

## Deuteronomy 21:10-23

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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), how righteousness was measured by conformity to God’s laws (Deut 6:24-25), and obedience would result in the Lord’s blessings (Deut 11:26-28). In the previous section, Moses set forth a law concerning an unsolved murder, and addressed the responsibilities God placed on the leaders of a nearby city to pronounce their innocence before the Lord (Deut 21:1-9). In the current section, Moses addresses: 1) the just treatment of wives taken in war (Deut 21:10-14), 2) the just treatment of a firstborn son from an unloved wife (Deut 21:15-17), 3) the just treatment of a rebellious son (Deut 21:18-21), and 4) the just treatment of the body of an executed criminal (Deut 21:22-23).

Moses opens this section, saying, “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...” (Deut 21:10). The Hebrew conjunction *כִּי* *ki*, translated *when*, assumes the reality of future warfare for God’s people. As the Lord’s people engaged the enemy, they were to know that it was their God who was giving them victory. In this passage, Israel’s enemies refer to adversaries outside the land of Canaan (Deut 20:15), as there was the possibility of some taken as captives. This was contrary to the command to kill everyone in Canaan and to leave no one alive (Deut 7:1-3; 20:16-18).

Moses anticipated a situation in which an Israelite warrior would “see among the captives a beautiful woman, and have a desire for her and would take her as a wife” (Deut 21:11). Here, the word *desire* translates the Hebrew verb *חָשַׁק* *chashaq*, which means “to be very attached to, to love somebody.”<sup>1</sup> This speaks of the natural desire that a man has for a woman in which he sees her as physically attractive and perhaps as a companion for marriage. When used of people, this love is predicated on outward appearance and behavior, which is always subject to change. Interestingly, the same Hebrew word is used of Yahweh toward Israel (Deut 10:15). However, when used of God, it refers to a love that is based on His volition and integrity and not the beauty or worth of the object, as Moses had previously made clear (Deut 7:7).

If the soldier decided to pursue the woman as his wife and bring her into his home, Moses instructed, “then you shall bring her home to your house, and she shall shave her head and trim her nails. She shall also remove the clothes of her captivity and shall

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<sup>1</sup> Ludwig Koehler et al., *The Hebrew and Aramaic Lexicon of the Old Testament* (Leiden: E.J. Brill, 1994–2000), 362.

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” (Deut 21:12-13). Shaving the head, trimming nails, and removing familiar clothing may picture the putting away of her old life before the war. Hard changes to physical appearance—including hair fashion and clothing—can help with the psychological transition from one culture to another, assuming the person is willing to adapt. These actions also allow the woman to express her grief during the time of transition and is permitted to mourn her parents a full month. Here, non-Israelite women were allowed to honor their mother and father as Israel’s law demanded of His own people (Deut 5:16). Daniel Block writes, “When her hair and nails grow and she puts on new clothes, she emerges as a new person, with a new identity and new status; she hereby declares nonverbally what Ruth declared verbally to Naomi (Ruth 1:16). The actions also remind her new husband that he is not to treat her as an alien or a slave.”<sup>2</sup> This transition would have helped the woman recover psychologically from the natural shocks of war, loss of family, and adaptation to a new culture. Eugene Merrill adds, “This presupposes a degree of willingness on the part of the maiden to forsake the past and to embrace a new and different way of life, for one can hardly conceive of all this taking place coercively.”<sup>3</sup>

However, if the marriage was not working out, then Moses gave legal provision for the war bride to be released from the marriage. Moses said, “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” (Deut 21:14). Being *not pleased with her* is vague and could refer either to the man’s personal desires changing, or perhaps to the possibility that the woman refused to adopt Yahweh as her God, therefore making the marriage impossible to maintain. Whatever the reason of displeasure, the man was to set her free from the relationship and not treat her as a slave, which would add to her humiliation. This verse also shows that Israelites could marry foreign women (although Canaanite women were excluded; Deut 7:1-4). Ruth is the ideal example of a foreign woman adopting Yahweh as her God and walking in the ways of the Lord (Ruth 1:16; 4:13). Unlike Israel, pagan cultures did not afford their female captors such privileges. Moses then transitions to address the Israelite man who has two wives—perhaps as a follow-up to the previous discussion—and sets forth a law concerning the rights of the firstborn. Moses said:

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,<sup>16</sup> then it shall be in the day he wills what he has to his sons, he cannot make the

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<sup>2</sup> Daniel I. Block, *The NIV Application Commentary: Deuteronomy*, ed. Terry Muck (Grand Rapids, MI: Zondervan, 2012), 496.

