

Deuteronomy 21: Biblical Reading and Reflections

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Preacher: Alastair Roberts

[0 : 00] Deuteronomy chapter 21 And they shall testify Our hands did not shed this blood, nor did our eyes see it shed.

Accept atonement, O Lord, for your people Israel, whom you have redeemed, and do not set the guilt of innocent blood in the midst of your people Israel, so that their blood guilt be atoned for. So you shall purge the guilt of innocent blood from your midst, when you do what is right in the sight of the Lord. When you go out to war against your enemies, and the Lord your God gives them into your hand, and you take them captive, and you see among the captives a beautiful woman, and you desire to take her to be your wife, and you bring her home to your house, she shall shave her head and pair her nails, and she shall take off the clothes in which she was captured, and shall remain in your house and lament her father and her mother a full month.

After that you may go into her and be her husband, and she shall be your wife. But if you no longer delight in her, you shall let her go where she wants. But you shall not sell her for money, nor shall you treat her as a slave, since you have humiliated her.

If a man has two wives, the one loved and the other unloved, and both the loved and the unloved have borne him children, and if the firstborn son belongs to the unloved, then on the day when he assigns his possessions as an inheritance to his sons, he may not treat the son of the loved as the firstborn in preference to the son of the unloved, who is the firstborn.

[2 : 22] 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 firstfruits of his strength. The right of the firstborn is his.

If a man has a stubborn and rebellious son who will not obey the voice of his father, or the voice of his mother, and though they discipline him will not listen to them, then his father and his mother shall take hold of him, and bring him out to the elders of his city at the gate of the place where he lives.

And they shall say to 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. Then all the men of the city shall stone him to death with stones, so you shall purge the evil from your midst, and all Israel shall hear and fear.

And if a man has committed a crime punishable by death, and he is put to death, and you hang him on a tree, his body shall not remain all night on the tree, but you shall bury him the same day, for a hanged man is cursed by God.

You shall not defile your land that the Lord your God is giving you for an inheritance. Deuteronomy chapter 21 continues the section devoted to the sixth commandment, You shall not murder.

[3 : 35] And this section contains laws related to discovered corpses in verses 1-9, women taken in war in verses 10-14, children concerning the rights of the firstborn, and then the law concerning the rebellious son in verses 15-21, and then a law concerning the hanged corpse in verses 22-23.

This is perhaps one of the most troubling chapters in the book of Deuteronomy, with laws that greatly unsettle some modern sensibilities. Considering the law for unsolved murder with which this chapter begins, we should probably relate it to the law concerning cities of refuge in chapter 19. Both involve a concern for distance between cities, about murder, and the shedding of innocent blood. Both of the laws relate to the community's responsibility both to avoid, and give count of, the shedding of innocent blood.

This law provides a ritual to deal with cases of unsolved murder, and like the law of the cities of refuge, it expresses the community's responsibility both to avoid, and give account of, the shedding of innocent blood.

Once again here, we are seeing the way that concerns of holiness and atonement interplay with concerns of justice. Innocent blood polluted the land and needed to be atoned for, and the justice

system was always supposed to serve the end of guarding the people's holiness, not just the deterrence of crime and retribution to criminals.

[5 : 02] What does the ritual mean? First of all, the ritual is not a sacrifice. There is no mention of sprinkling of the blood. It does not occur in the context of the tabernacle. While the priests are present, they do not seem to be doing most of the actions.

What can we make of this as an unsacrificial ritual then? Some have seen it as a symbolic execution of the murderer. Others have seen it as a self-maledictory oath that if we are guilty of this, then we should suffer the same fate.

I believe it's most likely to be a symbolic reenactment of the murder. By using a heifer that had not been put under a yoke or worked by man, the animal, and also the murder victim, were presented as not being subject to human responsibility.

