

### DEUTERONOMY

#### Lesson 27 - Chapter 21 Continued

We'll continue this week with Deuteronomy 21. Last time we discussed chapter 21 verses 1-9 and the subject was unsolved murder. As we saw however, this was set in the far larger context of bloodguilt. Bloodguilt occurs when one or more of God's laws concerning blood have been violated.

This week we start a rather well delineated section of Torah (beginning at 21:10 and continuing through chapter 25) that many scholars and teachers call a list of miscellaneous laws. My only quarrel with that description is that it gives the impression that these laws are not laid down in any concrete structural way nor do they have a common theme; when in fact that is not the case. Rather this 4-chapter section deals with 4 main issues: Holy War, sex and family, care for the poorest and most vulnerable, and humanitarian concerns.

I mentioned at the start of our study on the book of Deuteronomy that what Moses is doing is expounding on the laws that had been laid down almost 40 years earlier at Mt. Sinai. Moses is giving a sermon that has an interesting parallel in the New Testament in Yeshua's famous Sermon on the Mount as found in the book of the Matthew. In both cases the purpose and focus is to take these ancient laws and invigorate them with deeper spiritual meaning in some cases, and a better defined life application in others. So what we find when we back away and look at this section from a higher view is that these laws are but extensions of the 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> commandments. Therefore the subjects revolve around killing, adultery (including the essence of adultery that is a combination of unfaithfulness and unlawful mixture), theft, false witness, and coveting.

The focus of today's lesson is mainly marriage and family law. The first thing we'll deal with will have to do with the marriage of a woman who has been captured in war.

This would be a good time for me to remind you that the subject of chapter 20, which was Holy War, continues on into chapter 21; and that any kind of war by definition deals with the killing of humans. Here's the thing to understand especially as it concerns God-ordained and led warfare called Holy War: killing done under the rules He has laid down is justified and acceptable to Him, while all other is not. It is not murder if a person kills according to those

rules and therefore the killer (the soldier) remains at peace with God. Killing outside of the rules of warfare God has ordained is NOT justified and therefore brings the person, the community, and the land where it happened under bloodguilt.

Let's read Deuteronomy chapter 21: 10 to the end.

### **READ DEUTERONOMY CHAPTER 21:10 to end**

While our previous two lessons dealt with the responsibilities of Israeli public officials, this changes course and deals with private individuals and families and their neighbors. And the first issue deals with the human spoils of war. It was common in ancient times among most societies to take women and children as captives and make them slaves as part of the spoils of war. When we read the Greek classics we find the same thing occurring. So many of the laws we'll see here are quite similar to laws found recorded in the Code of Hammurabi, and in the Mari law code documents. But there is one striking difference: the Hebrew laws give the women prisoners of war the status of humans of value and not simply chattel that equates with animals or furniture.

Therefore the issue that is being dealt with here is about a woman taken captive that a soldier finds attractive, and so he wants to make her his wife. Let's not miss the very important context of this expose': we are speaking ONLY of Hebrew soldiers taking foreign women (foreign captives) as wives. I pointed out way back in our study of Genesis that to speak of genealogical purity as regards Hebrews is really almost an oxymoron. From the time God set Abraham apart as the first Hebrew (thus meaning that all others on the planet were **goyim**, gentiles, and therefore also **ger**, foreigners to Abraham's clan) Yehoveh defined a pathway for any **ger**, any foreigner, who wanted to join Abraham's clan to be able to do so. And by joining Abraham's clan and his Hebrew descendants' tribes, this former gentile foreigner is considered a Hebrew.

Let me give you a Biblical example of foreigners joining Israel. When Abraham's grandson Jacob came back to Canaan from his 2 decades long stay up in Mesopotamia, and settled outside of Shechem, a tragic incident actually led to the size of his own family multiplying virtually overnight. It was when the King of Shechem's son raped Jacob's daughter Dinah that her brothers attacked the city of Shechem and killed every adult male. Genesis tells us that Jacob's sons, the future tribal leaders of Israel, also took all the women and children of Shechem to be their slaves. In time almost all of these Canaanite inhabitants of Shechem became part of one Israelite clan or another. It was customary for a tribe or nation to take prisoners from another as a means to increase the size of their community while decreasing the size of the enemy's community. Wealth was partly measured by the size of one's family, clan, tribe, and nation.

