

Crimes and Misdemeanors

We began the previous chapter by continuing our exploration of Paul's commentary on the Torah in his letter to the Romans. We're still not through with it. If you'll recall, we had just observed that the Law couldn't save us, but that was okay because it wasn't designed to. Let's now pick up the conversation where we left it. If the Law was never meant to save us, what's it for?

"Well then, am I suggesting that the law of God is evil? Of course not! The law is not sinful, but it was the law that showed me my sin. I would never have known that coveting is wrong if the law had not said, 'Do not covet.'" There it is: the Law was given to us to show us our sin—to demonstrate to us in no uncertain terms that we are sinners. In that respect it serves the same function as our consciences, but of course, the Law is far more specific in its instructions. "But sin took advantage of this law and aroused all kinds of forbidden desires within me! If there were no law, sin would not have that power...." We sin because we're sinners. It's in our nature.

Here's how it works: Our consciences tell us to "drive safely." But put us behind the wheel of a fast car or make us a little late for our meeting, and we tend to drive faster than we "know" we should. Whether we're indulging our thirst for adventure or just trying to make up for lost time, we still find ourselves going faster than our consciences tell us is safe. But it's a judgment call, and we're great at justifying our motives, aren't we? Now, however, post a speed limit on the road. It says, "The highway department engineered this road to be perfectly safe for the average (or below-average) car (or driver) to travel on at 55 miles per hour." It doesn't care that it's a beautiful day and you've got a new Porsche that could easily hold the curves at 85. It doesn't care that if you don't get across town in twelve minutes you'll blow the big contract. All it cares about is that you drive no faster than 55 miles per hour. If you drive 85, you've sinned; it doesn't matter why. As a matter of fact, even if you "only" go 56, you've sinned as well. The Law is inflexible, unreasonable, and stern. But that doesn't mean it's bad. On the contrary, it's there for our safety: the law in itself is good.

Paul understood this difference between conscience and Law: **"I felt fine when I did not understand what the law demanded. But when I learned the truth, I realized I had broken the law and was a sinner, doomed to die. So the good law, which was supposed to show me the way of life, instead gave me the death penalty. Sin took advantage of the law and fooled me; it took the good law and used it to make me guilty of death. But still, the law itself is holy and right and good. But how can that be? Did the law, which is good, cause my doom?"** Or put in terms of our illustration, did the "Speed Limit-55" sign

cause us to exceed the traffic laws? **“Of course not! Sin used what was good to bring about my condemnation. So we can see how terrible sin really is. It uses God’s good commandment for its own evil purposes.”** (Romans 7:7-13 NLT) The problem is that there are only two kinds of people: “law-abiding citizens” and “lawbreakers.” Once we’ve broken the law—any law, whether it be a Torah prescription, a federal, state, or county statute, or merely some little thing we did for which we had to suppress our conscience for a moment, we become “lawbreakers” by definition. It’s a line we’ve all crossed, and there’s no way to retrace our steps. This “line” is the law. It is not the “line’s” fault if we step over it.

“The law is good, then. The trouble is not with the law but with me, because I am sold into slavery, with sin as my master. I don’t understand myself at all, for I really want to do what is right, but I don’t do it. Instead, I do the very thing I hate. I know perfectly well that what I am doing is wrong, and my bad conscience shows that I agree that the law is good. But I can’t help myself, because it is sin inside me that makes me do these evil things.”

This is where it gets frustrating. The reason we all sin is that we’re all born with a sin nature—an inbred propensity to step over the line. Once we’re born, it’s only a matter of time until we fulfill our destiny. Dogs bark, birds fly, we sin. It’s what we do. Remember, Paul noted that “sin took advantage of this law and aroused all kinds of forbidden desires within me.” We don’t sin only by accident. When we see that “55 MPH” sign, our rebellious natures beg us to hit the gas. **“I know I am rotten through and through so far as my old sinful nature is concerned. No matter which way I turn, I can’t make myself do right. I want to, but I can’t. When I want to do good, I don’t. And when I try not to do wrong, I do it anyway. But if I am doing what I don’t want to do, I am not really the one doing it; the sin within me is doing it....”** That fact may make us feel better about blowing by the “55 MPH” sign at 78. But it doesn’t change the fact that we’re law-breakers.

“It seems to be a fact of life that when I want to do what is right, I inevitably do what is wrong. I love God’s law with all my heart. But there is another law at work within me that is at war with my mind.” This other “law” is the sin nature we inherited from Adam. It too demands our allegiance. **“This law wins the fight and makes me a slave to the sin that is still within me. Oh, what a miserable person I am!”** We are all pitiable spiritual schizophrenics. We all have Jekyll and Hyde-like dual personalities. Part of us wants to reach God, and the other part wants to run amok. Is there no cure? Or as Paul puts it, **“Who will free me from this life that is dominated by sin? Thank God! The answer is in Jesus Christ our Lord. So you see how it is: In my mind I really want to obey God’s law, but because of my sinful nature I am a slave to sin.”** (Romans 7:14-25 NLT) There *is* a cure for this debilitating spiritual illness. More fully translated, the cure is in *Yahshua* (meaning “Yahweh is salvation”) the *Messiah* (Yahweh’s anointed representative, His human manifestation) who is *our Lord* (*Kurios*: Master, Owner, Ruler, the One who rightfully exercises authority in our lives).

There are *two* contradictory natures, then, warring within us believers. One, the sin nature, seeks to dominate us, to enslave us. The other, the Spirit of Yahweh, seeks to free us. But because we *do* sin, God's law serves only to remind us of our bonds, to confirm our status as slaves. The only way for us to avoid being condemned by the Law, as we saw in the previous chapter, is to "die" to it, for dead people are no longer required to keep the Law. Corpses don't get speeding tickets. But death is inconvenient—all that rotting, stinking, and lack of any kind of social life. What we need is a way to enjoy the "benefits" of death without all the unpleasant side effects. And that's precisely what Yahshua has provided for us: **"So now there is no condemnation for those who belong to Christ Jesus. For the power of the life-giving Spirit has freed you through Christ Jesus from the power of sin that leads to death. The law of Moses could not save us, because of our sinful nature. But God put into effect a different plan to save us. He sent his own Son in a human body like ours, except that ours are sinful. God destroyed sin's control over us by giving his Son as a sacrifice for our sins. He did this so that the requirement of the law would be fully accomplished for us who no longer follow our sinful nature but instead follow the Spirit...."**

The mechanism is in place, then, for those of us who want to be free from the sin nature to loosen its grip upon us. Yes, both "laws" reside within us, fighting each other like a couple of junkyard dogs. But we don't have to *feed* them both. If we starve our sin nature, it will grow frail. **"Those who are dominated by the sinful nature think about sinful things, but those who are controlled by the Holy Spirit think about things that please the Spirit. If your sinful nature controls your mind, there is death. But if the Holy Spirit controls your mind, there is life and peace. For the sinful nature is always hostile to God. It never did obey God's laws, and it never will. That's why those who are still under the control of their sinful nature can never please God."** (Romans 8:1-8 NLT)

Paul then gives us the good news and/or the bad news: we don't have to fight off the influence of the sin nature in our own strength. The Spirit of God dwelling within us gives us the power we need to get the job done. Of course the converse is also true: if God's Spirit *doesn't* live within you—if you're a counterfeit believer—then there's no way to prevail against your sin nature. **"But you are not controlled by your sinful nature. You are controlled by the Spirit if you have the Spirit of God living in you. (And remember that those who do not have the Spirit of Christ living in them are not His at all.) Since Christ lives within you, even though your body will die because of sin, your spirit is alive because you have been made right with God. The Spirit of God, who raised Jesus from the dead, lives in you. And just as he raised Christ from the dead, he will give life to your mortal body by this same Spirit living within you...."** In other words, just as we benefit through identifying with Yahshua's death (since dead people no longer have to obey these laws—rules they could never keep in life anyway), we will also share in the benefits provided by His resurrection, since life has distinct advantages over death.

