

The Original Meaning of Deuteronomy 21:22-23

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Introduction

What is the original meaning of Deuteronomy 21:22-23? How would a Hebrew in Moses' day have understood this declaration concerning a capital offender's corpse? Why should modern readers be concerned with understanding this short excerpt from the Israelite legal code? Not surprisingly, these are questions given little attention in the church today. When read apart from an understanding of its ancient Hebrew theological and social context, this text is at best bewildering and at worst, shockingly gruesome. So, intimidated by this law's obscurity and subject matter, we keep our distance.

In contrast to our relative disinterest in and unfamiliarity with Deut 21:22-23, the New Testament writers reference this passage on several occasions, most notably Paul in Gal 3:13. Further, several Old Testament narratives show that, for ancient Hebrews, corpse-hanging before burial was more than mere conjecture; indeed, this practice was a physical reality in Israelite society. With these considerations in mind, it is clear that this rather obscure Hebrew law deserves further examination. Accordingly, this paper will seek to illumine the ancient Hebrew understanding of Deut 21:22-23 by exploring its placement in the

book of Deuteronomy, its social and theological meaning for Moses' original audience, and its application in Israel's history. After examining these aspects of its original context, we will discuss Paul's usage of this text to explain Christ's work in Gal 3:13. Finally, we will seek to identify the significance of this law for the church today.

Placement in Deuteronomy

Deut 21:22-23 is contained within a series of stipulations covering a variety of topics and spanning chapters 12-26 of the book. Understanding the placement of individual laws in this list can be somewhat difficult, as a definitive structure in the presentation of laws is not immediately apparent. At first glance, the reader finds himself grasping for a pattern but unsure of where to find it. Thankfully, Meredith Kline's analysis is helpful in unveiling the structure of this section. Kline groups our short passage within Deut 16:18—21:23, a series of stipulations concerning "judicial-governmental righteousness," and notes that this section emphasizes a unity between the realms of government and religion in Israel. This unity has its source in Yahweh Himself. Says Kline, "Between the government and the cultic there was a unity of ultimate authority since Yahweh was both God and King in Israel." This unity was seen in the extension of divine authority into the human realms of justice (16:18-17:13), kingship (17:14-20), warfare (20:1-20) and family (21:1-23). Israelites dealing in these matters were not engaged merely in the human sphere, but were accountable to God as well.

In Deuteronomy 21, this principle of governmental-religious unity is seen clearly in verses 1-9, where unsolved murder requires priestly mediation and

animal sacrifice to atone for the guilt of the unknown offender. These requirements illustrate that in Israel's theocracy, human crime attracted divine justice. That is to say, in Deut 21:1-9, murder brings guilt not only on an earthly level, but on a heavenly one as well. Similarly, in our passage of focus, 21:22-23, the proper and humane treatment of a capital offender's corpse is important not merely for the sake of having a civilized society; on the contrary, this procedure must involve religious acknowledgment as well as earthly concerns. To treat a corpse inhumanely is an affront not only on the deceased, but also on Yahweh and His land. So, Kline's analysis reveals that there was particular religious significance to the proper administration of the criminal law in Moses' day. In his own words, "...all theocratic law administration [operated] in the service of covenant religion." In Israel's theocracy, criminal judgments were, in an ultimate sense, judgments by God against the guilty. God's unique covenant relationship to his people necessitated that their governmental and judicial proceedings, like all other areas of life, met his standards of holiness. So, as we examine Deut 21:22-23, we see it against this covenantal backdrop. The punishment of capital criminals in Israel was ultimately a vindication of God's justice against the sinner. As such, it had to be carried out in adherence to God's requirements for ceremonial purity.

Original Meaning

As the surrounding context of Deut 21:22-23 reveals, capital offenders were subject to justice on both an earthly and a heavenly level—not only did their crimes warrant worldly punishment, but they also elicited divine condemnation.

Accordingly, for the original Hebrew audience, Deut 21:22-23 had both social and theological implications. On a social level, the practice of hanging executed criminals for public display was a graphic deterrent of future crime.

Contrastingly, the prescribed removal of the criminal's body before the next day highlighted the need to extend mercy even to the worst members of society. But more prominent than the social messages of Deut 21:22-23 are this law's theological concerns. Two key concepts addressed within this law—cursedness and the land—had major implications for the dynamics of covenant life in Israel. Below we will discuss the social and theological implications separately.

