

Deuteronomy 21 - Various Family Laws

II. Second sermon: What Israel must do for God (Deut 4:41—26:19)

(3) Exposition of the Decalogue (Deut 12:1—25:19)

(F) Laws arising from the sixth Commandment (Deut 19:1—22:14)

(e) Unsolved murder (21:1-9)

(f) Wives and children (21:10-21)

(i) Women captured in war and married (21:10-14)

(ii) Right of first born (21:15-17)

(iii) Punishment of a rebellious child (21:18-21)

(g) Burial of a hanged person (21:22-23)

Deuteronomy 21

(e) Unsolved murder (21:1-9)

1 "If a person who has been killed *by someone* is found lying in the open country in the land which the LORD your God is giving you to possess, *and* it is not known who struck him,

1 "If a slain person is found lying in the open country in the land which the LORD your God gives you to possess, *and* it is not known who has struck him,

1 "If a murder victim is found fallen in the open country of the land that the LORD your God is about to give you to possess, and it is not known who killed him,

1 If one be found slain in the land which the LORD thy God giveth thee to possess it, lying in the field, and it be not known who hath slain him:

2 then your elders and your judges shall go out and measure *the distance* to the cities which are around the one who was killed.

2 then your elders and your judges shall go out and measure *the distance* to the cities which are around the slain one.

2 then let your elders and judges go out and measure the distance from the dead body to the neighboring cities.

2 Then thy elders and thy judges shall come forth, and they shall measure unto the cities which are round about him that is slain:

- If a man was found slain, either as a result of murder or manslaughter, the elders and judges of the central tribunal (17:8-13) were to summon the elders of the town nearest the body

3 And it shall be that the city which is nearest to the person killed, that is, that the elders of that city shall take a heifer of the herd that has not been worked and has not pulled in a yoke;

3 It shall be that the city which is nearest to the slain man, that is, the elders of that city, shall take a heifer of the herd, which has not been worked and which has not pulled in a yoke;

3 Then the elders of the city nearest the body are to take a heifer that hasn't been put to work or hasn't pulled a yoke

3 And it shall be, that the city which is next unto the slain man, even the elders of that city shall take an heifer, which hath not been wrought with, and which hath not drawn in the yoke;

4 and the elders of that city shall bring the heifer down to a valley with running water, which has not been plowed or sown, and they shall break the heifer's neck there in the valley.

4 and the elders of that city shall bring the heifer down to a valley with running water, which has not been plowed or sown, and shall break the heifer's neck there in the valley.

4 and are to lead the heifer to a flowing stream in a valley that has never been tilled or planted. They are to break the heifer's neck there.

4 And the elders of that city shall bring down the heifer unto a rough valley, which is neither eared nor sown, and shall strike off the heifer's neck there in the valley:

- With the priests (presumably also from the central tribunal) before them the elders of that town were to break the neck of a young heifer and declare their innocence

- Since the animal was slain in the field, and not at the altar, the sacrifice was not cultic but judicial

5 Then the priests, the sons of Levi, shall come forward, because the LORD your God has chosen them to serve Him and to bless in the name of the LORD; and every dispute and violent crime shall be settled by them.

5 Then the priests, the sons of Levi, shall come near, for the Lord your God has chosen them to serve Him and to bless in the name of the Lord; and every dispute and every assault shall be settled by them.

5 Then the priests of the descendants of Levi are to step forward, because the LORD your God chose them to serve and pronounce blessings in his name. Every case of dispute and assault is to be subject to their ruling.

5 And the priests the sons of Levi shall come near; for them the LORD thy God hath chosen to minister unto him, and to bless in the name of the LORD; and by their word shall every controversy and every stroke be tried:

6 And all the elders of that city which is nearest to the person killed shall wash their hands over the heifer whose neck was broken in the valley;

6 All the elders of that city which is nearest to the slain man shall wash their hands over the heifer whose neck was broken in the valley;

6 All the elders of the city nearest the dead body are to wash their hands over the heifer whose neck was broken in the valley,

6 And all the elders of that city, that are next unto the slain man, shall wash their hands over the heifer that is beheaded in the valley:

- Breaking the heifer's neck symbolized that the crime deserved capital punishment, and the washing of the elders' hands over the heifer symbolized their innocence in the matter

7 and they shall respond and say, 'Our hands did not shed this blood, nor did our eyes see *who did*.

7 and they shall answer and say, 'Our hands did not shed this blood, nor did our eyes see *it*.

7 and they are to make this declaration: 'Our hands didn't shed this blood, nor were we witnesses to the crime.