Point being that as a result of that raid on Shechem, Israel became almost immediately an ethnically mixed family composed of Hebrews descended from Abraham, and of Canaanites who would in time become naturalized members of Israel. So before Jacob even took his family down into Egypt (to remain there for 400 years) Israel was roughly 50% genealogical Hebrews and 50% gentiles. During their time down in Egypt we're told that there was a tremendous amount of intermarriage between Jacob's family and Egyptians as well as with other foreigners (because Egypt had a large foreign population living there). Even Moses (a Hebrew) married a Midianite woman. We see that same trend continue here in Deuteronomy with a set of laws designed to make it legal for an Israelite soldier to take a female foreign prisoner and make her his wife. By definition, upon the marriage ceremony she became a Hebrew and thus the gene pool beginning with Abraham became further diluted. God's concern was never the racial purity of His chosen people, only their spiritual purity and faithfulness to Him.

Before we go further concerning what is to happen to this foreign female captive, and what rights are accorded to her, I want to point out something that is masked by English Bible translations; it occurs in the first verse of our study today, verse 10. The CJB says (regarding the capture of these foreign women), **".....and when you take prisoners.."** Other versions say something like, ".....and when you take some of them captive.." Well, literally it says something that might be familiar to your ears; it says, **".....when you take the captives captive..."** If you're wondering where you might have heard that before, listen to Ephesians 4:8.

<sup>CJB</sup> **Ephesians 4:8 "... this is why it says, "After he (Jesus) went up into the heights, he led captivity captive and he gave gifts to mankind." <sup>9</sup> Now this phrase, "he went up," what can it mean if not that he first went down into the lower parts, that is, the earth?**

Last week I explained to you that according to both the OT and NT there existed such people that we call "Saints" even BEFORE Jesus was born. These OT Hebrew saints were those who died trusting God and living in Torah, who had faithfully followed the sacrificial system and so they died in a righteous state in God's eyes. These OT saints did NOT go to Heaven; rather they went to Abraham's Bosom, the name of one of the two chambers for departed souls that exists under the earth (the other being called Hades, a place of torments). Yeshua also referred to Abraham's Bosom as "Paradise".

These Hebrew Saints of old remained captive in Abraham's Bosom (a place of joy and shalom) until Messiah had completed His earthly ministry and then ascended at which time He took the inhabitants with Him to Heaven. The phrase in Ephesians 4 that speaks of how Yeshua "led captivity captive" is an odd one that we've all struggled to understand. Well here's another case whereby studying the Torah makes the question easily resolved. In Deuteronomy 21:10 we have essentially the same phrase and it means the same thing as it

means in the NT. This odd sounding phrase is simply a result of Hebrew word structure. Yes, the NT documents (including Ephesians) were written in Greek; however it is HEBREW thought, and HEBREW culture, and HEBREW phraseology that are being transmitted. It was simply written down (accurately I might add) in Greek.

Therefore what is meant in Ephesians 4:8 is that those OT Saints (called captives) who had been held safely (held captive) inside Abraham's Bosom, Jesus now took with Him into Heaven. So what we see in both Deuteronomy 21:10 and Eph.4:8 is a change in STATUS of those who are being affected. In Deuteronomy these gentile women are having their status changed from being free Canaanites, to being prisoners of Israel (some of the women will eventually marry Hebrew men and lose all Canaanite identity).

In Ephesians 4:8, the captives of Abraham's Bosom are having their status changed by Messiah. They are going from being citizens of a holding area that is NOT in Heaven but is a godly place, to being citizens OF Heaven in the very presence of God. By the way, from the moment Yeshua took those captives to Heaven with Him, Abraham's Bosom became permanently vacant because all who trust God (by means of faith in Messiah Yeshua) now go directly to Heaven and not to an intermediate place of waiting.

So a foreign woman is taken captive as result of war, an Israelite soldier takes a fancy to her and wants to marry her. The procedure is that he is to take her to his home for a period of one lunar month, 30 days: and the foreign woman is to shave her hair, cut her fingernails, and discard the clothing she was captured in. During this time these verses say she is also to mourn her parents.

What does all that mean? What is actually happening here? Well while there is not a full consensus the meaning is becoming more generally agreed upon by Bible scholars. By shaving her hair (this does NOT mean shaving her head, it just means cutting her hair short), trimming her fingernails and changing into Hebrew garments (from her Canaanite garments) a process of changing her identity from a gentile to an Israelite has begun. Each culture had a more or less unique hairstyle, clothing style, and just like today the women decorated their fingernails. By getting rid of all these things her ties with her old life are symbolically left behind. This further extends to the idea of her mourning her mother and father. It is not necessarily that her parents were killed (although undoubtedly that happened with some regularity as a result of war). Rather it is that she is being given an opportunity to "forget" her parents so to speak. To give up her natural familial associations that she was born into, theoretically in favor of new ones by means of her Hebrew husband and new Hebrew identity.