<sup>3</sup> Eugene H. Merrill, *Deuteronomy*, vol. 4, *The New American Commentary* (Nashville: Broadman & Holman Publishers, 1994), 291.

son of the loved the firstborn before the son of the unloved, who is the firstborn.<sup>17</sup> 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. (Deut 21:15-17)

Whatever the husband's personal attitude toward his wives, whether he loved one more than the other, he was restricted from denying his firstborn son the legal right to a double-portion of the inheritance. Being the firstborn son and receiving the double-portion obligated him—with the appropriate resources—to care for his parents in their old age and to serve as the head of the family. What follows could address the possibility that a son—whether firstborn or not—proved to be rebellious and disobedient to his parents, failing to follow in the path of righteousness. Moses said:

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,<sup>19</sup> then his father and mother shall seize him, and bring him out to the elders of his city at the gateway of his hometown.<sup>20</sup> 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.'<sup>21</sup> 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. (Deut 21:18-21)

Whereas the previous directive protected a firstborn son from a capricious father, this command protected the father and mother—and society at large—from a rebellious son who was a troublemaker. Here, the son is regarded as being between that of a child and a fully developed adult. Eugene Merrill comments:

These children certainly were not minors as their behavior (v. 20) and punishment (v. 21) made clear, but they also could not have been fully mature and independent adults who were out from direct parental supervision and heads of their own households. Rather, they were adolescents, dependents who were under the care of their fathers and mothers but fully responsible for their actions and resulting consequences.<sup>4</sup>

The phrase *a glutton and a drunkard* are merely a few of the many characteristics of the son who was largely *stubborn and rebellious*. Peter Craigie states, "The latter words

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<sup>4</sup> Ibid., 293.

do not specify the crime, but indicate, by way of example, the kind of life that has resulted from disobedience to parental authority.”<sup>5</sup>

Biblically, parents were to train their children in authority orientation so they would be able to function properly in society. The child who would not submit to his parent’s authority was seen as a threat to the welfare of the community, as he would also not submit to governmental authority and eventually become part of the criminal element that would lead to societal harm. In every home, parental influence diminishes over time, as the child’s personality becomes settled. At a certain point—and it’s different for each person—the child must bear the consequences of his own actions before God and others. If the child reaches a place of maximum recalcitrance, the parents could bring their son to the elders of the community, who would execute him by stoning him to death, and in this way, would remove the evil person from their midst. Executing the son was the responsibility of the leaders within the city and not the parents, and this only after a legal case had been made. That both parents were to do this shows equal responsibility in the home for raising and training the child. Daniel Block writes:

The description suggests the parents have done all they could to raise their son properly, but he is incorrigible and will not listen to either father or mother. The prescription for this son seems simple. The parents are to seize him, take him to the assembly of the elders in the town where they reside, present their case orally, and leave him with the men of the town, who will stone him to death (vv. 19–21a).<sup>6</sup>

This consequence is not merely because the child is disobedient in the home. Rather, he has grown to adulthood and poses a corrupting threat to the wellbeing of the community at large, and therefore cannot be tolerated, lest he influence other sons to be rebellious against the Lord. Most children possess good and bad qualities during their developmental years and are usually not completely sold to evil at a young age. The scenario in Deuteronomy 21:18-21 seems to picture an extreme situation, such that a son was disobedient all the time, perhaps over years, and had developed such sinful qualities that he was beyond reform and must be put to death, lest he become a cause for evil in the community, which community was called by God to be holy. Though this law was given, we have no biblical record of a parent implementing it.

