



## Deuteronomy - Chapter Twenty One

### III Deuteronomy 12:1-26:19 - Moses' Second Speech: Specific Covenant Stipulations (continues)

#### III.j Deuteronomy 19:1-21:14 - Protecting life (continues/concludes)

##### Summary of Chapter Twenty One

The chapter commences by dealing with the situation where a person is killed in open country by persons unknown. The elders of the nearest town to the body are to kill a heifer at the site where the body was discovered and declare they are guiltless of this crime. The ceremony is to be blessed by Levites.

It then sets out the procedure for taking a captive female as a wife. After a month of mourning for being taken from her parents, she may become the wife of her captor. However, if he is dissatisfied with her as a wife he must set her free and not keep or sell her as a slave.

If a man has two wives and each bear him a son, the inheritance of the first born son are set as being by age and not by any preferential love for either wife. The firstborn son receives a double portion of the man's property and wealth when the father dies.

Because children are commanded to respect their parents then the punishment for gross disobedience is death. The judgement is to be made by the elders of the town, with the parents bearing witness against their own son. If he is found guilty of the charge, then the men folk of the town will stone him to death.

Anyone who is executed for their crime is to be hung on a tree as a warning to others. However, the corpse is not to be left on the tree overnight.

### III.j.v Deuteronomy 21:1-9 - Law concerning Murder by Persons Unknown

These verses explain the procedure for dealing with a corpse found in the open where the killer is unknown. The elders and Levites from the nearest town are required to follow this regulation in order to cleanse their town from guilt.

<sup>1</sup> If, in the land that the Lord your God is giving you to possess, a body is found lying in open country, and it is not known who struck the person down, <sup>2</sup> then your elders and your judges shall come out to measure the distances to the towns that are near the body.

#### Deuteronomy 21:1-2

In the land. These laws are given to keep the Promised Land free from desecration.

A body is found lying in open country. Presumably, death from natural causes had been ruled out and it was evident that the deceased had been murdered; yet, it was not known who killed him.

It is not known who struck the person down. This was important based on a principle stated in Numbers 35:33-34. This passage shows that the blood of unsolved, unavenged murder defiles and pollutes the land. Therefore, if there is a murder unavenged, some kind of sacrificial cleansing is necessary, so the land will not be defiled.

<sup>3</sup> The elders of the town nearest the body shall take a heifer that has never been worked, one that has not pulled in the yoke; <sup>4</sup> the elders of that town shall bring the heifer down to a wadi with running water, which is neither ploughed nor sown, and shall break the heifer's neck there in the wadi. <sup>5</sup> Then the priests, the sons of Levi, shall come forward, for the Lord your God has chosen them to minister to him and to pronounce blessings in the name of the Lord, and by their decision all cases of dispute and assault shall be settled. <sup>6</sup> All the elders of that town nearest the body shall wash their hands over the heifer whose neck was broken in the wadi, <sup>7</sup> and they shall declare: 'Our hands did not shed this blood, nor were we witnesses to it.

#### Deuteronomy 21:3-7

The elders of the town nearest the body. First, the matter of jurisdiction had to be settled. These elders were responsible to provide the animal and make the sacrifice to atone for and cleanse the murder-polluted land.

**Take a heifer that has never been worked, one that has not pulled in the yoke.**

Then, appropriate sacrifice had to be made. This heifer was sacrificed by the sons of Levi in the presence of the city elders, who washed their hands over the sacrificed animal. The sacrificial animal had to be as perfect as possible.

This washing of the hands, done in the presence of **the sons of Levi**, who **by their decision all cases of dispute and assault shall be settled**, was a powerful proclamation by the elders: “We have done all we could to settle this case, but cannot. We are clean from all guilt in the matter of this slain man.” Of course, this ceremony of washing the hands over the sacrificed animal meant nothing if the elders had in fact not done what they could to avenge the murder; apart from that, this washing of the hands was just as much an empty gesture as Pilate’s washing of his hands at the trial of Jesus in Matthew 27:24.

A **wadi** is a brook or river that usually flows only after rain and then becomes dry again. In this case, it has to be a brook **with running water**, which will ensure that the pollution from shed blood will be naturally cleansed and washed away. This is reminiscent of how Ananias instructed Saul to be baptised: <<***And now why do you delay? Get up, be baptised, and have your sins washed away, calling on his name***>> (Acts 22:16).

