

**SESSION #46 (1 March 2011) Deut 21:10-21 Protocols for Protecting the Institution of the Family**

**I. INTRODUCTION & REVIEW**

1:1-5	Introduction to God’s spokesman, the 1 <sup>st</sup> Prophet Moses
1:6-4:40	1st Exposition of the Torah = <u>motivation</u> to obey from (1) <u>past gracious actions</u> of Yahweh and (2) <u>sovereign destiny</u> of the nation ( <u>future gracious actions</u> of Yahweh)
4:41-49	Editorial comment on context of 2 <sup>nd</sup> Exposition of the Torah
5:1-26:19	2 <sup>nd</sup> Exposition of the Torah = proper response to Yahweh in heart and soul
5:1-11:32	Loving Yahweh with <u>all the heart</u>
12:1-26:19	Loving Yahweh with <u>all the soul</u> ( <i>nephesh</i> =life)
12:1-13:18	Theological unity of Israel’s tribes and its Enforcement (esp. 1 <sup>st</sup> , 2 <sup>nd</sup> , and by implication the corresponding 9 <sup>th</sup> , 10 <sup>th</sup> commandments)
14:1-21	Enforcement of Distinct Cultural Sustenance from Life to Death (a witness consistent with Yahweh’s name, see 3rd commandment)
14:22-16:17	A Distinct Culture of Theocentric Faith in God’s Economic Order (with emphasis upon the 4 <sup>th</sup> and by implication the corresponding 8 <sup>th</sup> commandment)
16:18-18:22	A Distinct Culture of Human Authority Under God’s Justice (emphasis upon human authority starting in the home—the 5 <sup>th</sup> commandment and by implication the 7 <sup>th</sup> commandment)
19:1-21:23	Protocols for Implementing True “Social Justice” (emphasis upon dealing with deployment of civil authority’s lethal force—6 <sup>th</sup> commandment)
19:1-21	Protocols for Judicial Proceedings
20:1-20	Military Policy
<b>21:1-23 Protocols for Protecting Social Life</b>	

We’re in a 3-chapter section of protocols to what real “social justice” looks like: common denominator seems to be civil authority’s use of lethal force.

“Sandwich” discourse structure in Deuteronomy

The “slices of bread”

**21:1-9, 22-23** Procedures or “operating doctrine” involving lethal destruction and/or execution of life

**21:10-21** Procedures concerning [the family structure]

The “filling of the sandwich”

**21:10-14** Family integration of war brides

**21:15-17** Family laws of inheritance

**\*\*21:18-21** Execution of rebellious sons (Obama’s factious citation & critics of theonomy)

Common thread in all 3: [family interaction with the state—limits on both institutions]

**II. FAMILY INTEGRATION OF WAR BRIDES (21:10-14)**

**21:10** go to war. . .**LORD delivers them. . .captives**

**Deut 20:10-15** just war, not holy war.

Just war doctrine for Israel were [defensive], not [empire-building]

- Required priesthood approval that it was the will of Yahweh (ecclesiastical veto)

- Relied upon a voluntary force (draft was typical of tyrannies)
- Required an overture of peace 1<sup>st</sup> that would save the entire population but would require tribute paid to Israel in the name of Yahweh.
- Then, all males over 20 years would be killed since they had a chance to defect but chose to remain and fight.
- Problem: what to do with all the women and children?? It became Israel's responsibility to provide for them. They could not rape or abuse the women like all the pagan armies did.

### **20:11-12 take for your wife**

Adoption into Israelite society via marriage. [Polygamy] existed in Israel as well as in pagan lands since, as Jesus stated, they were a fallen nation that did not wholly follow the Lord. The first wife wouldn't welcome this "addition" so there were social restraints on even this adoption.

### **20:13 for a whole month**

Another restraint—for the woman a time of mourning and cultural transition (hair, nails, clothing are key cultural items for a woman) and—for the soldier a time of reflection on his decision to adopt this woman into his family.

### **20:14 no delight in her**

Grounds for divorce could have been her failure to adapt to Yahwehism.

