

# CHAPTER 21

## INTRODUCTION TO DEUTERONOMY 21

This chapter treats of the beheading of the heifer, for the expiation of unknown murder, and the rules to be observed in it, (<sup>f210</sup>Deuteronomy 21:1-9) of a beautiful captive woman an Israelite is desirous of having for his wife, and what methods he must take to accomplish it, (<sup>f210</sup>Deuteronomy 21:10-14), of giving the double portion to the firstborn, which he must not be deprived of in favour of the son of a beloved wife, (<sup>f215</sup>Deuteronomy 21:15-17) and of the stubborn and rebellious son, who remaining so must be put to death, (<sup>f218</sup>Deuteronomy 21:18-21) and of burying a person hanged on a tree the same day he is executed, (<sup>f212</sup>Deuteronomy 21:22,23).

**Ver. 1.** *If one be found slain*, etc.] After public war with an enemy, Moses proceeds to speak of a private quarrel and fight of one man with another, in which one is slain, as Aben Ezra observes:

*in the land which the Lord thy God giveth thee to possess it*; where murders might be committed more secretly, and remain undiscovered, when they came to live in separate cities, towns, and villages, with fields adjacent to them, than now encamped together:

*lying in the field*; where the quarrel begun, and where the fight was fought: or, however, where the murderer met with his enemy, and slew him, and left him; it being common for duels to be fought, and murders committed in a field; the first murder in the world was committed in such a place, (<sup>f048</sup>Genesis 4:8). The Targum of Jonathan is,

“not hidden under an heap, not hanging on a tree, nor swimming on the face of the waters;”

which same things are observed in the Misnah <sup>f256</sup>, and gathered from some words in the text:

*in the land*, and so not under a heap;

*lying*, and so not hanging;

*in the field*, and so not swimming on the water:

*and it be not known who hath slain him*; the parties being alone, and no witnesses of the fact, at least that appear; for, if it was known, the heifer was not beheaded, later mentioned <sup>f257</sup>; and one witness in this case was sufficient, and even one that was not otherwise admitted.

**Ver. 2.** *Then thy elders and thy judges shall come forth*, etc.] From the city or cities near to which the murder was committed, to make inquiry about it, and expiation for it; so Aben Ezra interprets it of the elders of the cities near, but others understand it of the elders of the great sanhedrim at Jerusalem; so the Targum of Jonathan,

“then shall go out from the great sanhedrim two of thy wise men, and three of thy judges;”

and more expressly the Misnah <sup>f258</sup>,

“three go out from the great sanhedrim in Jerusalem;”

R. Judah says five,

“it is said “thy elders” two, and “thy judges” two,”

and there is no sanhedrim or court of judicature equal (or even), therefore they add to them one more:

*and they shall measure unto the cities which are round about him that is slain*; that is, from the place where the slain lies, as Jarchi rightly interprets it; on all sides of it, from the four corner’s, as the Targum of Jonathan, the cities round about the slain. Maimonides <sup>f259</sup> says, they do not behead the heifer for, nor measure, but to a city in which there is a sanhedrim: if it is found between two cities (that is, at an equal distance), both bring two heifers (Maimonides <sup>f260</sup> says they bring one between them, which is most reasonable); but the city of Jerusalem does not bring an heifer to be beheaded: the reason is, because it was not divided to the tribes <sup>f261</sup>. This measuring, one would think, should be only necessary when it was not certain which was the nearest city; and yet Maimonides <sup>f262</sup> says, even when it was found on the side of a city, which was certainly known to be nearest, they measured; the command, he observes, is to measure.

**Ver. 3.** *And it shall be, that the city which is next unto the slain man,* etc.] And so suspected, as the Targum of Jonathan, of the murder; or the murderer is in it, or however belonged to it:

*even the elders of the city shall take an heifer;* of a year old, as the same Targum, and so Jarchi; and in this the Jewish writers agree, that it must be a year old, but not two; though heifers of three years old were sometimes used in sacrifice, (<sup>415B</sup>Genesis 15:9) a type of Christ, in his strength, laboriousness, and patience; (see <sup>449E</sup>Numbers 19:2)

*which hath not been wrought with;* in ploughing land, or treading out corn:

*and which hath not drawn in the yoke,* which never had any yoke put upon it; or however, if attempted to be put upon it, it would not come under it, and draw with it: no mention is made, as usual, that it should be without blemish: because though in some sense expiatory, yet was not properly a sacrifice, it not being slain and offered where sacrifices were; hence it is said in the Misnah <sup>f263</sup>, that a blemish in it did not make it rejected, or unlawful for use: nevertheless, this heifer may be a type of Christ, whose sufferings, bloodshed, and death, atone for secret and unknown sins, as well as for open and manifest ones, even for all sin; and its being free from labour, and without a yoke, may signify the freedom of Christ from the yoke of sin, and the service of it, and from human traditions; that he was not obliged to any toil and labour he had been concerned in, or to bear the yoke of the law, had he not voluntarily undertaken it of himself; and that he expiated the sins of such who were sons of Belial, children without a yoke; and for the same reason, this heifer not being required to be without blemish, might be because Christ, though he had no sin of his own, was made sin for his people, and reckoned as if he had been a sinner; though indeed, had this been the design of the type, all the sacrifices which typified Christ would not have required such a qualification, to be without blemish, as they did.

