

Deuteronomy Chapter 21

Verses 1-9: This is the fifth subsection relating to the sixth commandment and depicts untraced homicide. In the event of undetected homicide in the open countryside, the elders of the nearest city had to make atonement according to this prescribed ritual, under the guidance of the priests. “Forgiven” (in verse 8), is the word used for “atonement” (*kipper*), which likely means “to cover”. It could be translated, “and the bloodshed will be covered for them”. Some think the city incurred guilt by not making nearby roads safe for travel.

This is a law about an unsolved murder. To break the “heifer’s neck” symbolized that the crime deserved capital punishment. The “elders” of the city near the victim were to “wash their hands over the heifer”, symbolizing their innocence in the matter.

“And it be not known who hath slain him”: This law, which dealt with an unsolved homicide, was not given elsewhere in the Pentateuch. In the event that the guilty party was unknown, justice could not adequately be served. However, the people were still held responsible to deal with the crime. The elders of the city closest to the place where the body of a dead man was found were to accept responsibility for the crime. This precluded inter-city strife, in case relatives sought revenge. They would go to a valley (idol altars were always on high places, so this avoided association with idolatry), and there break the neck of a heifer, indicating that the crime deserved to be punished. But the handwashing of the elders (verse 6), would show that, although they accepted responsibility for what had happened, they were nevertheless free from the guilt attached to the crime.

Verses 1-9: If a murderer could not be found out, great solemnity is provided for putting away the guilt from the land, as an expression of dread and detesting of that sin. The providence of God has often wonderfully brought to light these hidden works of darkness, and the sin of the guilty has often strangely found them out. The dread of murder should be deeply impressed upon every heart, and all should join in detecting and punishing those who are guilty. The elders were to profess that they had not been any way aiding or abetting the sin. The priests were to pray to God for the country and nation, that God would be merciful. We must empty that measure by our prayers, which others are filling by their sins. All would be taught by this solemnity, to use the utmost care and diligence to prevent, discover, and punish murder. We may all learn from hence to take heed of partaking in other men's sins. And we have fellowship with the unfruitful works of darkness, if we do not reprove them.

Deuteronomy 21:1 "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:"

After public war with an enemy, Moses proceeds to speak of a private quarrel and fight of one man with another, in which one is slain, as Aben Ezra observes.

"In the land which the Lord thy God giveth thee to possess it": Where murders might be committed more secretly. And remain undiscovered, when they came to live in separate cities, towns, and villages, with fields adjacent to them, then now encamped together.

"Lying in the field": Where the quarrel begun, and where the fight was fought. Or, however, where the murderer met with his enemy, and slew him, and left him. It being common for duels to be fought, and murders committed in a field. The first murder in the world was committed in such a place (Gen. 4:8). The Targum of Jonathan is, "not hidden under a heap, not hanging on a tree, nor swimming on the face of the waters;" which same things are observed in the Misnah, and gathered from some words in the text. In the land, and so not under a heap. Lying, and so not hanging: in the field, and so not swimming on the water.

"And it be not known who hath slain him": The parties being alone, and no witnesses of the fact, at least that appear. For, if it was known, the heifer was not beheaded, later mentioned. And one witness in this case was sufficient, and even one that was not otherwise admitted.

These next few verses show us the sacredness of human life to God. It appears, this person has been murdered.

Deuteronomy 21:2 "Then thy elders and thy judges shall come forth, and they shall measure unto the cities which [are] round about him that is slain:"

From the city or cities near to which the murder was committed. To make inquiry about it, and atonement for it. So Aben Ezra interprets it of the elders of the cities nearby. But others understand it of the elders of the great Sanhedrin at Jerusalem. So the Targum of Jonathan, "then shall go out from the great Sanhedrin two of thy wise men, and three of thy judges." And more expressly the Misnah, "three go out from the great Sanhedrin in Jerusalem." R. Judah says five, "it is said "thy elders" two, and "thy judges" two." And there is no Sanhedrin or court of judicature equal (or even). Therefore, they add to them one more.