**send her away** [HEB expression for divorce]

**certainly shall not sell her** [HEB infinitive absolute →intensifies the mood of the verb]

Another restraint—can't run a slave trade business with female captives

**because you have humbled her**

Lost her family—most likely her father and possibly her husband

Official rejection by Israelite man known throughout the community

NOTE on vulnerability of women in society:

Women have always been on the receiving end of violence and rape when civil order breaks down—always in every era.

The OT theocracy had innovative restraints against violence and humiliation of women.

Primary restraint today is [the Word of God trusted and believed on by men], especially in situations where normal social restraints are lax, e.g., military situations (pregnant soldiers and sailors in a dual sex military), university parties, entertainment situations (corporate parties, gambling casinos, cruise ships, and Super Bowls).

In the theocracy, the family structure was the place of safety because it entailed a larger-than-casual relationship: DI #2 & DI #3 are "*mini-civilizations*" where trust, commitment, division of labor, long-term planning occur; it's the "[womb of civilized life]"

### III. FAMILY LAWS OF INHERITANCE (21:15-17)

Inheritance very important in the theocracy.

- Picture of eternal life and security by assuring that this family unit would continue after the death of the parents.
- Means of economic survival and productivity: enabled each generation to build upon the productivity of the previous generation (family dominion).
- Source of care for aged parents—the “social security,” “medicare,” and “long-term health care” of that day.

#### 21:15 first-born son

First-born of human families and animals are [considered special] in God’s sight: they are the first appearance of new life in every generation.

**Gen. 4:4** Abel’s sacrifice that pleased the Lord

**Ex. 4:22** Yahweh calls Israel His “firstborn son”

**Ex 13:1** “*Consecrate to Me all the firstborn, whatever opens the womb among the children of Israel, both of man and beast; it is Mine*” (remember what the Lord had just done to the firstborn of Egypt!).

Mental perspective asked for in believers: the firstborn represents God’s faithfulness to bring forth more life; “the beginning of his strength”—**21:17**

Physical picture of spiritual life since inheritance NOT always passed to the firstborn beginning with Adam, Eve, and Abel; continuing with Shem, Abraham, Isaac, etc--- because the physical inheritance needs to be passed to those who will [carry it on, build upon it and care for the aged parents]—which requires spiritual faith and maturity.

Disinheritance then is topic of this and next pericope: what laws control it?

#### 21:16-17 son of unloved wife

1. Could not be based upon vindictiveness, pettiness, and family favorites.
2. Double portion conveyed to the son responsible for caring for his parents (more given; more expected—**Luke 12:48** “*to whom much is given, from him much will be required*”—law of wealth & responsibility).
3. Daughters not considered because they were integrated into their husband’s family so they did not bear the responsibility to care for her parents. Doesn’t mean they couldn’t care for them; just that they weren’t the primary care-givers.
4. These regulations show how **DI#2 & DI#3** have a prominent business dimension that today is vastly overlooked since the Messianic State is thought by most people as the Surrogate Parent.

*“The State has become a pseudo-family, educating children according to its standards and presuppositions, funding health care, paying for men’s retirement, and so forth. To do this, the State must decapitalize the family through taxation. The State, unlike a biblically defined family, does not create wealth. It consumes wealth as it redistributes it from one group to another. . . . Voters do not recognize the cause-and-effect relationship between the State’s offer of support for the aged. They do not recognize the implicit legal claim which the State is making: reducing the ability of economically successful men to pass on wealth to their heirs. As voters transfer more and more responsibility to the State for the care of the aged, the State steadily becomes the substitute heir.”* Deuteronomy commentary

Here is 1 **Sam 8** principle at work: [the state] takes over [the family].

#### IV. EXECUTION OF REBELLIOUS SONS (21:18-21)

This is the passage that critics of the OT always bring up—Obama being the latest (after claiming he accepted Christ as Lord).