We get exactly the same picture in the New Testament for new Believers:

**CJB Mark 10:29** Yeshua said, ***"Yes! I tell you that there is no one who has left house, brothers, sisters, mother, father, children or fields, for my sake and for the sake of the Good News,<sup>30</sup> who will not receive a hundred times over, now, in the 'olam hazeh, homes, brothers, sisters, mothers, children and lands- with persecutions!- and in the 'olam haba, eternal life.***

We also get the same instruction regarding marriage in that a couple is to leave their parents (give up their primary identity as being part of their parents' household) and instead the couple is to cleave to one another (creating a new identity as a married couple).

So the concept in the OT is that this prisoner woman leaves behind her gentile identity with her original family (a Canaanite family) for a new one (an Israelite one); and wouldn't you just know it, that is exactly the SPIRITUAL sense in the NT of what Yeshua was communicating about leaving behind your identity as a member of the world (of gentiles), in favor of being a member of the Kingdom of God (Hebrews).

Verse 13 makes it clear that ONLY after this one-month waiting period can the man marry this woman and then consummate the marriage. Inherent in this is that if the woman is miserable and staunchly resistant to her new reality, a marriage won't happen; likely because if she is a miserable person to be around he is not going to want to marry her!

Therefore as says verse 14, if the man changes his mind before the end of 30 days and decides he doesn't want this foreigner to be his wife, she must go free. Not as a slave, but as a free person. He can't change his mind and then sell her to someone else; he can't change his mind and simply make her his unwilling slave. So we see the decency and great regard the Law has for women, even foreign women prisoners, expressed here. Now I well understand that in modern Western Society even THIS is hardly considered a delightful prospect for a woman. But understand that in this era every society was totally male dominated. That God would make it a law for Hebrews to give women rights and hold them up as valuable as men was quite a shift from normalcy. It would become a cornerstone of the Hebrew way of life.

Beginning in verse 15 the subject shifts to what happens in a polygamous family when one wife is more loved than the other by the husband. Some translations say about this "when one wife is loved and the other is hated"; our CJB calls one loved and the other unloved. Understand that the meaning here is not a case of intense "like" versus intense "dislike"; or complete devotion to one wife and utter disdain for the other. Rather it is that one wife is more favored than the other. And the reality is that THIS is at the root of why God does not want polygamy among His people. Polygamy causes nothing but trouble. There is no way that a man can have two wives and not have some preference of one over the other (even if the

degree is small in his mind). And even if he is as evenhanded as is humanly possible what woman is going to honestly believe that she is being dealt with fairly as compared to her rival? And what wife is not going to try to BECOME a more favored wife?

This exact scenario was played out several centuries prior to the Laws of Moses in the story of the life of Jacob. He was tricked into marrying Leah, and then had to agree to keep her as his wife in order to marry the one he really intended to marry, Leah's sister Rachael. Talk about the worst of all worlds: this man has married sisters (natural rivals in most cases), and one of them he didn't even want to marry. Naturally he loves Rachael more than Leah and this causes big problems in Jacob's household. It's not that he didn't love Leah but his affections were far more toward Rachael (and it must have been obvious). Reuben, poor Leah's son, even schemed with his mother to feed Jacob an aphrodisiac (Mandrakes) in hopes of making Leah more desirable to Jacob and thereby soothing Leah's constantly hurt feelings and insecurity.

But the issue of multiple wives gets more complicated once it gets to be time to pass on the family inheritance to the next generation. The next couple of verses envision a very typical problem among a polygamous family; a father is instinctively going to want to give the firstborn rights to the son of his favored wife over the son of his less favored wife, even if the less favored wife's son was born first. Again the prime example of what can happen is with Jacob; indeed his firstborn son was Reuben, the child of the less favored wife, Leah. So even though it was for what seems to be a legitimate reason, Reuben was passed over and the firstborn rights were given to Joseph, Jacob's 11<sup>th</sup> child, a son of his favored wife, Rachael; by custom and tradition it was a wrong thing to do. Here in verse 16 is the explicit statement that a father must NOT pass over the eldest son even if he is the son of the least favored wife; but Jacob did exactly that.

We don't have to work very hard to conjure up a mental picture of all of this, do we? In our era of divorces being common, and the standard inclusion of stepchildren in what sociologists now call blended families, dividing up one's attention among these children of different fathers and mothers is tough enough, but dividing up the inheritance is even harder. It is nearly impossible to please all involved or for all to feel that the division was fair.

