

## *Learning from D: Reading Pentateuchal Law with a View Toward Moral Instruction or Catechesis*

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**Abstract:** This paper investigates Deuteronomy’s (‘D’) reading of Exodus (‘C’) in order to hear from the Mosaic voice through D, so that today’s interpreters would apprentice themselves to this author of pentateuchal law. The result of this apprenticeship might be the church’s growth in the Lord through moral instruction and catechesis, for D read C intending to promote obedience for the life of Israel. A second but equally important result of this apprenticeship might be a more profound understanding/reading of pentateuchal law rightly and sufficiently among God’s people.

**Keywords:** hermeneutics, Deuteronomic Code, Covenant Code, pentateuchal law, history of interpretation, theological interpretation, child rebellion laws, Inductive Bible Study, Christian reading of the Law; Paul, Philo of Alexandria, David I. Starling

### **Introduction**

How Christians should relate to pentateuchal law continues to captivate and nonplus serious readers of Scripture.<sup>1</sup> On the one hand, notwithstanding the difficulties surrounding the interpretation of the

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<sup>1</sup> By “pentateuchal law,” I am referring primarily to the Covenant Code (hereafter “C”; Exod 20:22–23:19), the Holiness Code (hereafter “H”; Lev 17–26), and the Deuteronomic Code (hereafter “D”; Deut 12–26). For some works regarding this question, see Roy Gane, *Old Testament Law for Christians: Original Context and Enduring Application* (Grand Rapids: Baker Academic, 2017); Patrick D. Miller, *The Ten Commandments, Interpretation, Resources for the Use of Scripture in the Church* (Louisville: Westminster John Knox, 2009); Dale Patrick, *Old Testament Law* (Atlanta: John Knox, 1985); John H. Walton and J. Harvey Walton, *The Lost World of the Torah: Law as Covenant and Wisdom in Ancient Context* (Downers Grove, IL: IVP Academic, 2019); William J. Webb, *Slaves, Women & Homosexuals: Exploring the Hermeneutics of Cultural Analysis* (Downers Grove, IL: IVP Academic, 2001); Christopher J. H. Wright, *Old Testament Ethics for the People of God* (Downers Grove, IL: IVP Academic, 2004).

passage, Jesus came to fulfill the law in some sense (Matt 5:17; 7:12). In the same Gospel, he is especially critical of those who would transgress God's commandments given through Moses (Matt 15:3–6; cf. Mark 7:8–13), accentuating how it is incumbent upon God's people to esteem Mosaic law. Luke's Gospel concurs, particularly insofar as Mosaic law bears witness to Jesus's person (Luke 24:44), and the rest of the NT witness underscores Jesus's sinlessness and therefore presumable obedience to the law of Moses as correctly interpreted (Acts 3:14; 2 Cor 5:21; Heb 4:15; 7:26; 1 Pet 2:22; 1 John 3:5). On the other hand, at least on the surface, Paul may appear to be antinomian to various readers, as even many detractors in his day accused him of being (cf. Acts 21:21; Rom 3:8). But for Paul, although the law was only a temporary guardian unable to lead to the life now available to believers through faith (Gal 3:12, 25; cf. Lev 18:5), it was still good and holy (Rom 7:12), and its righteous requirement was to be fulfilled in those who would walk according to the Spirit (Rom 8:4) in love (Rom 13:8–10; Gal 5:14).

Thus, again for Paul, while pentateuchal law might not have been able to transform people, a role attributed instead to faith and the Spirit of Christ, it continued to be righteous, just, and highly esteemed. Indeed, the so-called law codes (particularly D) even became indispensable for him as he wrestled with how to instruct and guide the sinful Corinthians.<sup>2</sup> This portrait of Paul comports well with the claim from 2 Tim 3:16–17 that all (or every) Scripture is inspired by God and advantageous “for teaching, for reproof, for correction, and for training in righteousness, that the person dedicated to God may be capable and equipped for every good work” (NET).<sup>3</sup>

A brief examination of pentateuchal law as understood in the NT therefore suggests that it was essential to the life of the early church. Christ-followers were to walk by the Spirit in love and thus have the law's righteous requirement fulfilled in them; they were to be instructed and guided by the law in regard to their ongoing life together;

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<sup>2</sup> Most noteworthy is Paul's use of Deuteronomy in regard to the case of the incestuous man of 1 Cor 5, whom Paul urges the Corinthians to remove from among themselves (1 Cor 5:13; cf. Deut 13:5; 17:7, 12; 19:19; 21:21; 22:21). Another famous case pertains to Paul's use of Deut 25:4 (on not muzzling the threshing ox) in 1 Cor 9:9 to buttress his argument for the rights of those who proclaim the gospel.

<sup>3</sup> I have chosen this translation here because of its deft handling of ὁ τοῦ θεοῦ ἄνθρωπος, rendering it helpfully as “the person dedicated to God.” Other translations of Scripture will be my own unless noted otherwise.

they were to recognize the law’s fundamental witness to the person of Jesus, the fulfiller of the law, who allowed himself to be instructed by God through the law; and they were to be equipped for every good work through the use of the law as God-breathed Scripture.