**Ver. 4.** *The elders of that city shall bring down the heifer unto a rough valley,* etc.] Cities being generally built on hills, and so had adjacent valleys, to which there was a descent; but here a rough valley, or the rougher part of it, was selected for this purpose. As a valley is low, and this a rough one, it may be an emblem of Christ's being brought into this lower world, from heaven to earth, to do the will of his Father, which was to work out the salvation of his people; and of his coming into the lower parts of the earth, the womb of the virgin, at his incarnation, and to the grave at

his death, (<sup>f265</sup> Psalm 139:15 <sup>f266</sup> Ephesians 4:9), and of the low estate he came into by the assumption of human nature; through appearing in the form of a servant, being in indigent circumstances, and ministered to by others, and needing the assistance of angels in the wilderness and garden, by which it appeared he was made lower than they; by his being despised of men, and forsaken by his Father; all which are proofs of the low estate he was brought into, fitly signified by a valley, and which was a rough valley to him; in which he was roughly treated, his life being sought after in his infancy by Herod, which obliged the flight of his parents with him into Egypt; and being not received, but rejected by his own, as the King Messiah, whom they would not have to reign over them, and loaded with opprobrious names by them; and who often sought and attempted by various ways to take away his life; and when apprehended and examined before the high priest, and in Pilate's hall, was used in the rudest manner, being spit upon, buffeted, and scourged; and when led out to be crucified, was treated in the most barbarous and scornful manner, and was put to death in the most painful and shameful way; and, above all, was severely handled by the justice of God, being numbered among the transgressors, when the sword of justice was awaked against him, and he was not in the least spared, but wrath came upon him to the uttermost for the sins of his people; so that this world he was brought into proved a rough valley indeed to him. This some take to be an emblem of the hard heart of the murderer who had committed such a barbarous and cruel action as to kill a man; or of the hard heart of a sinner, into which Christ is brought through the ministry of the word; or of the infamous place, Calvary, where Christ was brought to suffer death; but the former is best. Some interpret it, a "strong stream" <sup>f264</sup>, or "rapid torrent"; so Maimonides <sup>f265</sup> and others; and indeed in

valleys there are generally streams or brooks of water, but this seems not so well to agree with what follows:

*which is neither cared nor sown*; that is, neither ploughed nor sown, but quite an uncultivated place; and this the Jews understand not of what it had been, or then was, but what it should be hereafter; that from henceforward it should never be manured, but lie barren and useless; so it is said in the Misnah <sup>f266</sup>, the place is forbid sowing or tilling, but is free to dress flax in, or to dig stones out of it: so R. Joseph Kimchi <sup>f267</sup> interprets this of a fat and fruitful valley, which was not to be tilled nor sown from thenceforward for time to come; the reason of which he thinks was, that they might be the

more careful of their countries and borders, and how they encouraged bloody minded men to dwell among them; that no slain person might be found there, and so they lose a choice part of their possessions; and to the same purpose Maimonities <sup>f268</sup>: and this became true of the fruitful land of Judea and Jerusalem, after the sufferings and death of Christ there, (~~4274~~ Luke 21:24)

*and shall strike off the heifer's neck there in the valley*; with an axe, on the back part of it, in the midst of the valley, as the Targum of Jonathan, and the same is said in the Misnah <sup>f269</sup>: in this it was a type of Christ, who was put to death at the instigation of the elders of the Jewish nation, (~~4270~~ Matthew 27:1,12,20) and without the gates of Jerusalem at Golgotha; (see ~~4831b~~ Hebrews 13:11-13).

**Ver. 5.** *And the priests the sons of Levi shall come near*, etc.] Who were clearly of the tribe of Levi, as Aben Ezra notes; about whom there could be no dispute; for it seems there sometimes were persons in that office, of whom there was some doubt at least whether they were of that tribe; these seem to be such that belonged to the court of judicature at Jerusalem; (see ~~4670~~ Deuteronomy 17:9), who were to be present at this solemnity, to direct in the performance of it, and to judge and determine in any matter of difficulty that might arise:

*for them the Lord thy God hath chosen to minister unto him*; in the service of the sanctuary, by offering sacrifices, etc.