"And they shall measure unto the cities which are round about him that is slain": That is, from the place where the slain lies, as Jarchi rightly interprets it. On all sides of it, from the four corners, as the Targum of Jonathan, the cities round about the slain. Maimonides says, they do not behead the heifer for, nor measure, but to a city in which there is a Sanhedrin. If it is found between two cities (that is, at an equal distance), both bring two heifers (Maimonides says they bring one between them, which is most reasonable). But the city of Jerusalem does not bring a heifer to be beheaded. The reason is, because it was not divided to the tribes. This measuring, one would think, should be only necessary when it was not certain which was the nearest city. And yet Maimonides says, even when it was found on the side of a city, which was certainly known to be nearest, they measured. The command, he observes, is to measure.

This measuring of the distances to the cities, is to find out who is responsible to take care of this. Someone has a responsibility for it. The elders and judges are seeing which city is the closest to the dead body.

Deuteronomy 21:3 "And it shall be, [that] the city [which is] next unto the slain man, even the elders of that city shall take a heifer, which hath not been wrought with, [and] which hath not drawn in the yoke;"

And so suspected, as the Targum of Jonathan, of the murder; or the murderer is in it, or however belonged to it.

"Even the elders of the city shall take a heifer": Of a year old, as the same Targum, and so Jarchi. And in this the Jewish writers agree, that it must be a year old, but not two. Though heifers of three years old were sometimes used in sacrifice (Gen. 15:9). A type of Christ, in his strength, laboriousness, and patience (see Num. 19:2).

"Which hath not been wrought with": In ploughing land, or treading out corn.

"And which hath not drawn in the yoke, which never had any yoke put upon it": Or however, if attempted to be put upon it, it would not come under it, and draw with it.

This would be a young heifer, which has not been with a bull. The heifer would be young enough that they had never worked her with a yoke either. The heifer must come from the nearest city. The elders will bring the heifer to the sight of the dead body.

Deuteronomy 21:4 "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:"

"A rough valley": Literally, a stream of perpetuity, a perennial stream (compare Psalm 74:15). Authorized Version, "mighty rivers;" (Amos 5:24). But here rather the valley or wadi through which a stream flowed, as is evident from its being described as neither eared, that is ploughed (literally, wrought, tilled), nor sown. A place which had not been profaned by the hand of man, but was in a state of nature. "This regulation as to the locality in which the act of atonement was to be performed was probably founded on the idea that the water of the brook-valley would suck in the blood and clean it away. And that the blood sucked in by the earth would not be brought to light again by the ploughing and working of the soil".

"And shall strike off the heifer's neck there in the valley": With an axe, on the back part of it, in the midst of the valley, as the Targum of Jonathan. And the same is said in the Misnah. In this it was a type of Christ, who was put to death at the instigation of the elders of the Jewish nation (Matt. 27:1). And without the gates of Jerusalem at Golgotha (see Heb. 13:11).

This has to be a field that is not in cultivation. The elders will cut off the head of the heifer there.

Deuteronomy 21:5 "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]:"

This distinctly indicates that judicial authority in the theocracy of Israel rested with the priests.

Taking a life is not just criminal, but is a spiritual sin. The priests are to settle this matter. The whole town would be counted guilty of this sin, if it is not settled.

Deuteronomy 21:6 "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:"

The whole court of judicature belonging to it, all the magistracy of it. Even though there were a hundred of them, Maimonides says.

"Shall wash their hands over the heifer that is beheaded in the valley": In token of their innocence, and this they did not only for themselves, but for the whole city, being the representatives of it (see Psalm 26:6). Some think that this is a confirmation of the sense embraced by some, that it was a strong stream to which the heifer was brought. And there might be a stream of water here, and a valley also. Though it would be no great difficulty to get from the city, which was near, a sufficient quantity of water to wash the hands of the elders with. This may denote the purification of sin by the blood of Christ, when it is confessed over him. And shows that priests and elders, ministers of the word, as well as others, stand in need of it. And that even those concerned in the death of Christ shared in the benefits of it.