All the above assumes that Christians in general, whether captivated or nonplussed (or some combination of both), *must become excellent, careful readers of pentateuchal law*—not neglecting it, not abusing it, not ascribing to it the role of the Spirit, but considering it enthusiastically and rightly, as did Jesus, Paul, and other prominent NT figures.<sup>4</sup> John Chrysostom (c. 347–407 CE) exemplifies this type of reflection on the law, bringing his reading together with Jesus’s and Paul’s, when he conveys the following thoughts:

For since the law was laboring at this, to make man righteous, but had not power, [Jesus] came and brought in the way of righteousness by faith, and so established that which the law desired: and what the law could not by letters, this [Jesus] accomplished by faith. On this account [Jesus] saith, ‘I am not come to destroy the law.’ [Matt 5:17]<sup>5</sup>

The operative question or issue at hand, then, is not how Christians should *relate* to pentateuchal law as much as how they should *read and interpret* it.<sup>6</sup>

David I. Starling has elaborated on how the human writers of Scripture, who engaged in inner-biblical hermeneutics, can teach them how

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<sup>4</sup> For more on this “right approach,” see Craig S. Keener, *The Gospel of Matthew: A Socio-Rhetorical Commentary* (Grand Rapids: Eerdmans, 2009), 176. For more on Paul as a reader and interpreter of Torah, there is perhaps no better text available than Francis Watson’s *Paul and the Hermeneutics of Faith* (2nd ed., Cornerstones [London: Bloomsbury T&T Clark, 2016]).

<sup>5</sup> John Chrysostom, *Homilies on the Gospel of Saint Matthew* 16.3 (NPNF<sup>1</sup> 10:105).

<sup>6</sup> I grant that these are not mutually exclusive options, but the emphasis certainly differs. Moreover, the matter of relating to the law, for some, might depend entirely on their interpretation of the NT, and so relating and reading would not function as such close allies after all. Likewise, it is commonplace for Christians to think that they are *reading* pentateuchal law when, in reality, they are *replacing* it with content from the NT through overdeveloped spiritual readings. This is not to say that spiritual readings are unimportant (they are indispensable), but they can be abused to the point of becoming functionally Marcionite. For the ideas from these last two sentences, I am indebted to Paul Niskanen, “Catholic Hermeneutics of the Old Testament,” *SVTQ* 63 (2019): 191–211, esp. at 211.

to do this hard work of reading/interpreting well.<sup>7</sup> Using several case studies to shed light on the interpretation of earlier biblical texts by later ones, Starling invites Christians to learn to become better readers of Scripture from the biblical authors, above all by apprenticing themselves to them. The most notable case in Starling's text vis-à-vis the present study is his analysis of Deuteronomy and the hermeneutics of law.<sup>8</sup> For Starling, Deuteronomy is "a book of interpretation," wherein Moses "is presented more as an interpreter and a prophet than as a legislator (cf. 1:5; 34:10)."<sup>9</sup> Through Moses's speeches and interpretations, the people were to learn how to read the law, and God's people today may continue to learn from Moses in a comparable fashion.<sup>10</sup>

### *Thesis*

Similarly, though without Starling's attention to the person of Moses,<sup>11</sup> this paper focuses on Deuteronomy as a book of interpretation. More specifically, it explores D's use of C with reference to the child rebellion laws (Exod 21:15, 17; Deut 21:18–21) in order to learn from the Mosaic voice through D, so that modern interpreters (esp. Christians) would begin to apprentice themselves to this scriptural voice. At the end of the day, and following D's influence on the history of interpretation, such teaching may come to fruition when today's students discover what it means to read pentateuchal law in general, and the child rebellion laws in particular, with a view toward moral instruction or catechesis (cf. 2 Tim 3:16). In other words, commencing with D, there exists a robust tradition to hear when it comes to comprehending the law well, rightly, and sufficiently for the life of the church.

### *Outline*

This thesis will unfold through four primary steps. First, the most persuasive and widespread view regarding the direction of influence between

<sup>7</sup> David I. Starling, *Hermeneutics as Apprenticeship: How the Bible Shapes Our Interpretive Habits and Practices* (Grand Rapids: Baker Academic, 2016), 11.

<sup>8</sup> Starling, *Hermeneutics as Apprenticeship*, 35–46.

<sup>9</sup> Starling, *Hermeneutics as Apprenticeship*, 37.

<sup>10</sup> Starling, *Hermeneutics as Apprenticeship*, 45–46.

<sup>11</sup> In Deuteronomy, I find it helpful to speak of "Moses's voice" or the "Mosaic voice," and I credit the following study for this articulation: Bill T. Arnold, "Deuteronomy as the *Ipsissima Vox* of Moses," *JTI* 4 (2010): 53–74.

C and D, namely that the latter read and employed the former as a source, will be surveyed. More specifically, this assessment will be conducted with reference to the use of the child rebellion laws in Exod 21:15, 17 by Deut 21:18–21. Second, a literary analysis of Deut 21:18–21 will be performed, predominantly through the theoretical framework of “major structural relationships,”<sup>12</sup> in order to help illumine how D read C. Ultimately, this examination will show how Israel’s “hearing and fearing” functioned as D’s desired end for them apropos of the child rebellion laws. Third, how this sort of reading was carried on by Philo and Paul will be addressed.<sup>13</sup> Fourth and finally, a proposal relating to how this legacy of reading might be perpetuated today by “D’s apprentices” will be presented for the life of the church.

## **D’s General Use of C in Relation to the Child Rebellion Laws**

That D read and used C as a source is a commonly upheld position in the academic world. There are, of course, dissenters from this view, but their reasons for denying C as one of D’s sources or for placing D prior to C have largely failed to gain significant traction.<sup>14</sup>

### *Interpreting, Expanding, and Restricting*

Precisely how D generally used C is a different question resulting in an assortment of emphases, and this reality holds true in regard to the

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<sup>12</sup> See the method (or approach) of Inductive Bible Study (IBS) in David R. Bauer and Robert A. Traina, *Inductive Bible Study: A Comprehensive Guide to the Practice of Hermeneutics* (Grand Rapids: Baker Academic, 2011), 94–134.