7 And they shall answer and say, Our hands have not shed this blood, neither have our eyes seen it.

8 Forgive Your people Israel whom You have redeemed, LORD, and do not place the guilt for innocent blood in the midst of Your people Israel.' And the guilt for bloodshed shall be forgiven them.

8 Forgive Your people Israel whom You have redeemed, O LORD, and do not place the guilt of innocent blood in the midst of Your people Israel.' And the bloodguiltiness shall be forgiven them.

8 Make atonement for your people Israel, whom you have redeemed, LORD, and don't charge the blood of an innocent man against them.' Then the blood that has been shed will be atoned for.

8 Be merciful, O LORD, unto thy people Israel, whom thou hast redeemed, and lay not innocent blood unto thy people of Israel's charge. And the blood shall be forgiven them.

9 So you shall remove the guilt for innocent blood from your midst, when you do what is right in the eyes of the LORD.

9 So you shall remove the guilt of innocent blood from your midst, when you do what is right in the eyes of the LORD.

9 This is how you will remove the guilt of innocent blood from among you, for you must do what is right in the sight of the LORD."

9 So shalt thou put away the guilt of innocent blood from among you, when thou shalt do that which is right in the sight of the LORD.

- This ritual demonstrated how extremely valuable God considers life

— For even though no murderer was found, the land and the people both incurred the guilt of shedding innocent blood

— The animal sacrifice, accompanied by the petition of the elders, made atonement, that is, turned the wrath of God away from the people

(f) Wives and children (21:10-21)

(i) Women captured in war and married (21:10-14)

An Israelite was permitted to marry a beautiful woman from the captives of a particular battle. This assumes the battle in question was against one of "the cities that are at a distance" (20:15), not a city within the borders of Palestine. Therefore the prospective wife would not have been a Canaanite woman (Cf. the prohibition against marrying a Canaanite man or woman, 7:1,3-4).

If an Israelite soldier genuinely desired one of the captives he could have her only through marriage. This helped protect the dignity of the women captives and the purity of the Israelite soldiers. Israelites were not to rape, plunder, or otherwise mistreat captives as other armies of the ancient Near East did. The purification acts were observed to remove her from the status of a slave (Lev 14:8; Num 8:7), and one month was allowed to her for mourning (Num 20:29; Deut 34:8).

10 "When you go out to battle against your enemies, and the LORD your God hands them over to you and you take them away captive,

10 "When you go out to battle against your enemies, and the LORD your God delivers them into your hands and you take them away captive,

10 "If you go to battle against your enemies, and the LORD your God delivers them into your control, you may take some prisoners captive.

10 When thou goest forth to war against thine enemies, and the LORD thy God hath delivered them into thine hands, and thou hast taken them captive,

11 and you see among the captives a beautiful woman, and are strongly attracted to her and would take her as a wife for yourself,

11 and see among the captives a beautiful woman, and have a desire for her and would take her as a wife for yourself,

11 If you see among the prisoners a beautiful woman and you desire her, then you may take her as your wife.

11 And seest among the captives a beautiful woman, and hast a desire unto her, that thou wouldest have her to thy wife;

12 then you shall bring her into your home, and she shall shave her head and trim her nails.

12 then you shall bring her home to your house, and she shall shave her head and trim her nails.

12 Bring her to your house, but shave her head and trim her nails.

12 Then thou shalt bring her home to thine house; and she shall shave her head, and pare her nails;

13 She shall also remove the clothes of her captivity and shall remain in your house, and weep for her father and mother a full month; and after that you may have relations with her and become her husband and she shall be your wife.

13 She shall also remove the clothes of her captivity and shall remain in your house, and mourn her father and mother a full month; and after that you may go in to her and be her husband and she shall be your wife.

13 Remove her prisoner's clothing and let her remain for a month in your house, mourning her parents. After that, you may become her husband and she is to become your wife.

13 And she shall put the raiment of her captivity from off her, and shall remain in thine house, and bewail her father and her mother a full month: and after that thou shalt go in unto her, and be her husband, and she shall be thy wife.

14 But it shall be, if you are not pleased with her, then you shall let her go wherever she wishes; and you certainly shall not sell her for money, you shall not treat her as merchandise, since you have humiliated her.

14 It shall be, if you are not pleased with her, then you shall let her go wherever she wishes; but you shall certainly not sell her for money, you shall not mistreat her, because you have humbled her.

14 If you aren't pleased with her and you send her away, you must not sell her for money or mistreat her, since you will have dishonored her."

14 And it shall be, if thou have no delight in her, then thou shalt let her go whither she will; but thou shalt not sell her at all for money, thou shalt not make merchandise of her, because thou hast humbled her.

