

Deuteronomy 21:1-9
Dr. Steven R. Cook

In our current section on case laws (Deut 19:1—26:19), we are considering how the nation of ancient Israel was to practice righteous living after they entered the land of Canaan (Deut 16:20), and how righteousness was measured by conformity to God’s laws (Deut 6:24-25). In the previous section, Moses provided instruction concerning war with cities outside Canaan (Deut 20:10-15), and cities inside Canaan (Deut 20:16-20). In this pericope, Moses set forth a law concerning an unsolved murder, and then addressed the responsibilities God placed on the leaders of a nearby city to pronounce their innocence before the Lord (Deut 21:1-9). By following this law, the leaders of the city—elders, judges, and priests—were taking responsibility for what happened in their communities. Even though the city leaders were not personally responsible for the sinful act, it was still their problem as it fell under their jurisdiction, and God expected them to handle it in a specific way that satisfied His holiness, and this because He dwelt among His people.

Our current section opens with a scenario in which a murdered person is found lying in a field and the murderer is not known. Moses wrote, “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” (Deut 21:1-2). As stated on previous occasions, Moses described the land as that “which the LORD your God gives you to possess” (Deut 21:1a; cf., Deut 5:16; 17:14; 18:9; 19:1, 10, 14; 21:23; 24:4; 25:15, 19; 26:1-2; 27:2-3; 28:8). God owned the land (Lev 25:23), and He was granting it to His people as He’d promised to Abraham (Gen 12:7; 15:18), Isaac (Gen 26:3), and Jacob (Gen 28:13), but with the condition that they obey Him for blessing (Deut 28:1-14).

When the murderer could not be found, God instructed the elders and judges to investigate the matter and to “go out and measure the distance to the cities which are around the slain one” (Deut 21:2b). These would not be the judges and elders in the nearby city (Deut 16:18; 19:12), but those who served at the central sanctuary and served as a higher court (Deut 17:8-9). Warren Wiersbe states:

The “elders and judges” mentioned in Deuteronomy 21:2 are probably the “sanctuary court” mentioned in 17:8–13, and this would include the priests (21:5). This was the highest tribunal in the land and murder was a heinous crime. Furthermore, nobody had yet measured to see which city was nearest, so the elders and judges couldn’t have come from that city. Once the nearest city had been determined, the elders of that city participated in the assigned ritual. We

assume that the elders and judges investigated the case thoroughly before they took the steps outlined in these verses.¹

God owned the land the Israelites would possess (Lev 25:23), and it was the place where He dwelt among His people. The Lord had said, “You shall not defile the land in which you live, in the midst of which I dwell; for I the LORD am dwelling in the midst of the sons of Israel” (Num 35:34). The land itself was to be treated as holy, as God Himself resided in it, among His people. When innocent people were murdered, God declared that “blood pollutes the land” (Num 35:33a). This was true when Cain killed his brother Abel, and God said to Cain, “The voice of your brother’s blood is crying to Me from the ground” (Gen 4:10). Concerning murder, the Lord also said, “no expiation can be made for the land for the blood that is shed on it, except by the blood of him who shed it” (Num 35:33). That is, there was no atonement for the murderer that would acquit him of the punishment for his crime. The murderer was to bear the punishment for his crime, and this by the local government (Gen 9:5-6). However, in the current situation, the murderer could not be found to pay for his crime, yet God’s holiness needed to be addressed. Some method of justice needed to be followed in order to remove the corporate guilt of the community.

Though the murdered person was not the fault of anyone living in the nearby city, it was still their problem, and God expected them to deal with it in a righteous manner. Corporate responsibility was common to ancient cultures. For example, in the ancient law Code of Hammurabi, if a person was murdered, and the murderer could not be found, then “the city and governor shall pay one mina [500 grams] of silver to his people.”² This payment was given to the family of the victim, and this by the governor of the city. Thomas Constable states, “Cities were responsible for murders committed within their jurisdictions. This indicates that there is corporate guilt in God’s government. The ritual prescribed removed the pollution caused by bloodshed.”³ Earl Kalland adds, “When the perpetrator of the crime cannot be detected, some method of removal of the guilt that then falls on the land and people must be secured...The procedure given in this section of Deuteronomy provides the means for satisfying the Lord’s justice by the removal of corporate guilt.”⁴

¹ Warren W. Wiersbe, *Be Equipped*, “Be” Commentary Series (Colorado Springs, CO: Chariot Victor Pub., 1999), 139–140.

