Adam Clarke Commentary Deuteronomy 25

Adam Clarke:

Introduction
Punishment by whipping not to exceed forty stripes, Deuteronomy 25:1-3. The ox that treads out the corn is not to be muzzled, Deuteronomy 25:4. The ordinance concerning marrying the wife of that brother who has died childless, Deuteronomy 25:5-10. Of the woman who acts indecently in succouring her husband, Deuteronomy 25:11, Deuteronomy 25:12. Of false weights and measures, Deuteronomy 25:13-16. Amalek is to be destroyed, Deuteronomy 25:17-19.

Verse 1
They shall justify the righteous - This is a very important passage, and is a key to several others. The word ×¦×“×§ (tsadak) is used here precisely in the same sense in which St. Paul sometimes uses the corresponding word Î´Î¹Îºî±Î¹Î¿Ï‰ , not to justify or make just, but to acquit, declare innocent, to remit punishment, or give reasons why such a one should not be punished; so here the magistrates ×”×¦×“×™×§×• (hitsdiku), shall acquit, the righteous - declare him innocent, because he is found to be righteous and not wicked: so the Septuagint: Îºî±Î¹ Î´Î¹Îºî±Î¹Ï‰ÏƒÎ¿Ï…ÏƒÎ¹Î½ Ï„Î¿Î½ Î´Î¹Îºî±Î¹Î¿Î½ they shall make righteous the righteous - declare him free from blame, not liable to punishment, acquitted; using the same word with St. Paul when he speaks of a sinnerâ€˜s justification, i. e., his acquittance from blame and punishment, because of the death of Christ in his stead.

Verse 2
The judge shall cause him to lie down, and to be beaten before his face - This precept is literally followed in China; the culprit receives in the presence of the magistrate the punishment which the law directs to be inflicted. Thus then justice is done, for the magistrate sees that the letter of the law is duly fulfilled, and that the officers do not transgress it, either by indulgence on the one hand, or severity on the other. The culprit receives nothing more nor less than what justice requires.

Verse 3
Forty stripes he may give him, and not exceed - According to Godâ€˜s institution a criminal may receive forty stripes; not one more! But is the institution from above or not, that for any offense sentences a man to receive three hundred, yea, a thousand stripes? What horrible brutality is this! and what a reproach to human nature, and to the nation in which such shocking barbarities are exercised and tolerated! Most of the inhabitants of Great Britain have heard of Lord Macartneyâ€˜s embassy to the emperor of China, and they have also heard of its complete failure; but they have not heard the cause. It appears to have been partly occasioned by the following circumstance: A soldier had been convicted of some petty traffic with one of the natives, and he was sentenced by a court-martial to receive sixty lashes! Hear my author: -
â€œThe soldiers were drawn up in form in the outer court of the place where we resided; and the poor culprit, being fastened to one of the pillars of the great portico, received his punishment without mitigation. The abhorrence excited in the breasts of the Chinese at this cruel conduct, as it appeared to them, was demonstrably proved by their words and looks. They expressed their astonishment that a people professing the mildest, the most benevolent religion on earth, as they wished to have it believed, could be guilty of such flagrant inattention to its merciful dictates. One of the principal Mandarins, who knew a little English, expressed the general sentiment, Englishmen too much cruel, too much bad.â€• - Accurate account of Lord Macartneyâ€˜s Embassy to China, by an attendant on the embassy, 12mo., 1797, p. 88.
The following is Mr. Ainsworthâ€˜s note on this verse: â€œThis number forty the Scripture uses sundry times in cases of humiliation, affliction, and punishment. As Moses twice humbled himself in fasting and prayer forty days and forty nights, Deuteronomy 9:9, Deuteronomy 9:18. Elijah fasted forty days, 1 Kings 19:8; and our Savior, Matthew 4:2. Forty years Israel was afflicted in the wilderness for their sins, Numbers 14:33, Numbers 14:34. And forty years Egypt was desolate for treacherous dealing with Israel, Ezekiel 29:11-13. Forty days every woman was in purification for her uncleanness for a man-child that she bare, and twice forty days for a woman-child, Leviticus 12:4, Leviticus 12:5. Forty days and forty nights it rained at Noahâ€˜s flood, Genesis 7:12. Forty days did Ezekiel bear the iniquity of the house of Judah, Ezekiel 4:6. Jonah preached, Yet forty days and Nineveh shall be overthrown, Jonah 3:4. Forty yearsâ€˜ space the Canaanites had to repent after Israel came out of Egypt, and wandered so many years in the wilderness, Numbers 14:33. And thrice forty years the old world had Noah preaching unto them repentance, Genesis 6:3. It was forty days ere Christ ascended into heaven after his resurrection, Acts 1:3, Acts 1:9. And forty yearsâ€˜ space he gave unto the Jews, from the time that they killed him, before he destroyed their city and temple by the Romans.
â€œBy the Hebrews this law is expounded thus: How many stripes do they beat (an offender) with? With forty, lacking one: as it is written, (Deuteronomy 25:2, Deuteronomy 25:3), by number forty, that is, the number which is next to forty, Talmud Bab, in Maccoth, chap. 3. This their understanding is very ancient, for so they practiced in the apostlesâ€˜ days; as Paul testified: Of the Jews five times received I forty (stripes) save one; 2