This is like Pilate washing his hands of Jesus' crucifixion. When they wash their hands over the heifer, they are proclaiming their innocence of the shedding of this man's blood.

Deuteronomy 21:7 "And they shall answer and say, Our hands have not shed this blood, neither have our eyes seen [it]."

The elders of the city, at the time of the washing of their hands.

"Our hands have not shed this blood": Have been no ways concerned in it, nor accessory to it. The Targum of Jonathan is, "it is manifest before the Lord that he did not come into our hands, nor did we dismiss him, that has shed this blood;" which is more fully explained in the Misnah. For had they been aware of him, or had any suspicion of him or his design, they would have detained him, or at least would not have suffered him to have departed alone.

"Neither have our eyes seen it": It, or him; so the Targum of Jerusalem, "our eyes have not seen him that hath shed this blood;" by which expression is meant. That they had no manner of knowledge of the murderer, nor of any circumstance that could lead them to suspect or conclude who he was.

They are saying, they have no knowledge of this murder.

Deuteronomy 21:8 "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."

Out of Egyptian bondage, and claimed as his own. And therefore it is requested he would be favorable to them, and show them mercy, and not punish them for a sin they were entirely ignorant of. Though done by someone among them, whom as yet they could not discover. The words seem to be the words of the elders continued, who having made a declaration of their innocence. Humbly request mercy of God, not only for themselves, but for all the people of

Israel. Yet, both the Targums of Onkelos and Jonathan take them to be the words of the priests, and so does Jarchi. And the same is affirmed in the Misnah.

"And lay not innocent blood unto thy people of Israel's charge": Impute not the guilt of innocent blood to a people in general, when only a single person, and he unknown, is chargeable with it. Or put it not "in the midst" of thy people. Let it not be placed to the whole, because it cannot be found out whose it is. Though it is certain it is one in the midst of them.

"And the blood shall be forgiven them": That is, God will not impute it, and place it to their account, or lay it to their charge. But will graciously consider the beheading of the heifer as a payment of it. It is said in the Misnah, "if the murderer is found before the heifer is beheaded, it goes forth and feeds among the herd. But if after it is beheaded, it is buried in the same place. And again, if the heifer is beheaded, and after that the murderer is found, he shall be slain." So the Targums, and Jarchi on the next verse.

This is a plea for God to forgive them of all blame of this innocent blood. The blood of the heifer causes God to believe them, and forgive them.

Deuteronomy 21:9 "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."

Which otherwise, the person not being found out and brought to just punishment for it, would devolve upon the whole. Aben Ezra interprets it the punishment of innocent blood, which, by the above method being taken, would not be inflicted on them.

"When thou shalt do that which is right in the sight of the Lord": As it was to observe this law concerning the beheading of the heifer, with all the rites and ceremonies belonging to it here enjoined. As well as every other command, statute, and ordinance of the Lord, which are all right to be done (Psalm 19:8).

After they have killed the heifer and washed their hands over her, their conscience is clear. They are forgiven of God.

Verses 10-14: The sixth subsection relates to a wife captured in war. The first words, "When thou goes forth to war", relate to the "Holy War" like (20:1). This could not be a Canaanite woman (7:3). "Thou shalt let her go whiter she will": The verb form is the same as in Exodus for "let my people go" or "Send them away", and may have the technical sense of "divorce" (see 22:19, 29). Her rights were that she could go anywhere she wanted to. The man could not sell her as a slave for money or treat her as merchandise. That is, she could not be given in exchange for some other person or goods.

To become a part of Yahweh's covenant community, a woman had to make a complete break with her former culture, symbolized by shaving her head, trimming her nails, changing her clothes and mourning for her parents (Psalm 45:10).

By this law a soldier was allowed to marry his captive, if he pleased. This might take place upon some occasions; but the law does not show any approval of it. It also intimates how binding the laws of justice and honor are in marriage; which is a sacred engagement.

Deuteronomy 21:10 "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,"

This refers to an arbitrary war, as Jarchi remarks. Which they entered into of themselves, of choice, or through being provoked to it by their enemies. And not a war commanded by the Lord, as that against the seven nations of Canaan, and against Amalek. Since there were to be no captives in that war, but all were to be destroyed.