² James Bennett Pritchard, ed., *The Ancient Near Eastern Texts Relating to the Old Testament*, 3rd ed. with Supplement. (Princeton: Princeton University Press, 1969), 167.

³ Tom Constable, *Tom Constable’s Expository Notes on the Bible* (Galaxie Software, 2003), Dt 21:1.

⁴ Earl S. Kalland, “Deuteronomy,” in *The Expositor’s Bible Commentary: Deuteronomy, Joshua, Judges, Ruth, 1 & 2 Samuel*, ed. Frank E. Gaebelin, vol. 3 (Grand Rapids, MI: Zondervan Publishing House, 1992), 130.

The people of the city were to understand that all that happened in their community had an impact on God Himself. The city nearest the slain person would be required to take responsibility and follow the required actions to remove the guilt of their community. Specifically, it was the elders of the city who were to act, as they represented the community as a whole. Concerning the city elders, Moses said, “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” (Deut 21:3-4). The actions included taking a heifer that had never been worked, bring it to a valley with running water, which valley had never been plowed or sown, and there break the animal’s neck. The unworked heifer, the clean running water, and the unplowed valley seem to provide a picture of purity. To be clear, this was not a sacrifice, for the animal was not offered by a priest on an altar. Rather, killing the heifer appears to be a symbolic act of what the officials—and the community—would do to the murderer if he were in their hands. In this way, they demonstrated to all that they were willing to take responsibility for their community and adhere to God’s high standards of justice.

After the elders of the city performed this act, God then called for the priests, saying, “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” (Deut 21:5). Though the city elders were mainly responsible for adjudicating the matter—for they represented their community—God also required the Levitical priests to be present, as they represented the people to God. Here we see both a horizontal and vertical aspect of righteousness within a community. The function of the priests seems to picture a final absolution of the matter. Furthermore, we see in this situation a shared responsibility between the religious and the judicial.

After the priests had performed their duty, Moses then states, “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, and they shall answer and say, ‘Our hands did not shed this blood, nor did our eyes see it’” (Deut 21:6-7). Here, the elders of the city who followed this act were then to wash their hands over the dead body of the heifer and pronounce their innocence concerning the murder, that they neither had any part in the heinous act, nor knew who the murderer was. Earl Radmacher states, “The elders of the city

bore the responsibility for the murder, even though they were not personally guilty. It was up to them to seek atonement for the murder.”⁵ Peter Craigie adds:

The elders of the city that accepted responsibility for the dead man washed their hands over the broken-necked heifer. The symbolism of the various actions now becomes clear: the crime deserved to be punished, as the broken neck of the heifer indicated, but the hand-washing of the elders showed that, although they accepted responsibility for what had happened, they were nevertheless free from the guilt attached to the crime.⁶

Then the elders of the city were to say, “‘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 bloodguiltiness shall be forgiven them” (Deut 21:8). Forgiveness followed the action of the elders who followed the Lord’s instructions. The word *forgive*, which appears twice in this verse, translates the Hebrew verb כָּפַר *kaphar*, which commonly means “to appease someone...to make amends...to make atonement.”⁷ The word is often connected with the atonement that comes when a priest sheds an animal’s blood on the altar (Lev 17:11). Here, however, the word connotes an appeasement for justice. Though the elders of the city were innocent, they accepted responsibility for the horrendous crime committed nearest to their community, and sought to balance the scales of justice by means of killing a heifer (as though he were the murderer), washing their hands (a picture of innocence), and by prayer to God (who is the offended Person). Their request to God was, “Forgive Your people Israel whom You have redeemed, O LORD” (Deut 21:8a). The language recalled God’s redemptive work for all Israel, when He redeemed His people from Egypt and called them out to be a special people who represented Him to others. Here was a corporate mindset in which the elders of the community took responsibility for those under their care. If they followed these procedures as prescribed, then “the bloodguiltiness shall be forgiven them” (Deut 21:8b).