*and to bless in the name of the Lord*; the people; (see ~~4063~~ Numbers 6:23-27)

*and by their word shall every controversy and every stroke be tried*; every controversy between man and man respecting civil things, and every stroke or blow which one man may give another; and whatsoever came before them was tried by them, according to the respective laws given concerning the things in question, and were not determined by them in an arbitrary way, according to their own will and pleasure; (see ~~4678~~ Deuteronomy 17:8-11).

**Ver. 6.** *And all the elders of that city that are next unto the slain man*, etc.] The whole court of judicature belonging to it, all the magistracy of it; even though there were an hundred of them, Maimonides <sup>f270</sup> says:

*shall wash their hands over the heifer that is beheaded in the valley*: in token of their innocence, and this they did not only for themselves, but for the whole city, being the representatives of it; (see <sup><4916></sup>Psalm 26:6 <sup><4724></sup>Matthew 27:24). Some think that this is a confirmation of the sense embraced by some, that it was a strong stream to which the heifer was brought; and there might be a stream of water here, and a valley also; though it would be no great difficulty to get from the city, which was near, a sufficient quantity of water to wash the hands of the elders with. This may denote the purification of sin by the blood of Christ, when it is confessed over him; and shows that priests and elders, ministers of the word, as well as others, stand in need of it; and that even those concerned in the death of Christ shared in the benefits of it.

**Ver. 7.** *And they shall answer and say*, etc.] The elders of the city, at the time of the washing of their hands:

*our hands have not shed this blood*; have been no ways concerned in it, nor accessory to it: the Targum of Jonathan is,

“it is manifest before the Lord that he did not come into our hands, nor did we dismiss him, that has shed this blood;”

which is more fully explained in the Misnah <sup>f271</sup>; for had they been aware of him, or had any suspicion of him or his design, they would have detained him, or at least would not have suffered him to have departed alone:

*neither have our eyes seen*; it, or him; so the Targum of Jerusalem,

“our eyes have not seen him that hath shed this blood;”

by which expression is meant, that they had no manner of knowledge of the murderer, nor of any circumstance that could lead them to suspect or conclude who he was.

**Ver. 8.** *Be merciful, O Lord, to thy people Israel, whom thou hast redeemed*, etc.] Out of Egyptian bondage, and claimed as his own; and therefore it is requested he would be favourable to them, and show them mercy, and not punish them for a sin they were entirely ignorant of, though done by some one among them, whom as yet they could not discover. The words seem to be the words of the elders continued, who having made a declaration of their innocence, humbly request mercy of God, not only for themselves, but for all the people of Israel; yet, both the Targums of

Onkelos and Jonathan take them to be the words of the priests, and so does Jarchi, and the same is affirmed in the Misnah <sup>f272</sup>:

*and lay not innocent blood unto thy people of Israel's charge*; impute not the guilt of innocent blood to a people in general, when only a single person, and he unknown, is chargeable with it: or put it not "in the midst" of thy people; let it not be placed to the whole, because it cannot be found out whose it is, though it is certain it is one in the midst of them:

*and the blood shall be forgiven them*; that is, God will not impute it, and place it to their account, or lay it to their charge; but will graciously consider the beheading of the heifer as an expiation of it: it is said in the Misnah <sup>f273</sup>,

"if the murderer is found before the heifer is beheaded, it goes forth and feeds among the herd; but if after it is beheaded, it is buried in the same place; and again, if the heifer is beheaded, and after that the murderer is found, he shall be slain;"

so the Targums, and Jarchi on the next verse.

**Ver. 9.** *So shalt thou put away the guilt of innocent blood from among you*, etc.] Which otherwise, the person not being found out, and brought to just punishment for it, would devolve upon the whole. Aben Ezra interprets it the punishment of innocent blood, which, by the above method being taken, would not be inflicted on them:

*when thou shalt do that which is right in the sight of the Lord*; as it was to observe this law concerning the beheading of the heifer, with all the rites and ceremonies belonging to it here enjoined; as well as every other command, statute, and ordinance of the Lord, which are all right to be done, (<sup>1998</sup>Psalm 19:8).

**Ver. 10.** *When thou goest forth to war against thine enemies*, etc.] This refers to an arbitrary war, as Jarchi remarks, which they entered into of themselves, of choice, or through being provoked to it by their enemies; and not a war commanded by the Lord, as that against the seven nations of Canaan, and against Amalek; since there were to be no captives in that war, but all were to be destroyed:

*and the Lord thy God hath delivered them into thine hands*; given them the victory over their enemies, so that they were obliged to surrender themselves to them prisoners of war:

*and thou hast taken them captive*, or “led his or their captivity<sup>f274</sup> captive”; led them captive who used to lead others, denoting their conquest of victorious nations; see a like phrase in (~~1968~~ Psalm 68:18).