"And the Lord thy God hath delivered them into thine hands": Given them the victory over their enemies, so that they were obliged to surrender themselves to them as prisoners of war.

"And thou hast taken them captive": Or "led his or their captivity captive"; led them captive who used to lead others, denoting their conquest of victorious nations (see a like phrase in Psalm 68:18).

This is spoken as if it had already happened. It will happen, because it is the will of God for it to happen. The message they are about to hear is for the time, after they have won the war.

Verses 11-14: "A beautiful woman": According to ancient war customs, a female captive became the servant of the victors. Moses was given instruction to deal in a kind way with such issues. In the event her conquerors were captivated by her beauty and contemplated marriage with her, one month was required to elapse, during which her troubled feelings might settle, her mind would be reconciled to the new conditions of conquest, and she could sorrow over the loss of her parents as she left home to marry a stranger. One month was the usual mourning period for Jews, and the features of this period, e.g., shaving the head, trimming the nails, and removing her lovely clothes (ladies on the eve of captivity dressed to be attractive to their captors), and were typical signs of Jewish grief. This action was important to show kindness to the woman and to test the strength of the man's affection. After the 30 days, they could marry. If afterwards he decided divorce was appropriate (based on the provisions of 24:1-4), he could not sell her as a slave. She was to be set completely free because "you have humbled her". This phrase clearly refers to sexual activity, in which the wife has fully submitted herself to her husband (compare 22:23-24, 28-29). It should be noted that divorce appears to have been common among the people, perhaps learned from their time in Egypt, and tolerated by Moses because of their "hard hearts" (see notes on Deut. 24:1-4; Matt. 19:8).

Such a woman would be from a non-Canaanite city that Israel had captured (see 20:14), since all the Canaanites were to be killed (20:16). These discarded items were symbolic of the casting off of her former life and carried purification symbolism (compare Lev. 14:18; Num. 8:7).

Deuteronomy 21:11 "And seest among the captives a beautiful woman, and hast a desire unto her, that thou wouldest have her to thy wife;"

Whether a virgin, wife, or widow, according to the Jewish writers, even though another man's wife. So Jarchi, and Maimonides; the marriages of Gentiles being reckoned by the Jews as no marriages.

"And hast a desire unto her": Being captivated with her beauty. Some understand this of the strength and rage of lust, but it rather signifies a passionate desire of enjoying her in a lawful way, as follows.

"That thou wouldest have her to thy wife": To be married to her in a legal manner. For though it was not allowed the Israelites to marry any of the seven nations of Canaan, nor indeed with any of other nations continuing in their idolatry. Yet they might marry such as became their captives and servants, and were wholly in their own power. And especially if proselytes to their religion, and which this fair captive was to become before marriage. As is by some gathered from the following things to be done by her. Though after all, this was only a permission, because of the hardness of their hearts, as is said of divorce. And that such marriages were not very grateful to God appears, as some have observed, from the ceremonies used before marriage, to render her contemptible. And the easy dismissal of her afterwards, according to the sense of some interpreters.

It is likely that this very thing would happen with all of the young men in the war. This speaks of him falling in love with the woman, and wants her to be his wife. It is not speaking of rape.

Deuteronomy 21:12 "Then thou shalt bring her home to thine house; and she shall shave her head, and pare her nails;"

In order to make her his wife, after some things were done here directed to. For this is not to be understood of his taking her home with a view to defile her, as Maimonides interprets it. Who observes, that when a man's lust so rages that he cannot subdue it, yet he ought not publicly to satisfy his lust, but to have the woman into a private and secret place, as it is said.

"Thou shalt bring her into the midst of thine house": The shaving the head (a customary sign of purification (Lev. 14:8; Num. 8:7). And the putting away "the garment of her captivity," were designed to signify the translation of the woman from the state of a pagan and a slave to that of a wife among the covenant-people. Consistency required that she should "pare" (dress, compare 2 Sam. 19:24), her nails. And thus, so far as possible, lay aside everything belonging to her condition as an alien.