Social Implications

Deterrence. It seems appropriate to note here that while the practice of hanging corpses is mentioned in Deut 21:22-23, it is not legislated by this passage. The law is written, in fact, on the assumption that corpse hanging already occurs in Israel. So, the mention of such a practice was not mere conjecture, but rather a vivid reminder for Israelites of the horrific fate of those who showed flagrant disregard for God's law by perpetrating a capital offense. In fact, one value of this practice was to discourage the people from committing such criminal acts themselves. Textually, we need only look back one verse, to Deut 21:21, to see that deterrence was one motivation for the public nature of capital punishment in Israel. The incorrigible son was stoned that "all Israel will hear of it and be afraid." Just as public execution engendered healthy reverence for God's law in the hearts of the people, so it seems would post-execution hanging cause onlookers to think twice before engaging in lawlessness. Ardel

Caneday says it well: “The gruesome display forcefully warned the Israelites concerning the results of breaking covenant laws that were punishable by death.”

Compassion. While fear certainly would have been one response to these hangings, the capital offender’s ignominious fate would also probably provoke feelings of disgust and contempt in the hearts of those viewing his hanging corpse. Accordingly, the prohibition of prolonged exposure of the body overnight in 21:23, though primarily in place to prevent defilement of the land, probably served a secondary purpose of preventing excessive shame and dishonor for the offender. Says Matthew Henry, “God would thus preserve the honour [sic] of human bodies and tenderness towards the worst of criminals.” Christopher Wright comes to a similar conclusion, noting both excessive degradation and emotional suffering on the part of family members as practical reasons for limiting the time of exposure to the daylight hours.

Theological Implications

Though the aforementioned “social issues” are important aspects of Deut 21:22-23, the passage’s central concerns are theological or religious in nature. Two important statements in verse 23 reveal the primary foci of this law. First, “anyone who is hung on a tree is under God’s curse,” and secondly, “you must not desecrate the land.”

Cursedness. Lengthy passages of Mosaic Law (e.g., Lev 26:14-39; Deut 28:15-68) make it clear that covenant-breaking, especially flagrant disobedience to God’s law, results in destruction. Covenant breakers incur God’s curses, his wrath. So, the capital offender’s hanging corpse is a vivid picture of his

cursedness, a visual reminder of the consequences of sinful rebellion. It is this cursedness that Hebrews would comprehend when they saw the lifeless body hanging from the tree. Further, within their covenantal context, Hebrews would not see cursedness as a result of hanging from a tree, but vice-versa: the offender suffers shameful public exposure after his death because of his cursed status. Craigie explains, “The body was not *accursed of God*...because it was hanging on a tree; it was hanging on a tree because it was accursed of God.”

As verse 22 implies, hanging was not the means of death for the capital offender in Moses’ day. Verse 21 shows that stoning was probably the method of capital punishment in mind in Deut 21:22-23. Hanging’s purpose, then, was not to bring death; rather, it was to expose curse. Yet still, the question remains—why is there an association between hanging on a tree and being cursed? Merrill notes the difficulty in understanding this connection, suggesting that perhaps the “Hebrew abhorrence of death” is part of the reason behind the extreme cursedness of a publicly displayed corpse. Craigie makes a helpful comment that capital punishment “was a formal and terminal separation from the community of God’s people.” Though he does not say it explicitly, he seems to see the hanging as a furtherance of this separation. This seems insightful, but still leaves open the question of why hanging from a tree is associated with cursing. The question is: How is hanging from a tree any more than an arbitrary rite? Or, more positively: Is there a particular mechanism behind tree-hanging that makes it an appropriate vehicle for curse expression? Since this law occurs

only once in the Pentateuch, we must move to Old Testament occurrences of similar hangings/exposures to find an answer.

Application within Israel's History. The practice of publicly displaying corpses by hanging is mentioned several times in the Scriptures. Genesis 40:19ff reveals a similar practice of exposing corpses (probably on poles) in Egypt. Joshua 8:29 and 10:26-27 each reveal Joshua hanging the corpses of foreign kings and taking them down according to the instructions in Deut 21:23. 2 Sam 4:12 is another instance of Deut 21:22-23's observance within Israel's history. Here David hangs Banaah and Recab's corpses by the pool at Hebron after they killed Ish-Bosheth (a capital offense). These passages are helpful in verifying the practice of public corpse display in Israel and the Ancient Near East; however, as we seek to identify the meaning, or theological significance, of hanging bodies in Israel, 2 Sam 21:6ff and Numbers 25:4 are the most helpful Old Testament examples.

