

Parashah One Hundred and Forty-Three

Deuteronomy 22:8–23:35; Isaiah 1:16–26; Ephesians 5:3–14

notes by Tim Hegg

“For Life!”

One of the sticking points that the early Greek and Latin Church Fathers had with the Torah is how connected it is to everyday life. In their Greek and Roman worldview, the goal was to escape this mundane physical world and ascend to the sublime realm of ideas and philosophy where the soul could be free from the clutches of the fallen universe. In their view of the transcendent God it hardly seemed possible that He could be concerned with houses, crops, clothes, and even latrines. Somehow the haloed image of Christ was besmirched by such worldly concerns. They concluded that the true meaning of the Torah (indeed, of all Scripture) was embedded in the mystical layer of its meaning, extractable only through allegory.

But the very fact that the Torah often deals with the most common elements of life shows the incarnational intention of the Almighty. Unlike the pagan gods manufactured in the minds and hands of fallen mankind whose “wholly other” character forbade them to have contact with mortals, the God of Israel dwells in the midst of His people. He would descend so that they might ascend. From the very beginning of the divine revelation to man, God made known His plan to be Immanuel, “God with us.”

Our *parashah* for this Shabbat is a perfect example of this. While the Torah comes from the very finger of the transcendent and holy Creator, it deals with the practical, everyday events of life of this fallen world, offering guardianship and laws for His people.

The first instruction given (22:8) regards the requirement of a parapet, a small guard rail required to be built around the edge of a roof or balcony. In the ANE, houses were built with flat roofs which were utilized for various purposes: drying and storing produce, socializing, and sleeping in warm weather. The roof provided a kind of “living room” where guests and family could gather. As such, it was imperative that safety from falling from the roof be provided. A home owner who did not make such a provision was liable for the injury or death of anyone who might fall from his roof. Negligence in such a matter was tantamount to homicide. The Sages ruled that the parapet should be a minimum of 10 hand-breadths tall (30 inches). The law of the parapet is a good illustration of the Torah itself, which when obeyed, functions as a “guard rail” for life in general.

The next section of our passage (22:9–11) gives the laws of forbidden combinations. The exact reason for the laws is uncertain, but some of the Sages taught that they were given as sovereign decrees to distinguish Israel from the nations. Halachic rulings of the Sages relating to such forbidden combinations are found in the mishnaic tractate *Kil'ayim* (כִּלְאִיִּם), “two kinds.”

The first (v. 9) prohibits sowing two kinds of seeds in a vineyard. Some of the Sages understood this to mean that one is permitted to sow one ground crop between rows of grapevines, but not two (cp. Lev 19:19 which relates to “fields” rather than “vineyards”). Since vineyards are most often not planted from seeds but grafts from existing vines, the reasoning of the Sages may be warranted. If so, the statute here conforms with the prohibition of mixing crops in the field. The Sages ruled that crops were sufficiently separated if they did not draw sustenance from each other and the separation was visible. In the event that mixed crops were planted or grew voluntarily, they could not be used. The *halachah* of the Sages required that they be burnt.

Also prohibited is the yoking of an ox and an ass (22:10). If such were done, the stronger one might exhaust the weaker. Here the Creator shows His continued concern even for the animals. If He is concerned about them, how much more about people who have been created in His image!

Wearing a garment in which wool and linen (made from flax) are woven together is also prohibited. There is no prohibition of combining the two for other purposes—only wearing a garment of such combination is prohibited. The Hebrew literally reads “You shall not wear *sha'atnez* (שַׂעֲטֵנֶזֶן), which appears to be a loanword from Egyptian made up of two words, “to weave” and “thread.” It is only used elsewhere in the Tanach in Lev 19:19, and we should presume that our text gives greater specificity, describing the prohibited mixture as only that of wool and linen. Josephus (*Ant.* 4.208) offers the suggestion that the prohibition relates to the manner in which those things pertaining to the High Priest were not to be used by the common man. Since the High Priest wears garments woven of wool and linen (e.g., Ex 39:8), these are comparable to that of the anointing oil and incense which was not to be duplicated or used by the common Israelite (cf. Ex 30:22–27). Interestingly, the very next section of our *parashah* deals with *tzitzit*, which were tradition-

