

## INTRODUCTION TO DEUTERONOMY CHAPTER 21

In this chapter provision is made,

I. For the putting away of the guilt of blood from the land, when he that shed it had fled from justice, #De 21:1-9.

II. For the preserving of the honour of a captive maid, #De 21:10-14.

III. For the securing of the right of a first-born son, though he were not a favourite, #De 21:15-17.

IV. For the restraining and punishing of a rebellious son, #De 21:18-21.

V. For the maintaining of the honour of human bodies, which must not be hanged in chains, but decently buried, even the bodies of the worst malefactors, #De 21:22,23.

Ver. 1. thru Ver. 9.

Care had been taken by some preceding laws for the vigorous and effectual persecution of a wilful murderer (#De 19:11 &c.), the putting of whom to death was the putting away of the guilt of blood from the land; but if this could not be done, the murderer not being discovered, they must not think that the land was in no danger of contracting any pollution because it was not through any neglect of theirs that the murderer was unpunished; no, a great solemnity is here provided for the putting away of the guilt, as an expression of their dread and detestation of that sin.

I. The case supposed is that *one is found slain, and it is not known who slew him*, #De 21:1. The providence of God has sometimes wonderfully brought to light these hidden works of darkness, and by strange occurrences the sin of the guilty has found them out, insomuch that it has become a proverb, *Murder will out*. But it is not always so; now and then the devil's promises of secrecy and impunity in this world are made good; yet it is but for a while: there is a time coming when secret murders will be discovered; the *earth shall disclose her blood* (#Isa 26:21), upon the inquisition which justice makes for it; and there is an eternity coming when those that escaped punishment from men will lie under the righteous judgment of God. And the impunity with which so many murders and other wickednesses are committed in this world makes it necessary that there should be a day of judgment, to *require that which is past*, #Ec 3:15.

II. Directions are given concerning what is to be done in this case. Observe,

1. It is taken for granted that a diligent search had been made for the murderer, witnesses examined, and circumstances strictly enquired into, that if possible they might find out the guilty person; but if, after all, they could not trace it out, not fasten the charge upon any, then,

(1.) The *elders of the next city* (that had a court of three and twenty in it) were to concern themselves about this matter. If it were doubtful which city was next, the great sanhedrim were to send commissioners to determine that matter by an exact measure, #De 21:2,3. Note, Public persons must be solicitous about the public good; and those that are in power and reputation in cities must lay out themselves to redress grievances, and reform what is amiss in the country and neighbourhood that lie about them. Those that are next to them should have the largest share of their good influence, as ministers of God for good.

(2.) The priests and Levites must assist and preside in this solemnity (#De 21:5), that they might direct the management of it in all points according to the law, and particularly might be the people's mouth to God in the prayer that was to be put up on this sad occasion, #De 21:8. God being Israel's King, his ministers must be their magistrates, and by their word, as the mouth of the court and learned in the laws, every controversy must be tried. It was Israel's privilege that they had such guides, overseers, and rulers, and their duty to make use of them upon all occasions, especially in sacred things, as this was.

(3.) They were to bring a heifer down into a rough and unoccupied valley, and to kill it there, #De 21:3,4. This was not a sacrifice (for it was not brought to the altar), but a solemn protestation that thus they would put the murderer to death if they had him in their hands. The heifer must be one that had not drawn in the yoke, to signify (say some) that the murderer was a son of Belial; it must be brought into a rough valley, to signify the horror of the fact, and that the defilement which blood brings upon a land turns it into barrenness. And the Jews say that unless, after this, the murderer was found out, this valley where the heifer was killed was never to be tilled nor sown.

(4.) The elders were to *wash their hands in water* over the heifer that was killed, and to profess, not only that they had not shed this innocent blood themselves, but that they knew not who had (#De 21:6,7), nor had knowingly concealed the murderer, helped him to make his escape, or been any way aiding or abetting. To this custom David alludes, #Ps 26:6, *I will wash my hands in innocency*; but if Pilate had any eye to it (#Mt 27:24) he wretchedly misapplied it when he condemned Christ, knowing him to be innocent, and yet acquitted himself from the guilt of innocent blood. *Protestatio non valet contra factum--Protestations are of no avail when contradicted by fact.*

(5.) The priests were to pray to God for the country and nation, that God would be merciful to them, and not bring upon them the judgments which the connivance at the sin of murder would deserve. It might be presumed that the murderer was either one of their city or was now harboured in their city; and therefore they must pray that they might not fare the worse for his being among them, #Nu 16:22. *Be merciful, O Lord, to thy people Israel, #De 21:8.* Note, When we hear of the wickedness of the wicked we have need to cry earnestly to God for mercy for our land, which groans and trembles under it. We must empty the measure by our prayers which others are filling by their sins. Now,

2. This solemnity was appointed,

(1.) That it might give occasion to common and public discourse concerning the murder, which perhaps might some way or other occasion the discovery of it.

