divorce, the wording is: “She was my slipper; I have cast her off.” The second act involves spitting. The Hebrew יָבְם is usually translated “in his face,” but it could just as well mean “in front of him,” i.e., on the ground. The Sages understood it this way (note the textual variants in the Lxx, some manuscripts having εἰς “into” for יָבָם and others כְּפָנָיו “opposite him”). Regardless, the gesture is one of renunciation. As a result of the ceremony, the unwilling brother receives the pejorative nickname, “house of the unsandaled one.” His refusal to build up his brother’s house results in a label attached to his own. In the end, the whole levirate requirement highlights Israel’s need to consider inheritance in the Land as of prime importance to God.

The law prescribed in 25:11–12 is one of the most curious and difficult to understand. It pertains to a situation where two men are fighting, and the wife of one of the men enters the fray by inflicting injury to the opponents genitals. The penalty is usually understood as severing the hand (so all English translations). However, the only other place in the Torah where bodily mutilation appears to be prescribed (in the so-called lex talionis, Ex 21:24–25; Lev 24:19–20), i.e., “eye for eye,” etc., the meaning has always been understood as equivalent monetary damages. Thus, “eye for eye” means that the value of an eye (as prescribed by judges) becomes the due penalty. The Sages take the same line of reasoning here, and the halachah ruled that the woman is to be fined the value of a hand. This interpretation, in
my opinion, fits best with the overall tenor of the Torah. It should be noted that not one historical notice of a woman’s hand being severed is to be found, whether in Jewish or non-Jewish historical sources.

Just weights and measures (25:13–16) are essential for justice and stability of commerce in any society. Deceptive weights and measures are not only prohibited for use, but one is not allowed to even possess them. Deceitful merchants could use heavy weights when buying, and light weights for selling. Such thievery would be impossible to detect by the buyer. And such deceit is abhorrent (תּוֹעֵבָה, to’eivah) to Adonai. No society can long endure where its commerce is run by thieves. In our own country, all public scales and mechanisms for dispensing goods require annual inspection to make sure the product being purchased is equal to its advertised weight and measure. And the fact that a pair of scales has become the symbol for justice derives from this Torah text. That God Himself maintains equal weights and scales is seen in that He judges everyone according to his works (1Pt 1:17; Rev 20:13).

Our *parashah* ends with the reminder both to remember and blot out the memory (literally “the name”) of Amalek (25:17–19). The fact that the Amalekites (known only through the biblical record—no mention of such a people group has been found in ancient records of non-Israelite peoples) acted so egregiously toward the weak and sickly stragglers of Israel as they left Egypt is unforgivable. Yet even though God Himself promised the destruction of Amalek (Ex 17:14), they were apparently to be offered the option of surrender in the conquest (Deut 20:10–12) since they were not dwellers within the Land itself. We may presume that in such a case, the descendants of Amalek who willingly surrender to Israel, likewise gave up their association with their ethnic ties and were no longer considered to be Amalekites. Indeed, since the promise was given to Abraham that blessing would flow through him to every family of the earth, we can presume that some Amalekites became part of Israel, and that as such, they willingly confessed Abraham to be their father. God’s grace overcomes every obstacle.

The Sages instituted an ingenious way for the final commandment of our *parashah* to be carried out. Since Haman, the enemy of the Jews in the Esther story, is called an Agagite, and since Agag was the king of the Amalekites, it is reasoned that Haman was an Amalekite. In order to literally “blot out the name of Amalek” as our text commands, all manner of noise makers are constructed for the reading of the *Megillah* (story of Esther) at the festival of Purim. Whenever the name of Haman is read, everyone makes uproarious noise in order that the name not be recognized. In this way, “remembering to forget” is literally accomplished. Likewise, these verses (Deut 25:17–19) are added to the Torah reading on Shabbat Zachor, which is the Shabbat that precedes the festival of Purim.

Once again, as we have read and studied the various laws and commandments contained in our Torah *parashah*, we are struck with how relevant the Torah is for everyday life. While many of the laws we have studied may seem only to be relevant to life in ancient Israel, in reality the principles they teach are clearly applicable to our lives in the 21st Century. Moreover, as we seek to incorporate these commandments in our own daily living (wherever possible), they teach us to live in accordance with these enduring principles. And ultimately, they focus our attention upon the God Who has called us into His family, and our mission to sanctify His Name upon the earth. In each case, the overriding perspective is “You shall be holy, for I, Adonai your God, am holy” (cf. Lev 11:45; 19:2; 1Pet 1:16).