**Ver. 11.** *And seest among the captives a beautiful woman*, etc.] Whether a virgin, wife, or widow, according to the Jewish writers, even though another man’s wife; so Jarchi<sup>f275</sup>, and Maimonides<sup>f276</sup>; the marriages of Gentiles being reckoned by the Jews no marriages:

*and hast a desire unto her*; being captivated with her beauty; some understand this of the strength and rage of lust, but it rather signifies a passionate desire of enjoying her in a lawful way, as follows:

*that thou wouldest have her to thy wife*; to be married to her in a legal manner; for though it was not allowed the Israelites to marry any of the seven nations of Canaan, nor indeed with any of other nations continuing in their idolatry; yet they might marry such as became their captives and servants, and were wholly in their own power; and especially if proselytes to their religion, and which this fair captive was to become before marriage, as is by some gathered from the following things to be done by her; though after all, this was only a permission, because of the hardness of their hearts, as is said of divorce; and that such marriages were not very grateful to God appears, as some have observed, from the ceremonies used before marriage, to render her contemptible; and the easy dismissal of her afterwards, according to the sense of some interpreters.

**Ver. 12.** *Then thou shalt bring her home to thine house*, etc.] In order to make her his wife, after some things were done here directed to; for this is not to be understood of his taking her home with a view to defile her, as Maimonides<sup>f277</sup> interprets it; who observes, that when a man’s lust so rages that he cannot subdue it, yet he ought not publicly to satisfy his lust, but to have the woman into a private and secret place, as it is said,

*thou shalt bring her into the midst of thine house*; nor was he permitted to lie with her in the camp, nor was it lawful for him to defile her a second time, until her mourning was at an end; though elsewhere<sup>f278</sup> he gives a different sense of this passage, and supposes the man to have lain with the captive woman, before the introduction of her into his house; for it is a



notion that prevails with the Jewish writers, that an Israelitish soldier might lie once with an Heathen woman taken captive, to gratify his lust, but might not repeat it; so it is said in the Talmud<sup>f279</sup>; yet it must be observed, that there are some, though but few, who are of opinion that the first congress was unlawful, and that he might not touch her until certain conditions were fulfilled, and they were married, as R. Jochanan<sup>f280</sup>; and which is embraced, supported, and defended by Abarbinel on the place, and in which he is undoubtedly right; and so it is understood by Josephus<sup>f281</sup> and Philo<sup>f282</sup>; for this law gives no liberty nor countenance to the violation of the beautiful captive. The plain meaning is, that when a Jewish soldier was passionately in love with a captive, and was desirous of making her his wife, he was to take her home to his house, where she was to remain, to see whether his passion of love would subside, or the woman become a proselyte, or however till certain rites were observed, and then he was permitted to marry her:

*and she shall shave her head*; either that she might be the less engaging, her flowing locks, or plaited hair, or modish headdress, being removed from her, which had served to excite a passion for her; or as a token of mourning for her present afflicted state and condition; and in afflicted circumstances it was usual to shave the head; (see ~~<802>~~ Job 1:20); and though it was forbidden the Israelites, yet not Gentiles; (~~<640>~~ Deuteronomy 14:1)

*and pare her nails*; this and the former some think were ordered to make her fit to be his wife, and were a sort of purification of her, and an emblem of her having renounced Heathenism, and having departed from it, and laid aside all superfluity of former naughtiness; but this phrase is interpreted in the Targum of Onkelos, “let her nails grow”; and so the Arabic version: and this the Jewish writers say was ordered to be done, that she might appear ugly and disagreeable to him, and be abhorred by him; so Jarchi, Aben Ezra, and Ben Melech; the same is observed by Maimonides<sup>f283</sup>, and is the sense of R. Akiba<sup>f284</sup>. Another of their writers<sup>f285</sup> think it refers to a custom in some nations to dye their nails.

“The daughters of the Heathens (he says) used to adorn the nails of their hands and feet, and dye them with various colours, according to the custom of the Ishmaelites (or Turks); that there might be a variety in their hands, and men might look at them, take them and handle them until the fire of hell, and an evil concupiscence, burned;

wherefore this is ordered that they might let them grow, without any preparation or die.”

But perhaps this neglect of their nails, and suffering them to grow, was in token of mourning as well as shaving the head, as also sometimes even paring the nails was done on the same account.