- A soldier's marriage to a foreign captive could not take place immediately

- The prospective wife was first prepared psychologically for her new life as an Israelite

— This was accomplished by her shaving her head, trimming her nails, having a change of clothes, and mourning for her parents for one month. The mourning may indicate either that her father and mother had been killed in battle or that she was now separated

from them by her new marriage. The other rituals mentioned may also have symbolized her mourning for cutting herself off from her former life.

- The full month allowed the captive woman a proper amount of time for mourning, and it also gave the prospective husband opportunity to reflect on his initial decision to take her as his wife. For with a shaved head she would be less attractive.

— The phrase “If you are not pleased with her” may refer not to some trivial problem in their relationship, but to the new wife’s refusal to accept her husband’s spiritual values. In this case the husband could dissolve the marriage by giving up all rights over her.

— By forbidding him to treat her as a slave, even though she was dishonored through the divorce, the woman still retained a measure of dignity.

- This law underscored the value of human life; it contrasted with the terrible treatment of war captives common throughout the ancient Near East.

(ii) Right of first born (21:15-17)

15 “If a man has two wives, the one loved and the other unloved, and *both* the loved and the unloved have borne him sons, and the firstborn son belongs to the unloved,

15 “If a man has two wives, the one loved and the other unloved, and *both* the loved and the unloved have borne him sons, if the firstborn son belongs to the unloved,

15 “If a man has two wives where one is loved but the other is unloved, and both of them bear him sons, but the firstborn is the son of the unloved wife,

15 If a man have two wives, one beloved, and another hated, and they have born him children, both the beloved and the hated; and if the firstborn son be hers that was hated:

- Some scholars argue that because God gave legislation in the Mosaic Law governing the conduct of polygamous Israelite men (Cf. here; Ex 21:10), He therefore approved of polygamy

— Yet God made His will concerning monogamy clear from the beginning (Gen 2:24); both Jesus (Matt 19:5; Mark 10:7-8) and Paul (1 Cor 6:16; Eph 5:31) reaffirmed polygamy

— The legislation cited in Deuteronomy is just one example of many laws that regulated the conduct of disobedient Israelites

16 then it shall be on the day that he wills what he owns as an inheritance to his sons, he is not allowed to treat the son of the loved *wife* as the firstborn, at the expense of the son of the unloved, *who actually is* the firstborn son.

16 then it shall be in the day he wills what he has to his sons, he cannot make the son of the loved the firstborn before the son of the unloved, who is the firstborn.

16 then when he bequeaths his possessions to his sons, he must not give preference to the firstborn of the beloved wife over the firstborn of the unloved wife.

16 Then it shall be, when he maketh his sons to inherit that which he hath, that he may not make the son of the beloved firstborn before the son of the hated, which is indeed the firstborn:

The Right of the Firstborn

Monogamy was always the divine ideal for marriage in the OT (Gen 2:20-24). Polygamy, though practiced by some, never appears in a positive light in the OT; the Bible never describes a truly happy polygamous marriage. One reason was that one of the wives would always be loved more than the other(s). The husband was forbidden in this case to follow his feelings and disregard the Law. His firstborn son must be given the double share of the father's inheritance even though he was the son of his father's unloved wife.

17 On the contrary, he shall acknowledge the firstborn, the son of the unloved *wife*, by giving him a double portion of everything that he owns, for he *was* the beginning of his strength; to him belongs the right of the firstborn.

17 But he shall acknowledge the firstborn, the son of the unloved, by giving him a double portion of all that he has, for he is the beginning of his strength; to him belongs the right of the firstborn.

17 Instead, he must acknowledge the firstborn of the unloved wife by giving him double of everything he owns, because he is really the first fruit of his father's strength. The right of the firstborn belongs to him."

17 But he shall acknowledge the son of the hated for the firstborn, by giving him a double portion of all that he hath: for he is the beginning of his strength; the right of the firstborn is his.

Can you imagine the shock when Jesus related the parable of the "Prodigal Son"! Aren't you glad that we are not under the law? When we come to God, and we confess our sins, "He is faithful and just to forgive us our sins, and to cleanse us from all unrighteousness" (1 John 1:9). Instead of judgment, there is mercy for us. How wonderful and how merciful God is to accept us and receive us when we come to Him!