Having discussed the execution of a son, Moses then addressed the larger issue of what to do with the body of a person who had been put to death. Moses said, “If a man has

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<sup>5</sup> Peter C. Craigie, *The Book of Deuteronomy*, The New International Commentary on the Old Testament (Grand Rapids, MI: Wm. B. Eerdmans Publishing Co., 1976), 284.

<sup>6</sup> Daniel I. Block, *The NIV Application Commentary: Deuteronomy*, 499.

committed a sin worthy of death and he is put to death, and you hang him on a tree, <sup>23</sup> 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” (Deut 21:22-23). This verse addressed the reality that some crimes warranted the death penalty. That the body of the dead person was hung on a tree for others to see perhaps served as a psychological deterrent to would-be-criminals. Such a criminal was viewed by the community as being “accursed by God” and worthy of his crime. However, even though on display, the body of the executed person was not to be left overnight, but buried the same day. Failure to follow this policy would result in the elders of the city being guilty of defiling the land itself. Joshua followed this command when he executed the king of Ai (Josh 8:29), as well the executed pagan kings of southern Canaan (Josh 10:26-27). The apostle Paul referenced Deuteronomy 21:23 in Galatians 3:13 when referring to the death of Jesus. Jesus was cursed in that He was made to bear our sin on the cross (1 Pet 2:24; cf., John 19:31), not that the cross itself made Him cursed.

Interestingly, God Himself struggled to carry out His judgment upon the nation of Israel, whom He regarded as His son (Ex 4:22-23; Hos 11:1). The historical record of Israel reflected a longstanding rebellion against God as they repeatedly rejected His authority and committed horrible sins over centuries. God, on His part, repeatedly displayed love, grace, patience, and goodness toward His people, constantly providing clear directives into righteous living (Jer 25:4-11). The more He sought to lead them into righteousness, the more they rebelled against Him and pursued wickedness (Hos 11:2-4). Eventually, He judged them for their sin by handing them over to others for discipline (Hos 11:5-7). Still, the heart of God was torn, as it wounded Him deeply to consider His judgment, and in the end, though they were severally disciplined, they were not destroyed (Hos 11:8-9). Good and righteous parents will understand the heart of God when dealing with their own rebellious children.

**Below are some thoughts about women, polygamy, parenting and children:**

Unlike ancient cultures that regarded women as lesser beings who could be mistreated or abused by men, the book of Deuteronomy offers no such endorsement. Rather, God established legal rights for widows (Deut 10:17-18), for daughters and female servants to have an equal place of worship at the tabernacle/temple (Deut 12:12), for female slaves—like their male counterparts—to be set free after six years of service (Deut 15:12), and for a newlywed wife to enjoy the company of her husband before he was eligible for military service (Deut 20:7). Likewise, the wife shared equal responsibility for raising the children to know and walk with God (Prov 6:20-23), and the children were to honor their father and mother. Even war brides had legal rights that protected

them (Deut 21:11-14). And the excellent wife who honors God, lives wisely, and serves others, is praised for her godly virtues (Prov 31:10-31).

Concerning marriage, monogamy was God's ideal (Gen 2:24-25; Matt 19:4-6). However, polygamy was permitted (though not promoted), except for the king, who held the highest office in the land (Deut 17:17). In polygamous relationships, wives were to receive equal treatment in the home (Ex 21:10-11). Biblically, we know Abraham took Hagar to be his wife, even though he was married to Sarah (Gen 16:3). Jacob had four wives: Leah (Gen 29:23-25), Rachel (Gen 29:28), Zilpah (Leah's maid; Gen 30:9) and Bilhah (Rachel's maid; Gen 30:1-4). King David had eight wives that we know by name: Michal (1 Sam 18:27), Abigail (1 Sam 25:39-42), Ahinoam (1 Sam 25:43), Bathsheba (2 Sam 12:24), Maacah, Haggith, Abital and Eglah (2 Sam 3:2-5), and other wives and concubines that are unnamed (2 Sam 5:13). As far as I can tell, David married only women within the Israelite community and he cared for his wives. In one biblical account, two of David's wives, Abigail and Ahinoam, had been taken captive (1 Sam 30:5), and David prayed to God concerning the matter. God provided David victory so that he could reclaim his two wives as well as many possessions (1 Sam 30:6-18). King Solomon "had seven hundred wives, princesses, and three hundred concubines, and his wives turned his heart away" (1 Ki 11:3). God permitted Solomon to sin in this area of his life, and it ultimately ruined his walk with the Lord. Solomon eventually worshipped idols (1 Ki. 11:4-10), and this brought God's anger. God said to Solomon, "Because you have done this, and you have not kept My covenant and My statutes, which I have commanded you, I will surely tear the kingdom from you, and will give it to your servant" (1 Ki 11:11). God punished Solomon for his sin, but He punished him as a son and not an unbeliever. In spite of David and Solomon's sin, God used them both to accomplish great things. Eventually, Jesus, the promised Messiah, was born in their family line (Matt 1:6-7, 17).