This is a sign of extreme mourning. It would also make her not quite as desirable to the man, until her time of mourning is up.

Deuteronomy 21:13 "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."

"The raiment of her captivity": I.e. the raiment she had on when taken captive. This she was to lay aside, that she might put on garments of mourning. A full month; literally, a month of days. The period of mourning was forty days (compare Gen. 50:3).

"Bewail her father and her mother a full month": This is prescribed from motives of humanity, that the woman might have time and leisure to detach her affections from their natural ties, and prepare her mind for new ones.

"And after that thou shalt go in unto her": And not before.

"And be her husband, and she shall be thy wife": He continuing to love her, and she having become a proselytess.

She shall be permitted a month to mourn her lost loved ones. This month will also, give her a time to get accustomed to her captor. At the end of the month of mourning, he can take her to wife. She will be treated as a wife and not a slave.

Deuteronomy 21:14 "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."

"If thou have no delight in her": The sense may either be, first, if after he had afflicted her, by making her shave her head, change her garments, etc. And keeping her a full month in hope of marriage, he should change his mind and refuse to marry her: Or second, if after he had married her, and she had been his wife some time, he should conceive a dislike to her, and resolve to part with her. In either of these cases it was not to be in his power to use her as a prisoner of war. By either selling her for money, or making her a slave. But he was to give her, her liberty and let her dispose of herself as she pleased.

If after a short time he finds that he does not really love this woman, he shall let her go wherever she wants to go. She was his wife. He must treat her with respect. She was not a slave to be bought or sold, but his wife.

Verses 15-17: This section gives the law of the loved and hated wives and their sons. It is the seventh subsection relating to the sixth commandment. The terms employed are relative, comparing one wife to the other (Gen. 29:30-31; 1 Sam. 1:5). If, in such circumstances, the firstborn son of the less loved woman, he was not to be at any disadvantage. The firstborn received a double share of the father's estate in Israel (Gen. 48:22; 1 Chron. 5:1), as is attested in the Middle Assyrian Laws and the Laws of Hammurabi. Elsewhere the percentage varied.

In the case of a man with "two wives", the standard policy for the rights of the true "firstborn" son was to be maintained, irrespective of the level of affection the husband had for one wife over the other (Num. 18:15).

“Have two wives”: In the original, the words are rendered “has had two wives”, referring to events that have already taken place, evidently intimating that one wife is dead and another has taken her place. Moses, then, is not legislating on a polygamous case where a man has two wives at the same time, but on that of a man who has married twice in succession. The man may prefer the second wife and be exhorted by her to give his inheritance to one of her sons. The issue involves the principle of the inheritance of the firstborn (the right of primogeniture). The firstborn son of the man, whether from the favorite wife or not, was to receive the double portion of the inheritance. The father did not have the authority to transfer this right to another son. This did not apply to sons of a concubine (Gen. 21:9-13), or in cases of misconduct (Gen. 49:3-4).

This law restrains men from disinheriting their eldest sons without just cause. The principle in this case as to children, is still binding to parents. They must give children their right without partiality.

Deuteronomy 21:15 "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:"

Which is supposed, but not approved of, though permitted because of the hardness of men's hearts. For it was not so from the beginning, when only one man and one woman were created, and joined together in marriage. But as it was connived at, and become customary, a law is made to prevent confusion, and preserve order in families.

"One beloved and another hated": Or less loved, yet continued his wife, and not divorced. Aben Ezra observes, this follows upon the former, because it is there said, that though first he had a desire to her (the captive beautiful woman), yet afterwards had no delight in her.

"And they have borne him children both, the beloved and the hated": As Rachel and Leah did with Jacob, who were, the one very much beloved by him, and the other less.

"And if the firstborn son be hers that was hated": Or not so much beloved as the other, as was the case in the above instance.

Jacob found himself in this position with Leah and Rachel. He loved Rachel, his second wife. He did not hate Leah, but he did not choose her as his wife. Both Rachel and Leah, bore Jacob sons.