**Ver. 13.** *And she shall put the raiment of her captivity from off her*, etc.] Her beautiful garments, and gay apparel, in which she was taken captive; and which tended to stir up the stronger affection for her, and greater desire after her; and therefore, as some think, were ordered to be removed, to abate the ardour of love to her. Jarchi observes, that the daughters of the Gentiles used to adorn themselves in war, that they might cause others to commit fornication with them; and another writer before referred to says <sup>f286</sup>, the daughters of Heathens used to adorn themselves in raiment of silk, and purple, and fine linen, and needlework, to allure and entice men with them; and therefore the law obliges to put off her beautiful garments, and clothe her with old worn out ones, that she might be less agreeable to him; though the putting off her fine clothes, and being clad with sordid ones, might be only as a token of mourning; as it was customary at such times to lay aside richer clothing, and put on sackcloth, (Jon 3:6)

*and shall remain in thine house*: shut up there, and never stir out, as the same writer interprets it. Maimonides <sup>f287</sup> says, that she was to be with him in the house, that going in and out he might see her, and she become abominable to him; though perhaps it was only that he might have an opportunity of observing her manners, and of conversing with her, in order to make a proselyte of her; so the Targum of Jonathan interprets it of dipping herself, and becoming a proselytess in his house; or else, as the rest, her abiding in the house, and not going out, might be on account of mourning, as follows:

*and bewail her father and her mother a full month*; who were either dead in the battle, or however she had no hope of seeing them any more, being a captive, and likely to be settled in another man’s house in a foreign country, and so take her farewell of her father’s house in this mournful manner. The Jews are divided about the sense of these words; some take them simply to signify her parents, others her idols, according to (<sup><2127></sup>Jeremiah 2:17). The Targum of Jonathan is,

“and weep for the idols of the house of her father and her mother;”

meaning not for the loss of them, but for the idolatry of her father's house she was now convinced of, being become a proselytess, according to the paraphrast; but the last seems only to have respect to the loss of her father and mother, which she was to bewail a whole month, or "a moon of days"<sup>f288</sup>; as many days as the moon is going its course, which it finishes in twenty seven days, seven hours, and forty three minutes, and this is called the periodical month; but is longer in passing from one conjunction of it with the sun to another, called the synodical month, and its quantity is twenty nine days, twelve hours, and forty four minutes. Maimonides<sup>f289</sup> says, she was to stay in his house three months, one month of mourning, and two after that, and then he was to marry her. The reason of this the Targum of Jonathan explains, by paraphrasing the words thus,

"and shall stay three months, that it may be known whether she is with child;"

that is, by his lying with her before when taken with her beauty, that so he might distinguish this child begotten on her in Heathenism, from what he might have by her after marriage, which is supposed to be the case of Tamar and Absalom; but as there is no foundation in the text for a permission to lie with her before marriage, so neither for these additional months; only one month was required, which was the usual time for mourning for deceased relations; (see <sup><00B></sup>Numbers 20:29 <sup><0348></sup>Deuteronomy 34:8)

*and after that thou shalt go in unto her*; and not before:

*and be her husband, and she shall be thy wife* he continuing to love her, and she having become a proselytess.

**Ver. 14.** *And it shall be, if thou have no delight in her*; etc.] Either some time after marriage:

*then thou shalt let her go whither she will*; by a bill of divorce, as the Targum of Jonathan, who understands it in this sense, and as the connection of the words seems to require; or else before marriage, at the month's end, or any time before, that if his affections cooled towards her, and all the above methods tended to abate his love of her, then he was obliged to dismiss her, or to grant her her freedom, and let her go wherever she pleased; she was no longer his captive, nor his servant:

*but thou shalt not sell her at all for money*; as he might have done if he had not made such a proposal to her, and obliged her to the observance of such rites and ceremonies as he did, in order to make her his wife:

*thou shalt not make merchandise of her*; which seems to express the same thing, and therefore something else is rather intended; as that he should neither make any gain of her by selling her to another, nor retain her in his own service, nor make use of her as a slave; so Jarchi says, that in the Persian language they call service by this word, and which also he says he learnt from an eminent writer of theirs, R. Moses Hadarsan; with which Maimonides<sup>f290</sup> agrees, who explains it, shall make no use of her service, or serve himself by her; he should have no profit by her, either by sale, or servitude:

*because thou hast humbled her*; which phrase it must be owned is often, used of unlawful commerce with a woman, of defiling her, or violating her chastity; and so may seem to confirm the notion of those who think that he lay with her before he took her to his house, and therefore, upon a refusal to marry her afterwards, was obliged to this loss; though the word signifies any kind of affliction, as this was a very great one, a great mortification to her, to be taken into his house, to have her head shaved, and her nails pared, or suffered to grow, and her fine clothes changed for sordid ones; and all this with a profession of a design to marry her, and yet after all is deceived and disappointed by him; wherefore for such a conduct toward her he was obliged to give her her freedom.