God created Adam and Eve with the ability and mandate to procreate and fill the earth (Gen 1:26-28). Once a mother and father have children, God expects both parents to raise their children to know the Lord and to walk with Him (Deut 6:7-8). Ideally, children are "a gift of the LORD" (Psa 127:3a), and, "Like arrows in the hand of a warrior, so are the children of one's youth" (Psa 127:4). However, godly parents and a godly home are no guarantee children will accept what is provided, as they may turn away from the Lord. Parents are responsible for their godly output, but not the outcome of results. Parents hope for good children, and to this end they teach God's Word, model godliness, and pray fervently. However, the reality is that any parent, even those who pursue righteousness, may have children who fail to follow the Lord and commit themselves to a sinful lifestyle. Such children have disowned their parents and the Lord. This was the case with Eli, whose sons "were worthless men; they did not know the LORD" (1 Sam 2:12). And Eli's sons refused their father's wise and loving correction

(1 Sam 2:22-25a), and “would not listen to the voice of their father” (1 Sam 2:25b). Because Eli’s sons had continually sinned against the Lord and others, they’d placed themselves under God’s judgment, and the result was, “the LORD desired to put them to death” (1 Sam 2:25); which He did (1 Sam 2:34; 3:13; 4:10-11). Similarly, Samuel had two sons who “did not walk in his ways, but turned aside after dishonest gain and took bribes and perverted justice” (1 Sam 8:3). Such rebellious children are a grief to their parents (Prov 10:1; 15:20; 17:25), not honoring their father and mother (Deut 5:16), who lovingly seek to correct them into the path of righteousness. Children who dishonor their parents also dishonor God, who delegated authority and responsibility to them for the wise upbringing of their children. It’s interesting that a child as young as eight could be morally accountable before God, as was Jehoiachin, who “was eight years old when he became king, and he reigned three months and ten days in Jerusalem, and he did evil in the sight of the LORD” (2 Ch 36:9).

Godly parents will instruct their children in the ways of the Lord, and wise children will listen and apply what they’ve learned, subsequently living a beautiful righteous life (Prov 6:20-23). In the New Testament, Paul recognized that Timothy’s life was directly influenced by the instruction provided to him in childhood by his grandmother and mother. Paul said of Timothy, “I am mindful of the sincere faith within you, which first dwelt in your grandmother Lois and your mother Eunice, and I am sure that it is in you as well...and that from childhood you have known the sacred writings which are able to give you the wisdom that leads to salvation through faith which is in Christ Jesus” (2 Tim 1:5; 3:15). In another place, Paul linked a child’s obedience to parents as the ground for personal and future blessings, saying, “Children, obey your parents in the Lord, for this is right. Honor your father and mother (which is the first commandment with a promise), so that it may be well with you, and that you may live long on the earth” (Eph 6:1-3). The child who made this investment in parental obedience would reap the benefit of a blessed life by God. And in Colossians, Paul wrote, “Children, be obedient to your parents in all things, for this is well-pleasing to the Lord” (Col 3:20). All children have their sinful proclivities and failings. Hopefully, as they grow into adulthood, they will learn to fear the Lord and walk with Him, producing a beautiful righteous life that honors God and their parents. Until then, parents must stay the course and continue to expose their children to biblical teaching, correcting them when needed, and to model righteousness, patience, grace, all with an attitude of love, being persistent in prayer on behalf of their children (see Job 1:4-5).