“So, dear brothers and sisters, you have no obligation whatsoever to do what your sinful nature urges you to do. For if you keep on following it, you will perish. But if through the power of the Holy Spirit you turn from it and its evil deeds, you will live. For all who are led by the Spirit of God are children of God.” He’s not saying that if you’re Christ’s your life will be sinless. He’s already clarified that point (in 7:19). Rather, he’s saying that only Christ, through the power of the Holy Spirit living within us, can give us the ability to successfully turn away from sin. **“So you should not be like cowering, fearful slaves. You should behave instead like God’s very own children, adopted into his family—calling him ‘Father, dear Father.’ For his Holy Spirit speaks to us deep in our hearts and tells us that we are God’s children. And since we are his children, we will share his treasures—for everything God gives to his Son, Christ, is ours, too. But if we are to share his glory, we must also share his suffering.”** (Romans 8:8-17 NLT) There’s the bottom line: if we’re children of God, we’ll behave like we’re part of the family, through good times and bad. I know how this works. My wife and I adopted nine of our eleven children. No matter what we were going through, our kids always knew where we stood. I was charged with “showing” Yahweh to them, being the family’s provider and authority figure. Mom stood in for the Holy Spirit, comforting, sustaining, and getting “inside” the lives of our kids. Sometimes they “honored” us and sometimes they didn’t, but deep down, they always knew they were loved. And although we seldom had to “lay down the law,” the “law” was always there—our standards and Yahweh’s—telling our kids, even if we didn’t, whether or not they were acting like part of the family. They knew. They always knew.

The rabbis (because they weren’t God’s children) didn’t have—or didn’t want to have—a “feel” for Yahweh’s instructions. They didn’t want to “remember the Sabbath day to keep it set apart”—taking time out to rest the body and reflect upon the goodness of Yahweh. Rather, they redefined the Sabbath day by hedging it in with rules of their own invention. *You may not walk more than two thousand cubits from home on the Sabbath. You must fast and wear uncomfortable shoes on the Day of Atonement.* They were into loopholes, strategies, ways to *appear* righteous and enhance their status while treading the law of love underfoot.

Not surprisingly, Yahshua was not taken in by their pretensions. He had some insightful things to say about outwardly observing the letter of the law while scoffing at its spirit: **“You have heard that the law of Moses says, ‘Do not murder. If you commit murder, you are subject to judgment.’ But I say, if you are angry with someone, you are subject to judgment! If you call someone an idiot, you are in danger of being brought before the high council. And if you curse someone, you are in danger of the fires of hell.”** In

other words, it's the attitude of your heart—love or hate, respect or contempt, humility or arrogance—that counts. He then offers some practical advice. **“So if you are standing before the altar in the Temple, offering a sacrifice to God, and you suddenly remember that someone has something against you, leave your sacrifice there beside the altar. Go and be reconciled to that person. Then come and offer your sacrifice to God. Come to terms quickly with your enemy before it is too late and you are dragged into court, handed over to an officer, and thrown in jail. I assure you that you won't be free again until you have paid the last penny.”** (Matthew 5:21-26 NLT) If you refuse to live in harmony with your brother, don't insult Yahweh by offering pious sacrifices to Him. He is impressed not with burnt offerings, but with a love, mercy, and justice. Go back and read Micah 6:6-8.

The lesson continues: **“You have heard that the law of Moses says, ‘If an eye is injured, injure the eye of the person who did it. If a tooth gets knocked out, knock out the tooth of the person who did it.’** Again, this is the letter of the law—the limit of the rabbis' experience. **“But I say, don't resist an evil person! If you are slapped on the right cheek, turn the other, too. If you are ordered to court and your shirt is taken from you, give your coat, too. If a soldier demands that you carry his gear for a mile, carry it two miles. Give to those who ask, and don't turn away from those who want to borrow.”** (Matthew 5:38-42 NLT) Yahshua addresses four “legal realities” here, and says that the law of love supersedes them all. First, the rule of violence. Love does not retaliate, does not get even. That's Yahweh's job. This doesn't mean we are to tolerate false teaching or practices that separate men from God's truth. But personal affronts are to be ignored, brushed off. “Turning the other cheek” is not a sign of weakness. It's an indication that our priorities are in line with Christ's.

Second, the civil laws of man are addressed. It's true that we should endeavor to live our lives and conduct our businesses in such a way that no one should ever have a legitimate grievance against us. But if we are taken to court, remember Who provides for us. Don't grasp at material things. Whatever it is, be willing to let it go—even life itself. In the end, Yahweh is judge.

Third, Yahshua speaks of political reality. Roman soldiers could legally conscript people at random to carry their gear for one mile. Love says, “Why stop at what the law demands? Go the extra mile.” Today this might translate into, “Pay your taxes (and your bills) *before* the deadline and without complaint—even if you perceive that your government is evil (as Rome certainly was). If you're being paid to work an eight-hour day, be willing to give your employer even more. Again, it's recognition of where our blessings come from in the first place. Time? Money? Effort? In the heavenly scheme of things, there's more where that came from. A lot more.

The fourth example is right out of the Torah. (See Mitzvah #51 in Chapter 2 of this volume, or review Deuteronomy 15:7-10). But the Law of Moses (it could

be argued) was speaking of not circumventing the law of Jubilee. Yahshua—whose very mission was providing the freedom symbolized by the Jubilee year—was simply saying, “Meet needs. Be generous. God provides for you so that you can provide for your brother.”

So as we move back into our discussion of Maimonides’ 613 Mitzvot, let us be cognizant of the fact that there is far more to the Torah than the letter of the law, the literal observance of the recorded precepts. But it’s not “more” in the sense of adding layer upon layer of rabbinical minutiae, as in the Talmud, but rather “more” as in adopting the heart attitude Yahweh seeks, making the “laws” themselves almost beside the point—automatic slam-dunk obvious.

CRIMINAL LAW

(278) *Do not slay an innocent person. “You shall not murder.”* (Exodus 20:13)

Here we go again. You wouldn’t think the rabbis could screw up anything as simple as the Sixth Commandment, but they did. There is *no such thing* as an “innocent person.” Yes, there are people who have done nothing to merit a death sentence. (On the other hand, read the list below—I could be wrong about that.) But that isn’t what Maimonides said. A harmless mistake? No. This mitzvah was purposely designed to confuse the issue of innocence versus guilt (obfuscating the need for a Redeemer) and to elevate the self-appointed arbiters of holiness, the rabbis, in the eyes of their victims—excuse me, their followers. As Solomon put it, “**For there is not a just man on earth who does good and does not sin.**” (Ecclesiastes 7:20)

Yahweh had written with His own finger, “You shall not *murder.*” That is, you are not to take the life of a fellow human being without just cause—a cause defined by Yahweh in the Torah. These causes include murder, adultery, incest, bestiality, homosexuality, extra-marital sex (usually), the rape of a betrothed virgin (the rape of a *non*-betrothed virgin was punishable by marriage without the possibility of parole; see #301), kidnapping, witchcraft, offering human sacrifice, striking or cursing a parent, blasphemy, Sabbath desecration, prophesying falsely, propagating false doctrines, sacrificing to false gods, refusing to abide by the decision of the court, treason, and sedition. Warfare in a just cause (such as clearing the Land of Ba’al-worshiping Canaanites) was not considered murder. Clearly, the Sixth Commandment *doesn’t* mean “Thou shalt not kill,” as it reads in the King James Bible.