<sup>13</sup> Relatedly, Bernard M. Levinson makes a fascinating comment about the Temple Scroll (11Q19), saying that its redactor “becomes the mature apprentice trained in the workshop of the Pentateuch redactor” (*A More Perfect Torah: At the Intersection of Philology and Hermeneutics in Deuteronomy and the Temple Scroll*, Critical Studies in the Hebrew Bible [Winona Lake, IN: Eisenbrauns, 2013], 41). I stumbled upon Levinson’s salient point here after developing this thesis.

<sup>14</sup> Cf. Joseph Culbertson, “The Date of Composition of the Covenant Collection: A History of Research” (Paper submitted to Bill T. Arnold for OT936 Seminar in Pentateuchal Law, Wilmore, KY, 26 April 2022). On the later dating of C, see, e.g., John Van Seters, “Revision in the Study of the Covenant Code and a Response to My Critics,” *SJOT* 21 (2007): 5–28 and “Law of the Hebrew Slave: A Continuing Debate,” *ZAW* 119 (2007): 169–83. On some problems with Van Seters’s criteria for this dating, see Bernard S. Jackson, “Revolution in Biblical Law: Some Reflections on the Role of Theory in Methodology,” *JSS* 50 (2005): 83–115 at 90.

child rebellion laws (Exod 21:15, 17; Deut 21:18–21).<sup>15</sup> This section will highlight a few scholars who ascertain D’s work through the concepts of interpretation, expansion, or restriction (plus some combination or extension of these). Eckart Otto has elaborated on D’s function as an interpretation (*Auslegung*) of C (*das Bundesbuch*).<sup>16</sup> Less broadly, and with regard to the relevant child rebellion laws, Otto reflects on how family law transitions to local jurisdiction in Deut 21:18–21. But despite this migration of power from familial to local authorities, D retains the consequence of capital punishment for a rebellious child (21:21) and thus ultimately has its roots in the death sentence of Exod 21:17.<sup>17</sup> Joseph Fleishman consistently argues that D uses C and that it sets out to restrict or reduce and define C’s scope of applicability, especially vis-à-vis the participial cases of child rebellion from Exod 21:15, 17.<sup>18</sup> H. C. Brichto has contended that Deut 21:18–21 elaborates on Exod 21:17, illumining how the sort of “cursing” at play in the latter text is a continuous, recalcitrant kind.<sup>19</sup> In this case, D is engaged in an act of interpretation that is quite slow (or perhaps even unwilling) to problematize or see the worst in a prior text. Put differently, C was not so bad as to be searching for opportunities to destroy some of the most

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<sup>15</sup> Bruce Wells (“The Interpretation of Legal Traditions in Ancient Israel,” *HBAI* 4 [2015]: 234–66 at 246, n. 45) has quite helpfully summarized D’s approach to C by recapitulating the foremost scholarly positions, namely that D took an ethical approach (Eckart Otto), an innovative one (Bernard M. Levinson), a secularizing one (Moshe Weinfeld), or a rationalizing one (Michael Fishbane). In the same place, he concludes that “it is unlikely that any one classification can account for all of D” and vies for a more general description. Similarly, my considerations in the following sections will center on general categories over against the more particular approaches espoused by the scholars in Wells’ summary.

<sup>16</sup> Eckart Otto, *Das Gesetz des Mose* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2007), 126–36. For more on D as an interpreter of legal texts, see Bernard M. Levinson, “The Hermeneutics of Tradition in Deuteronomy: A Reply to J. G. McConville,” *JBL* 119 (2000): 269–86, esp. 285–86.

<sup>17</sup> Otto, *Gesetz*, 156.

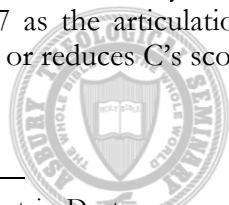
<sup>18</sup> On the language of “restricting,” see Joseph Fleishman, “The Delinquent Daughter and Legal Innovation in Deuteronomy xxii 20–21,” *VT* 58 (2008): 191–210. On reducing the scope of C when it relates to Deut 21:18–21, see Joseph Fleishman, “Legal Innovation in Deuteronomy xxi 18–20,” *VT* 53 (2003): 311–27 at 319. Here, Fleishman writes, “the purpose of the law in Deuteronomy xxi 18–21 was to reduce significantly the scope of the delinquent behavior against parents punishable by death.”

<sup>19</sup> H. C. Brichto, *The Problem of “Curse” in the Hebrew Bible*, JBL Monograph Series 13 (Philadelphia: Society of Biblical Literature and Exegesis, 1963), 134. For this reference, I am indebted to Dan Mendelsohn Aviv, “Teaching ‘the Stubborn and Rebellious Son’: Orthophagy, Adolescence, and Jewish Education,” *Shofar* 24 (2006): 110–29 at 112.



vulnerable among Israel (i.e., the children). In close correspondence to Brichto's claim, Louis Stulman tersely notes that Deut 21:18–21 is an expansion of Exod 21:17, which evidently signifies the idea that D has *more material*—not that it expands the *applicability* of C (contra Bruce Wells' view of “expansion” below).<sup>20</sup>