- Era of Defining the Authority of the Church (canonic Scripture), Christology, and Trinity.
- Marcion (d 160) “influenced by Gnostic dualism, he believed the Old Testament and Paul’s letters to be irreconcilable.”
- “He distinguished between an Old Testament Creator-God, who was wrathful, and the New Testament God, who was a loving Redeemer. He argued that Christians should shun the Old Testament God and the Old Testament books. . . .” *Our Legacy*, 41, 76

Doctrine of the Trinity → God the Son was the visible Yahweh

#### **21:18 not obey. . .chastened him. . .not heed them**

5<sup>th</sup> commandment violated (both father and mother involved—note this) ...so family is dysfunctional regarding authority. Children supposed to learn respect for [authority] before joining society as an adult.

#### **when they have chastened him**

Parents have exercised their maximum authority which was corporal punishment (**Prov. 13:24; 19:18** which is approved in the NT (**Heb 12**)).

#### **21:19 take hold. . .to the gate. . .**

Civil authority (the State) called into the family business because the parents under the theocracy had [no civil authority].

Compare with pagan Rome: fathers could kill their children (infants left to die), which wasn’t legally restrained until AD 374, when there was an Emperor heavily influenced by Christianity.

#### **21:20 stubborn. . .rebellious. . .pays no attention. . .glutton. . .drunkard**

Problem: for the state to act, there must be a crime—not a family squabble, not gluttony or drunkenness. What is the crime?

Let’s eliminate some options:

- Not gluttony or drunkenness (no law here against that)
- Not violence against his parents (**Ex 21:15,17**)
- Not false religion (**Deut. 13:6-11**)

Answer: “*glutton and drunkard*” → description of a parasitic life, living off his parents in total selfishness → transfer family wealth to the sellers of food and drink and dissipate the family inheritance.

Principle: Family could have kicked him out, but that merely transfers the problem to society. Now other families have to cope with their “production.”

Not used?? No record of this ever being implemented.

Why?? Could have been because of the mere threat of execution, but probably not.

Family loyalty usually outweighs loyalty to God’s Word (e.g., so-called conservatives who have homosexual family members want society to condone that behavior). Cf **Matt 10:37** “*He who loves father or mother more than Me is not worthy of Me. And he who loves son or daughter more than Me is not worthy of Me.*”

#### **21:21 all the men of his city shall stone him. . .put away evil. . .all Israel shall fear. . .**

## V. CONCLUSION

All 3 pericopes show the interaction of the family with the state. Each has its sphere of sovereignty.

Parents: education, provision & nurture, discipline up to and including corporal punishment, but have no authority to prosecute crime.

State: is not a surrogate parent—its job is not to educate, provide and nurture, and do child discipline; its job is to prosecute crime and restrain sin.

### **Extensive citations from Gary North’s commentary on Deuteronomy 21:10-21.**

*[Dr. North holds that the Mosaic law is normative for society today in the same sense as it was to the Israelite theocracy whereas we hold that it is a source of timeless wisdom principles. To modern non-theocratic states Christian citizens can argue pragmatically that implementing them would reduce costs and encourage godly living. This commentary is provided to provoke thought on the underlying reasons for this controversial passage in Deuteronomy.]*

This law and its capital sanction serve as a model of the biblically mandatory hostility that a godly society must have against habitual criminal behavior. If parents are not to tolerate continual rebellion against family authority, to the point of demanding that their son be executed by stoning, then how much less toleration should a society show toward incorrigible breakers of the civil law! If parents must be willing to bring a capital covenant lawsuit against their own flesh and blood, how much more ready must citizens be to rid society of habitual criminals! If it is a capital crime for a man to drink too much and eat too much and disobey his parents in the privacy of their home, then it surely is a capital crime to be convicted of a third or fourth felony. *The civil government should not lock up incorrigible felons and throw away the keys. It should execute them. . . .*

### **Illegal Drugs and the Messianic State**

Today, men and women around the world call upon the State to deal with drug dealers. They do so in the name of their children. They cry out to the State: “We cannot control our children. They are addicted. They steal from us. They lie to us. They rebel against our authority continually. Therefore, we must arrest drug dealers, convict them, imprison them, and throw away the key!” What they do not say is this: “This our son is stubborn and rebellious; he will not obey our voice. He is a drug addict. Stone him to death. So shall other people’s sons learn to fear.”