**Ver. 15.** *If a man have two wives*, etc.] Which is supposed, but not approved of, though permitted because of the hardness of men's hearts; for it was not so from the beginning, when only one man and one woman were created, and joined together in marriage; but as it was connived at, and become customary, a law is made to prevent confusion, and preserve order in families:

*one beloved and another hated*; or less loved, yet continued his wife, and not divorced. Aben Ezra observes, this follows upon the former, because it is there said, that though first he had a desire to her (the captive beautiful woman), yet afterwards had no delight in her:

*and they have borne him children both, the beloved and the hated*; as Rachel and Leah did to Jacob, who were, the one very much beloved by him, and the other less:

*and if the firstborn son be hers that was hated*; or not so much beloved as the other, as was the case in the above instance.

**Ver. 16.** *Then it shall be, when he maketh his sons to inherit that which he hath*, etc.] By a will in writing, or byword of mouth, or by a deed of gift, actually bestowing his goods upon them, and dividing among them what he is for the present possessed of; (see <sup><Q152></sup>Luke 15:12),

*that he may not make the son of the beloved firstborn before the son of the hated, [which is] indeed the firstborn*; that is, when such is the case, that the son of his wife he has the least value for is really his firstborn, he may not, through favour and affection to the wife he loves better, prefer her son, and declare him to be the firstborn, by devising to him or bestowing on him the double portion of his goods; for so to do would not be right, or agreeably to the will and law of God; for though previous to this law the birthright was given to Joseph, the eldest son of Rachel, the most beloved wife of Jacob, before Reuben who was the son of Leah, less beloved by him, and was in fact his firstborn; yet this was owing to the sin of Reuben, and by the appointment of God; (see <sup><Q44B></sup>Genesis 49:3,4 <sup><43RD></sup>1 Chronicles 5:2,3).

**Ver. 17.** *But he shall acknowledge the son of the hated for the firstborn*, etc.] Own him and declare him to be so, both by his will and the division of goods by him; or he shall “separate” him, as Onkelos; distinguish him from all his other sons, and make known to all, as the Targum of Jonathan, that he is his firstborn:

*by giving him a double portion of all that he hath*; or, “that is found with him” <sup>f291</sup>; which he was in the possession of when he made his will, or divided his goods; and so refers not to what might come into his hands afterwards, or should be his in reversion afterwards; in this the firstborn had not his double portion, only in what his father was for the present possessed of; so that if a man had two sons, his goods were divided into three parts, and the firstborn took two parts, and the other the third; if three sons, they were divided into four parts, of which the firstborn had two parts, and the others each of them one; if four sons, they were divided into five parts, and the firstborn took two, and the other three one apiece, and so in proportion; the division was made according to their number:

*for he is the beginning of his strength*; as Jacob said, of Reuben, (see Gill on <sup><Q44B></sup>Genesis 49:3”) the right of the firstborn is his; before this law was

given, there was a birthright, or a privilege belonging to the firstborn, which gave him the preeminence in the family to his brethren; but whether he was entitled to a double portion of goods, previous to this law, is not certain; however, by this it was his right, and might not be alienated from him; for, according to the Jewish canons <sup>f292</sup>,

“if a man say, such an one my son, the firstborn, shall not take the double portion, and my son such an one shall not inherit with his brethren, he says nothing, cause he disposes contrary to what is written in the law.”

This law of the firstborn in the mystery of it may respect our Lord Jesus Christ, the firstborn of God, and the firstborn of Mary; and who had a double portion of the gifts and grace of the Spirit, or rather the Spirit without measure, the oil of gladness he was anointed with above his fellows, and is the firstborn among many brethren, among whom in all things he has the preeminence; and also the elect of God, the church of the firstborn, whose names are written in heaven, who have a double portion, both temporal and spiritual things, the promise of this life and that to come, grace here and glory hereafter; and the ultimate glory is but one inheritance, they all share alike in, being equally children, and all firstborn; and it may have regard also to the Jewish and Gentile churches, the former was the beloved wife, the latter some time not beloved, and yet the children of the Gentile church have a larger measure of the Spirit than those of the Jewish church had; (see ~~4025~~ Romans 9:25).

**Ver. 18.** *If a man have a stubborn and rebellious son*, etc.] It is observed <sup>f293</sup> that this law quickly follows, and is subjoined to that which relates to the marriage of a woman taken captive, because often from such marriages wicked and refractory children have sprung, and which they exemplify in the case of Absalom, whose mother they say David took in war and married: the character of such a son follows, and by which it may be known that he is stubborn and rebellious; stubborn in his nature, and rebellious in his actions; behaves contrary to the laws of God, and the instructions of his parents; what he should do, that he does not; and what he should not do, that he does; will not do what is commanded him, and will do what is forbidden him, notwithstanding all counsels, admonitions, and corrections given him;

*which will not obey the voice of his father, or the voice of his mother*; is disobedient to the commands of either of them; see (~~4017~~ Proverbs 30:17)

and, when they have chastened him, will not hearken to them; when they have reproved him by words, and corrected him with blows; the Jews understand this of scourging or beating by the order of the sanhedrim, after admonition given; it is said <sup>f294</sup>,

“they admonish him before three (a court of judicature consisting of three judges), and they beat him; but it seems rather to respect private corrections of their own by words and stripes, which having no effect, they were to proceed as follows.”