Not content with only the language of expansion or development, Bruce Wells argues that D read C in terms of expansion and redirection. Although he is careful not to explain all of D with any single classification, Wells nevertheless posits a general description of D's approach to C when he states that “D has a tendency to shift the focus or implementation of a tradition, to alter the remedy or final outcome, or to expand a law's scope of application.”<sup>21</sup> Striking here is Wells' view of expansion in terms of extending the reach of a law. This take is certainly not what many other scholars (some surveyed above) intend when they suggest that Deut 21:18–21 is an expansion of Exod 21:17. Indeed, the “expanded” material of D in these cases in effect serves to *restrict* the scope of C's application. Whether it should be the case or not, scholars continue to speak of D's “expanding” tendencies in the child rebellion laws not with reference to their scope of application but instead with regard to *their more elaborate legislative materials* that in fact *curb* the law's scope of application by constraining “autonomous household retribution to elder ruled legislation.”<sup>22</sup> At any rate, had Wells included Deut 21:18–21 in his article on the interpretation of legal traditions in Israel, he perhaps would have categorized it not in terms of this expansion but of redirection. That is to say, Israel would have implemented the death sentence of Exod 21:17 only in the case of the stubborn and rebellious son.<sup>23</sup> However, in my judgment, the classification of “redirection” is not nearly as helpful in the case of Deut 21:18–21//Exod 21:17 as the articulation (cf. Fleishman and Boyd) that D simply restricts or reduces C's scope of applicability.<sup>24</sup>



<sup>20</sup> Louis Stulman, “Encroachment in Deuteronomy: An Analysis of the Social World of the D Code,” *JBL* 109 (1990): 613–32 at 624.

<sup>21</sup> Wells, “The Interpretation of Legal Traditions in Ancient Israel,” 246.

<sup>22</sup> Samuel L. Boyd, “Deuteronomy's Prodigal Son: Deut. 21:18-21 and the Agenda of the D Source,” *BiblInt* 28 (2020): 15–33 at 28.

<sup>23</sup> And in similar cases of child rebellion with several specific features (e.g., Deut 22:20–21).

<sup>24</sup> The same goes for the potential relationship between Exod 21:17 and Deut 22:20–21 (cf. Fleishman, “The Delinquent Daughter”).

### *Generalizing and Clarifying*

A few scholars focus on D's approach to C as generalizing or clarifying the material in the latter.<sup>25</sup> Phillip R. Callaway suggests that the “striking” of Exod 21:15 and the “cursing” of Exod 21:17 “may be understood as illustrative instances from the Pentateuch of the general category ‘stubborn and rebellious behavior’ [from Deut 21:18–21].”<sup>26</sup> Put differently, the stubborn and rebellious son of Deut 21:18–21 is the kind of person who would engage in the particular, condemned behaviors in Exod 21:15, 17. By demonstrating that the type of child from C who would strike or curse his parents would have to be stubborn, rebellious, gluttonous, and a drunkard (Deut 21:18, 20), D would, in this case, be supplying a significant *clarification* as to what C had in mind when furnishing the child rebellion laws.<sup>27</sup>

### *Concluding Statement*

D more than likely read and used C as a source, and this point comes to bear especially on the relationship between Deut 21:18–21 and Exod 21:15, 17. Whether this interaction was primarily interpretive, expansive, restrictive, generalizing, clarifying, or some elusive combination of these categories is a matter of ongoing debate. The main point of this section has been to survey scholarly postures toward D's general use of C with reference to the child rebellion laws of Deut 21:18–21 and Exod 21:15, 17. Such an investigation illustrates just how seriously D continues to be taken as a faithful reader of Scripture for the benefit of God's people. The following section will function to

<sup>25</sup> N.B., these broad classifications are not necessarily mutually exclusive with the ones from the previous section.

<sup>26</sup> Phillip R. Callaway, “Deut 21:18-21: Proverbial Wisdom and Law,” *JBL* 103 (1984): 341–52. Thus Elizabeth Bellefontaine's consideration that the rebellious son is not accused of cursing or striking does not carry much gravitas (Elizabeth Bellefontaine, “Deuteronomy 21:18-21: Reviewing the Case of the Rebellious Son,” *JSOT* 4 [1979]: 13–31 at 15).

<sup>27</sup> Pace Kent Sparks, who assumes that interactions between legal corpora “negate, alter, or amplify” previous legislation (“A Comparative Study of the Biblical נבלה Laws,” *ZAW* 110 [1998]: 594–600 at 594). On D's possible clarifying of C, see David L. Baker, “Finders Keepers? Lost Property in Ancient Near Eastern and Biblical Law,” *BBR* 17 (2007): 207–14. See also how D likely clarifies what earlier cases in C meant due to various diachronic shifts in word meanings in Henri Cazelles, *Études sur le code de l'alliance* (Paris: Letouzey et Ané, 1946), 103–6. I am indebted to Culbertson for the rundown of this work (“Date of Composition,” 4–6).



delineate my own preliminary take on D’s reading of C in Deut 21:18–21 by means of a literary analysis. Importantly, my reading should not be interpreted as mutually exclusive with all other opinions as much as supplementary to a few (or perhaps even several) of them.

## **A Literary Analysis of Deuteronomy 21:18–21: Toward Catechesis or Moral Instruction**

The text of Deut 21:18–21 is a unit that can stand on its own despite its clear relationship to other familial laws in Deut 12–26. As such, this section will center on this one passage without heavy attention to the surrounding synchronic literary segments.<sup>28</sup> The thrust of the analysis herein will highlight the progress of the text toward the climactic and ultimate end for establishing this case law, namely that all Israel would hear and fear (וְכָל יִשְׂרָאֵל יִשְׁמָעוּ וִירָאוּ); “[and] all Israel will/should hear and fear”; Deut 21:21). This analysis will proceed in two movements. The first will explore the concept of “hearing and fearing” in D and beyond. The second will assess the literary structure of Deut 21:18–21 using the theoretical framework of major structural relationships from the hermeneutical method of IBS (Inductive Bible Study).