ally made of white linen threads combined with the dyed woollen thread of *teichelet*. Since these do not constitute a garment, they do not violate the prohibition of mixtures. Yet in combining the two substances, the common Israelite wore something that symbolically connected to the Ephod of the High Priest. Since the purpose of the *tzitzit* was to remind one of the commandments so as to do them, the combination of wool and linen reinforced the fact that obedience to God required the duties and service of the High Priest. As a kingdom of priests (cf. Ex 19:6), Israel's life revolved around the Tabernacle/Temple where God's way of atonement was constantly displayed in the priestly service and sacrifices.

The more detailed instructions for the *tzitzit* are found in Num 15:37f. It is there that the actual term *tzitzit* (צִיצִית) is found. The word itself describes a “tuft” or “strand” and could be used of a lock of hair (Ezek 8:3) as well as a “tassel” of thread. The cognate word in Assyrian (*zizitu*) describes the moveable part of a loom. In our text, the word used is *g'dilim* (גְּדִלִים) from *gadil* (גָּדִל) used only here and in 1Ki 7:17 which describes “wreaths of chain work” on the capitals of the courtyard of Solomon's Temple. Some (like the Kairites) have taken this to be a prescription for how the *tzitzit* are to be made, i.e., in a twisted or braided fashion. But the word is used in cognate languages of common rope or cords, and most likely simply describes the manner in which strands are combined to form a single cord. The Sages regarded the wrapping of the *teichelet* (blue thread) and the tying of knots as complying with the words of our text.

The tassels are specifically commanded to be attached to the “four corners of the garment with which you cover yourself.” In ancient times, this was an ordinary outer garment worn all day. In the Middle Ages when such a garment would too quickly identify a Jewish person to persecutors, the *tzitzit* were attached to a smaller inner garment called a *tallit katan* (“small tallit”), offering the ability to hide the *tzitzit* when necessary.

The tassels are to be attached to the “four corners” (אַרְבַּע כְּנֻפּוֹת) or “wings” of the garment. These may have been actual corners, but could also describe scallops along the hem or even “the places at which vertical bands of embroidery met the hems” (Tigay, *JPS: Deuteronomy*, p. 203). The *halachah* of the Sages opted for actual corners, requiring that the garment to which *tzitzit* are attached have clearly distinct corners (cf. *Menachot* in the Mishnah).

There is nothing in this text nor in Num 15:37f which clearly limits the wearing of *tzitzit* to men, though this became the rabbinic *halachah* based upon the ruling that women were exempt from time-bound commandments. Since the purpose of the *tzitzit* is that “you man look upon them” (Num 15:39), and since this would only be practical during daylight hours, the Rabbis included the ordinance of *tzitzit* among the time-bound commandments (cf. m.*Kiddushin* 1.7). But even in their *halachah*, women were exempted, not prohibited. *Tzitzit* are not considered a garment (since if they were, the prohibition of *sha'atnez* would apply) and thus could not be ruled as a male garment (which would be prohibited for women, cf. Deut 22:5; cf. *Sifre* §115). Moreover, there are historical examples of leading Sages whose wives and maid servants wore *tzitzit* (b.*Menachot* 43a; b.*Sukkah* 11a; y.*Berachot* 37a). Based upon the biblical texts themselves, there is nothing to suggest that the commandment of *tzitzit* applies only to males.

The next section of our passage deals with laws about sexual misconduct (22:13–30 [23:1 in the Hebrew]). First is the accusation of premarital unchastity (vv. 13-21). The very fact that these laws are given shows clearly that God intends sexual relationships to be reserved for marriage. The author of Hebrews reiterates this when he wrote: “Marriage is to be held in honor among all, and the marriage bed is to be undefiled; for fornicators and adulterers God will judge” (Heb 13:4). The “marriage bed” (ἡ κοίτη, *he koite*) is a euphemism for sexual relations. Regardless of what our current society may say, premarital sex is sinful and contrary to God's good purposes. Our Torah text makes it clear that God's intention is that a woman be a virgin when she marries. For a woman to remain a virgin until she marries means that men must also honor God's standards.

