

March 3: 21:1-23

Sections:

- I. Laws concerning unsolved murder (Deut 21:1-9)
- II. Laws concerning wives (Deut 21:1-14)
- III. Laws concerning children (Deut 21:15-21)
 - a. Verses 15-17: children of loved and unloved wife
 - b. Verses 18-21: stubborn and rebellious children
- IV. Disposition of criminal remains (Deut. 21:22-23)
 - I. Laws concerning unsolved murder (Deut 21:1-9)

"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, ² then your elders and your judges shall go out and measure the distance to the cities which are around the slain one. 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; 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. 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. 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; ⁷ and they shall answer and say, 'Our hands did not shed this blood, nor did our eyes see it. 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 blood guiltiness shall be forgiven them. 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.

- A. We are still in a section dealing with the sixth commandment: "Thou Shalt not murder." This changes in verse 14.
- B. These laws are given to keep the promised land from desecration.
- C. This is case law.
- D. "if" means that this is dealing with possible situations that will arise.
- E. This is the open country, so this would be wilderness.
- F. The open country is in the promised land.
- G. It is not known how this person died.
- H. Verse 2: the elders and the judges handle this.
 - a. This goes back to the different offices of leadership,
 - b. the judges are one of the 4 offices we talked about: prophet, priest, king, judge.
- I. This anticipates a situation where the body is found, apparently some elders and judges are notified, but they still do not know what city has jurisdiction.
 - a. We do the same thing today.
 - b. When I served a church in Cincinnati, the suburb my church was located in (called Wyoming) would have firefighters show up on the line between that suburb, Wyoming, and Cincinnati. Both the Wyoming and Cincinnati firefighters had to determine who was in charge.
 - c. We deal with jurisdiction all the time. We also have state vs federal issues
 - d. Subsidiarity:
(in the Roman Catholic Church) a principle of social doctrine that all social bodies exist for the sake of the individual so that what individuals are able to

do, society should not take over, and what small societies can do, larger societies should not take over.

(in political systems) the principle of devolving decisions to the lowest practical level

- J. Verse 3: so the city nearest the slain man must make a sacrifice to atone for the death.
- K. The heifer must have not been worked
- L. The heifer must have not pulled a yoke
- M. Verse 4: the sacrifice must be in a valley with running water
- N. The NET Bible: For this ritual, however, a perennial stream must be chosen so that there would be fresh, rushing water.¹
- O. The valley must not have been sown or plowed
- P. Break the heifer's neck, in the valley
- Q. The heifer is not burned as in the usual sacrifices. The death is a sacrifice to atone for sins of an unknown person.

The Moody Bible Commentary:

Apparently the valley did not have to be adjacent to the crime scene because running water was necessary for the following ritual. In the valley the elders were to break the neck of the heifer (perhaps with an ax). This was not a sacrificial act because the blood was not to be poured out on the ground or manipulated in any way. Breaking the neck of the heifer symbolized that a capital crime had occurred and the guilty one, even though unknown at that time, was worthy of death. The priests, the Lord's representatives in this matter, were to be summoned to the valley where they would wash their hands (with the running water nearby as a symbol of purity; v. 4) over the dead heifer and publicly announce, Our hands did not shed this blood, nor did our eyes see it. 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 (vv. 7-9). This ritual signifies the need for Israel to deal with all bloodguilt matters, even in cases where the perpetrator was not known. The land was to remain undefiled, and this ritual was the prescribed means of removing bloodguilt in unsolved murder cases.²

- R. Verse 5: now the priests are involved, the priests are the sons of Levi.
- S. Notice how verse 5 says, "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."
- T. Remember, 4 offices of leadership and Moses is reminding the people about the priests job.
- U. Verse 6: elders of the city nearest are to wash their hand
- V. This is to be over the neck of the slain heifer
- W. Verse 7: the elders say our hand did not... the priests are there too.
- X. Verse 8: a plea for forgiveness
- Y. Notice the focus on redemption. The Lord redeemed.
- Z. They will be forgiven.
- AA. Verse 9: the guilt is removed when they do what is right
- BB. What is right must be in the eyes of the Lord.
- II. Laws concerning wives (Deut 21:10-14)

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, ¹¹ and see among the captives a beautiful woman, and have a desire for her and would take her as a wife for yourself, ¹² then you shall bring her home to your

¹ Biblical Studies Press, [The NET Bible First Edition Notes](#) (Biblical Studies Press, 2006), Dt 21:4.

² The Moody Bible Commentary (Kindle Locations 11369-11373). Moody Publishers. Kindle Edition.

house, and she shall shave her head and trim her nails. 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. 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.