2 Samuel 21:6ff tells the story of the execution and hanging of Saul's sons by the Gibeonites. Saul had broken covenant with the Gibeonites, apparently killing large numbers of them, and as a result, God brought a three-year famine to Israel. Seeking to end the famine, David turned seven of Saul's sons over to the Gibeonites, and they were killed and "exposed before the Lord" at Gibeah in atonement for the crime of their father. As a result of their death and exposure, it seems, God removed the curse from the land. Matthew Henry explains it well: their deaths and hangings were meant to turn away the judgment of God manifested in the famine/drought, and God's sending of rain upon the land after

their extended hanging was a sign of the removal of judgment—in other words, these hanging corpses propitiated God’s wrath against the land. This viewpoint seems tenable when taken in conjunction with Num 25:4, where God instructs Moses to kill and expose in broad daylight before Him Hebrew men guilty of Baal worship. The Lord’s reasoning? “So that the Lord’s fierce anger may turn away from Israel.” These two instances seem to establish a reason for the hanging of corpses from trees (or poles): To expose the bodies to the full, unmitigated wrath of Yahweh, and thereby to appease His anger towards Israel over the particular covenant violation at issue. By such public hanging the covenant violator’s sin and shame is exposed, unhidden and uncovered, both to watching eyes of Israel and to the righteous fury of Yahweh. He cannot take refuge in the land, or in heaven. He hangs suspended between and rejected by each. So, in the capital offender’s death and hanging, he bears not only the shame of exposed guilt before his people, but also the divine curses associated with covenant violation.

Defilement of the land. As Israelites saw the body of the capital offender hanging in curse, they would be reminded of the importance of covenant faithfulness to God. Those who did not obey Yahweh would be subject to His wrath. As such, the cursedness of the covenant breaker was one important theological implication of Deut 21:22-23 for Moses’ original audience. A second theological motif flows out of this first one: not only the people, but also the land itself, must remain holy. Indeed, the central concern of the law here is not the fate of the hanging offender, but rather the preservation of the holy land’s sanctity. Hence, the imperative content of the law is not “you must hang a capital

offender's corpse publicly," but rather, "you must not leave his body on the tree... Be sure to bury him that same day." The reason? "You must not desecrate the land the LORD your God is giving you as an inheritance." The law in Deut 21:22-23 is given for this primary reason: to prevent the defilement of the holy land in the administration of capital punishment.

Why is the land's holiness so important? Put simply, because it is God's land. The land of Palestine, which the readers of Deuteronomy are preparing to enter, is His dwelling place. The work of Vern Poythress is helpful in explaining this concept more fully. As God's dwelling place, notes Poythress, the land is analogous to the tabernacle itself. Though the land shares the tabernacle's holiness "at a reduced level of intensity," it is nevertheless helpful to note the connection between the two. The tabernacle, of course, is defined by God as a place in which He would dwell and meet with his people (Ex 25:8,22) and is therefore regulated by an elaborate system of holiness requirements. These requirements reveal to the people God's utter separation from sin and uncleanness. He will not coexist with ungodliness. Though the land is not laden with such elaborate holiness code, it too is described as God's dwelling place and must remain unpolluted (Num 35:33-34).

As God's dwelling, then, the Promised Land is "to be a paradigmatic land, a representative sample standing for the whole earth. What happens there is to be paradigmatic for all nations (Deuteronomy 4:5-8; 29:22-28)." In other words, while the whole earth is Yahweh's (Ps 24:1; 50:12), the land of promise is a special place in which God unveils his program for the world. There, His

presence will be enjoyed and His kingship exercised in ways harkening back to idyllic Eden and looking forward to the divine worldwide regency of the consummated kingdom. As such, Palestine is to be an example, a model, a holy standard for the nations to emulate. By definition, defilement may have no place there.

The defilement that a hanging capital offender's body would bring would be both literal and symbolic. Corpses would decay quickly in the warm climate of Palestine, and the disease and pollution associated with them was certainly one reason they were considered unclean (Num 19:11). Moreover, the criminal's corpse was polluted not only in its outward decay, as were all dead bodies, but also because of its cursed state. Symbolically, his dead body embodied the pollution of sin, of covenant breaking, and was therefore unwelcome in the dwelling place of God.

Deuteronomy 21:23 and Jesus Christ

Understanding the meaning of Deut 21:22-23 for the original audience is crucial when seeking to relate this law to Jesus Christ. The New Testament authors employ this text directly on a number of occasions, most notably Paul in his letter to the Galatians. In Gal 3:13, Paul says "Christ redeemed us from the curse of the law by becoming a curse for us, for it is written: "Cursed is everyone who is hung on a tree."" At first glance, it may seem that the primary reason Paul employs this verse is to say something about the physical method of Christ's death. However, it is clear that the criminal of Deuteronomy 21 was not killed by crucifixion, but by some other method (probably stoning, cf. Deut 21:21).

Caneday's elucidation is helpful here: "...the association which Paul expresses is not "hanging upon a tree"/"crucifixion" but "hanging upon a tree"/"vicariously bearing a curse." Paul is not speaking to the method of execution but rather the state of the executed: in both cases, they are "cursed" by God. As we read Galatians in light of our understanding of Deut 21:22-23, we come to see Christ as one taking the place of the covenant breaker. Like Saul's seven sons in 2 Samuel 21, Jesus becomes a vicarious curse bearer, receiving punishment for that which another (the nation of Israel) has done. And so, the curse of Deut 21:23 reaches ultimate fulfillment in Christ, the cosmic vicarious curse bearer. His hanging body is the propitiation that satisfies God's wrath against his unfaithful covenant people, making atonement for their covenant crimes and redeeming them from the law's curse.