### *Hearing and Fearing in D and Beyond*

Before beginning the structural examination of Deut 21:18–21, a short survey of what it generally means “to hear and fear” (from שמע and ירא) is in order. Close or conjoined instances of such “hearing and fearing” in the OT, and more particularly in Deuteronomy, tend to emphasize the purpose, result, final cause, or end goal of an action, event, speech, or teaching, and they regularly do so with reference to individual or corporate obedience.<sup>29</sup>

<sup>28</sup> Out of necessity, however, it will briefly explore key passages in Deuteronomy with shared terminology, especially those focused on Israel “hearing and fearing.” Diachronically examining potential redactional layers in this law is also outside the scope of this study.

<sup>29</sup> Some examples of this phenomenon outside of Deuteronomy that have shared lexical features (i.e., from שמע and ירא) are beneficial to note. A representative text, Isa 50:10, indicates that the one who fears the Lord is the one who hears/obeys the voice of his servant (cf. Ps 34:11–12; 40:4; 66:16; Qoh 12:13). In 1 Sam 14:24–27, Saul’s men who heard the oath that he put them under were able to fear/obey it, whereas Jonathan was not able to fear/obey the same oath because he had not heard it (cf. 2 Sam 22:45–46). In Jer 5:21–22, those in Judah who would not hear the Lord did not fear him. See

The following table demonstrates the relevant occurrences from Deuteronomy:

Table 1

Scripture Reference & Translation	Text (MT—Consonants Only) <sup>30</sup>
<p><b>Deut 4:10</b>            “Assemble to me the people, in order that I would cause them to <b>hear</b> [irreal imperfect] my words, so <b>that</b><sup>31</sup> they would learn to <b>fear</b> me all the days that they are living on the land, and that they would teach their children.”</p>	<p>הקהל־לי את־העם ואשמעם            את־דברי אשר ילמדון ליראה            אתי כל־הימים אשר הם חיים            על־האדמה ואת־בניהם ילמדון</p>
<p><b>Deut 13:11 (13:12 MT)</b>            “... so that/then(?)<sup>32</sup> all Israel will <b>hear</b> and <b>fear</b>, with the result that they will not carry on behaving according to this evil thing in your midst.”</p>	<p>ובל־ישראל ישמעו ויראון ולא־            יוספו לעשות כדבר הרע הזה            בקרבן</p>

also the Akkadian poem, “Erra and Ishum,” trans. Stephanie Dalley (*COS* 1.113: 404–16, esp. at 406). Here, the warrior-God, Erra, is called upon to make a resounding noise in order that the Anunnaki deities would “hear and fear” his word. In other words, the *purpose* of Erra’s speech-action is that these deities would respond by radically orienting themselves towards him through the act of fearing (obeying?) his word. Cf. Bill T. Arnold, “The Love-Fear Antinomy in Deuteronomy 5-11,” *V/T* 61 (2011): 551–69.

<sup>30</sup> The highlights are indicative of identical, nearly identical, shared-pattern, or conceptually related texts (e.g., yellow texts correspond to other yellow texts).

<sup>31</sup> For the use of **אשר** with a “final nuance” here (“in order that,” or “so that”), see Joüon §168f. Cf. *IBHS*, 639, where Deut 4:10 is similarly interpreted. The use of **למען** in Deut 31:12 takes on similar “final” nuances (cf. *IBHS*, 604).

<sup>32</sup> Although the *naw* (י) is semantically bleached with no inherent value in terms of semantic relationships (e.g., purpose, result), it may function as an edge marker (I attribute this phraseology to John A. Cook) that begins the next clausal idea, the semantic value for which is determined by the literary context, which I have interpreted here as conveying a purpose or result on account of the overt inclusion of final **אשר** and **למען** in Deut 4:10 and 31:12, respectively. I have chosen “so that” because it can relay both ideas in the English language; it is difficult to determine whether the idea expressed is purposive or resultative, and this thought pertains to other instances in my translations as well.

<p><b>Deut 17:13</b>          "... so that all the people may <b>hear</b> and <b>fear</b>, with the result that will not act presumptuously again."</p>	<p>וכל־העם ישמעו ויראו ולא יזידון עוד</p>
<p><b>Deut 19:20</b>          "... and/<b>so that</b> the ones remaining will <b>hear</b> and <b>fear</b>, with the result that they will not again carry on behaving according to this evil thing in your midst."</p>	<p>והנשארים ישמעו ויראו ולא יספו לעשות עוד כדבר הרע הזה בקרבך</p>
<p><b>Deut 21:21</b>          "Then all the men of his city shall stone him with stones with the result that he would die. And you shall remove the evil from your midst, <b>so that</b> all Israel would <b>hear</b> and <b>fear</b>."</p>	<p>ורגמהו כל־אנשי עירו באבנים ומת ובערת הרע מקרבך וכל־ישראל ישמעו ויראו</p>
<p><b>Deut 31:12</b>          "Assemble the people, the men and the women and the children and the sojourner who is in/at your gates, <b>in order that</b> they would <b>hear</b>, with the result that (or "and in order that") they would learn and <b>fear</b> the Lord your God, and be careful to do all the words of this law/instruction."</p>	<p>הקהל את־העם האנשים והנשים והטף וגרך אשר בשעריך למען ישמעו ולמען ילמדו ויראו את־יהוה אלהיכם ושמרו לעשות את־כל־דברי התורה הזאת</p>

The color schematic shows four similar instances of “hearing and fearing” within the Deuteronomistic Code (chs. 12–26) framed by two related occurrences outside of it. No doubt this pattern plays a role in reflecting the “togetherness” of the D material. A weaker—albeit not implausible—observation is that the correlated manifestations of “hearing and fearing” in Deut 4:10 and 31:12 serve to bracket D and explain its laws primarily in terms of hearing them and fearing/obeying them. However, even without seeing this logical bracketing (or *inclusio*) effect and the non-D occurrences through such a synchronic, whole-book reading, the frequency, distribution, and significance of the four instances *within D itself* (13:11; 17:13; 19:20; 21:21) are sufficient to

warrant, at minimum, the consideration of its laws as propounded with a view toward obedience through moral instruction or catechesis.<sup>33</sup> As Brevard S. Childs captures so well, the “fear of God is not a subjective emotion of terror, but the obedience of God’s law.”<sup>34</sup>