Not only was this the case of the animal, but it was also the case of the location in which it was killed. By performing the ritual in an unworked valley that has not been ploughed or sown, there's also the statement being made that the murder did not occur within the city's direct jurisdiction. Nevertheless, in performing this ritual, they are making formal testimony concerning the murder, giving account of it to the Lord. This occurs in the presence of the priests as the representatives of the Lord, but the action seems to be largely that of the elders of the town.

[6 : 17] By so making account of the blood of the victim, they make an unsacrificial form of atonement for the victim. The next law, concerning the taking of female war captives as brides, is more immediately troubling to us.

Why would God give permission to Israelite men to take prisoners of war as wives in such a manner? Before considering the law, it's important to consider the purpose of law in general.

Laws like this are not an idealistic council of perfection. They're an attempt to regulate messy and imperfect realities. War would render a great many women, widows and orphans, and in a society where survival largely depended upon the family structure, such women would be incredibly vulnerable, not just economically, but also vulnerable to predatory males and to rape.

Then there is the fact that the rape of women was regarded as a natural part of ancient warfare. It's also a feature of modern warfare. After World War II, the Red Army is supposed to have raped over two million German women, many of them gang-raped, by some descriptions from the age of eight to the age of 80, and a great many of those women went on to commit suicide.

In ancient and in modern warfare, if you defeat your enemies, it's presumed that you get to ravish their women. Judges chapter 5 verses 28 to 30 gives us a picture of this in the Song of Deborah and Barak.

[7 : 41] Out of the window she peered, the mother of Sisera wailed through the lattice. Why is his chariot so long in coming? Why tarry the hoofbeats of his chariot? Her wisest princess's answer.

Indeed, she answers herself. Have they not found and divided the spoil? A womb or two for every man. Spoil of dyed materials for Sisera. Spoil of dyed materials embroidered.

Two pieces of dyed work embroidered for the neck as spoil. A womb or two for every man was the reality within ancient society and this is the reality to which this law is speaking.

A good law in such a society is an enforceable law that will effectively both condemn and mitigate such cruelties. A law requiring ideal practice might not be a good law.

It might effectively condemn the wrong but it wouldn't be effective in mitigating it and it might not be enforceable both of which are criteria for good laws. This law then speaks directly to the sexual desire of the victorious Israelite warrior.

[8 : 43] He has been without sexual relations for some time. He sees an attractive female captive. What is he to do? Can he just have his way with her as most others would in the ancient world?

No. He must take her under his care. She must have the status of a wife. She must not be raped or treated as a concubine enslaved for sex. She must be given time to mourn and adjust to her new situation.

He must not take her as soon as he wants making her a plaything of the imperatives of his lust. She must be allowed to wait for a month. She must be allowed to go free if he does not want to take her as his wife.

She must not be reduced to slavery. All of these then are ways in which the ugly realities of war ugly realities that can't just be wished away are mitigated significantly.

Marrying a war bride would be a means by which she could be provided for within the family structure. It would give security to people who might otherwise be destitute and preyed upon. When we read such laws, however, we should be very careful to recognise that they are laws of their time in many cases.

[9 : 50] These are wise laws addressing timeless principles of morality in a timely way into specific situations. When we interpret these laws, we should be very careful to be able to distinguish these different things, to recognise the inner principles of justice.

what is the law trying to do? And then to understand the contingencies of the situation it is speaking into. It would not be just if we applied this law today in the same way.

However, that does not mean that we should condemn it as a law in its own time. It was appropriate within its time. Nor does it mean that there is nothing for us to learn here. If we understand the inner principle and how the central realities of the law are being addressed to specific situations, we can learn a lot about doing the same thing in our own day.

This is followed by a law concerning the inheritance of the firstborn. One of the features of the Pentateuch is the presence of law alongside history. And there are many places in which the law and the history comment upon each other.

This is one such occasion. There is a wife who is loved and a wife who is unloved. And we've seen that story before. It's the story of Jacob with Rachel and Leah.