The act of the elders did not forgive the murderer of his crime. The blood of the animal was not shed. Furthermore, the act was performed by the elders of the city as the priests watched. The place where the animal was killed was an unworked field, not at an altar. There was no removal of sin for the murderer, only the elimination of any suspected guilt on the part of the elders of the city and the community as a whole.

⁵ Earl D. Radmacher, Ronald Barclay Allen, and H. Wayne House, *Nelson’s New Illustrated Bible Commentary* (Nashville: T. Nelson Publishers, 1999), 255–256.

⁶ Peter C. Craigie, *The Book of Deuteronomy*, The New International Commentary on the Old Testament (Grand Rapids, MI: Wm. B. Eerdmans Publishing Co., 1976), 279–280.

⁷ Ludwig Koehler et al., *The Hebrew and Aramaic Lexicon of the Old Testament* (Leiden: E.J. Brill, 1994–2000), 494.

Moses closed this pericope, saying, “So you shall remove the guilt of innocent blood from your midst, when you do what is right in the eyes of the LORD” (Deut 21:9). Murder is bad business, as it stains the community where it occurs. The stain was washed away when the elders and priests of the city accepted responsibility for the matter and followed the Lord’s instruction for cleansing. The elders and priests were not admitting guilt for the crime, for they were innocent. Rather, by following the Lord’s instructions, they were publicly testifying concerning what they would do to the murderer if he were in their hands, and in this way, showed their sense of righteousness agreed with the righteousness of God. In this way, God’s justice was emphasized and upheld.

In the grand scheme of life, no one gets away with murder. God sees all that happens. “‘Can a man hide himself in hiding places So I do not see him?’ declares the LORD. ‘Do I not fill the heavens and the earth?’ declares the LORD” (Jer 23:24). Though the murderer was not found and judged by human courts, God Himself sees what happens in His world, and He will eventually execute justice in His time and way. For God is “the Judge of all the earth” (Gen 18:25), and He “is a righteous judge, and a God who has indignation every day” (Psa 7:11). No one escapes God’s final judgment.

Present Application

The Bible teaches both individual and corporate responsibility. God holds each person accountable for what they think, say, and do. However, individual actions can impact the lives of others, both in the moment as well as in the future. For example, when Adam sinned, we all sinned with him (Rom 5:12), and so we are spiritually dead (Eph 2:1-2). Here is corporate guilt. On the other hand, Christ died for sinners (Rom 5:8), and when we trust in Jesus as Savior (John 3:16), we share in His life and righteousness (John 10:28; Phil 3:9). We are all born in Adam at physical birth, and are born again spiritually at the moment of faith in Christ. All humanity is either in Adam or in Christ (1 Cor 15:21-21).

Individual actions have consequences that impact the lives of others. Abraham’s disobedience in going to Egypt caused problems both for him and Sarah (Gen 12:10-20). David’s disobedience to God in taking an unauthorized census led to the death of 70,000 Israelites (1 Chron 21:1-14). Of course, God disciplined David because of his affair with Bathsheba as well as the murder of her husband, Uriah, and God’s judgment impacted David’s family in the years that followed (2 Sam 12:5-15; cf. 2 Sam 13:1—18:33). Jonah’s disobedience nearly killed his fellow travelers (Jonah 1:12). When Joshua and the army of Israel came against the city of Ai, Israel was soundly defeated and 36 soldiers died (Josh 7:1-5). When Joshua cried out to the Lord and asked why

they were defeated (Josh 7:6-10), the Lord said, “Israel has sinned, and they have also transgressed My covenant which I commanded them. And they have even taken some of the things under the ban and have both stolen and deceived. Moreover, they have also put them among their own things” (Josh 7:11). When investigated further (Josh 7:12-19), it was found that one man, Achan (likely with the knowledge of his wife and family), was responsible for the sin. Achan said, “I have sinned against the LORD, the God of Israel” (Josh 7:20).