Deuteronomy 21:16 "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:"

By a will in writing, or by word of mouth. Or by a deed of gift, actually bestowing his goods upon them, and dividing among them what he is for the present possessed of (see Luke 15:12).

"That he may not make the son of the beloved firstborn before the son of the hated, which is indeed the firstborn": That is, when such is the case, that the son of his wife he has the least value for is really his firstborn. He may not, through favor and affection to the wife he loves

better, prefer her son, and declare him to be the firstborn. By devising to him or bestowing on him the double portion of his goods. For so to do would not be right, or agreeably to the will and law of God. For though previous to this law the birthright was given to Joseph, the eldest son of Rachel, the most beloved wife of Jacob. Before Reuben who was the son of Leah, less beloved by him, and was in fact his firstborn. Yet this was owing to the sin of Reuben, and by the appointment of God (see Gen. 49:3).

This is saying that even though he hates the woman who bore him a son first, he cannot take the firstborn heritage away from the son, and give it to the son of the woman he loves.

Deuteronomy 21:17 "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."

Own him and declare him to be so, both by his will and the division of goods by him. Or he shall "separate" him, as Onkelos. Distinguish him from all his other sons, and make known to all, as the Targum of Jonathan, that he is his firstborn.

"By giving him a double portion of all that he hath": Literally, a mouth of two; i.e. a portion, so "mouth" is used (in 2 Kings 2:9; Zech. 13:8), equal to that of two. Consequently, the firstborn inherited twice as much as any of the other sons. Amongst all nations and from the earliest times, the right of the eldest son to pre-eminence among his brethren has been recognized. And in legislating for Israel, Moses so far simply sanctioned a usage he found already existing. The assignment, however, of a double share in the inheritance to the eldest son is a new and special provision, mentioned only here.

"For he is the beginning of his strength": I.e. the first evidence of his manly strength and ability for procreation.

He cannot choose who his firstborn is. God does that. He must give to his son, who was born first, the double portion which is the heritage of the firstborn son. The firstborn inherited twice as much as any of the other sons. This provision for the firstborn to receive a double portion is not mentioned elsewhere.

Verses 18-21: The eighth subsection relates to the law of the rebellious son. An example of rebellion was cited in (13:6-11). The parents could discipline, but the complaint had to be decided by impartial judges (elders). Both parents were to be involved and be in agreement on such a drastic move. It was a community offense. If guilty, the death penalty was to be inflicted by stoning. (Mark 7:10), may refer to this law. Anarchy in the home breeds anarchy in society.

"A stubborn and rebellious son": Compare (27:16). The long-term pattern of rebellion and sin of a child who was incorrigibly disobedient is in view. No hope remained for such a person who flagrantly violated the fifth commandment (Exodus 20:12), so he was to be stoned to death.

Observe how the criminal is here described. He is a stubborn and rebellious son. No child was to fare the worse for weakness of capacity, slowness, or dullness, but for willfulness and obstinacy. Nothing draws men into all manner of wickedness, and hardens them in it more certainly and fatally, than drunkenness. When men take to drinking, they forget the law of honoring parents. His own father and mother must complain of him to the elders of the city. Children who forget their duty, must thank themselves, and not blame their parents, if they are regarded with less and less affection. He must be publicly stoned to death by the men of his city. Disobedience to a parent's authority must be very evil, when such a punishment was ordered. Nor is it less provoking to God now, though it escapes punishment in this world. But when young people early become slaves to sensual appetites, the heart soon grows hard, and the conscience callous. And we can expect nothing but rebellion and destruction.

Deuteronomy 21:18 "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:"

It is observed that this law quickly follows, and is subjoined to that which relates to the marriage of a woman taken captive. Because often from such marriages wicked and refractory children have sprung, and which they exemplify in the case of Absalom. Whose mother they say David took in war and married. The character of such a son follows, and by which it may be known that he is stubborn and rebellious. Stubborn in his nature, and rebellious in his actions. Behaves contrary to the laws of God, and the instructions of his parents. What he should do, that he does not; and what he should not do, that he does. Will not do what is commanded him, and will do what is forbidden him, notwithstanding all counsels, admonitions, and corrections given him.