**Break the heifer’s neck.** This animal is not burned, as in the usual sacrifices. However, its death is a sacrifice to atone for sin committed by an unknown person.

<sup>8</sup> Absolve, O Lord, your people Israel, whom you redeemed; do not let the guilt of innocent blood remain in the midst of your people Israel.’ Then they will be absolved of blood-guilt. <sup>9</sup> So you shall purge the guilt of innocent blood from your midst, because you must do what is right in the sight of the Lord.

**Deuteronomy 21:8-9**

**Absolve, O Lord, your people Israel.** If one of God’s people sins then they are all held to account. Here, they call upon God in order that their association with sin may be atoned for: <<***You shall not pollute the land in which you live; for blood pollutes the land, and no expiation can be made for the land, for the blood that is shed in it, except by the blood of the one who shed it. You shall not defile the land in which you live, in which I also dwell; for I the Lord dwell among the Israelites***>> (Numbers 35:33-34).

**So you shall purge the guilt of innocent blood from your midst.** The people had already been instructed to purge the land of the pagan practices of the Canaanites, then to do likewise with apostate Israelites. Now they are being commanded to remove the community’s guilt for allowing a killing to occur where justice cannot be served under the law, i.e. the killer is unknown. The removal of

guilt was always based on blood sacrifice, on a substitutionary atonement, looking forward to the work of Jesus on the Cross for all humankind.

### III.j.vi Deuteronomy 21:10-14 - Female Captives

Here, the law allows for foreign women captives to be taken as wives. However, in recognition that these women have been taken from their families by force, a period of mourning is specified. It is also decreed that such women have the same rights as any wife and are not to be treated as slaves. If they are released by their husband then they are to be allowed to leave as free women.

<sup>10</sup> When you go out to war against your enemies, and the Lord your God hands them over to you and you take them captive, <sup>11</sup> suppose you see among the captives a beautiful woman whom you desire and want to marry, <sup>12</sup> and so you bring her home to your house: she shall shave her head, pare her nails, <sup>13</sup> discard her captive's garb, and shall remain in your house for a full month, mourning for her father and mother; after that you may go in to her and be her husband, and she shall be your wife. <sup>14</sup> But if you are not satisfied with her, you shall let her go free and not sell her for money. You must not treat her as a slave, since you have dishonoured her.

#### Deuteronomy 21:10-14

When you go out to war against your enemies. This law must apply for conquests of cities far away (refer to Deuteronomy 20:10-15), otherwise the women would have been destroyed (20:17). It both ends the discussion of topics under the heading 'you shall not murder' and introduces the section on 'you shall not commit adultery'.

Suppose you see among the captives a beautiful woman whom you desire and want to marry. In the ancient world, it was not uncommon for a man to take a wife from among the captives, especially if she was a beautiful woman. Yet obviously, this was open to great abuse, so God give specific guidelines to govern this practice in Israel.

She shall shave her head, pare her nails, discard her captive's garb. These actions indicate a departure from her former life, no doubt including its religious practices; the captive woman had to be purified and humbled. The actions described are symbols of cleansing: <<*On the seventh day he shall shave all his hair: of head, beard, eyebrows; he shall shave all his hair. Then he shall wash his clothes, and bathe his body in water, and he shall be clean*>> (Leviticus 14:9); of repentance, grief or mourning: <<*Then Job arose, tore his robe, shaved his head, and fell on the ground and worshipped*>> (Job 1:20), and: <<*Make*

*yourselves bald and cut off your hair for your pampered children; make yourselves as bald as the eagle, for they have gone from you into exile>> (Micah 1:16); or as part of a religious rite: <<After staying there for a considerable time, Paul said farewell to the believers and sailed for Syria, accompanied by Priscilla and Aquila. At Cenchreae he had his hair cut, for he was under a vow>> (Acts 18:18), and: <<Join these men, go through the rite of purification with them, and pay for the shaving of their heads. Thus all will know that there is nothing in what they have been told about you, but that you yourself observe and guard the law>> (Acts 21:24).*

Remain in your house for a full month. The captive woman had to show a change of allegiance. This showed that the captive woman no longer regarded her former nation and her former family; now she was a citizen of Israel.