Corinthians 11:24. But the reason which they give is not solid; as when they say, If it had been written Forty In Number, I would say it were full forty; but being written In Number Forty, it means the number which reckons forty next after it, that is, thirty-nine. By this exposition they confound the verses and take away the distinction. I rather think this custom was taken up by reason of the manner of their beating forespoken of, which was with a scourge that had three cords, so that every stroke was counted for three stripes, and then they could not give even forty, but either thirty-nine or forty-two, which was above the number set of God. And hereof they write thus: When they judge (or condemn) a sinner to so many (stripes) as he can bear, they judge not but by strokes that are fit to be trebled [that is, to give three stripes to one stroke, by reason of the three cords]. If they judge that he can bear twenty, they do not say he shall be beaten with one and twenty, to the end that they may treble the stripes, but they give him eighteen - Maimon in Sanhedrin, chap. xvii., sec. 2. Thus he that was able to bear twenty stripes, had but eighteen: the executioner smote him but six times, for if he had smitten him the seventh they were counted one and twenty stripes, which was above the number adjudged: so he that was adjudged to forty was smitten thirteen times, which being counted one for three, make thirty-nine. And so R. Bechaios, writing hereof, says, The strokes are trebled; that is, every one is three, and three times thirteen are nine and thirty.â€•

Thy brother be vile, or be contemptible - By this God teaches us to hate and despise the sin, not the sinner, who is by this chastisement to be amended; as the power which the Lord hath given is to edification, not to destruction, 2 Corinthians 13:10.

Verse 4
Thou shalt not muzzle the ox, etc. - In Judea, as well as in Egypt, Greece, and Italy, they make use of beeves to tread out the corn; and Dr. Shaw tells us that the people of Barbary continue to tread out their corn after the custom of the East. Instead of beeves they frequently made use of mules and horses, by tying by the neck three or four in like manner together, and whipping them afterwards round about the nedders, as they call the treading floors, (the Libycae areae Hor), where the sheaves lie open and expanded, in the same manner as they are placed and prepared with us for threshing. This indeed is a much quicker way than ours, though less cleanly, for as it is performed in the open air, (Hosea 13:3), upon any round level plot of ground, daubed over with cowâ€˜s dung to prevent as much as possible the earth, sand, or gravel from rising; a great quantity of them all, notwithstanding this precaution, must unavoidably be taken up with the grain, at the same time that the straw, which is their chief and only fodder, is hereby shattered to pieces; a circumstance very pertinently alluded to in 2 Kings 13:7, where the king of Syria is said to have made the Israelites like the dust by threshing - Travels, p. 138. While the oxen were at work some muzzled their mouths to hinder them from eating the corn, which Moses here forbids, instructing the people by this symbolical precept to be kind to their servants and laborers, but especially to those who ministered to them in holy things; so St. Paul applies it 1 Corinthians 9:9, etc.; 1 Timothy 5:18. Le Clerc considers the injunction as wholly symbolical; and perhaps in this view it was intended to confirm the laws enjoined in the fourteenth and fifteenth verses of the former chapter. See Dodd and Shaw.
In Bengal, where the same mode of treading cut the corn is used, some muzzle the ox, and others do not, according to the disposition of the farmer - Ward.

Verse 9
And loose his shoe - It is difficult to find the reason of these ceremonies of degradation. Perhaps the shoe was the emblem of power; and by stripping it off, deprivation of that power and authority was represented. Spitting in the face was a mark of the utmost ignominy; but the Jews, who are legitimate judges in this case, say that the spitting was not in his face, but before his face on the ground. And this is the way in which the Asiatics express their detestation of a person to the present day, as Niebuhr and other intelligent travelers assure us. It has been remarked that the prefix ×‘ (beth) is seldom applied to ×¤× ×™ (peney); but when it is it signifies as well before as in the face. See Joshua 21:44; Joshua 23:9; Esther 9:2; and Ezekiel 42:12; which texts are supposed to be proofs in point. The act of spitting, whether in or before the face, marked the strong contempt the woman felt for the man who had slighted her. And it appears that the man was ever after disgraced in Israel; for so much is certainly implied in the saying, Deuteronomy 25:10: And his name shall be called in Israel, The house of him that hath his shoe loosed.

Verse 13
Divers weights - ×•×‘×Ÿ ×•×•×‘×Ÿ (eben vaaben), a stone and a stone, because the weights were anciently made of stone, and some had two sets of stones, a light and a heavy. With the latter they bought their wares, by the former they sold them. In our own country this was once a common case; smooth, round, or oval stones were generally chosen by the simple country people for selling their wares, especially such as were sold in pounds and half pounds. And hence the term a stone weight, which is still in use, though lead or iron be the matter that is used as a counterpoise: but the name itself shows us that a stone of a certain weight was the material

formerly used as a weight. See the notes on Leviticus 19:35, Leviticus 19:36.

Verse 14
Divers measures - Literally, an ephah and an ephah; one large, to buy thy neighborâ€˜s wares, another small, to sell thy own by. So there were knaves in all ages, and among all nations. See the notes on Exodus 16:16, and Leviticus 19:35 (note).

Verse 18
Smote the hindmost of thee - See the note on Exodus 17:8. It is supposed that this command had its final accomplishment in the death of Haman and his ten sons, Esther iii., vii., ix., as from this time the memory and name of Amalek was blotted out from under heaven, for through every period of their history it might be truly said, They feared not God.