"Which will not obey the voice of his father, or the voice of his mother": Is disobedient to the commands of either of them (see Prov. 30:17). And, when they have chastened him, will not hearken to them. When they have reprov'd him by words, and corrected him with blows. The Jews understand this of scourging or beating by the order of the Sanhedrin, after admonition given. It is said, "they admonish him before three (a court of judicature consisting of three judges), and they beat him. But it seems rather to respect private corrections of their own by words and stripes, which having no effect, they were to proceed as follows."

Rebellion was thought of as witchcraft.

1 Samuel 15:23 "For rebellion [is as] the sin of witchcraft, and stubbornness [is as] iniquity and idolatry. Because thou hast rejected the word of the LORD, he hath also rejected thee from [being] king."

To have a rebellious son, was a disgrace with the Hebrews. One of the Ten Commandments was to obey father and mother. It seemed the parents had chastened him, to no improvement.

Deuteronomy 21:19 "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;"

With their own hands, or cause him to be apprehended by others, in which they were to agree, and which the Jews gather from hence. "If (say they), the father is willing (to bring him to justice), and the mother not willing, or if his father is not willing and the mother is willing, he is not reckoned a stubborn or rebellious son, until they both agree."

"And bring him out unto the elders of his city": According to the Misnah, the Sanhedrin, or court of judicature, consisting of twenty three. For they say, that after he has been admonished and scourged by order of the bench of three. If he returns to his corrupt and wicked ways again, he is judged by the court of twenty three.

"And unto the gate of his place": Or city, where the court sat; so the Targums of Onkelos and Jonathan, to the gate of the Sanhedrin of his place.

This is a place of judgement. It seems, his parents forcefully brought him to be judged.

Deuteronomy 21:20 "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."

In open court, what follows, at the same time, according to the Targum of Jonathan. Acknowledging their own sins, for which such a calamity had befallen them, saying, "we have transgressed the decree of the word of the Lord, because is born unto us a son that is stubborn, etc." (see John 9:2).

"This our son is stubborn and rebellious, he will not obey our voice": Adds incorrigibility to all his wickedness.

"He is a glutton, and a drunkard": Under which two offences others of a like or worse nature are comprehended by a synecdoche.

Now we see more sins added to the fact that he is rebellious. He is a glutton and a drunkard. Glutton in the verse above, is not just speaking of over-eating, but of him being a prodigal son. He would have to be a very large problem, for his own family to bring him to be judged.

Deuteronomy 21:21 "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 populace; that is after his trial is finished and he is condemned to die. And he was not stoned until the three first judges were there (by whom he was admonished, and ordered to be beaten). As it is said, "this is our son". This is he that was beaten before you; and according to the Targum of Jonathan, "if he feared (God, and showed any token of repentance). And received instruction, and they (his parents), desired to preserve him alive, they preserved him. But if he refused and was rebellious, then they stoned him." But the Jews say this law, and that of retaliation, were never put into execution.

"So shalt thou put away evil from among you": Put a stop to, and prevent such an evil for the future, and remove the guilt of it. Or, as the Targum of Jonathan, him that doeth that evil.

"And all Israel shall hear, and fear": It being to be publicly notified throughout the land, that such a one suffered death for such a crime. Which would be a means of deterring others from the same. So Jarchi remarks, "here (says he), a proclamation was necessary to be made by the Sanhedrin, as that such a one was stoned because he was stubborn and rebellious". For the mystical sense of this (see Eph. 2:2).

The punishment is severe. He is stoned to death by the men of the city. We see no instances of where a loving Hebrew parent has done this. Perhaps, it was given for a warning to the rebellious. The story of the prodigal son in the Bible, is a story of forgiveness of the rebellious son.

Verses 22-23: "Hang him on a tree": After an execution, the body was permitted to hang on a tree for the rest of the day as a public display of the consequences of disobedience. However, the body was not to remain on the tree overnight, but was to be properly buried before sunset (compare Gal. 3:13), where Paul quotes this text in regard to the death of the Lord Jesus Christ.