Mourning for her father and mother. This time in her captor's house was more than just a period of mourning for the family she had been taken from: <<*Hear, O daughter, consider and incline your ear; forget your people and your father's house>> (Psalm 45:10). This would be time when she could resolve issues in her heart regarding her family, and when her husband-to-be could live with her a month without intimate relations, so he could see if he really wanted to take this woman as a wife, and to make sure he was not making a decision based only of physical appearance or attractiveness.*

But if you are not satisfied with her, you shall let her go free and not sell her for money. After the month of mourning, the potential husband was free to marry the captive woman, yet, he did not have to. However, if he decided not to, he had to set her free with dignity. This was a remarkable protection of the rights of a captive woman.

You must not treat her as a slave, since you have dishonoured her. This probably assumes that a sexual relationship had occurred following the betrothal, although this is not necessarily so, since the woman would have been seen as being a wife who was found to be unacceptable and this alone would bring dishonour.

### III.k Deuteronomy 21:15-23:8 - Protecting sexual morality

Many of the laws in this section address protecting the sexual integrity of God's people, corresponding to the seventh commandment: <<*You shall not commit adultery>> (Deuteronomy 5:18).*

#### III.k.i Deuteronomy 21:15-17 - The Right of the Firstborn

This law presupposes the practice of polygamy but does not condone it. The ethical ideal for marriage comes from Genesis 2:24; the law protects the community by setting a minimum standard of behaviour that preserves civility. On polygamy, refer to the comments made on 1 Corinthians 7:2 and 1 Timothy 3:2-3.

<sup>15</sup> If a man has two wives, one of them loved and the other disliked, and if both the loved and the disliked have borne him sons, the firstborn being the son of the one who is disliked, <sup>16</sup> then on the day when he wills his possessions to his sons, he is not permitted to treat the son of the loved as the firstborn in preference to the son of the disliked, who is the firstborn. <sup>17</sup> He must acknowledge as firstborn the son of the one who is disliked, giving him a double portion of all that he has; since he is the first issue of his virility, the right of the firstborn is his.

### Deuteronomy 21:15-17

If a man has two wives. As stated above, polygamy is not suggested but the law recognises that it would occur and dealt with problems that were always likely to arise. Such problems are seen in Scripture such as the case of Elkanah in 1 Samuel Chapter 1, whose childless wife Hannah was severely provoked by his other wife Peninnah who had given Elkanah children, making Hannah's life a misery. Also, there is the story of Jacob who was tricked into marrying two sisters, the one he loved and the one he did not love. This caused friction and disharmony within the family on many occasions.

The law protects the rights of the firstborn even if he is the son of the unloved wife. Where there are two or more wives who each bear a man sons then it is the eldest son chronologically who is deemed to have the rights of the firstborn irrespective of the state of his parent's marriage.

A double portion. The OT, in line with ancient Near Eastern practice, gave a double share of inheritance to the eldest son. Therefore, if a man has two sons then, on the father's death, the eldest receives two thirds of the estate and the youngest one third. If there are three sons then the eldest receives half and the other two a quarter each, etc. The prophet Elisha used this law to request that he become the acknowledged successor of his mentor Elijah: <<*When they had crossed, Elijah said to Elisha, 'Tell me what I may do for you, before I am taken from you.'* Elisha said, 'Please let me inherit a double share of your spirit'>> (2 Kings 2:9). This was not for fame or fortune, but for the opportunity to serve God as Elijah had always done despite all the hardship that came along.

### III.k.ii Deuteronomy 21:18-21 - Rebellious Children

Breaking the fifth commandment: <<*Honour your father and your mother, as the Lord your God commanded you, so that your days may be long and that it may go well with you in the land that the Lord your God is giving you*>> (Deuteronomy 5:16) attracted the death penalty. Notice that the parents take the initiative in this penalty.

<sup>18</sup> If someone has a stubborn and rebellious son who will not obey his father and mother, who does not heed them when they discipline him,  
<sup>19</sup> then his father and his mother shall take hold of him and bring him out to the elders of his town at the gate of that place. <sup>20</sup> They shall say to the elders of his town, ‘This son of ours is stubborn and rebellious. He will not obey us. He is a glutton and a drunkard.’ <sup>21</sup> Then all the men of the town shall stone him to death. So you shall purge the evil from your midst; and all Israel will hear, and be afraid.

### Deuteronomy 21:18-21

A stubborn and rebellious son. This does not mean a small child, or even a young teen, but a son past the age of accountability, who sets himself in determined rebellion against his father and mother. In Scripture, those who are rebellious are considered to be living against the will of God: <<*and that they should not be like their ancestors, a stubborn and rebellious generation, a generation whose heart was not steadfast, whose spirit was not faithful to God*>> (Psalm 78:8), <<*But this people has a stubborn and rebellious heart; they have turned aside and gone away*>> (Jeremiah 5:23), and: <<*Ah, soiled, defiled, oppressing city!*>> (Zephaniah 3:1 ).