The State responds to political pressure by passing innumerable laws against addictive drugs. Nevertheless, the addiction spreads. The State takes away more and more civil liberties, especially privacy, in the name of the war on drugs. Nevertheless, this war is visibly being lost. The public believes that the sale of addictive drugs should be made illegal. What the public does not believe is that their own sons and daughters are making self-conscious decisions to spend money on substances that will addict them, knowing

full well that these drugs are dangerously addictive. They see their children as ill-informed. But it is the parents who are ill-informed; their children know a great deal about drugs. This is not an information problem. It is a moral problem.

It is also an incentive problem: lack of fear of the legal consequences. Children in the West have wealth at their disposal greater than what the rebellious Israelite son possessed. Sons and daughters in today's world of unprecedented wealth have great purchasing power. They are nevertheless willfully destroying themselves, squandering their inheritance, not in some far country, as the prodigal son did, but in the bedrooms of their parents' homes. They are perfect examples of the rebellious son of Deuteronomy 21. Here is why the drug trade flourishes: parents have given their children enormous wealth without guidance or restrictions and have sent them into the government's tax-funded schools, which have become the primary marketplace for drugs, especially in the early stages of addiction. *The modern public school is a State-funded illegal drug emporium.*

Students have accepted the religion of humanism that the public schools proclaim: the Darwinian story of man as the heir of beasts and meaningless cosmic chance. They have learned their school lessons well. They celebrate the religion of humanism with the high efficiency tools of the "cool" drunkard: mind-altering drugs. Instead of cutting off their children's funds, pulling them out of the public schools, and monitoring their daily activities from morning to night, parents call for more government spending on drug rehabilitation programs, more government money for drug education programs in the public schools, and more government money for drug enforcement programs. In short, they call for more of the same: more humanism, more statism, and more prisons. The parents believe in the religious precept of classical Greece, which is taught in the public schools, namely, that man's problem is educational rather than moral, that man can be saved through law and legislation. The parents worship at the altar of the messianic State and then wonder why their children are tempted by drugs.

The key issue here is not the question of the legalization of drugs. The question here is the primary locus of enforcement. *The biblical locus of primary law enforcement is the family.* The Bible acknowledges that the institution with the lowest cost of obtaining accurate information should be the initial law enforcing agent. This is obviously the family in cases of gluttony, drunkenness, and drug addiction. Any attempt by parents to shift the locus of primary responsibility to either school or State is illegitimate. Similarly, if we differentiate between the teenage child and the adult child, calling for reduced penalties for the child because of the child's lack of maturity – as we do with tobacco sales – then the penalty could be less than stoning. It might be public whipping: more lashes for students who had sold drugs to finance their habits than for final users. The point is, there has to be a severe public sanction against such rebellious behavior as drug addiction. If parents are unwilling to bring their rebellious children before the magistrates in the name of God, the family's name, and the protection of society, then we can expect the drug plague to continue and the steady disappearance of our freedoms.

This passage in Deuteronomy offers a solution: execution of rebellious heirs. But modern man is too humane for this. Too human. Too humanistic. He prefers living under the messianic State to living under biblical law. He prefers statism to family responsibility. He prefers a growing international criminal class built on drug profits to bringing a capital covenant lawsuit against his own rebellious child. He is ready to send all drug dealers to prison for decades until the day he is told that his child supported his or her habit by luring other men's children into the heartless addiction; then he cries out for a tax financed drug rehabilitation program rather than prison for his supposedly victimized child. He prefers a massive and costly prison system that clearly is not working to low-budget whipping or stoning that would work very well. In the final analysis, he would rather see his adult child stoned on drugs than stoned by citizens. He ignores the Bible's warnings: "Be not deceived; God is not mocked: for whatsoever a man soweth, that shall he also reap" (Gal. 6:7).