The key difference between Deut 21:21 and the rest of the occurrences of “hearing and fearing” within D, subtle as it may be, is that the former’s use of these conjoined verbs is *climactic*. Put differently, though it is somehow connected to the following material (see the **ס** as opposed to the **פ** in the MT), it *concludes* its paragraph (vv. 18–21) without leading to further concerns as in Deut 13:11, 17:13, and 19:20. Thus, irrespective of whether the final clause in Deut 21:21 constitutes a purposive or resultative movement, it nevertheless functions *as the desired end for Israel from D’s perspective apropos of the child rebellion laws*.<sup>35</sup>

That the final clause (וּכְלִי-יִשְׂרָאֵל יִשְׁמְעוּ וִירָאוּ) was this desired end for D has been articulated in different ways by modern scholars.<sup>36</sup> Callaway calls it a Deuteronomic “paraenesis to the Israelites.”<sup>37</sup> Meir Bar-Ilan contends that the death penalty commanded by the law is suggestive of the authorial intention (i.e., purpose/end) that all Israel would hear and fear.<sup>38</sup> Duane L. Christensen writes, “Since there is no record in the Bible that the law of the insubordinate son (Deut 21:18–

<sup>33</sup> For more on frequency, distribution, and significance as essential elements of reoccurrence in the hermeneutical endeavor, see Bauer and Traina, *Inductive Bible Study*, 95–96.

<sup>34</sup> Brevard S. Childs, *The Book of Exodus: A Critical, Theological Commentary*, OTL (Louisville: Westminster John Knox, 2004), 373. Childs describes the fear of God in this way while commenting on Exod 20:18–21 and in light of Deut 4:10, which introduces the integrated program for hearing and fearing throughout the book. That is, Childs would just as readily have related the fear of God to the obedience of his law for the germane references in the D source.

<sup>35</sup> One potential problem surrounding a resultative interpretation of the relevant case laws is that it might imply that the laws must have been literally enacted for the fear/obedience to transpire, whereas a purposive take might more easily bend toward the view that the laws were merely *promulgated* (not *enacted*) with a view toward fomenting obedience among Israel. Simon Skidmore may summarize this issue when he states that some scholars “interpret Deuteronomy 21:18-21 as a literal call to execute rebellious offspring, while others have argued that this text functions as an exhortation towards obedience” (“A Mimetic Reading of Deuteronomy 21:18-21,” *HeyJ* 61 [2020]: 913–23 at 913).

<sup>36</sup> N.B., I am taking the two verbs (שָׁמְעוּ וִירָאוּ) to signify something akin to a compound clause (or perhaps hendiadys) rather than two separate clauses even though their clauses can technically be distinguished (cf. the conjunctive *vav* that joins two clauses in *IBHS*, 653).

<sup>37</sup> Callaway, “Proverbial Wisdom,” 342.

<sup>38</sup> Meir Bar-Ilan, “The Rebellious Son and the Development of Childhood in Antiquity,” *Beit Mikra* 62 (2017): 181–221.

21) was ever enforced, it is safe to conclude that the primary purpose of this law was pedagogical—that ‘all Israel shall hear and fear’ (v 21).”<sup>39</sup> Anselm C. Hagedorn has regarded the goal of the text as preventative in nature insofar as the case law would warn parents against raising their children poorly and thus, more positively, preserve familial and divine honor.<sup>40</sup> Stulman determines that **וכל-ישראל ישמעו ויראו** has a motivational character to it that functions “to inspire respect for judicial authority and demonstrate that such offenses jeopardize the welfare and stability of the social order.”<sup>41</sup> Whatever the case may be, it is evident that D is reading Scripture (C) with Israel’s obedience in mind, and it might be most helpful to understand this hermeneutic in terms of what is expressed in 2 Tim 3:16–17, namely moral instruction or even “training in righteousness” (*παιδείαν τὴν ἐν δικαιοσύνῃ*). That D is employing this hermeneutic might be further established by the following literary analysis.

*Deuteronomy 21:18–21: A Literary Analysis (Using IBS)*

The Text

- 18 כִּי־יְהִי לְאִישׁ בֶּן סוֹרֵר וּמוֹרֵה אִינְנוּ שָׁמַע בְּקוֹל אָבִיו וּבְקוֹל אִמּוֹ  
וַיִּסְרוּ אֹתוֹ וְלֹא יִשְׁמַע אֲלֵיהֶם:
- 19 וַתִּפְשׁוּ בּוֹ אָבִיו וְאִמּוֹ וְהוֹצִיאוּ אֹתוֹ אֶל־זִקְנֵי עִירוֹ וְאֶל־שַׁעַר מִקְמוֹ:
- 20 וְאָמְרוּ אֶל־זִקְנֵי עִירוֹ בְּנֵנוּ זֶה סוֹרֵר וּמוֹרֵה אִינְנוּ שָׁמַע בְּקִלְנוּ זוֹלָל  
וְסָבָא:
- 21 וְרָגְמָהוּ כָל־אֲנָשֵׁי עִירוֹ בְּאֲבָנִים וּמָת וּבִעֵרְתָּ הָרַע מִקִּרְבְּךָ וְכָל־  
יִשְׂרָאֵל יִשְׁמַעוּ וִירְאוּ: ס



The Text’s Major Structural Relationships

<sup>39</sup> Duane L. Christensen, *Deuteronomy 21:10–34:12*, WBC 6B (Dallas: Word, 2002), 484. While Christensen’s point is taken, it is not persuasive by itself.