(2.) That it might possess people with a dread of the guilt of blood, which defiles not only the conscience of him that sheds it (this should engage us all to pray with David, *Deliver me from blood- guiltiness*), but the land in which it is shed; it cries to the magistrate for justice on the criminal, and, if that cry be not heard, it cries to heaven for judgment on the land. If there must be so much care employed to save the land from guilt when the murderer was not known, it was certainly impossible to secure it from guilt if the murderer was known and yet protected. All would be taught, by this solemnity, to use their utmost care and diligence to prevent, discover, and punish murder. Even the heathen mariners dreaded the guilt of blood, #Jon 1:14.

(3.) That we might all learn to take heed of partaking in other men's sins, and making ourselves accessory to them *ex post facto--after the fact*, by countenancing the sin or sinner, and not witnessing against it in our places. We have *fellowship with the unfruitful works of darkness* if we do not reprove them rather, and bear our testimony against them.

The repentance of the church of Corinth for the sin of one of their members produced such a carefulness, such a clearing of themselves, such a holy indignation, fear, and revenge (#2Co 7:11), as were signified by the solemnity here appointed.

Ver. 10. thru Ver. 14.

By this law a soldier is allowed to marry his captive if he pleased. For the hardness of their hearts Moses gave them this permission, lest, if they had not had liberty given them to marry such, they should have taken liberty to defile themselves with them, and by such wickedness the camp would have been troubled. The man is supposed to have a wife already, and to take this wife for a secondary wife, as the Jews called them. This indulgence of men's inordinate desires, in which their hearts walked after their eyes, is by no means agreeable to the law of Christ, which therefore in this respect, among others, far exceeds in glory the law of Moses. The gospel permits not him that has one wife to take another, for *from the beginning it was not so*. The gospel forbids looking upon a woman, though a beautiful one, to lust after her, and commands the mortifying and denying of all irregular desires, though it be as uneasy as the cutting off of a right hand; so much does our holy religion, more than that of the Jews, advance the honour and support the dominion of the soul over the body, the spirit over the flesh, consonant to the glorious discovery it makes of life and immortality, and the better hope.

But, though military men were allowed this liberty, yet care is here taken that they should not abuse it, that is,

I. That they should not abuse themselves by doing it too hastily, though the captive was ever so desirable:

*"If thou wouldest have her to thy wife (#De 21:10,11), it is true thou needest not ask her parents' consent, for she is thy captive, and is at thy disposal.*

But,

1. Thou shalt have no familiar intercourse till thou hast married her."

This allowance was designed to gratify, not a filthy brutish lust, in the heat and fury of its rebellion against reason and virtue, but an honourable and generous affection to a comely and amiable person, though in distress; therefore he may make her his wife if he will, but he must not *deal with her as with a harlot*.

2.

"Thou shalt not marry her of a sudden, but keep her a full month in thy house,"

#De 21:12,13. This he must do either,

(1.) That he may try to take his affection off from her; for he must know that, though in marrying her he does not do ill (so the law then stood), yet in letting her alone he does much better. Let her therefore shave her head, that he might not be enamoured with her locks, and *let her nails grow* (so the margin reads it), to spoil the beauty of her hand. *Quisquid amas cupias non placuisse nimis--We should moderate our affection for those things which we are tempted to love inordinately.* Or rather,

(2.) This was done in token of her renouncing idolatry, and becoming a proselyte to the

Jewish religion. The shaving of her head, the paring of her nails, and the changing of her apparel, signified her putting off her former conversation, which was corrupt in her ignorance, that she might become a new creature. She must remain in his house to be taught the good knowledge of the Lord and the worship of him: and the Jews say that if she refused, and continued obstinate in idolatry, he must not marry her. Note, The professors of religion must not be unequally yoked with unbelievers, #2Co 6:14.