Murder, however, also has an underlying, metaphorical meaning, pointing out a deeper truth. Yahshua makes it clear in His tirade against the Pharisees: “**If God were your Father [as you claim], you would love Me, for I**

proceeded forth and came from God; nor have I come of Myself, but He sent Me. Why do you not understand My speech? Because you are not able to listen to My word. You are of your father the devil, and the desires of your father you want to do. He was a murderer from the beginning, and does not stand in the truth, because there is no truth in him. When he speaks a lie, he speaks from his own resources, for he is a liar and the father of it. But because I tell the truth, you do not believe Me. Which of you convicts Me of sin? And if I tell the truth, why do you not believe Me? He who is of God hears God's words; therefore you do not hear, because you are not of God." (John 8:42-47) A "murderer" in this sense is someone who *prevents* a person from having life through a relationship with Yahweh. Yahshua here is saying that the Pharisees (read: rabbis) are children of the devil because of their false teaching. Their lies are "murdering" people in a spiritual sense, defining the Pharisees as the offspring of the original murderer, Satan. This explains why prophesying falsely and propagating false doctrines were offenses punishable by death in theocratic Israel. In fact, each of the "death penalty" crimes listed above has a similar symbolic counterpart in the spiritual realm. As Moses discovered at Kadesh (Numbers 20:11-12), it's not a good idea to mess with Yahweh's metaphors.

- (279) *Do not kidnap any person of Israel.* "He who kidnaps a man and sells him, or if he is found in his hand, shall surely be put to death." (Exodus 21:16) Judaism 101 refers the Eighth Commandment ("You shall not steal") but notes: "According to the Talmud, this verse refers to stealing a person, distinguished from Leviticus 19:11, regarding the taking of property." The Hebrew text begs to differ. The word for "steal" or "kidnap" is the same in all three passages: *ganab*, meaning to steal, kidnap, or deceive. The emphasis of the word is on being sneaky or secretive. The Exodus 21 passage I've quoted specifically prohibits stealing a man (Hebrew *ish*: a human being, male or female), so kidnapping is clearly meant there.

The passage does not specify the nationality or race of the prohibited kidnapping. *No one* was to be kidnapped, for any reason. It didn't apply exclusively to Israelites. It's ironic, though, that Muhammad financed his rise to power through the kidnapping for ransom, rape, and the slave trade of Jews living in the Arabian city of Yathrib. In fact, it's hard to find a precept in the Torah whose violation isn't extolled by command and example in the Islamic scriptures.

- (280) *Do not rob by violence.* "You shall not cheat your neighbor, nor rob him." (Leviticus 19:13) A corollary to the Sixth Commandment is stated here. Where *ganab* there is a broad term whose emphasis is on sneaky theft, this verse uses two other words to get the point across. "Cheat" is the Hebrew

word *ashaq*, meaning “to oppress, violate, defraud, obtain through violence or deceit, to wrong, or extort.” (S) “Rob,” on the other hand, is *gazel*: to tear away, seize, plunder, rob, or take by force. Yahweh isn’t leaving the potential thief any wiggle room here. We aren’t to take (or even *covet*—see Exodus 20:17, Mitzvah #282) what doesn’t belong to us. One’s neighbor, as Yahshua pointed out, is anyone who falls within our sphere of acquaintance. If he’s close enough to steal from, he’s your neighbor.

- (281) *Do not defraud.* **“You shall not cheat your neighbor, nor rob him. The wages of him who is hired shall not remain with you all night until morning.”** (Leviticus 19:13) Moses goes on to give an example of *ashaq* and *gazel*—one that the ordinary Israelite might not have considered to be such a heinous crime: keeping a hired man’s wages beyond the customary deadline. In that world, if a man went and labored in your field or vineyard, he expected to be paid at the end of the workday. He counted on it. Yahweh says that to withhold his wages—even just overnight—was tantamount to stealing from him. Even if you eventually paid him the money he was owed, you had still robbed him of his peace of mind.

This of course has applications in today’s world. Pay your bills when they’re due (or even before they’re due—see our discussion on Matthew 5:38-42 above). If you’re a merchant, don’t “price-gouge.” If you’re an employer, pay your employees and vendors on time. Pay your taxes. Don’t take—even temporarily—what isn’t yours, whether by stealth, dishonesty, force, or extortion. If God is truly Yahweh Yireh (our provider), then trust Him to provide for your needs—all of them.

- (282) *Do not covet what belongs to another.* **“You shall not covet your neighbor’s house; you shall not covet your neighbor’s wife, nor his male servant, nor his female servant, nor his ox, nor his donkey, nor anything that is your neighbor’s.”** (Exodus 20:17) The Tenth Commandment is a biggie for us Americans. We have a multi-billion dollar advertising industry designed to *promote* covetousness. Yahweh is telling us to be satisfied with what we have—with what He has provided—and to rely on Him to take care of us in the future. He designed us; He knows we have needs. Covetousness, however, goes beyond the meeting of needs. It is looking at the world around us and wishing other people’s possessions were ours—and that’s wrong.

The word translated “covet” is the Hebrew *chamad*. Literally, it means to desire, to take pleasure in, to delight in, to covet, or to lust after. There is a fine line between appreciating something for its intrinsic worth or beauty and desiring to own it. I could admire a shiny, sleek, chrome-encrusted custom motorcycle all day long. But I don’t want to own one.

Especially *yours*. Covetousness is like sheol—there’s no bottom to it. Somebody’s wife (or husband) will always be prettier than yours; there will always be someone with a better car, job, house, or whatever. Learn to appreciate and be thankful for what Yahweh has already given you. Remember, he who is faithful with little will be entrusted with more.

- (283) *Do not crave something that belongs to another. “You shall not covet your neighbor’s wife; and you shall not desire your neighbor’s house, his field, his male servant, his female servant, his ox, his donkey, or anything that is your neighbor’s.”* (Deuteronomy 5:21) Maimonides has been caught padding the list again. This is merely the restatement of the Tenth Commandment (#282) for a new generation of Israelites—the Deuteronomy restatement of the Exodus 20 list. Moses used the very same word for covet: *chamad*. There is nothing new here. Although I must admit that the warning bears repeating.
- (284) *Do not indulge in evil thoughts and sights. “Again Yahweh spoke to Moses, saying, ‘Speak to the children of Israel: Tell them to make tassels on the corners of their garments throughout their generations, and to put a blue thread in the tassels of the corners. And you shall have the tassel, that you may look upon it and remember all the commandments of Yahweh and do them, and that you may not follow the harlotry to which your own heart and your own eyes are inclined, and that you may remember and do all My commandments, and be holy for your God.’”* (Numbers 15:37-40) Yahweh knew what temptations the Israelites were going to be faced with as they entered Canaan. He *knew* their hearts and eyes would be inclined toward the harlotry of the Land. So rather than merely commanding them to avert their eyes and don’t think evil thoughts, He gave them a means by which they would be constantly reminded of who they were—and Whose they were: Yahweh’s set-apart people. He instructed them to sew tassels on the corners of their garments, and to put a single blue thread within the tassel representing their ultimate salvation through the Messiah (see #18 for a full discussion of these *tsitzit*). Since *everybody* in Israel was to wear the *tsitzit* with the blue thread, it was a system designed to make it hard for God’s precepts to slip your mind.

God’s provision for our needs is thus demonstrated—even our need to avoid temptation. It reminds us of what Paul wrote: **“Therefore let him who thinks he stands take heed lest he fall. No temptation has overtaken you except such as is common to man; but God is faithful, who will not allow you to be tempted beyond what you are able, but with the temptation will also make the way of escape, that you may be able to bear it. Therefore, my beloved, flee from idolatry.”** (I Corinthians 10:12-14)

PUNISHMENT AND RESTITUTION

In the matter of punishment and restitution, I would like to offer the following New Testament vignette to illustrate the concept of restitution. I do so because Maimonides barely mentions it. That's a shame, because restitution—not punishment—is at the heart of Yahweh's system of civil jurisprudence. Punishment was reserved for those cases where a spiritual principal was at stake, whether metaphorically or literally. At any rate, pay close attention to what Zacchaeus did, and what Yahshua's reaction was.

“Jesus entered Jericho and made his way through the town. There was a man there named Zacchaeus. He was one of the most influential Jews in the Roman tax-collecting business, and he had become very rich. He tried to get a look at Jesus, but he was too short to see over the crowds. So he ran ahead and climbed a sycamore tree beside the road, so he could watch from there. When Jesus came by, he looked up at Zacchaeus and called him by name. ‘Zacchaeus!’ he said. ‘Quick, come down! For I must be a guest in your home today.’ Zacchaeus quickly climbed down and took Jesus to his house in great excitement and joy. But the crowds were displeased. ‘He has gone to be the guest of a notorious sinner,’ they grumbled.”