(iii) Punishment of a rebellious child (21:18-21)

18 "If any person has a stubborn and rebellious son who does not obey his father or his mother, and when they discipline him, he does not listen to them,

18 "If any man has a stubborn and rebellious son who will not obey his father or his mother, and when they chastise him, he will not even listen to them,

18 "If a man has a stubborn son who does not obey his parents, and although they try to discipline him, he still refuses to pay attention to them,

18 If a man have a stubborn and rebellious son, which will not obey the voice of his father, or the voice of his mother, and that, when they have chastened him, will not hearken unto them:

19 then his father and mother shall seize him, and bring him out to the elders of his city at the gateway of his hometown.

19 then his father and mother shall seize him, and bring him out to the elders of his city at the gateway of his hometown.

19 then his parents are to seize him and bring him before the elders at the gate of his city.

19 Then shall his father and his mother lay hold on him, and bring him out unto the elders of his city, and unto the gate of his place;

A Rebellious Son

An extreme violation of the fifth commandment, "Honor your father and your mother" (5:16), was to be punished by death. In view here was not an occasional lapse into disobedience but a persistent rebellion against one's father and mother even after the parents had warned their son of the consequences of his rebellious actions. The son was ultimately rebelling against the Lord's authority and therefore attacking the foundations of the covenant community. The legislation here was not cruel nor did it give parents a right to abuse their children.

20 And they shall say to the elders of his city, 'This son of ours is stubborn and rebellious; he does not obey us, he is thoughtless and given to drinking.'

20 They shall say to the elders of his city, 'This son of ours is stubborn and rebellious, he will not obey us, he is a glutton and a drunkard.'

20 Then they are to declare to the elders of their city: 'Our son is stubborn and rebellious. He does not obey us. He lives wildly and is a drunkard.'

20 And they shall say unto the elders of his city, This our son is stubborn and rebellious, he will not obey our voice; he is a glutton, and a drunkard.

21 Then all the men of his city shall stone him to death; so you shall eliminate the evil from your midst, and all Israel will hear *about it* and fear.

21 Then all the men of his city shall stone him to death; so you shall remove the evil from your midst, and all Israel will hear *of it* and fear.

21 Then all the men of his city are to stone him with stones so that he dies. This is how you will remove this evil from among you. Then all Israel will hear of it and will be afraid."

21 And all the men of his city shall stone him with stones, that he die: so shalt thou put evil away from among you; and all Israel shall hear, and fear.

- The son was to be taken to the elders at the gate (i.e., the place where the Law was administered (Cf. 22:15; Josh 20:4; Job 29:7)
 - The elders were required to make an impartial judgment. The son was not judged for being a profligate and a drunkard, but for being rebellious.
 - His self-indulgent living and drunkenness were simply examples of his rebellion against parental authority.
 - All the men (rather than the parents) were required to stone the son if the charges were proved correct.
 - Again mention is made of the deterrent effects of capital punishment: All Israel will hear of it and be afraid (Cf. Deut 13:11; 17:13)
- [No record in the Bible or in extra-biblical literature has come to light which indicates that this punishment was ever carried out. The fear of death apparently deterred Jewish sons from being stubborn rebels]

(g) Burial of a hanged person (21:22-23)

22 "Now if a person has committed a sin *carrying* a sentence of death and he is put to death, and you hang him on a tree,

22 "If a man has committed a sin worthy of death and he is put to death, and you hang him on a tree,

22 "If a man is guilty of a capital offense, is executed, and then is impaled on a tree,

22 And if a man have committed a sin worthy of death, and he be to be put to death, and thou hang him on a tree:

23 his body is not to be left overnight on the tree, but you shall certainly bury him on the same day (for he who is hanged is cursed of God), so that you do not defile your land which the LORD your God is giving you as an inheritance.

23 his corpse shall not hang all night on the tree, but you shall surely bury him on the same day (for he who is hanged is accursed of God), so that you do not defile your land which the LORD your God gives you as an inheritance.

23 his body must not remain overnight on the tree. You must bury him that same day, because cursed of God is the one who has been hanged on a tree. Don't defile your land that the LORD is about to give you as your inheritance."

23 His body shall not remain all night upon the tree, but thou shalt in any wise bury him that day; (for he that is hanged is accursed of God;) that thy land be not defiled, which the LORD thy God giveth thee for an inheritance.

- Hanging a criminal on a tree was not for the purpose of putting him to death. The form of capital punishment which was used in Israel was stoning. So what this really means is that

a person who was put to death by stoning was then hung on a tree. It would be a warning to others. The body was to be taken down from the tree by nightfall and buried.

- A Macrocode? This text was used by the Apostle Paul (Gal 3:13) to support the doctrine of Christ's penal substitutionary death for sinners. Christ's being under God's curse enabled Him to redeem "us from the curse of the Law."