<sup>40</sup> Anselm C. Hagedorn, “Guarding the Parent’s Honour: Deuteronomy 21.18–21,” *JSOT* 88 (2000): 101–21 at 115.

<sup>41</sup> Stulman, “Encroachment in Deuteronomy,” 625. Cf. Rifat Sonsino, *Motive Clauses in Hebrew Law: Biblical Forms and Near Eastern Parallels* (Chico, CA: Scholars Press, 1980).

As a case law, the primary structural relationship in Deut 21:18–21 is causation, or the movement from cause/protasis (if) to effect/apodosis (then).

**Table 2**

Protasis = Cause (if)	CAUSATION	Apodosis = Effect (then)
21:18: “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...” (NASB95)		21:19–21a: “...then his father and mother shall seize him, and bring him out to the elders of his city at the gateway of his hometown. 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.’ Then all the men of his city shall stone him to death; so you shall remove <sup>42</sup> the evil from your midst...” <sup>43</sup> (NASB95)

The flexibility of the *waw* in ויראו ושמעו ישראל וכל-ישראל and its function as a semantically bleached edge marker create difficulties in terms of specifying a structural relationship between this final, climactic movement of the text and the preceding material. However, the passages conjoining hearing and fearing that were previously under consideration (Deut 4:10; 31:12) employed the “final” אשר and למען, respectively, in extremely similar syntactic situations, thus making it most reasonable that a final movement of purpose or result is also at play in Deut 21:21 (cf. the above discussion and the translation in Table 1, “so that all Israel would hear

<sup>42</sup> The verb ובערת may imply a summary, hortatory command as an irreal perfect with a directive modality. Bauer and Traina call this phenomenon “hortatory causation,” when you ought to do B (i.e., remove the evil) because of/in the case of A (i.e., the rebellion of the son). See *Inductive Bible Study*, 106.

<sup>43</sup> I agree with Callaway (Callaway, “Proverbial Wisdom,” 342), who does not include ובערת הרע מקרבך (“and you shall remove the evil [one] from your midst”) within the paraenesis of Deut 21:21b (hence its position in the apodosis here). The MT also places the strong disjunctive *atnakh* accent under מקרבך (מקרבך), thus inviting the reader to pause before considering ושמעו ויראו וכל-ישראל and dividing the sense of Deut 21:21 (cf. Mark D. Futato, Sr., *Basics of Hebrew Accents* [Grand Rapids: Zondervan Academic, 2020], 36).



and fear”). The appropriate structural relationship to explain this transition with reference to the IBS approach is called “instrumentation,” or a “declaration of purpose or end [including] the phrase *in order that* or its equivalent (e.g., often *so that* or *that* in English translations).”<sup>44</sup> Thus, according to the theoretical framework of IBS, Deut 21:18–21 is ultimately structured in terms of causation with climax (וכל-ישראל ישמעו ויראו) by way of instrumentation. The author(s) of D moves from the lesser to the greater and toward a high point of culmination at the end of this casuistic unit, showcasing not that the details of this child rebellion law are immaterial or unimportant, but rather that these details would forfeit much of their significance if Israel were to relate to this law in any sense short of hearing and fearing.<sup>45</sup>

It is probably unnecessary to debate whether this call was directed primarily to children (so that they would avoid the behavior of the rebellious son) or to parents (so that they would raise children quite unlike the rebellious son). In the first place, all Israel is in view.<sup>46</sup> Second, conspicuously absent from Deut 21:21 is a following clause (or clauses) with negated verbs underscoring that Israel should *not* perform such and such behavior (as in D’s parallel cases [13:11; 17:13; 19:20]). There is no “so that/in order that *not*,” thus casting some doubt over the commonplace conclusion that the aim of Deut 21:18–21 is preventative in nature.<sup>47</sup> The text more likely accentuates the implied *positive obedience* in view for all involved, whatever such fearful obedience might look like for parents, children, families, and the elders of the city.<sup>48</sup>

### Summary

The final movement in Deut 21:18–21 (וכל-ישראל ישמעו ויראו), whether purposive or resultative, functions as the desired end for Israel from D’s perspective apropos of the child rebellion laws. The telos of reading C (esp. Exod 21:15, 17)—call it “pedagogical,” “morally

<sup>44</sup> Bauer and Traina, *Inductive Bible Study*, 115 (emphasis original).

<sup>45</sup> For more on this understanding of climax, see Bauer and Traina, *Inductive Bible Study*, 99–100.

<sup>46</sup> LXX perhaps assimilates “all Israel” to והנשארים of Deut 19:20 since it reads καὶ οἱ ἐπιλοιποὶ (cf. Carmel McCarthy, *Deuteronomy: Critical Apparatus and Notes*, BHQ 5 [Stuttgart: Deutsche Bibelgesellschaft, 2007], 63).

<sup>47</sup> Cf. Hagedorn, “Guarding the Parent’s Honour,” 115.

<sup>48</sup> If one looks outside of D material to the final redaction or composition of Deuteronomy, the positive vision of Deut 4:10 is compelling, namely that Israel would teach their children.

instructive,” “morally formative,” or even “catechetical”—was that Israel should hear and fear. And that D read C in this manner is suggested by the major structural relationships in the unit, or causation with climax by way of instrumentation. The protasis-apodosis (or causal) relationship builds toward the culminating end that all Israel would hear and fear, and this end is surprisingly more positive in nature than its counterparts (Deut 13:11; 17:13; 19:20).