Here's the punchline: **“Meanwhile, Zacchaeus stood there and said to the Lord, ‘I will give half my wealth to the poor, Lord, and if I have overcharged people on their taxes, I will give them back four times as much!’”** The Roman system of tax collection in Judea employed Jewish tax-gatherers in the exaction of a dizzying variety of levies, duties, customs, and fees. They were authorized to collect a fraction in excess of the proper tax, which was their commission, their profit—an amount they frequently padded—adding to the already considerable ire they had earned among their countrymen. These men are called *telones* in Greek. Zacchaeus was an *architelones*, a chief among or supervisor of a number of *telones*. Confronted and convicted by Yahshua's holiness, he did two things. Knowing he had personally defrauded people, he promised to repay them as if he had stolen their sheep (see Exodus 22:1)—fourfold. But also knowing that much of his wealth had been derived from underlings who had extorted money from people in transactions he could neither trace nor set right, he did what he could to rectify the situation: he gave half of his wealth to the poor. In other words, Zacchaeus repented, changed his mind and changed his ways. And recognizing his guilt before God, he did what the Torah prescribed. He made restitution.

Here's Yahshua's reaction: **“Jesus responded, ‘Salvation has come to this home today, for this man has shown himself to be a son of Abraham. And I, the Son of Man, have come to seek and save those like him who are lost.’”** (Luke 19:1-10) Zacchaeus wasn't saved because he gave the money back. He was saved because he “showed himself to be a son of Abraham,” that is, he believed Yahweh and his faith was accounted unto him to be righteousness. Punishment was the last thing on Yahshua's mind as he called to the diminutive tax collector. He wanted to save

Zack from that. Restitution does what can be done to undo a crime. Punishment in the Torah is invariably an earthly picture of what can happen in the eternal state—a warning to those who would rebel against Yahweh’s sovereignty.

Early in the first century, Israel’s Roman overlords caused the “scepter to depart from Judah,” that is, they took away from the Jewish ruling council the legal right to impose the death sentence. This, of course, was a fulfillment of the prophecy that Shiloh, “He to whom the scepter belongs,” had come (see Genesis 49:10). It is therefore sad and ironic that Maimonides’ list of “Restitutions and Punishments” is fixated on the minutiae surrounding capital punishment, to the exclusion of the victim-centric body of law concerning restitution.

(285) *The Court shall pass sentence of death by decapitation with the sword. “If men fight, and hurt a woman with child, so that she gives birth prematurely, yet no harm follows, he shall surely be punished accordingly as the woman’s husband imposes on him; and he shall pay as the judges determine. But if any harm follows, then you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe.”* (Exodus 21:22-25) Also, “And if by these things [previously listed plagues sent upon a disobedient Israel] you are not reformed by Me, but walk contrary to Me, then I also will walk contrary to you, and I will punish you yet seven times for your sins. And I will bring a sword against you that will execute the vengeance of the covenant; when you are gathered together within your cities I will send pestilence among you; and you shall be delivered into the hand of the enemy.” (Leviticus 26:23-25) Huh? The “proof texts” offered do not under any circumstances authorize “the Court to pass a sentence of death by decapitation with the sword.” It’s another bald-faced rabbinical power grab—all the worse because the only wielding of the sword (and even there it is evidently symbolic of any weapon) in these verses is to be done by Yahweh. The Court, a.k.a. the Sanhedrin, has no such authority.

The circumstances under which the “Court” was to make decisions concerning retaliatory punishment are very clearly defined in the Exodus passage. Frankly, the circumstances described are so unlikely as to be laughable. (Two guys get into a fight; somehow a woman who happens to be late in her pregnancy gets in the way and gets hurt, resulting in her baby being born prematurely—c’mon: did that *ever* happen?) Yet the whole world latches onto the phrase “an eye for an eye and a tooth for a tooth” and jumps to the erroneous conclusion that since God is just *itching* for vengeance and retribution, we can feel free to dish it out as well, never mind what the Torah actually said.

As far as bringing a “sword” to bear on a situation, that is Yahweh’s prerogative, not the Sanhedrin’s. In fact, the very tampering with scripture

evidenced in the mitzvah at hand would qualify as reason enough for the sword of Yahweh to be applied to Israel—and especially its rabbis. Rewriting God’s instructions is nothing if not “walking contrary to” Him. However, there is one instance (recorded in Exodus 32:27-28) where the swords of men were used to punish Israelites. The occasion? The golden calf debacle at the foot of Mount Sinai. But it wasn’t an execution; it was a small-scale civil war—the faithful men of Levi against the idolaters of Israel. The “Court” had nothing to do with it. In fact, since the Babylonian captivity, the *Sanhedrin* have been the ones promoting the bull.

- (286) *The Court shall pass sentence of death by strangulation. “The man who commits adultery with another man’s wife, he who commits adultery with his neighbor’s wife, the adulterer and the adulteress, shall surely be put to death.”* (Leviticus 20:10) Again, the “Court” isn’t part of the picture. It’s another blatant power grab on the part of the rabbis. Nor is strangulation. The Torah has nothing to say about the mode of execution in this particular case, though a few verses back, it specifies death by *stoning* for a worshiper of Molech: **“The people of the land shall stone him with stones.”** (Leviticus 20:2) But here, no method of execution is specified. The word for “put to death” is the Hebrew *mut*, a generic word meaning kill, slay, put to death, even assassinate.

From the New Covenant scriptures, however, it is clear that stoning *was* the accepted method of execution for this offense. John records (in Chapter 8) a scene where the religious leaders wanted to stone a woman caught in adultery. (It was the scribes and Pharisees who specified the method of execution, claiming Mosaic authority, but as we have seen, Moses had said nothing about it. Even here, they were making up their own rules, just as Maimonides would a thousand years later.) What I want to know is, where was the adulterer? If *she* was “caught in the act,” they should have caught *him* as well, ’cause it’s real hard to commit adultery by yourself. Selective justice is injustice.

Lest we gloss over the underlying truth, remember that adultery is a violation of the God-ordained family structure. This is more significant than it appears at first glance. We are to be organized in family units—father, mother, and children—because that’s the way Yahweh reveals *Himself* to us. He’s our heavenly Father: Creator, Provider, and ultimate Authority. His Holy Spirit is our spiritual Mother: Comforter, Teacher, Conscience and Guide. And His “Son” is Yahshua our Messiah: Yahweh’s human manifestation, His representative among men, our Master and Savior. Adultery, then, being a perversion of the God-ordained family

structure, is a picture of false belief—of unfruitful and destructive spiritual relationships. At the very least, it messes up Yahweh’s metaphor.

- (287) *The Court shall pass sentence of death by burning with fire. “If a man marries a woman and her mother, it is wickedness. They shall be burned with fire, both he and they, that there may be no wickedness among you.”* (Leviticus 20:14) Only the rabbis could look at this verse and see nothing but an opportunity for the Sanhedrin to flex their muscles by imposing a particular form of capital punishment—in this case, burning at the stake. The whole passage is a litany of various sexual sins and the consequences Yahweh has ordained. It has nothing to do with rabbinical authority.

That being said, death by burning is authorized twice in the Torah, here and in Leviticus 21:9, where the daughter of a priest who has turned to harlotry must be executed by fire. The ubiquitous connection (metaphorical and otherwise) between sexual sin and the worship of false gods should not be overlooked. Every single mention of execution by fire in the entire Bible (whether advocated by Yahweh or not) is associated in some way with either sexual sin, the worship of false gods, or both. In God’s economy, one is a picture of the other.