- a. This is more case law.
- b. This is battle with distant enemies which we talked about in chapter 20:1-15
- c. This is talking about conquering a city and you take captives.
- d. The ESV Study Bible: *This law must apply for conquests of cities far away (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” (5:18; see note on 21:15–23:14).*
- e. So, now begins a discussion on “You shall not commit adultery.”
- f. Verse 11: self-explanatory: they are servants but a man wants one of the women as a wife.

Moody Bible Commentary:

*Caution was in order here because intermarriage was expressly forbidden with women from the Canaanite nations (7:3) and should not have been even possible if all the inhabitants, including the women, were put to death as the Lord had instructed. **The background for this situation (although not explicitly stated) is that some of the captive women might wish to associate themselves with the God of Israel (like Rahab), and now the possibility of an Israelite marrying one of these women was an option. Several stipulations, however, were in order.***³

- g. Verse 12: shave her head, trim her nails...
- h. This is a separation from her pagan background. The ESV Study Bible: *These actions indicate a departure from her former life, no doubt including its religious practices.*
- i. Verse 13: give her time for mourning for a month. Stipulated, a full month.
- j. Verse 14: if the man is not pleased with her, she may go. Rules for treating her well.
 - i. Let her go where she wants.

The NET Bible:

Heb “send her off.” The Hebrew term **שִׁלַּחְתָּהּ** (*shillakhtah*) is a somewhat euphemistic way of referring to divorce, the matter clearly in view here (cf. Deut 22:19, 29; 24:1, 3; Jer 3:1; Mal 2:16). This passage does not have the matter of divorce as its principal objective, so it should not be understood as endorsing divorce generally. It merely makes the point that if grounds for divorce exist (see Deut 24:1–4), and then divorce ensues, the husband could in no way gain profit from it.⁴

- ii. Do not sell her for money.
- iii. Do not mistreat her.
- iv. The man has humbled her.

The NET Bible:

You have humiliated her. Since divorce was considered rejection, the wife subjected to it would “lose face” in addition to the already humiliating event of having become a wife by force (21:11–13). Furthermore, the Hebrew verb translated “humiliated” here (**אָנָה**, *'anah*), commonly used to speak of rape (cf. Gen 34:2; 2 Sam 13:12, 14, 22, 32; Judg 19:24), likely has sexual overtones as

³ The Moody Bible Commentary (Kindle Locations 11376-11379). Moody Publishers. Kindle Edition.

⁴ Biblical Studies Press, [The NET Bible First Edition Notes](#) (Biblical Studies Press, 2006), Dt 21:14.

well. The woman may not be enslaved or abused after the divorce because it would be double humiliation (see also E. H. Merrill, *Deuteronomy* [NAC], 291).⁵

IVP BBC:

treatment of captive women. Part of warfare is the disposition of prisoners. Some female captives could expect to serve as slaves (2 Kings 5:2–3), but many would also be taken as wives by the soldiers. The Deuteronomic law deals with the transformation process as these women were adopted into Israelite society. This included the shaving of the head, a change of clothing and a period of mourning marking the death of the woman's old life and the beginning of a new one (compare Joseph's transformation in Gen 41:41–45). The Mari texts also provide clothing and a job to captive women. The rights extended to the former captive after she has married are similar to those of Israelite women and are designed to demonstrate that there is no reduction of her status if a divorce occurs. Similar concerns are reflected in the Middle Assyrian laws, which require former captives who are now married to dress like all Assyrian women of that class.⁶

III. Laws concerning children (Deut 21:15-21)

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, 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. 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.

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, 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. 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.' 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.

- a. The ESV Study Bible says: *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" (5:18).*
- b. This law presupposes polygamy but does not condone it.
- c. Verses 15-17: children of loved and unloved wife. In the will do not favor the loved son. If the son of the unloved woman is older he must have the rights of the first born. The firstborn inherits a double portion. That was standard during that time period.

Moody Bible Commentary:

Genesis 2:22-24 states that monogamy is the standard for marriage, but this current stipulation seeks to regulate polygamy when it does occur in order to protect the family rights of the firstborn. The placement here after vv. 10-14 may suggest that she is the unfavored wife in a polygamous marriage.⁷

IVP BBC:

NAC New American Commentary

⁵ Biblical Studies Press, *The NET Bible First Edition Notes* (Biblical Studies Press, 2006), Dt 21:14.

⁶ Victor Harold Matthews, Mark W. Chavalas, and John H. Walton, *The IVP Bible Background Commentary: Old Testament*, electronic ed. (Downers Grove, IL: InterVarsity Press, 2000), Dt 21:10–14.