This is the law of public display of executed criminals. Stoning was the approved means of execution, whereas hanging was imposed as an additional disgrace after death (compare John 19:31; Gal. 3:13). There are several examples in the Old Testament (Joshua 8:29; 10:26-27; 2 Sam 4:12; 21:8-9). The practice was known among the Philistines (1 Sam. 31:10), and was very common among the Assyrians. This law limits the period of exposure. The Hebrew syntax is strongly emphatic: "You shall certainly bury him that day". The reason was that the corpse of an executed man was an object accursed of God and would defile the land (Lev. 18:24-27; Num. 35:33-34).

A capital offense was punishable by being hanged "on a tree", but that was after the offender had already been executed. The tree was not the instrument of execution, by hanging from one was as gesture of shame before the community, to show that the condemned had fallen under God's curse (judgment for sin). Paul refers to this in (Gal. 3:13).

By the law of Moses, the touch of a dead body was defiling, therefore dead bodies must not be left hanging, as that would defile the land. There is one reason here which has reference to Christ; He that is hanged is accused of God. That is, it is the highest degree of disgrace and reproach. Those who see a man thus hanging between heaven and earth, will conclude him abandoned of both, and unworthy of either. Moses, by the Spirit, uses this phrase of being accused of God, when he means no more than being treated most disgracefully, that it might afterward be applied to the death of Christ, and might show that in it he underwent the curse of the law for us. Which proves his love, and encourages to faith in him.

Deuteronomy 21:22 "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:"

This before mentioned, or any other that deserves death. Any kind of death, as strangling, killing with the sword, burning and stoning, to which the Jews restrain it here.

"And he be to be put to death, and thou hang him, on a tree": Is condemned to stoning, and after that they hang him, as the Targum of Jonathan. And according to the Jewish Rabbins, as Jarchi observes, all that were stoned were to be hanged, and only men, not women.

"How they hang one?" They fix a beam in the earth, and a piece of wood goes out of it (near the top of it, as one of the commentator remarks). And join his two hands together and hang him; "that is, by his hand, not by his neck, as with us, but rather in the crucifixion. Only in that the hands are spread, and one hand is fastened to one part of the cross beam, and the other to the other end.

Hanging was one form of putting someone to death. At a much later time, crucifying was spoken of as hanging on a tree.

Deuteronomy 21:23 "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."

An unburied corpse was a reproach to God and caused the land to be defiled. In the arid regions in Old Testament times, a person was buried the very day they died. Even the worst of criminals was afforded a burial with some dignity.

Man is made in the image of God. Then it would be a terrible thing to hang man on a tree. This cursed thing must be buried in the ground before dark.

Galatians 3:13 "Christ hath redeemed us from the curse of the law, being made a curse for us: for it is written, Cursed [is] every one that hangeth on a tree:"

Deuteronomy Chapter 21 Questions

1. What have they found in verse 1?
2. It appears this person has been _____.
3. What shall the judges and the elders do?
4. Who is responsible for this?
5. The heifer they brought had not been with a _____.
6. What was another sign this was a young heifer?
7. This is a field that is not in _____.
8. What do they do with the heifer?

9. Who comes near to bless?
10. Taking a life is not just criminal but a _____ sin.
11. What shall the elders of the city do to show their innocence?
12. Be merciful, O LORD, unto thy people _____.
13. What is verse 8 speaking of?
14. What does the sacrificing of the heifer, and the washing of their hands, do for them?
15. The beautiful woman among the captives, he desired to be his _____.
16. What was he to do to her, when he first got her to his house?
17. How long was she allowed to mourn for her relatives?
18. When shall he take her to his wife?
19. What should he do with her, if he does not love her?
20. Why should he not sell her?
21. What happens to the firstborn son, if he does not love his mother?
22. Who chooses who is the firstborn?
23. Rebellion is thought of as _____.
24. What should his mother and father do with the rebellious son?
25. Was there ever an instance of this?
26. The story of the prodigal son is a story of what?
27. What was another type of death that was classified as hanging?
28. Why should the person who is hung not remain on the tree overnight?