- (288) *The Court shall pass sentence of death by stoning. “If a young woman who is a virgin is betrothed to a husband, and a man finds 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 out in the city, and the man because he humbled his neighbor’s wife; so you shall put away the evil from among you.* (Deuteronomy 22:23-24) As usual, this has virtually nothing to do with the authority of the Sanhedrin. This is one of several places, however, where death by stoning was the divinely prescribed punishment. Other instances include the overt worship (or merely the *advocating* of such worship) of false gods like Molech or Ba’al, and “cursing” Yahweh (which in one instance literally manifested itself in simply ignoring His Sabbath rest instructions—demonstrating the guilty party’s flippant attitude toward God). In the present case, the punishment is, once again, in response to adultery, since a “betrothed virgin” was legally married, even though the union had not yet been consummated.

In a fascinating display of wisdom, Yahweh built in a safeguard against a virgin being unfairly executed for being the victim of a rapist. If she were “in the city” when the sexual attack/encounter occurred, she would have been obligated to cry out for help. If she did not, it was to be presumed that she was a willing participant—hence an adulteress. (This system wouldn’t work in New York, you understand. It was designed for “cities” like bronze-age Beersheba or Shechem, close-knit communities

where if you cried out for help, half a dozen guys would instantly come to your aid.) But what if the attack/encounter took place where no one was likely to hear her cries? Yahweh gave the virgin a get-out-of-stoning-free card: **“But if a man finds a betrothed young woman in the countryside, and the man forces her and lies with her, then only the man who lay with her shall die.** [Note that rapists get the death penalty.] **But you shall do nothing to the young woman; there is in the young woman no sin deserving of death, for just as when a man rises against his neighbor and kills him, even so is this matter. For he found her in the countryside, and the betrothed young woman cried out, [it is presumed] but there was no one to save her.”** (Deuteronomy 22:25-27) As far as Yahweh’s metaphor of adultery/fornication equating to the worship of false gods is concerned, it is clear that it isn’t the sexual contact *per se* that condemns someone (because that can be forced), but rather the willing offering of one’s affection to an illicit lover. To me, this just screams that it’s not so much one’s mode of religious observance (or lack of it) that God is looking at, but the attitude of the heart. Note further that Yahweh’s justice, when administered by men, is supposed to err on the side of mercy if it errs at all. One wonders why Maimonides was so fixated on the Court’s legal authorization to impose the death penalty.

- (289) *Hang the dead body of one who has incurred [the death] penalty.* **“If a man has committed a sin deserving of death, and he is put to death, and you hang him on a tree, his body shall not remain overnight on the tree, but you shall surely bury him that day, so that you do not defile the land which Yahweh your God is giving you as an inheritance; for he who is hanged is accursed of God.”** (Deuteronomy 21:22-23) Yahweh is not saying the Jews *must* hang the body of an executed criminal on a tree, but is rather giving instructions as to what to do, and why, if they do so. He is looking forward to an event that wouldn’t take place for another fifteen hundred years or so—the crucifixion of His Son, the Messiah. Although crucifixions in first-century Judea were common enough, it was rare indeed for “you (that is, an Israelite) to hang him on a tree,” since the authority to impose the death penalty had been taken away from the Sanhedrin by the Romans, and besides, the preferred method of execution for them was stoning. It was the Romans who crucified their victims. But in the case of Yahshua, it *was* the Jewish leadership who caused Him to be “hanged on a tree,” making Him (as they well knew) “accursed of God.” What the Jews didn’t realize (and still don’t) is that Yahshua endured this curse for *our* sins, so that we might have life. **“Surely He has borne our griefs and carried our sorrows. Yet we esteemed Him stricken, smitten by God, and afflicted. But He was wounded for our transgressions; He was bruised for our iniquities. The chastisement for our peace [i.e., in our covenant relationship with Yahweh. *Shalom* also**

means welfare, health, prosperity, or soundness] was upon Him, and by His stripes we are healed.” (Isaiah 53:4-5)

- (290) *The dead body of an executed criminal shall not remain hanging on the tree over night.* **“If a man has committed a sin deserving of death, and he is put to death, and you hang him on a tree, his body shall not remain overnight on the tree, but you shall surely bury him that day, so that you do not defile the land which Yahweh your God is giving you as an inheritance; for he who is hanged is accursed of God.** (Deuteronomy 21:22-23) The second lesson Maimonides gleaned from these verses is that you couldn’t leave the “criminal’s” corpse hanging on the tree overnight. The majority of the Sanhedrin in Yahshua’s day, of course, would have gladly let this one slide. The only reason they wanted Yahshua and his two crucified companions off their crosses before sundown was that the Feast of Unleavened Bread was starting. They weren’t worried about “defiling the land.” They were only concerned about observing their traditions and maintaining the status quo that kept them in positions of power and prestige.
- (291) *Inter the executed on the day of execution.* **“If a man has committed a sin deserving of death, and he is put to death, and you hang him on a tree, his body shall not remain overnight on the tree, but you shall surely bury him that day, so that you do not defile the land which Yahweh your God is giving you as an inheritance; for he who is hanged is accursed of God.”** (Deuteronomy 21:22-23) Milking the passage for all it’s worth, Maimonides squeezed a separate mitzvah out of the burial of the criminal’s corpse. History informs us that Nicodemus and Joseph of Arimathea, both members of the Sanhedrin and both believers, stuck their necks out with the Roman authorities and arranged for Christ’s body to be removed from the pole of execution so they could properly inter Him before the sundown deadline. (The corpses of the two thieves crucified with Him were most likely unceremoniously dumped in the Valley of Hinnom as buzzard bait.) It seems that even in death, Yahshua observed the Torah flawlessly. Again, we turn to Isaiah for illumination: **“For the transgressions of My people He was stricken. And they made His grave with the wicked—but with the rich at His death, because He had done no violence, nor was any deceit in His mouth.”** (Isaiah 53:8-9)
- (292) *Do not accept ransom from a murderer.* **“Moreover you shall take no ransom for the life of a murderer who is guilty of death, but he shall surely be put to death. And you shall take no ransom for him who has fled to his city of refuge, that he may return to dwell in the land before the death of the priest. So you shall not pollute the land where you are; for blood defiles the land, and no atonement can be made for the land, for the blood that is shed on it, except by the blood of him who shed it. Therefore do not defile the land which you inhabit, in the midst of which I dwell;**

for I Yahweh dwell among the children of Israel.” (Numbers 35:31-34) We dealt in detail with the “city of refuge” concept in the previous chapter (Mitzvah #260). The principle stressed here is that there is no substitute for the life of a murderer. His blood *must* be shed, for until it is, the land of promise remains defiled by his guilt. In the ultimate sense, of course, the “land” is the whole world, and our sin is what defiles it. But it’s the *nature* of our sin that determines whether or not a remedy is available for us. We all have blood on our hands. But was it unintentional manslaughter, or was it cold-blooded murder? In other words, have we merely fallen short of God’s standard of perfection, or have we willfully and maliciously prevented our brothers and sisters from forming a relationship with Yahweh?

Here’s what I’m getting at: John writes, **“He who does not love his brother abides in death. Whoever hates his brother is a murderer, and you know that no murderer has eternal life abiding in him.”** (I John 3:14-15) The Greek word for “murderer” here (*anthropoktonos*) is found only one other time in scripture, in a passage we reviewed earlier in this chapter. In Mitzvah #278, we read, **“You [Pharisees] are of your father the devil, and the desires of your father you want to do. He was a murderer [*anthropoktonos*] from the beginning...”** (John 8:44) How was Satan a murderer from the beginning? He deceived Adam and Chavvah (a.k.a. Eve), leading to their fall from innocence. He didn’t kill them physically (separating body from soul). Rather, he *murdered* them, spiritually. After the fall, their *neshamah*—that uniquely human capacity for spiritual indwelling (see Genesis 2:7) was emptied of life. And Adam and his bride remained spiritually lifeless until blood was shed on their behalf, and they accepted Yahweh’s sacrifice by wearing the animal-skin garments He had made to cover their nakedness. God still provides a garment—one of light—to cover the sins of all who wish to have a relationship with Him based on the sacrifice of His Son. But those who would prevent this relationship from being formed—those who block the doorway to the Kingdom of Heaven—are characterized as *murderers*. John notes their hatred for their brothers and says that they therefore “live in death.”