[11 : 03] So Jacob went into Rachel also and he loved Rachel more than Leah and served Laban for another seven years. When the Lord saw that Leah was hated, he opened her womb, but Rachel was barren.

Genesis chapter 29 verses 30 to 31. The firstborn son was Leah's. The firstborn son was Reuben. And what should get our attention here is that the language of this text is the language that's used in Genesis.

Reuben, you are my firstborn, my might, and the firstfruits of my strength, preeminent in dignity and preeminent in power. Genesis chapter 49 verse 3.

Jacob's love of Rachel over Leah and his favoritism in his practice led to so many forms of tragedy within his family. It led to the rivalry between his wives.

It led to rivalry between their sons. It led to the great tensions and disaster that followed the seduction of Dinah. It led to the attack upon Joseph and sending him down into slavery in Egypt.

[12 : 05] All of this conflict in the life of Jacob's family was caused by his failure to practice justice within his own household. The fact he allowed the favoritism of love to go over the requirements of justice and fairness and equity.

Indeed, when the brothers present the bloodied robe of Joseph to their father, they use language that reminds us of this text. Then they took Joseph's robe and slaughtered the goat and dipped the robe in the blood.

And they sent the robe of many colors and brought it to their father and said, This we have found. Please identify whether it is your son's robe or not. And he identified it and said, It is my son's robe. A fierce animal has devoured him. Joseph is without doubt torn to pieces. That same robe was an expression of Jacob's favoritism. Now Israel loved Joseph more than any other of his sons because he was the son of his old age and he made him a robe of many colors.

But when his brothers saw that their father loved him more than all his brothers, they hated him and could not speak peacefully to him. Genesis chapter 37 verses 3 to 4 This is not the only commandment in the Pentateuch that retrospectively comments on the Rachel and Leah situation.

[13 : 18] Leviticus chapter 18 verse 18 What is the commandment doing here?

It does connect with the surrounding commandments. It connects with the preceding commandment by protecting unloved and vulnerable women from the unchecked will of men and the injustice that they might wreak upon them.

It also connects with the following commandment by requiring justice between the generations. It connects with the sixth commandment in which section this occurs because the favoritism of Jacob was a sin that led to disastrous consequences and attempts at murder in his family.

It provoked the attempt upon Joseph's life. It likely provoked the rebellion of Reuben. While the sons were clearly at fault in these instances, the father also bears his responsibility for what happened too.

If society is to avoid strife that might lead to murder, justice must prevail in families and not favoritism. The law concerning the rebellious son connects with the one that has preceded it. [14 : 26] This is a son that's entirely unworthy and rebellious. It is important to consider that this is not a young child, it's presumably a grown man, and this is in a context where the family was the basic structure of civil society.

To rebel against that, to rebel against your father and mother is a very serious thing. Exodus chapter 21 verse 15, whoever strikes his father or his mother shall be put to death. And in verse 17 of that chapter, whoever curses his father or his mother shall be put to death. Such a son is supposed to provide for and to honor his parents, but is instead rebelling against, ruining them, and wasting their property with his gluttony, and even terrorizing them with his violence. In the face of such a breach of the honor that is due between the generations, serious judgment was called for. This is one area where the law of Deuteronomy and Exodus is stricter than that of many of the other societies around it.

Nevertheless, there are also ways in which this is curbing form of practice. In the story of Genesis chapter 38 with Judah and Tamar, we see the absolute authority of the patriarch in a society where there is not a surrounding network of families.

[15 : 36] And in that sort of society, Judah can summarily declare the death penalty upon his daughter-in-law Tamar. The responsibility of the elders to be involved in this places limits upon that.

Once again, the point of such a law is not a timeless ideal, but to establish a just way of dealing things within the constraints of the existing society. A question to consider.

The law concerning the son of the unfavoured mother comments upon the previous history of Israel. Can you think of any other examples of laws within the Pentateuch that comment upon the stories of the Pentateuch?