Another connected subject is now dealt with beginning in verse 18; it's what to do in the matter of a wayward son. Put another way, what is to be done with a rebellious and defiant child? The next few verses answer that question. First this rebellious son is defined as one who will not obey his mother and father even after they have tried to discipline him in all the standard ways. Second it is that the mother and father must agree that something very serious has to be done. Third, they essentially turn him over to the civil authorities.

If the civil authorities think that this son is a particularly worthless son (the Hebrew expression

for this is “a glutton and a drunk”), then he is stoned to death. Does this sound a tad severe to you? Would you consider execution as a viable option if you were trying to raise a particularly hard case? You’re not alone; the Rabbis decided that the punishment was so severe that they made rulings that required such an extreme and unlikely set of circumstances to unwind in order for the rebellious son to be executed, that it really never happened. In fact we won’t find a single case in all the Bible of parents turning their defiant son over to the elders to be executed. Basically this law was only used as a means to strike fear into an incorrigible child.

The noted Biblical scholar J.C. Maxwell made this observation on this subject of rebellion and disobedience, and I’d like to share it with you.

***“When a person (a Christian) is confronted with his own disobedience to biblical commands, he or she is more likely to ‘hear and sneer’ than to ‘hear and fear’. Why is that? The church body lacks discipline. The greatest deterrent to sin in a society is that the people love God and fear (reverence) Him by means of obeying His commands. Love without fear is but mush. Fear without love is simply legalism. Only the two together in proper balance will bring about the obedience required by God”.***

Allow me to point out of couple of things about the procedures with the disobedient son and we’ll move on to the next topic. First, notice that both parents must agree. The mother has equal weight with the father in this matter, showing just how unusually powerful a mother was in a Hebrew family as compared to most others in that era (I don’t think much has changed!) Next, this is not a matter that the parents have made a decision that their child should die, and so bring their son to the elders for execution. Execution is but the maximum allowed sentence that can be imposed, and other remedies were typically available and preferred. The point is that the parents were NOT judge and jury. They simply brought a hard case to the town’s court, and the courts investigated and made a judgment on the matter of how best to deal with the problem child.

Further notice that it is the men of the town who (theoretically) will stone the rebellious child to death. The parents are not asked to be involved, of course, due to many other principles set down by the Lord about what can be reasonably expected between parents and their offspring.

We also see the Lord’s purpose behind this harsh consequence that He orders in verse 21: “thus you will sweep out evil from your midst; all Israel will hear and be afraid.” Totalitarian societies know all too well how to utilize fear to control people. Fear is the main tool used to one degree or another in virtually every society that I’m aware of to maintain order. From a Biblical point of view, fear of the consequences of doing wrong is not only a good and healthy thing; it is indispensable. The difference between the type of fear that God is ordering versus that brought about by totalitarian societies is that in the one case actual evil is being **fought and purged from** the community, and in the other evil is being **wrought upon** the community.

The entire reason that the Lord demands such harsh consequences for evil rebellion against Him (by trespassing against His most fundamental principles) is for the benefit of everyone else. I'm afraid that our modern progressive societies have forgotten just how it is that evil must be eradicated or it will affect and infect others; and evil certainly isn't effectively dealt with by means of education of the criminal.

The final topic of Deuteronomy 21 has many ramifications that I think most of you will instantly recognize. It is that if a man is justifiably executed for a capital offense, then if a part of the procedure is to have his corpse impaled on a stake he must be taken down before nightfall. Where have we heard that principle before? Of course; in the crucifixion story of Yeshua HaMashiach.

It was the norm in Bible times that the body of a dead criminal was put up on a pole or a stake for public display; it was intended to act as a rather gruesome reminder of what happens to a trespasser of the Law. Sometimes the "stake" was a large pointed pole upon which either the man was actually impaled to kill him, or at other times AFTER he was dead he was impaled. HOWEVER, the "hung on a pole" or "stake" phrase does NOT indicate that the means of his being placed there was necessarily impalement. Two things about this: first of all, the term "hanging" in the Bible did not mean strangulation by the neck at a gallows. The Hebrews did not employ hanging by the neck as a means of execution. Second, more often than not the corpse had its arms tied to a crossbeam, which was then mounted at the top of a pole that was located beside a roadway or some other very visible place. Impalement of the body was not the usual or customary method, though it did happen.

Proper and respectful treatment of the dead (even of a criminal) was the norm for Middle Eastern cultures (although what 'proper and respectful' amounted to wasn't always the same). Here the Lord does NOT try to deter the practice of hanging the corpse of a criminal in a public place; rather it is that at the end of the first day of his death, enough is enough and he should be taken down and buried. Further the criminal's body can't just be thrown over a cliff or laid out to rot or for scavengers to do what scavengers do. Rather the body must be buried at the end of the day of execution.