So, getting back to our mitzvah, we see that ransom for “murderers” is impossible. And common “manslayers” (that’s everybody else) can be redeemed from the curse of our sin *only* by the “death of the [high] priest.” Who? **“Having been perfected, [Yahshua] became the author of eternal salvation to all who obey Him, called by God as High Priest ‘according to the order of Melchizedek.’”** (Hebrews 5:9-10)

(293) *Exile one who committed accidental homicide.* **“The congregation shall judge between the manslayer and the avenger of blood according to these judgments. So the congregation shall deliver the manslayer from the hand of the avenger of blood, and the congregation shall return him to the city of refuge where he had fled, and he shall remain there until the death of the high priest who was anointed with the holy oil.”** (Numbers 35:24-25) The tone of Maimonides’ mitzvah is all wrong. This is not characterized as a lesser form of punishment for a lesser crime—exile in place of execution. In context, I’d rephrase it, *“Protect the one who committed accidental homicide.”* Most of Numbers 35 is concerned with the establishment of the six cities of refuge and with the precise definition of what constitutes murder as opposed to accidental homicide. It’s all pretty straightforward. The upshot here is that if a man has accidentally killed someone, the congregation of Israel is to *protect* the manslayer from the designated “avenger of blood” until he can be brought safely to the nearest city of refuge, where he must live until the death of the High Priest if he wishes to be sheltered from retribution.

When you work out the prophetic metaphor here, a remarkable truth emerges. Ultimately, we through our sin are the manslaughterers. The slain party, then, is Yahshua. And the “avenger of blood” can be none other than Yahweh Himself. Judgment—even wrath—properly belongs to Him alone. But the “congregation” is instructed to safely convey the guilty party to the city of refuge so the “avenger” won’t harm him before he has had a chance to avail himself of the redemption afforded by the “death of the High Priest (who, as we have seen, represents Yahshua again—note the reference to his being anointed).”

Who, then, is the congregation? It’s the believers, the “saints,” the family of God—indeed, the family of the very “avenger of blood” from whose wrath we are trying to shelter the manslaughterer! Yahweh is saying that He is counting on *us* to shelter the lost, guilty soul from *His* wrath. (We’re not to shelter the *murderer*, you understand—the malicious child of Satan who’s trying to lead souls astray—but only the accidental manslaughterer, a description that fits every one of us until we’re redeemed through the “death of the High Priest.”) What we have here is the Great Commission! We are to love the lost, show compassion on them, draw them in to a place of safety, and show them how they can be saved from wrath. After that, it’s up to them to either stay in the city of refuge or take their chances with the Avenger outside.

(294) *Establish six cities of refuge (for those who committed accidental homicide).* **“When Yahweh your God has cut off the nations whose land Yahweh your God is giving you, and you dispossess them and dwell in their cities and in**

their houses, you shall separate three cities for yourself in the midst of your land which Yahweh your God is giving you to possess. You shall prepare roads for yourself, and divide into three parts the territory of your land which Yahweh your God is giving you to inherit, that any manslayer may flee there.” (Deuteronomy 19:3) We covered the subject of the six cities of refuge under Mitzvot #260, #292, and #293, based on Numbers 35. Here we see the inevitable restatement in Deuteronomy—speaking specifically of the three cities that were to be established in the actual Promised Land. (The other three were on the east side of the Jordan, territory that was never given to Israel by Yahweh.) Since Maimonides wrote in the tenth century A.D., it’s clear that this mitzvah is an anachronism (at least as far as he was concerned). It no longer applies (except in a prophetic and metaphorical sense) because Israel already conquered the Land, set up the requisite cities of refuge, and then got their sorry assets kicked out—twice. In a literal sense, this mitzvah has no more relevance to keeping “God’s Law” today than the Torah’s instructions on building the wilderness Tabernacle do (though the spiritual implications are as significant as ever). Since Maimonides didn’t appreciate the spiritual application of any of these instructions, why did he include this one in his list? He had to know that literal compliance was impossible. What was he thinking?

- (295) *Do not accept ransom from an accidental homicide, so as to relieve him from exile. “And you shall take no ransom for him who has fled to his city of refuge, that he may return to dwell in the land before the death of the priest.”* (Numbers 35:32) Once again, for the learning impaired: it *wasn’t* exile—it was protection from the “avenger of blood.” That being said, the manslayer couldn’t buy his way out of his predicament, for though he wasn’t guilty of murder, he *was* guilty of something. There was to be no pardon for him until the High Priest died. Yahweh is telling us that we can’t earn or buy our own salvation. No amount of good works or alms will change the fact that we’re guilty. Only the death of the High Priest, Yahshua the Messiah—accepted as a sacrifice made on our behalf and received as a gift from God—can buy us our freedom.
- (296) *Decapitate the heifer in the manner prescribed (in expiation of a murder on the road, the perpetrator of which remained undiscovered). “If anyone is found slain, lying in the field in the land which Yahweh your God is giving you to possess, and it is not known who killed him, then your elders and your judges shall go out and measure the distance from the slain man to the surrounding cities. And it shall be that the elders of the city nearest to the slain man will take a heifer which has not been worked and which has not pulled with a yoke. The elders of that city shall bring the heifer down to a valley with flowing water, which is neither plowed nor sown, and they shall break the heifer’s neck there in the valley.”*

(Deuteronomy 21:1-4) A murderer's blood must be shed in order to cleanse the land of the blood of his victim. For as we read, **"Blood defiles the land, and no atonement can be made for the land, for the blood that is shed on it, except by the blood of him who shed it."** (Numbers 35:33) That's all fine in theory, as any homicide detective will tell you. But what if you can't find the perp? What if the case goes cold? Yahweh knew this would happen from time to time, so He provided an object lesson to serve in lieu of justice.

The odds were that the murderer lived somewhere nearby. So the "elders and judges" were to determine what city, town, or village was closest to the scene of the crime. That town was to provide a heifer—a cow-calf, that is, an *eglah*, an adolescent but mature female bovine—taking it down to a nearby creek, where its life would serve as a substitute for the murderer's. There its neck was to be broken (or it was to be decapitated—the Hebrew word *araph* can mean either thing) in atonement for the murder.

Why a heifer, one that has never pulled a plow? And why a valley that has not been cultivated? I believe that Yahweh is telling us how He feels about murder: it is above all a terrible waste of potential. The victim has been cut off prior to contributing to society what might have been the fruit of a great life. Even the valley has yet to show its potential. We were created to love and live with Yahweh. If we choose not to, it's a shame. But if someone *prevents* us from doing so, it's a *crime*—one Yahweh takes as a personal affront.

(297) *Do not plow nor sow the rough valley (in which a heifer's neck was broken).* **"The elders of that city shall bring the heifer down to a valley with flowing water, which is neither plowed nor sown, and they shall break the heifer's neck there in the valley. Then the priests, the sons of Levi, shall come near, for Yahweh your God has chosen them to minister to Him and to bless in the name of Yahweh; by their word every controversy and every assault shall be settled. And all the elders of that city nearest to the slain man shall wash their hands over the heifer whose neck was broken in the valley. Then they shall answer and say, 'Our hands have not shed this blood, nor have our eyes seen it. Provide atonement, O Yahweh, for Your people Israel, whom You have redeemed, and do not lay innocent blood to the charge of Your people Israel.' And atonement shall be provided on their behalf for the blood. So you shall put away the guilt of innocent blood from among you when you do what is right in the sight of Yahweh.** (Deuteronomy 21:4-9) The lesson of Mitzvah #296 continues. On behalf of their citizens, the elders of the town nearest the unsolved murder, in addition to providing the heifer, are to swear that they had nothing to do with the crime (presuming, of

course, that this was actually true. If they knew who was responsible, this would have been the time to come forward, or be guilty of “bearing false witness”). The whole process is supervised *not* by the Sanhedrin, but by the priests and Levites—whose positions were strictly hereditary (so one could not aspire to a position of power in this context). The whole point of the exercise was to “put away the guilt of innocent blood from among you.” In the same way, our sins can only be “put away” from us through the shedding of innocent blood—that of Yahshua.