Addressing individual responsibility, God said to Ezekiel, “Behold, all souls are Mine; the soul of the father as well as the soul of the son is Mine. The soul who sins will die” (Ezek 18:4). And, “The person who sins will die. The son will not bear the punishment for the father’s iniquity, nor will the father bear the punishment for the son’s iniquity; the righteousness of the righteous will be upon himself, and the wickedness of the wicked will be upon himself” (Ezek 18:20). There is suffering that can come from God, and there is suffering that can come from our connection to others. Children may bear the consequences of their parents’ sins, but only as the consequences fall naturally into the lap of the child because of their relationship with their parents. But children do not suffer by the hand of God for the sins their parents commit. John Barry affirms, saying, “Corporate responsibility for sin does not mean succeeding generations are punished for the sins of earlier generations. But, the consequences of the sins of earlier generations may affect later generations.”⁸ Walter Kaiser states:

Ezekiel 18 focuses on the responsibility of the individual for individual guilt. That is one side of the coin. But the Bible also recognizes the reality of the concept of corporate responsibility when it comes to accounting for the effect of some individual sins. The case of Achan in Joshua 7:1–26 is the best example of corporate solidarity, for when Achan sinned, it was said that all Israel had sinned as well. We can understand how one traitor can sell a whole army into major trouble, but we forget how the effects of some sins fall on whole communities, nations or assemblies of persons. In the case in Ezekiel 21, the sword would cut both the righteous and the wicked. That is because in war often both the good and the bad fall. But that was not to say that everyone was individually guilty; no, it was the effect that reached and impacted all.⁹

Corporately, Israelite communities were organic, with each part touching and impacting the other, such that no one operated in complete isolation, nor in a completely neutral manner. Like two sides of a coin, individual actions impact a

⁸ John D. Barry et al., *Faithlife Study Bible* (Bellingham, WA: Lexham Press, 2012, 2016), Dt 24:16.

⁹ Walter C. Kaiser Jr. et al., *Hard Sayings of the Bible* (Downers Grove, IL: InterVarsity, 1996), 315.

community, for better or worse; and the communities' overall health affects its individual members, either in positive or negative ways. William Raccah states, "Ancient Israelite culture was therefore organic in that each of its parts was interdependent on the others, yet at the same time retained its independence in certain aspects"¹⁰

It should be noted that God sometimes allows His innocent people to be swept up in the judgment He brings upon a nation, and this because He plans to use them to serve as His representatives. God permitted Hananiah, Azariah, Mishael, and Ezekiel to go into Babylonian captivity, though they had not personally been disobedient to the Lord. God then worked through these men to demonstrate to others how a godly life could be maintained in the midst of a hostile pagan culture. Their trials provided an opportunity for them to grow spiritually and to shine in a dark place.

Just as God was seen to be in the midst of His people, Israel (Num 35:34), so today, in the church age, Jesus walks in the midst of His churches and evaluates us. In Revelation chapters 2 and 3, the seven churches in Asia Minor were referred to as lampstands, and Jesus is seen "in the middle of the lampstands" (Rev 1:13) as "the One who walks among the seven golden lampstands" (Rev 2:1). Each home-church was under constant review by the Lord Jesus Christ. Out of the seven churches, Jesus gave praise only for two (Smyrna and Philadelphia), both praise and rebuke to four (Ephesus, Pergamum, Thyatira, and Sardis), and rebuke only for one (Laodicea). And Jesus also gave instructions for each church, to continue what was right, or to correct what was wrong.

Though individual in nature, each church was part of the "body of Christ" (Eph 4:12; cf. Eph 1:23) which makes up the universal church. Paul wrote, for "you are Christ's body, and individually members of it" (1 Co 12:27), and, "if one member suffers, all the members suffer with it; if one member is honored, all the members rejoice with it" (1 Cor 12:26). As Christians, we must think in terms of individual and corporate responsibility, realizing our actions not only impact us, but the lives of others with whom we are in regular contact. It is essential to our spiritual development that we accept responsibility for the things we do as well as the things that come into our lives, even though we may not be the cause. And we can pray for God to remove difficulties, but what He does not remove, He intends for us to deal with, and this for our spiritual development and witness to others.

¹⁰ William Raccah, "Sociology and the Old Testament," ed. John D. Barry et al., *The Lexham Bible Dictionary* (Bellingham, WA: Lexham Press, 2016).