**II. That they should not abuse the poor captive.**

1. She must have time to *bewail her father and mother*, from whom she was separated, and without whose consent and blessing she is now likely to be married, and perhaps to a common soldier of Israel, though in her country ever so nobly born and bred. To force a marriage till these sorrows were digested, and in some measure got over, and she was better reconciled to the land of her captivity by being better acquainted with it, would be very unkind. She must not bewail her idols, but be glad to part with them; to her near and dear relations only her affection must be thus indulged.
2. If, upon second thoughts, he that had brought her to his house with a purpose to marry her changed his mind and would not marry her, he might not make merchandise of her, as of his other prisoners, but must give her liberty to return, if she pleased, to her own country, because he had humbled her and afflicted her, by raising expectations and then disappointing them (#De 21:14); having made a fool of her, he might not make a prey of her. This intimates how binding the laws of justice and honour are, particularly in the pretensions of love, the courting of affections, and the promises of marriage, which are to be looked upon as solemn things, that have something sacred in them, and therefore are not to be jested with.

Ver. 15. thru Ver. 17.

This law restrains men from disinheriting their eldest sons out of mere caprice, and without just provocation.

**I. The case here put (#De 21:15) is very instructive.**

1. It shows the great mischief of having more wives than one, which the law of Moses did not restrain, probably in hopes that men's own experience of the great inconvenience of it in families would at last put an end to it and make them a law to themselves. Observe the supposition here: If a man have two wives, it is a thousand to one but one of them is beloved and the other hated (that is, manifestly loved less) as Leah was by Jacob, and the effect of this cannot but be strifes and jealousies, envy, confusion, and every evil work, which could not but create a constant uneasiness and vexation to the husband, and involve him both in sin and trouble. Those do much better consult their own ease and satisfaction who adhere to God's law than those who indulge their own lusts.
2. It shows how Providence commonly sides with the weakest, and *gives more abundant honour to that part which lacked*; for the first-born son is here supposed to be *hers that was hated*; it was so in Jacob's family: because *the Lord saw that Leah was hated*, #Ge 29:31. The great householder wisely gives to each his dividend of comfort; if one had the honour to be the beloved wife, it often proved that the other had the honour to be the mother of the first-born.

**II. The law in this case is still binding on parents; they must give their children their right without partiality. In the case supposed, the eldest son, though the son of the less beloved**

wife, must have his birthright privilege, which was a double portion of the father's estate, because he was the beginning of his strength that is, in him his family began to be strengthened and his quiver began to be filled with the *arrows of a mighty man* (#Ps 127:4), and therefore the right of the first-born is his, #De 21:16,17. Jacob had indeed deprived Reuben of his birthright, and given it to Joseph, but it was because Reuben had forfeited the birthright by his incest, not because he was the *son of the hated*; now, lest that which Jacob did justly should be drawn into a precedent for others to do the same thing unjustly, it is here provided that when the father makes his will, or otherwise settled his estate, the child shall not fare the worse for the mother's unhappiness in having less of her husband's love, for that was not the child's fault. Note,

(1.) Parents ought to make no other difference in dispensing their affections among their children than what they see plainly God makes in dispensing his grace among them.

(2.) Since it is the providence of God that makes heirs, the disposal of providence in that matter must be acquiesced in and not opposed. No son should be abandoned by his father till he manifestly appear to be abandoned of God, which is hard to say of any while there is life.

Ver. 18. thru Ver. 23.

Here is,

I. A law for the punishing of a rebellious son. Having in the former law provided that parents should not deprive their children of their right, it was fit that it should next be provided that children withdraw not the honour and duty which are owing to their parents, for there is no partiality in the divine law. Observe,

1. How the criminal is here described. He is a *stubborn and rebellious son*, #De 21:18. No child was to fare the worse for the weakness of his capacity, the slowness or dulness of his understanding, but for his wilfulness and obstinacy. If he carry himself proudly and insolently towards his parents, contemn their authority, slight their reproofs and admonitions, disobey the express commands they give him for his own good, hate to be reformed by the correction they give him, shame their family, grieve their hearts, waste their substance, and threaten to ruin their estate by riotous living--this is a *stubborn and rebellious son*. He is particularly supposed (#De 21:20) to be a *glutton or a drunkard*. This intimates either,

(1.) That these were sins which his parents did in a particular manner warn him against, and therefore that in these instances there was a plain evidence that he did not obey their voice. Lemuel had this charge from his mother, #Pr 31:4. Note, In the education of children, great care should be taken to suppress all inclinations to drunkenness, and to keep them out of the way of temptations to it; in order hereunto they should be possessed betimes with a dread and detestation of that beastly sin, and taught betimes to deny themselves. Or,

(2.) That his being a *glutton and a drunkard* was the cause of his insolence and obstinacy towards his parents. Note, There is nothing that draws men into all manner of wickedness, and hardens them in it, more certainly and fatally than drunkenness does. When men take to drink they forget the law, they forget all law (#Pr 31:5), even that fundamental law of honouring parents.