- (298) *Adjudge a thief to pay compensation or (in certain cases) suffer death. “If a man steals an ox or a sheep, and slaughters it or sells it, he shall restore five oxen for an ox and four sheep for a sheep.... He should make full restitution; if he has nothing, then he shall be sold for his theft. If the theft is certainly found alive in his hand, whether it is an ox or donkey or sheep, he shall restore double.”* (Exodus 22:1, 3-4) *“He who kidnaps a man and sells him, or if he is found in his hand, shall surely be put to death.”* (Exodus 21:16) Contrast should be drawn between God’s system of criminal justice and man’s. If you’re a thief, western nations generally send you to prison, which takes you out of polite society for a while, but does no practical good for your victim. Prisons are expensive—a wasteful and inefficient use of public funds. Worse, they often serve as trade schools for criminals. But other systems are even worse: Islamic sharia law says that the thief’s hand is to be chopped off. This might be an effective deterrent, I suppose (though it never kept Muhammad from stealing anything). But it hardly fits the crime, and again, it’s a punishment that does nothing to relieve the victim’s plight.

Only Yahweh’s law makes sense for everybody concerned—thief, victim, and tax-paying bystander. If you steal something and it’s found in your possession, you are to give it back to your victim, plus another just like it. But if you’ve already disposed of it, you must repay him *four* times its value. And that’s if it’s value is only intrinsic (money or jewelry, for example). If the stolen item also has functional value—if its owner used it to earn his livelihood or function in society (today that would be one’s car, tools, or computer) you’d have to repay *five* times the booty’s value. Repayment begins by selling what you own—your own home, car, or possessions. But what if you don’t have enough to pay the victim back? Obviously, you’re not allowed to steal to make restitution. Under the Mosaic Law, you yourself would be sold into slavery, the proceeds going to the victim. I guess in today’s world that might translate into prison time, but with a twist on our flawed system. We allow inmates to work in prison industries and earn themselves a small income, because we’re fixated on rehabilitation for criminals, not restitution for their victims. Under God’s economy, whatever the thief earned would be returned to his victim, until

the entire debt was paid. If you've stolen a \$50,000 Mercedes Benz, you're on the hook for a cool quarter mil. *Let's see. At six bucks an hour....* Gee, looks like crime really *doesn't* pay.

Not all crimes are financial, of course. We should point out that if you steal a person, there *is* no restitution—whether or not your abductee is ever released unharmed. In God's consistent metaphor of what kidnapping and murder really mean, it is your *intention* to prevent people from having a relationship with Yahweh that determines your guilt, not your success in pulling it off. Try it and your life is forfeit. Under the Torah, Muhammad would have gotten stoned more often than Timothy Leary.

- (299) *He who inflicts a bodily injury shall pay monetary compensation. "If men contend with each other, and one strikes the other with a stone or with his fist, and he does not die but is confined to his bed, if he rises again and walks about outside with his staff, then he who struck him shall be acquitted. He shall only pay for the loss of his time, and shall provide for him to be thoroughly healed.* (Exodus 21:18-19) Again, the spirit of restitution—as opposed to punishment—drives this precept. It's a little misleading to translate this as saying the attacker shall be "acquitted." The Hebrew word *naqah* doesn't so much mean "found to be innocent" as it does "pardoned," or "left unpunished." There are still consequences. The "winner" of the fight has to see to it that his adversary is not financially disadvantaged. He must pay the "loser's" salary and medical expenses until the man is fully recovered. The worse you hurt him, the more expensive it's going to be.

Yahweh doesn't seem to care who started it, or why. He wants us to love each other, not get into fistfights. So He arranged it so that even if you win, you lose. This is not a call for mindless pacifism, however. There are times when fighting is necessary and appropriate. (For example, see Exodus 32:26-28.) But don't get into it with your brother-in-law over who's the best shortstop in the National League. Just smile, turn the other cheek, and remember Psalm 116:6—"Yahweh preserves the simple."

- (300) *Impose a penalty of fifty shekels upon the seducer of an unbetrothed virgin and enforce the other rules in connection with the case. "If a man entices a virgin who is not betrothed, and lies with her, he shall surely pay the bride-price for her to be his wife. If her father utterly refuses to give her to him, he shall pay money according to the bride-price of virgins.* (Exodus 22:16-17) The case of pre-marital sex between a man and an unbetrothed virgin is covered here and in the next two mitzvot. There doesn't seem to be much of a distinction drawn between seduction and statutory rape in this case, presumably because the Inventor of hormones *knows* how it all works. As far as Yahweh is concerned, sex consummates a marriage; the physical union

completes the spiritual union that betrothal initiates. So in the case described, though the beautiful picture a wedding presents has been goofed up, life goes on.

Though Maimonides calls it a “penalty,” the fifty shekels (specified in Deuteronomy 22) is actually a “bride-price,” in other words, a dowry. Any prospective husband would pay this sum to his father-in-law-to-be. However, in this case, the girl’s father has the option of forbidding the marriage, while keeping the dowry. This provision allows him to save his daughter from marriage to a total loser, or, of course, to an actual rapist. But normally, he would be prone to let mere sexual imprudence between his infatuated daughter and her amorous boyfriend—a rash and impulsive love match—proceed into marriage, for finding a mate for a daughter who wasn’t a virgin was difficult in that culture.

- (301) *The violator of an unbetrothed virgin shall marry her. “If a man finds a young woman who is a virgin, who is not betrothed, and he seizes her and lies with her, and they are found out, then the man who lay with her shall give to the young woman’s father fifty shekels of silver, and she shall be his wife because he has humbled her.”* (Deuteronomy 22:28-29) There was no option on the part of the young man, however. If the girl’s father allowed it to proceed, he would have to marry the young woman—it’s the prototypical shotgun wedding. This provision would have tended to keep casual or experimental sex to a minimum. Under the Torah, there was no such thing as *I’m not ready to make a commitment, but you’re pretty hot, so let’s get it on*. No, it’s either chastity or marriage (or *stoning*, if either lover were already betrothed).

We should note the radically different consequences Yahweh delineated for what to some might seem almost identical offenses—the case of sexual contact (whether presumed rape or consensual) with a betrothed virgin (as in Mitzvah #288) as opposed to with an unbetrothed virgin—death versus marriage. This makes it clear to me that it isn’t sex *per se* that Yahweh objects to, but rather betrayal. Sex within marriage is right and good; outside of marriage, it is treachery, treason, and deceit.

- (302) *One who has raped a damsel and has then, in accordance with the law, married her, may not divorce her. “...and she shall be his wife because he has humbled her; he shall not be permitted to divorce her all his days.”* (Deuteronomy 22:28-29) It gets even better, in a divine retribution sort of way. Not only must the young man pay the dowry and marry the young lady he has slept with, it’s what you might call a no-cut contract. If it “doesn’t work out,” tough toenails. There’s no divorce for you—*ever*. As

one who has been married for over forty years, I can vouch for the concept of choosing your mate carefully.

Beyond the obvious practical implications of this precept, there is a far more serious side to this. There is a reason the Church, the Ekklesia, is called the “Bride of Christ,” and Israel was once characterized as Yahweh’s unfaithful wife. It is God’s pattern that a husband and wife are to be “one flesh”—they are not to be “put asunder.” When we become betrothed to Yahweh, we are His forever. But in the same way, those who foolishly jump into bed with Satan are doomed to share his fate forever—you can’t change your mind and divorce him. Like I said, choose your mate carefully.