**Ver. 19.** *Then shall his father and his mother lay hold on him*, etc.] With their own hands, or cause him to be apprehended by others, in which they were to agree, and which the Jews gather from hence;

“if (say they <sup>f295</sup>) the father is willing (to bring him to justice), and the mother not willing, if his father is not willing and the mother is willing, he is not reckoned a stubborn or rebellious son, until they both agree:”

*and bring him out unto the elders of his city*; according to the Misnah <sup>f296</sup>, the sanhedrim, or court of judicature, consisting of twenty three; for they say, that after he has been admonished and scourged by order of the bench of three, if he returns to his corrupt and wicked ways again, he is judged by the court of twenty three:

*and unto the gate of his place*; or city, where the court sat; so the Targums of Onkelos and Jonathan, to the gate of the sanhedrim of his place.

**Ver. 20.** *And they shall say unto the elders of his city*, etc.] In open court, what follows, at the same time, according to the Targum of Jonathan, acknowledging their own sins, for which such a calamity had befallen them, saying,

“we have transgressed the decree of the word of the Lord, because is born unto us a son that is stubborn, etc.”

(see ~~400~~ John 9:2)

*this our son is stubborn and rebellious, he will not obey our voice*; one of an obstinate disposition, will have his own will and way, is perverse and refractory; honours not, but despises his parents, and is disobedient to their commands, unruly and ungovernable: the Jews gather <sup>f297</sup> many things from hence, for which there is little foundation, as that they must be neither

dumb, nor blind, nor deaf; though what they further observe is not much amiss, concerning this rebellious child, that the law respects a son and not a daughter, because a daughter generally is more tractable; and less capable of doing mischief than a son; and a son and not a man, for if at man's estate, and for himself, he is not under the power of his parents; and yet not a child or a little one, for that is not comprehended in the commands; he must be according to them thirteen years of age and one day, and he must be a son and not a father<sup>f298</sup>:

*[he is] a glutton and a drunkard*; which, according to the Misnah<sup>f299</sup>, is one that eats half a pound of flesh, and drinks half a log of Italian wine; R. Jose says, a pound of flesh and a log of wine; but the decision was not according to him; the first rule stood: now half a pound of flesh, and half a log of wine, which was about three egg shells, or a quarter of a pint, would be at this day reckoned very little by our grandsons of Bacchus, as Schickard observes<sup>f300</sup>; but in an age of severer discipline, as he says, in the tender candidates of temperance, it was reckoned too much, and was a presage of a future glutton: and it must be further observed to denominate him a rebellious son, what he ate and drank was to be what he stole from his parents, and did not eat and drink it at home, but abroad, and in bad company; so Jarchi remarks on the text, he is not guilty until he steals, and eats half a pound of flesh, and drinks half a log of wine; in which he seems to have respect to the Jewish canon<sup>f301</sup>,

“if he steals from his father and eats it in a place in his father's power, or from others and eats it in a place in their power, or from others and eats it in a place in his father's power; he is not reckoned a stubborn and rebellious son, unless he steals from his father, and eats it in a place in the power of others,”

(see <sup><123></sup>Proverbs 23:20), the Jews seem to refer to this when they charged Christ with being a glutton and a winebibber, (<sup><119></sup>Matthew 11:19) being desirous of having him thought as such an one.

**Ver. 21.** *And all the men of his city shall stone him with stones, that he die*, etc.] The populace; that is, after his trial is finished, and he is condemned to die; and he was not stoned until the three first judges were there (by whom he was admonished, and ordered to be beaten), as it is said, “this is our son”, this is he that was beaten before you<sup>f302</sup>; and according to the Targum of Jonathan,



“if he feared (God, and showed any token of repentance) and received instruction, and they (his parents) desired to preserve him alive, they preserved him; but if he refused and was rebellious, then they stoned him;”

but the Jews say this law, and that of retaliation, were never put into execution:

*so shalt thou put away evil from among you*; put a stop to, and prevent such an evil for the future, and remove the guilt of it; or, as the Targum of Jonathan, him that doeth that evil:

*and all Israel shall hear, and fear*; it being to be publicly notified throughout the land, that such an one suffered death for such a crime, which would be a means of deterring others from the same; so Jarchi remarks, “here (says he) a proclamation was necessary to be made by the sanhedrim, as that such an one was stoned because he was stubborn and rebellious;”

for the mystical sense of this (see <sup>411B</sup>Ephesians 2:2 <sup>511B</sup>Colossians 3:6).