Christ's curse bearing is also significant in relation to the land motif in Deut 21:23. As a result of Christ's work on the cross, a dramatic shift occurs. No longer will God dwell especially in the land of Palestine—now his temple presence will go out over all the earth as his Spirit indwells his people. How is this possible? Well, just as the removal of the criminal's body from the tree ensured that Yahweh's land remained undefiled, so the finished work of Christ on the cross makes his people clean and suitable for God's presence. Yes, Christ's curse bearing makes possible the cleansing of the people of God so that God himself may dwell inside them (Ezek 36:27; Eph 1:13-14). As God dwells in his people and sends them throughout the world, He begins to cover the face of the planet with his holy presence. This reality of God's spreading presence will be

fully realized at the end of the age, when his glory is spread over all the earth (Rev 21:22-23). In summary, Christ's curse bearing makes possible the transfer of the holy dwelling place of God from Palestine to the ends of the earth!

Deut 21:22-23 and God's People Today

The question of modern application is often a difficult one when dealing with Old Testament law. With the epochal shifts that have taken place between Moses and today (most notably the covenants of David and Christ) and the various cultural differences that exist between our world and that of Moses, we live and move in a very different context than did the original readers of Deut 21:22-23. In this case, however, the task is not so burdensome, particularly since Paul has done much of the redemptive-historical adjusting for us in Gal 3:13.

In order to come to a modern application of Deut 21:22-23, we will take the theological motifs of cursedness and the land, which we examined earlier in their original context, and move along the trajectory of their original meaning to application in our lives today. First, we will deal with cursedness. The Israelites of Moses' day saw that the penalty for a severe covenant violation such as murder was death and post-mortem cursedness. As the people looked on, they knew that they could someday share the offender's fate should they violate covenant in the same way. Similarly, we must take the horrific image of this lifeless, mangled body and see ourselves in it—except by God's gracious provision of a vicarious curse bearer, this cursed, rejected cadaver would be the ultimate metaphor for our own fate.

Secondly, there is significance in the fact that the body was taken down, signaling the propitiation of God's wrath against the criminal. Similarly, when Jesus was taken down from the cross one evening nearly 1500 years later (John 19:31), God's wrath against *us* was satisfied. So, while the ancient capital offender was cursed for his own covenant breaking, Christ underwent malediction for the sins of his people—for us, his church. And just as Deut 21:23 demanded that the guilty offender be taken down before nightfall, so now the law demands that none who are in Christ be cursed any longer—He has satisfied the law in his perfect obedience unto death (Gal 3:10). Jesus Christ has not merely delivered us from mediocrity or emotional difficulty—he has delivered us from the corruption of death and the unendurable wrath of God. Our ultimate fate is not decay, but new life, physical and spiritual; not malediction, but benediction!

Finally, just as God's ancient dwelling place, the land, was made clean by the removal of the sinful offender's body from the tree, so God's "current residence," the church, is "washed and cleansed" by the work of Jesus Christ on the cross (Eph 5:25-27). As God poured rain on a parched Israel after he had satisfied his anger against Saul's sons (2 Sam 21:6ff), so he poured his Spirit on His people when his wrath against us was satisfied through Christ! As this cleansing work of His Spirit takes effect in us, we become a place fit for a King! Jesus Christ, by his ultimate and final sacrifice, has made us clean. Indeed, we are now presentable in the Great King's Court.

Conclusion

Deuteronomy 21:22-23 was, for its original hearers, a vivid reminder of the dynamics of covenant life. Faithfulness to God was not a responsibility to be taken lightly, as failure to be obedient could result in horrific malediction. Ancient hearers of this law understood God's wrath as a force with which to be reckoned, a reality of life that was impossible to ignore. Further, this law reminded them of the purity and holiness that characterized both Yahweh and his land, and the need to maintain his dwelling place's sanctity. As we understand this law in its original context, Christ's sacrificial death gains a new depth and significance—Christ is a covenant representative, a pact keeper who dies for pact breakers to make them a pure dwelling place of God into eternity. In doing so, he undergoes the worst of curses so that our filthiness and decay are transformed into spotlessness and eternal life. So, as we read Deut 21:22-23 from our place within redemptive history, we should rejoice because of the wrath He has averted (Eph 2:3), the redemption He has secured (Gal 3:10), and the hope he has laid before us all of a glorious eternity in the presence of our wonderful Father and King (Col 1:5).