- (303) *Do not inflict punishment on Shabbat (because some punishments were inflicted by fire).* **“Work shall be done for six days, but the seventh day shall be a holy day for you, a Sabbath of rest to Yahweh. Whoever does any work on it shall be put to death. You shall kindle no fire throughout your dwellings on the Sabbath day.”** (Exodus 35:2-3) In Mitzvah #109 (in Chapter 4) we discussed the Sabbath at length. It is a Torah-mandated rest from our labors, indicative of the fact that we cannot, in the end, work for our salvation. We must, rather, accept Yahweh’s provision. So no one’s regular work was to be done on the seventh day of the week. That, of course, included food preparation, which was admittedly a much more laborious endeavor in Moses’ time than it is today. We have also seen (in #287 above) how punishment inflicted by fire was (in rare and extreme instances) authorized in the Torah. Can you see where Maimonides is going with this? It’s legalism gone stark raving haywire: he’s saying that you can’t burn people at the stake on the Sabbath day—*because it’s cooking!* I honestly don’t know whether to laugh or cry.
- (304) *Punish the wicked by the infliction of stripes.* **“If there is a dispute between men, and they come to court, that the judges may judge them, and they justify the righteous and condemn the wicked, then it shall be, if the wicked man deserves to be beaten, that the judge will cause him to lie down and be beaten in his presence, according to his guilt, with a certain number of blows.”** (Deuteronomy 25:1-2) This is the only passage in the Torah where a beating is an authorized mode of punishment. And there is only one place in the Bible where it matters: the trial of Yahshua. The record of His beating at the hands of the High Priest (in Matthew 26:67, Mark 14:65, and Luke 22:63) clearly shows that the Torah’s guidelines weren’t being remotely followed: (1) Yahshua wasn’t involved in a dispute between two men, (2) Caiaphas the High Priest was not successful in proving Yahshua to be “wicked,” and (3) He was beaten standing up, not lying down. Apparently, Maimonides’

annoying practice of playing fast and loose with the requirements of scripture had a long and illustrious history.

- (305) *Do not exceed the statutory number of stripes laid on one who has incurred that punishment. “Forty blows he may give him and no more, lest he should exceed this and beat him with many blows above these, and your brother be humiliated in your sight.”* (Deuteronomy 25:3) The Torah’s use of beating was designed to correct and reprove a man from his “wickedness.” But the beating and mocking endured by Christ at the hands of Caiaphas was *intended* to do what the Law had expressly forbidden: humiliate Him. It is not recorded how many blows they dealt Him, though they doubtless held it down to forty (being the legalistic sticklers they were). The actual practice was to limit their beatings to one less than that, just to be on the safe side—see II Corinthians 11:24.

We should not gloss over the significance of the number forty. When we see it in scripture, it is invariably connected with testing, trial, or proving. Forty years of wilderness wandering, forty days and nights receiving the Law on Sinai, forty days of Yahshua’s temptation, forty days between His resurrection and ascension—you get the picture. The one that raises my eyebrows is sort of under the Biblical radar: there were forty Jubilee periods (i.e. fifty years) between Adam’s fall into sin and Abraham’s prophetic sacrifice of Isaac, another forty until the crucifixion and resurrection of Christ (in 33 AD), and it will be *another* forty (unless I miss my guess) until the beginning of Yahshua’s earthly reign. That’s *three* two-thousand-year periods of time, followed by one final Millennium—the “day” of rest—seven millennia in all to work out Yahweh’s complete plan for the redemption of mankind. (And in case you didn’t notice, we’re rapidly approaching the end of the last Jubilee period in this epoch. 2033 is right around the corner.)

- (306) *Do not spare the offender in imposing the prescribed penalties on one who has caused damage. “If anyone hates his neighbor, lies in wait for him, rises against him and strikes him mortally, so that he dies, and he flees to one of these cities [of refuge], then the elders of his city shall send and bring him from there, and deliver him over to the hand of the avenger of blood, that he may die. Your eye shall not pity him, but you shall put away the guilt of innocent blood from Israel, that it may go well with you.”* (Deuteronomy 19:11-13) Whereas Maimonides would gleefully make withholding mercy an across-the-board mandate, Yahweh applied it (here, at least) to only one crime: murder. The city of refuge wasn’t to be a “free zone” where criminals could go to escape justice. Rather, it was more like a safe-house or temporary protective

custody: your court-appointed executioner couldn't reach you there until (and unless) you were brought to trial and found guilty of murder.

As we have seen, however, murder is a scriptural euphemism for preventing someone from having a personal relationship with Yahweh. The prototypical “murderers” were the scribes and Pharisees (read: rabbis). They were characterized (by Yahshua Himself) as murderers because of their relationship with “their father,” Satan. And what did the Pharisees do that was so bad? They “kept” the law, didn't they? No, they didn't. They merely kept their version of it, designed not to keep them in tune with Yahweh's will, but to elevate their status and prestige among their countrymen by keeping them in chains, under submission, unaware of Yahweh's forgiveness, and subservient to *them*. Two millennia later, things haven't changed much.

- (307) *Do unto false witnesses as they had purposed to do to the accused. “And the judges shall make careful inquiry, and indeed, if the witness is a false witness, who has testified falsely against his brother, then you shall do to him as he thought to have done to his brother; so you shall put away the evil from among you. And those who remain shall hear and fear, and hereafter they shall not again commit such evil among you.”* (Deuteronomy 19:18-20) This puts teeth in the Ninth Commandment. Yes, we aren't to “bear false witness against our neighbor,” but what happens if someone does? For the umpteenth time, we see a perfectly fair (not to mention stunningly sagacious) solution to a human foible that God *knew* would happen from time to time. We're not talking about innocent inaccuracies in eyewitness testimony here. We're talking about perjury—giving false testimony with the express purpose of seeing an innocent person convicted of a crime. This is sort of the converse of “You shall love your neighbor as you do yourself.” It says, “Your hatred for your neighbor will come back upon your own head.”

The precept requires wisdom and diligence on the part of the judges. I realize that this is a tough requirement on judges today who must work within flawed systems of human jurisprudence—hamstrung by rules of evidence, procedural foolishness, and having cases presented by people who aren't necessarily seeking the truth, but are being paid to deliver a conviction or acquittal—in other words, lawyers who lie for a living. We must remind ourselves that in the end, justice *will* be done. One Judge, perfect in wisdom and unfettered by human inadequacy, will decide who stands guilty before Him, and who is to be set free.

This mitzvah should serve as a dire warning to those today who would “crucify Christ” anew by denying (as the Sanhedrin did two thousand years ago) that He is who He claimed to be: the “Son” of God,

Immanuel—“God with us”—Yahweh Himself manifested in flesh and blood. If we bear false witness against Him we will bring upon ourselves the fate we intended for Him—crucifixion in the physical sense, or in the spiritual, the bearing of our own sins to sheol. Not a pleasant prospect.

- (308) *Do not punish any one who has committed an offense under duress. “But if a man finds a betrothed young woman in the countryside, and the man forces her and lies with her, then only the man who lay with her shall die. But you shall do nothing to the young woman; there is in the young woman no sin deserving of death.”* (Deuteronomy 22:25-26) Maimonides is way out on a limb here. The mitzvah the way he worded it may or may not be correct, depending on the circumstances. This example in Deuteronomy, of course, is clear cut: the victim of a rape is not guilty of anything. Our esteemed rabbi is thus out of line by characterizing it as “an offense.” Concerning a rape victim’s culpability, it’s nothing of the sort. Maimonides’ patronizing platitude isn’t doing her any favors.

The wording of the mitzvah indicates a broader application than the Torah’s example—one that puts Maimonides on thin ice. The rabbi is saying that *any* “offense” committed under duress should go unpunished. Are you sure? How do you define “duress”? If a robber is threatening to shoot your family if you don’t open your employer’s safe, I suppose I’d be inclined to agree with Rambam. On the other hand, if it’s, “I was so broke I couldn’t pay my cable TV bill, so I went out and knocked over a 7-Eleven,” the *circumstantial* duress the criminal felt clearly isn’t going to cut it. Maimonides is flirting with the concept of the avoidance of personal responsibility through creative justification. Next thing you know, we’ll be hearing him say “The devil made me do it!”