Who does not heed them when they discipline him. The parents must have done a good job raising the son, calling him to obedience, and chastening him as appropriate before the Lord.

Bring him out to the elders of his town at the gate of that place. Such a stubborn and rebellious son was to be put on trial before the elders of the city. If they determine him to be chronically rebellious, then the son was to be stoned to death. The parents had to take their son to the elders of the community; not only because the decision of life or death should be taken out of their direct hands, but because the guilt of the stubborn and rebellious son was not only against his parents, it was against the whole community as well. He sowed the seeds for cultural suicide in Israel.

It is important to note that the parents could not, by themselves, execute this penalty. They had to bring the son on trial before impartial judges. This is in contrast to ancient Greek and Roman law, which gave fathers the absolute right of life or death over their children. This was a control of parental authority more than it was an exercise of it.

All Israel will hear, and be afraid. This law was clearly intended to protect the social order of ancient Israel. No society can endure when the young are allowed to make war against the old. Perhaps just the presence of this law was deterrent enough; there is no Scriptural example of a son being stoned to death because he

was a stubborn and rebellious son. In fact Luke 15:11-32 tells the story of the Prodigal Son who was welcomed home by his father, who held a banquet to honour the son for returning to him.

### III.k.iii Deuteronomy 21:22-22:12 - Miscellaneous Laws

This brief sub-section summarises a number of different laws as the title suggests.

<sup>22</sup> When someone is convicted of a crime punishable by death and is executed, and you hang him on a tree, <sup>23</sup> his corpse must not remain all night upon the tree; you shall bury him that same day, for anyone hung on a tree is under God's curse. You must not defile the land that the Lord your God is giving you for possession.

#### Deuteronomy 21:22-23

When someone is convicted of a crime punishable by death and is executed. In the thinking of ancient Israel there was something worse than being put to death. Worse than that was to be put to death and to have your corpse left exposed to shame, humiliation, and scavenging animals and birds.

You hang him on a tree does not have the idea of being executed by strangulation; but of having the corpse mounted on a tree or other prominent place, to expose the executed one to disgrace and the elements. This practice was taken up by other Near Eastern Cultures: <<*But when the plot came to the king's attention, he issued written orders that the evil scheme Haman had devised against the Jews should come back onto his own head, and that he and his sons should be impaled on poles*>> (Esther 9:25 NIV). This law predates crucifixion by about one thousand years.

His corpse must not remain all night upon the tree; you shall bury him that same day. Therefore, if anyone was executed and deemed worthy of such disgrace, the humiliation to his memory and his family must not be excessive: <<*And he hanged the king of Ai on a tree until evening; and at sunset Joshua commanded, and they took his body down from the tree, threw it down at the entrance of the gate of the city, and raised over it a great heap of stones, which stands there to this day*>> (Joshua 8:29). This was a way of tempering even the most severe judgement with mercy.

This law restricts the exposure of a dead criminal hanging on a tree, hence the concern to bury Jesus immediately after his death: <<*Since it was the day of Preparation, the Jews did not want the bodies left on the cross during the sabbath, especially because that sabbath was a day of great solemnity. So they asked Pilate to have the legs of the crucified men broken and the bodies removed*>> (John 19:31).

For anyone hung on a tree is under God's curse. The punishment of being hanged on a tree, and left to open exposure, was thought to be so severe, that it was reserved only for those for which it was to be declared: 'this one is accursed of God.'

Paul expounds on Deuteronomy 21:23 in Galatians 3:13-14: <<*Christ redeemed us from the curse of the law by becoming a curse for us – for it is written, 'Cursed is everyone who hangs on a tree' – in order that in Christ Jesus the blessing of Abraham might come to the Gentiles, so that we might receive the promise of the Spirit through faith*>>. Jesus not only died in the place of sinners; he also took the place as the accursed of God, being hung on a 'tree' in open shame and degradation. He received this curse, which was deserved by the rest of humankind and not by him, so that those who believe could receive the blessing of Abraham, which he deserved and they did not. Christians are redeemed from the curse of the law by the work of Jesus on the Cross for them. They no longer have to fear that God wants to curse them; he wants to bless them, not because of who they are, have become, or what they have done, but because of what Jesus Christ has done on their behalf.