⁷ The Moody Bible Commentary (Kindle Locations 11390-11392). Moody Publishers. Kindle Edition.

right of the firstborn. Inheritance rights are based on the law of primogeniture. This stipulates that the firstborn son is to receive a double share of his father's property. That this was the normal situation in the ancient Near East can be seen in Middle Assyrian texts, Larsa, Mari and Nuzi documents, just to name a few. The intent of such laws is to insure orderly transmission of property from one generation to the next. Hammurabi's law gives the father the right to favor whichever son he chooses. In the Nuzi texts the father had the option of altering the firstborn rights. In the ancient Near East the closest legislation to that found here is the stipulation in Hammurabi's law that says the children of the slave wife, if acknowledged as children during the father's lifetime, have an equal share in the inheritance with the full wife's children.⁸

- d. The man has two wives and one he does not love.
- e. Verses 18-21: stubborn and rebellious children
- f. Verses 18-21 are about the fifth commandment, honoring father and mother.

Ex 20:12 *"Honor your father and your mother, that you may live a long time in the land the LORD your God is giving to you."*

Le 19:3 *Each of you must respect his mother and his father, and you must keep my Sabbaths. I am the LORD your God.*

Pr 1:8 *Listen, my child, to the instruction from your father, and do not forsake the teaching from your mother.*

Eph 6:1–3 *Children, obey your parents in the Lord for this is right.* ^{6:2} **"Honor your father and mother,"** which is the first commandment accompanied by a promise, namely, ^{6:3} **"that it may go well with you and that you will live a long time on the earth."**

Le 20:2 *"You are to say to the Israelites, 'Any man from the Israelites or from the foreigners who reside in Israel who gives any of his children to Molech must be put to death; the people of the land must pelt him with stones.'*

Le 20:27 *"A man or woman who has in them a spirit of the dead or a familiar spirit must be put to death. They must pelt them with stones; their blood guilt is on themselves."*

- g. They try to correct him but he does not listen.
- h. Verse 19: bring him out to the elders of the city... at his hometown.
- i. Verse 20: say to the elders: glutton, drunkard, stubborn, rebellious.
- j. Verse 21: stone him.

IVP BBC:

execution of a rebellious son. When a breakdown of family coherence occurred and a son refused to give his parents the obedience and support they were entitled to, it became a threat to the community as a whole. The language used here makes it clear that a repudiation of the covenant is involved. The references to gluttony and drunkenness are considered indications that the son is beyond reform. Due process includes parental witness of the offense, and then a communal form of execution is prescribed (see comment on Deut 13:10). This offense is as grave a threat to the covenant as worshiping other gods. Mesopotamian law also defends the rights of parents, but only extending to disinheritance or mutilation. See the comment on Exodus

⁸ Victor Harold Matthews, Mark W. Chavalas, and John H. Walton, [The IVP Bible Background Commentary: Old Testament](#), electronic ed. (Downers Grove, IL: InterVarsity Press, 2000), Dt 21:15–17.

21:17. The legislation limits the authority of the parents in that they have to bring such a matter before the elders rather than having the freedom to act independently.⁹

IV. Disposition of criminal remains (Deut. 21:22-23)

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

- a. Hang him on a tree
- b. His corpse shall not stay overnight. *The ESV Study Bible* shares: *This law restricts the exposure of a dead criminal hanging on a tree, hence the concern to bury Jesus immediately after his death (see also Gal. 3:13).*
- c. Possibly stoning and then they hoist the body as an example or another source says, probably impaling (IVP BBC)

exposure of executed criminals. Since the Deuteronomic laws are seldom concerned with matters of ritual purity and polluting elements (see Lev 13–17 and comments on Lev 20:10–16; 22:3–9), it may be that the sense of “desecrating” the land is based on either the sight or the smell of an exposed and decaying body. The corpse was considered a defiling object (Lev 22:8; Num 5:2) and thus a danger to the living. Very few narratives describe the practice of exposing a body (Josh 8:29; 10:26–7; 2 Sam 4:12; 21:8–13). **It is unlikely that hanging was the form of execution used here. Rather, a tree or pole was used to impale the bodies for public display. Assyrian reliefs from the palace of Sennacherib in Nineveh (704–681 B.C.) depict soldiers erecting stakes holding the impaled bodies of men of Lachish. It is possible that the horror of this form of shameful display is the basis for the Israelite law requiring the body to be removed and buried at sunset rather than leaving it to be devoured by birds and other animals** (Gen 40:19; 2 Sam 21:10).¹⁰

⁹ Victor Harold Matthews, Mark W. Chavalas, and John H. Walton, *The IVP Bible Background Commentary: Old Testament*, electronic ed. (Downers Grove, IL: InterVarsity Press, 2000), Dt 21:18–21.

¹⁰ Victor Harold Matthews, Mark W. Chavalas, and John H. Walton, *The IVP Bible Background Commentary: Old Testament*, electronic ed. (Downers Grove, IL: InterVarsity Press, 2000), Dt 21:22–23.