Bringing an accusation against a wife, charging her with pre-marital unchastity is a serious issue. If the charges are shown to be valid, the penalty is death. However, a false accusation required the husband to be flogged, to pay damages to the woman's father, and the impossibility of ever bringing similar charges against her in the future (which would result in a valid divorce). The manner in which such accusations are proven false is for the woman's parents to produce for the elders “evidence of her virginity,” which consisted of a cloth (שִׁמְלָה, *simplah*). *Simplah* is a common noun (found 35x in the Tanach) a describes “garments” in general. In some cases, it may be used of garments reserved for special occasions (cf. Gen 45:22 where the garments Joseph gives to his brothers may have been for the occasion of their dining with him). It is very probable that in the ANE semitic cultures, virgins were accustomed to wear clothing that marked them out as unmarried and still under the guardianship of their fathers. In Judges 21:12, 400 virgins are identified among the population of Jabesh-gilead. For a young woman to be so adorned would be allowed only as along as the community in which she lived knew her to be a virgin. Thus, the parents of the accused woman

many have brought out such clothing as proof that not only they, but also the community who witnessed these outer signs of her premarital chastity stood as her witnesses.

If, however, the charges were proven true, the woman is brought to the entrance of her father's house and executed. The fact that she comes to her father's house reinforces the Torah perspective that a father is responsible for the purity of his daughter until she marries. In the same way that a father had the authority to annul a vow his unmarried daughter had made (Num 30:3f), so he is responsible to guard her from any situation that might result in pre-marital unchastity. In bringing the guilty woman to the entrance of her father's house, the charge against her also marks the fact that her father was woefully negligent in his duties. This concept, of the father's duty to guard his daughters, ought to encourage us, even in our modern day, to take seriously the responsibility God has given to fathers.

Our *parashah* now proceeds to the matter of sexual misconduct involving a betrothed woman (22:23–27). Since betrothal is a legal matter of covenant between the betrothed woman and her future husband, witnessed not only between the two but also by the community, sexual misconduct during the period of betrothal raises to the level of adultery. The primary issue that determines the guilt or innocence of the betrothed woman is whether the sexual misconduct was consensual. The rule of thumb is that if such sexual misconduct occurs in the vicinity of the community (within the city), she is presumed guilty, since in the context of a village where dwellings were close her cries for help would be heard. In such a case, both the man and the woman are executed. If, however, such occurred in the field, away from the dwellings of the village or city, it is charged as rape, and the man alone is executed. This because the cry of the woman for help would not have been heard. The woman is innocent, just as in the case where a man attacks another man and murders him 22:26). Thus, where evidence of the woman crying out is impossible to ascertain, the woman is presumed innocent. The law gives precedence to the woman over the man in this case.

The next section (22:28–29) is often read as an extension of the previous section, but in this case dealing with the rape of a woman who is not betrothed. But such an interpretation misses a subtle but key element. In v. 25 the verb *chazaq* is employed: “the man seizes her” (וְהִחֲזִיקָהּ). Since the verb *chazaq* has a basic meaning of “to be strong,” we should probably understand the meaning here to be “overpower her.” In v. 28, however, a different verb is used: *taphas*, which admittedly is often used in the sense “capture,” “grasp,” “seize,” but is also used in the sense “to capture the heart” (cf. Ezek 14:5). Indeed, in the parallel to our portion (Ex 22:16) the verb *patah* (“to seduce”) is employed. It is very possible, then, that this section does not deal with rape but with seduction. If this is a proper interpretation, then our text gives one of two scenarios offered in the parallel text of Ex 22:16–17. Here, the father apparently gives his permission for the man to marry his daughter with whom he has had consensual relations, and the bride price of 50 shekels of silver is paid to the father. In such a case, no divorce is every allowed. This is an insightful restriction. Marriages which begin in fornication are often fraught with the inability of the couple to trust each other (for obvious reasons). Removing the possibility of divorce might strengthen couples' need to build trust between each other. The Exodus text also give the father the right to refuse the man's request for marriage. In this case, the man must still pay a dowry equal to that normally paid for a virgin. In either case, the father of the woman has the final word in the situation.