Now what this final verse tells us is that while respect for the dead is appropriate, there is a SPIRITUAL reason for this treatment of the corpse; it is that to NOT bury that body is an affront to God. If the body is not buried the consequence is that the land will be defiled. What does this remind you of that we just studied this past week? Right; bloodguilt.

The principle I stated at the outset of our lesson is that to kill a man is not automatically wrong. But one is to follow God's procedures to determine if death is appropriate or not, and if it is appropriate HOW the killing is to be carried out. And now this instruction is all about the treatment of the criminal's dead body. If one follows all of these instructions then this killing not



only does NOT bring bloodguilt upon the people or the land, it actually PURGES the bloodguilt that had been created by the criminal's act. But if the instructions are NOT followed (even if the accused is fully guilty) then this justifiable killing brings bloodguilt upon the community and the land.

Let's bring today's lesson to a close with this parallel between the statements about Jesus' death on the cross and these statements here about being hung on a pole. First, let's look at the statement here in Deuteronomy 21:23. It says, "**.....because a person who has been hanged has been cursed by God.....**" By definition (and many translators add the words) being "hanged" means being hanged on a pole because, as I said earlier, there was no hanging by the neck until dead in Hebrew society. Before we go to the NT verse let's be very clear about what this is saying. What it is NOT saying is that the RESULT of being hung on a pole is that the person is cursed of God. Rather it DOES mean that the person is cursed of God THEREFORE they are being hung on a pole. Being hung on a pole is **because** they were cursed by Yehoveh.

Death by execution was understood to be a legal, formal and final separation of a person from the community of God. With that understanding let's look now at the well-known verse in the NT that speaks of the state of a person who is hanged as it relates to Messiah:

***<sup>NAS</sup> Galatians 3:13 Christ redeemed us from the curse of the Law, having become a curse for us-- for it is written, "Cursed is everyone who hangs on a tree "--***

First of all, when Paul says, "it is written", he is referring to the Holy Scriptures, which was of course what we call the Old Testament because that's all there was in his day. In this case the passage he was quoting is the exact place in Torah that we are studying today: Deuteronomy 21:23. The Jews of Paul's day fully understood the dramatic and forceful statement that he was making, even if they didn't fully understand all the spiritual and redemptive implications. Christ took upon himself the curse of the Law (which is the penalty of death in both the sense of physical death and spiritual separation from the Father) as a redemption payment for us so that WE did not have to face that curse.

Please listen very carefully and store this away in your memories: when the NT speaks of the "curse of the law" it is speaking of ONE THING: death, complete death, physical and spiritual death. The curse of the Law is death. The blessing of the Law is life. Another parallel term for this in the NT is "the wages of sin is death". You receive the curse of the Law (death) because your sin earned it. You merit, or earn death, because of sinning. These statements about the curse of the law and the wages of sin are simply two ways of dealing with the same thing.

The Father CURSED Christ (the proof of which, says Paul, is that Yeshua was indeed hung on

a stake). Jesus' separation from the community of God (His physical death), **and** for a few moments His separation from the Father (<sup>CJB</sup> **Matthew 27:46 at about three, Yeshua uttered a loud cry, "Eli! Eli! L'mah sh'vaktani? (My God! My God! Why have you deserted me?)"**) was the sacrificial substitution for what should rightfully happen to us.

So by studying the Torah we can better see what happened at Christ's crucifixion. It was the law of Deuteronomy 21 that any executed criminal had to be removed from the death stake by nightfall. That the women hurried to get Yeshua taken off that cross and buried because the Sabbath would be ushered in at sunset is true, **but secondary** to the fact that NOT to do so would have broken the Law of Deuteronomy 21. Even IF the next day had not been a festival Sabbath, it was critical that Messiah's body be taken off that pole and buried. And what would have been the result if they had not been able to persuade the Romans to cut Jesus down? As it says here in Deuteronomy 21:23 the land would have been defiled with bloodguilt and the local community of Jerusalem (these women disciples included) would have been saddled with bloodguilt.

It is a truly fascinating and a sad commentary on the depraved state of the Jewish religious leadership of Yeshua's era that the priests who watched Him die didn't seem to care a whit about God's Law on this matter; they didn't care whether that Jewish man might hang on that pole overnight, thereby soaking everyone and everything in bloodguilt. Rather it was the common Jewish folk who knew what had to be done in order to obey God, and they did it.

Next week we'll begin chapter 22.