**Ver. 22.** *And if a man have committed a sin worthy of death*, etc.] This before mentioned, or any other that deserves death, any kind of death, as strangling, killing with the sword, burning and stoning, to which the Jews restrain it here:

*and he be to be put to death, and thou hang him, on a tree*; is condemned to stoning, and after that they hang him, as the Targum of Jonathan; and according to the Jewish Rabbins, as Jarchi observes, all that were stoned were to be hanged, and only men, not women <sup>f303</sup>; for it is remarked that it is said “him” and not “her”, <sup>f304</sup>: about this there is a dispute in the Misnah <sup>f305</sup>,

“all that are stoned are hanged, they are the words of R. Eliezer; but the wise men say none are to be hanged but the blasphemer and idolater; a man is to be hanged with his face to the people, a woman with her face to the tree, they are the words of R. Eliezer; but the wise men say, a man is to be hanged, but no woman, to whom R. Eliezer replied, did not Simeon Ben Shetach hang women in Ashkelon? they answered him, he hung eighty women (at once), but they do not judge or condemn two in one day;”

so that this was a particular case at a particular time, and not be drawn into an example: in the same place it is asked, “how they hang one? they fix a beam in the earth, and a piece of wood goes out of it (near the top of it, as one of the commentator<sup>f306</sup> remarks), and join his two hands together and hang him;”

that is, by his hand, not by his neck, as with us, but rather in the crucifixion; only in that the hands are spread, and one hand is fastened to one part of the cross beam, and the other to the other end.

**Ver. 23.** *His body shall not remain all night upon the tree*, etc.] Which is to be understood of any and everyone that was hanged, and not of the rebellious son only; of whom Josephus<sup>f307</sup> says, that he was to be stoned by the multitude without the city, and having remained a whole day for a spectacle unto all, was to be buried at night; and indeed such a person was not to remain hanging on the tree any part of the night, but to be taken down at sun setting; so the Targum of Jonathan,

“ye shall bury him at sun setting;”

so says Maimonides<sup>f308</sup>, they hang a man near the setting of the sun and loose him immediately, and if he continues they transgress a negative precept, “his body shall not remain”, etc. yea, according to him and to the Mishnah<sup>f309</sup>, and which agrees with the practice of the Jews to this day, not only those that were put to death by the sanhedrim, but whoever suffered his dead to remain unburied a night transgressed a negative command, unless he kept him for his honour, to get for him a coffin and shroud:

*but thou shalt in any wise bury him in that day*: by all means, if possible; malefactors were not buried in the sepulchre of their fathers, but there were two burying places provided by the sanhedrim, one for those that were stoned and burnt, and another for those that were killed with the sword and strangled<sup>f310</sup>; and even the instruments of their death were to be buried also, as Maimonides<sup>f311</sup> relates, the tree on which he is hanged is buried with him, that there may be no remembrance of the evil, and they say, this is the tree on which such an one was hanged; and so the stone with which he is stoned, and the sword with which he is killed, and the napkin with which he is strangled, all are buried in the place where he is put to death, but not in the grave itself:

*for he that is hanged is accursed of God*: plainly appears to be so, having committed some foul sin which has brought the curse of God upon him,

and which being hanged on a tree was a plain proof and declaration of; and therefore having hereby suffered the rigour of the law, the curse of it, his body was ordered to be taken down; for the words are not a reason of his being hanged, but a reason why being hanged, and so openly accursed, he should not remain hanging, but be taken down and buried: the meaning is not, as Onkelos gives it, that

“because he sinned before the Lord he is hanged,”

and particularly was guilty of blasphemy; which is given as the reason of his being hanged, and as the sense of this passage; on the mention of which it is said <sup>f312</sup>,

“it is as if he should say, wherefore is he hanged? because he cursed God, and the name of God was found profaned:”

but though this, or any other capital crime, may be allowed to be the reason of the man’s being hanged, and so apparently accursed; yet this is not the reason of his being loosed from thence, but his having bore the curse and satisfied the law: and hence this is applied to Christ by the apostle, in (~~☞~~Galatians 3:13) showing, that his hanging on the tree was an indication and proof of his being made sin and a curse for his people, or that he bore the curse of the law for their sins, and that the taking of him down from the tree, and burying him, signified the removing the curse from him and his people for whom he suffered; or that thereby he redeemed them from the curse of the law, as the apostle expresses it:

*that thy land be not defiled, which the Lord thy God giveth thee for an inheritance:* which is another reason for taking down the body from the tree and burying it, lest the land of Canaan, which the Lord had given them for an inheritance, and which was typical of the undefiled inheritance, (~~☞~~1 Peter 1:4) should be polluted, both in a natural sense, through the putrefaction and corruption, and the disagreeable smell of a dead body, and in a ceremonial sense, as every carcass was defiling, if a person but entered where it was; and therefore a dead body was not to be left hanging openly in the air, and rotting there.