22:30 [23:1 in the Hebrew] speaks of a man taking a wife divorced by his father as his wife. This forms an *inclusio* with 22:13 which began the section of laws dealing with sexual misconduct. The scenario envisioned here is not an incestuous relationship (which are absolutely forbidden as the detestable practices of the pagan nations, cf. Lev 18) but one where a son would take a former wife of his father as his own wife. This would apply whether the father was living or not. Since in the ANE girls married very young, it was a real possibility that a son and former wife could be very close in age. The prohibition for such a thing shows the high sanctity of marital relations and the necessity for boundaries within the family unit. The covenant of marriage made between a man and his wife is a unique bond from which blessing flows to their children, but which is exclusive of them. The text (23:1) gives the grounds for the prohibition: “that he not uncover the hem of his father” (וְלֹא יגִלֶה כְּנֶגַע אָבִיו). Here, the “hem of his father” refers euphemistically to the private marital relations between husband and wife, similar to the language of Ezek 16:8—

Then I passed by you and saw you, and behold, you were at the time for love; so I spread My skirt over you (וְאֶפְרֵשׁ כְּנָפִי עָלֶיךָ) and covered your nakedness. I also swore to you and entered into a covenant with you so that you became Mine,” declares the Lord GOD.

This emphasizes that the physical relationship within marriage is to be received as the privilege and seal of the sacred covenant that binds husband and wife together. Lev 18 gives the fuller pic-

ture, and on the basis of the laws enumerated there, indicating that violation of the current prohibition was a capital offence.

The next portion of our *parashah* deals with those who are excluded from the “assembly of Adonai” (קָהָל יְהוָה, *k’hal YHVH*). What exactly is “the assembly of Adonai?” The term *kahal*, “assembly” can have a broad meaning describing “all Israelites” (Ex 16:3; Lev 16:17; Num 19:20; Deut 31:30). But the phrase “assembly of Adonai” appears in our text to be speaking of a designated ruling body of elders with executive powers, which we see functioning throughout the Torah narratives. An “assembly” of leaders came against Moses and Aaron in Num 16:3. In Judges 21:5, 8, the “assembly” is that of armed troops. In 1Ki 12:3 the “assembly of Israel” convenes before Rehoboam to choose a king. In other places (Jer 26:17; Ezek 16:40; 23:45–47) an assembly of elders functions as adjudicators or judges. In Mic 5:2 they cast lots for acquiring property. Tigay (*JPS: Deuteronomy*, p. 210) concludes that the “assembly of Adonai” spoken of in our text is a “governing Assembly” given the power to make administrative decisions for the nation as a whole. Whether these are heads-of-households (elders) or appointed (as in Moses’ appointment of judges, Ex 18:14ff) is uncertain, but that such a governing body of representatives existed is clear, and it would seem most likely that it is with regard to such a governing body that the laws in our *parashah* are concerned.

The first group excluded from the “assembly of Adonai” are men who were eunuchs. Two types of emasculation occurred in the ANE, and are specifically noted in our text. Beyond being a eunuch, self-castration is known to have occurred in the ANE as part of certain religious ceremonies (see Tigay, Op. cit., p. 386, n. 24). Castration was also a form of punishment among some of the pagan nations. Excluding eunuchs from participation in the “assembly of Adonai” was most likely founded upon its close association with paganism. Moreover, eunuchs would not govern with an eye to the next generation, since they were unable to father children. Such governance could therefore be woefully short-sighted.

Likewise, those “ill-begotten” (מְמַזְרֵר, *mamzer*) are excluded from the governing “assembly of Adonai.” The exact meaning of *mamzer* is debated, but there is little evidence that it means children born out of wedlock. The Sages (noting the close proximity of forbidden sexual relationships in the previous context) understand it to refer to children born from incest or adulterous relationships. The Lxx and Targum Jonathan interpret it to mean children born of prostitution. If these suggestions are on the mark, the point of excluding such from the “assembly of Adonai” is that those who govern should be from whole families because their decisions should nurture a society that fosters wholesome and stable homes. The phrase “even in the tenth generation” should most likely be understood as meaning “never.”