2. How this criminal is to be proceeded against. His own father and mother are to be his prosecutors, #De 21:19,20. They might not put him to death themselves, but they

must complain of him to the elders of the city, and the complaint must needs be made with a sad heart: *This our son is stubborn and rebellious*. Note, Those that give up themselves to vice and wickedness, and will not be reclaimed, forfeit their interest in the natural affections of the nearest relations; the instruments of their being justly become the instruments of their destruction. The children that forget their duty must thank themselves and not blame their parents if they are regarded with less and less affection. And, how difficult soever tender parents now find it to reconcile themselves to the just punishment of their rebellious children, in the day of the revelation of the righteous judgment of God all natural affection will be so entirely swallowed up in divine love that they will acquiesce even in the condemnation of those children, because God will be therein for ever glorified.

3. What judgment is to be executed upon him: he must publicly *stoned to death by the men of his city*, #De 21:21. And thus,

(1.) The paternal authority was supported, and God, our common Father, showed himself jealous for it, it being one of the first and most ancient streams derived from him that is the fountain of all power.

(2.) This law, if duly executed, would *early destroy the wicked of the land*. (#Ps 101:8), and prevent the spreading of the gangrene, by cutting off the corrupt part betimes; for those that were bad members of families would never make good members of the commonwealth.

(3.) It would strike an awe upon children, and frighten them into obedience to their parents, if they would not otherwise be brought to their duty and kept in it: *All Israel shall hear*. The Jews say,

"The elders that condemned him were to send notice of it in writing all the nation over, *In such a court, such a day, we stoned such a one, because he was a stubborn and rebellious son.*"

And I have sometimes wished that as in all our courts there is an exact record kept of the condemnation of criminals, *in perpetuum rei memoriam--that the memorial may never be lost*, so there might be public and authentic notice given in print to the kingdom of such condemnations, and the executions upon them, by the elders themselves, *in terrorem--that all may hear and fear*.

II. A law for the burying of the bodies of malefactors that were hanged, #De 21:22. The hanging of them by the neck till the body was dead was not used at all among the Jews, as with us; but of such as were stoned to death, if it were for blasphemy, or some other very execrable crime, it was usual, by order of the judges, to hang up the dead bodies upon a post for some time, as a spectacle to the world, to express the ignominy of the crime, and to strike the greater terror upon others, that they might not only hear and fear, but see and fear. Now it is here provided that, whatever time of the day they were thus hanged up, at sun-set they should be taken down and buried, and not left to hang out all night; sufficient (says the law) *to such a man is this punishment*; hitherto let it go, but no further. Let the malefactor and his crime be hidden in the grave. Now,

1. God would thus preserve the honour of human bodies and tenderness towards the worst of criminals. The time of exposing dead bodies thus is limited for the same reason that the number of stripes was limited by another law: *Lest thy brother seem vile unto thee*. Punishing beyond death God reserves to himself; as for man, there is no more that he can do. Whether therefore the hanging of malefactors in chains, and

setting up their heads and quarters, be decent among Christians that look for the resurrection of the body, may perhaps be worth considering.

2. Yet it is plain there was something ceremonial in it; by the law of Moses the touch of a dead body was defiling, and therefore dead bodies must not be left hanging up in the country, because, by the same rule, this would defile the land. But,
3. There is one reason here given which has reference to Christ. *He that is hanged is accursed of God*, that is, it is the highest degree of disgrace and reproach that can be done to a man, and proclaims him under the curse of God as much as any external punishment can. Those that see him thus hang between heaven and earth will conclude him abandoned of both and unworthy of either; and therefore let him not hang all night, for that would carry it too far. Now the apostle, showing how Christ has redeemed us from the curse of the law by being himself made a curse for us, illustrates it by comparing the brand here put on him that was hanged on a tree with the death of Christ, [#Ga 3:13](#). Moses, by the Spirit, uses this phrase of being *accursed of God*, when he means no more than being treated most ignominiously, that it might afterwards be applied to the death of Christ, and might show that in it he underwent the curse of the law for us, which is a great enhancement of his love and a great encouragement to our faith in him. And (as the excellent bishop Patrick well observes) this passage is applied to the death of Christ, not only because he bore our sins and was exposed to shame, as these malefactors were that were accursed of God, but because he was in the evening taken down from the cursed tree and buried (and that by the particular care of the Jews, with an eye to this law, [#Joh 19:31](#)), in token that now, the guilt being removed, the law was satisfied, as it was when the malefactor had hanged till sun-set; it demanded no more. Then he ceased to be a curse, and those that were his. And, as the land of Israel was pure and clean when the dead body was buried, so the church is washed and cleansed by the complete satisfaction which thus Christ made.