Ammonites and Moabites are also excluded from the governing body of leaders in Israel. Obviously, as is the case in all of the groups herein named, they are not excluded from the community of Israel in general. But since the Ammonites and Moabites acted so egregiously against Israel in a time of her great need (the exodus), they are never allowed to participate in the governance of the nation of Israel. The prohibition against seeking their “welfare” (literally “good”) or “peace” should most likely be understood in a legal sense of never making a treaty with either of the nations. Such is not the case with the Edomites and Egyptians, even though they were Israel’s rivals. The family ties with the Edomites (Esau) and the early hospitality of the Egyptians (during the time of Joseph and some time following) justified their acceptance, that is, the grandchildren of those who had become part of Israel (those of the third generation). Here we see that generational connection to Israel by foreigners accords an equal status with the native born.

The next section (23:9–14[Hebrew 10–15]) deals with the sanctity of the military camp (“when you go out as a camp against our enemies”). Even in times of war, the Israelite troops were not to allow “anything evil” (כִּלְ דָּבָר רָע) to characterize their encampment. This is because God traveled with the Israeli army to affect their victory over the enemy. As such, the military camp took on some of the sanctity of the Tabernacle courtyard which was even higher than the common residential encampments of the general population of Israel. Among the common residential encampments of Israel, one defiled by a corpse or an abnormal emission or skin disease must leave the residential camp (Num 5:1–5). In the military camp, even a normal nocturnal emission requires leaving the camp until sunset. In this way, the soldiers were constantly to be reminded that their success in battle depended upon God’s presence with them, requiring that the camp be sanctified at the highest levels.

This high level of sanctity required proper latrines be dug outside of the camp. The reason again is that “It is Adonai your God who marches with you to do battle for you” (v. 15). Interestingly, the phrase “let Him not find anything unseemly among you” utilizes the same Hebrew phrase (עֲרִיבֵי דָבָר) that we will encounter in ch. 24 regarding the cause of divorce.

Closely connected to the laws of the military camp is the injunction that runaway slaves not be returned to their owner. The context demands that this pertains to slaves who had escaped from

foreign lands to Israel, something that might have frequently occurred when Israel defeated her enemy in battle. Many ANE treaties have been recovered that required the return of slaves from neighboring countries. The fact that the Torah required harboring runaway slaves from pagan nations emphasizes a religious component: foreigners were to be given the opportunity to know and accept the one and only true God.

Verses 23:17–18 [Hebrew 18–19] prohibit any form of cultic prostitution, something that characterized the Canaanite religions. While debated, the use of “dog” in this text most likely refers to male cult prostitutes. Any such activity is “abhorrent” (תועבה) to God.

Laws regarding loans come next (23:19–20[20–21]). In general, the laws governing loans in the Torah deal with those who are impoverished and thus in great need. While not all borrowers are impoverished (cf. Ex 22:24; Deut 24:12), it appears that the laws prohibiting or allowing interest relate to money loaned to those already in great need (cf. Ex 22:24; Lev 25:35–37). To add to their burden (literally “to bite” them) is to take advantage of their already impoverished state. Rather, one is show love to his countryman by extending help without interest. Loans for commercial or other purposes may not be covered by Torah prohibitions against interest, since these laws are given to assure the welfare of the impoverished. The Torah does not enact the same laws toward foreigners since to do so would attract them to Israel simply for welfare purposes.

The maintenance of one’s neighbor is at the heart of the remaining laws. Timely fulfillment of vows is required since a vow is taken with God as witness, and often the completion of a vow relates to payment of borrowed money or other monetary obligations. This may explain why the laws regarding vows is placed here.

Likewise, one may eat from the adjoining fields of his neighbor, but only what he could hold in his hands. He could not harvest (use a sickle) but could only take unharvested standing grain. This law explains why Yeshua and His talmidim were not charged by the Pharisees with theft, but only that they picked grain and rubbed the husks away on the Sabbath (Matt 12:1f; Mk 2:23f; Lk 6:1f).

Thus, in a *parashah* such as this one, we see once again how practical the Torah is, and how God’s heart of compassion is displayed. For in a fallen world such as ours, the blessings of God are ours if we would simply cling to Him and obey His commandments (Deut 13:4). The Torah demonstrates over and over how God’s instructions fit the many situations of life, and offer to us a pattern of life that is enriched with His blessings.