## The Enduring Hermeneutical Influence of D

The aspect of moral instruction, moral formation in virtue, or catechesis as accentuated by D’s reading of C has been continued and practiced in various ways throughout the history of interpretation. This section will present a small portrait of these extensions of D’s hermeneutics by selecting germane biblical commentators on pentateuchal law from the Second Temple period: Philo and Paul.

### *Philo of Alexandria*

Philo is renowned for reading the Pentateuch with a view toward growing in virtue, especially by means of allegorical interpretations. His penchant for philosophy and love of Scripture ensured that he read the biblical text in order to fulfill the possibility of living an obedient life toward God in accordance with natural law (cf. *Creation* 3). This law was instantiated in various ways through the pentateuchal laws, with Moses being the lawgiver *par excellence* (cf. *Mos.* 2.12–51). As such, Philo read Torah not just symbolically but also with the expectation that its laws, given as they were through Moses, would be *de facto* observed (cf. the capital crimes in *Hypothetica* 7).

While there is much to separate D from Philo, the latter in some sense apprenticed himself to the former insofar as he would read C and D to be trained and to educate others in the way of life-giving virtue and righteousness. One example of this phenomenon is Philo’s reading of Deut 21:21 that centers on removing the wickedness and disobedience from the interior person (*Drunkenness* 28). Moreover, and following the logic of **וכל־ישראל ישמעו ויראו**, the destruction of the rebellious son who does not purge himself of such evil and malice should ultimately result in the obedience and salvation of those who would be warned against imitating him (*Drunkenness* 29). Thus, one reason Philo continued to espouse

the literal enactment of pentateuchal law (e.g., the stoning of the rebellious son) was essentially so that “all Israel would hear and fear.” By simply commenting on Scripture in this way, Philo surely instilled a healthy fear of the Lord in some of his own readers and thereby (and in this particular sense) followed in the footsteps of D.

### *New Testament: Paul*

Paul’s relationship to pentateuchal law was explored to an extent in the introduction. Here, it is necessary to return to this topic if only in brief, as there will not be sufficient space to illumine the many facets of Paul’s use of Scripture.<sup>49</sup>

The chief aspect for revisitation is Paul’s use of D as an illustration of D’s use of C. That is to say, if D read C with a view toward Israel’s obedience or moral instruction, then much more so did Paul, as if D’s precocious apprentice, read D (as well as C, H, and all of Scripture) in order that the believers under his pastoral care, especially gentiles, would walk in the “obedience of faith” (Rom 1:5; 16:26).<sup>50</sup>

The vivid bracketing of Romans with the express purpose of obedient faith in mind (Paul dictates εἰς ὑπακοήν πιστεως in both occurrences) raises the question of how this goal for the gentiles might come to bear on or relate to Paul’s rich utilization of Scripture throughout the course of his argument in the book. Although, given Paul’s consistently attested call to preach Jesus among the gentiles (cf. Gal 1:15–16), this query pertains not only to Romans but indeed to all his Letters. Paul was a tenacious proponent of gentile inclusion within God’s covenant people, but he had to read, interpret, and employ Scripture, including pentateuchal law, in order to help sustain their allegiance to Christ and consecration to God. Perhaps most remarkably in Paul’s Epistles, if the Corinthians had refused to cast the incestuous man out of their midst (1 Cor 5:13) in accordance with Paul’s hermeneutical appropriation of D’s directives (Deut 21:21 [וְבִעַרְתָּ הָרַע מִקִּרְבְּךָ]; cf. Deut 13:5; 17:7, 12; 19:19; 22:21), then they would have become vulnerable to sin/disobedience (1 Cor 5:6) and thus jeopardized their

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<sup>49</sup> Cf. Richard B. Hays, *Echoes of Scripture in the Letters of Paul* (New Haven: Yale University Press, 1989).

<sup>50</sup> In Rom 16:26, is the mystery of the gospel that has been made known through the intermediate agent that is the Scriptures, and it has been made known through them *for* (i.e., purpose) the obedience of faith.

security in God's kingdom (1 Cor 6:9–10). Paul's reading of D in 1 Corinthians, much like Philo's reading of D—and ultimately D's reading of C—hence aims toward the moral instruction and formation of God's people.

## **Perpetuating D's Legacy of Reading for the Life of the Church**

It is popular in academic and ecclesial circles to be too cautious when it comes to embracing the reading styles or “hermeneutical tactics” (to risk anachronism) employed by the biblical authors. In the academy, the chief concern is often that the hermeneutical tools used by the biblical authors are unscientific (which is no problem with the Bible since employing a transparent method was never its aim!), and so anyone endeavoring to acquire these tools is in danger of succumbing to the foibles of eisegesis. In the church, this topic raises questions regarding the inspiration of Scripture and troubles many who infer that a high bibliology would be diminished or even jettisoned if Christians, for instance, could simply begin to read the OT and come to conclusions carrying similar weight as Romans or Hebrews.

But, at least in the church, it is difficult to argue against using the hermeneutical “methods” of the biblical authors whenever 1) they aim toward moral instruction and catechesis, as with D, Philo, and Paul, and 2) Scripture itself invites believers to read its materials with a view toward the same things (2 Tim 3:16–17). Therefore, this article, insufficient as it is, modestly proposes that God's people earnestly seek to carry forward the legacy and spiritual discernment of D, as did Philo and Paul, by reading the pentateuchal law regularly, carefully, and ultimately with a view toward moral instruction, pedagogy, and catechesis.<sup>51</sup>

There are at least three ways that God's people might perpetuate D's legacy of reading for the life of the church. First, there must be regular cycles of reading pentateuchal law, as did D, and not simply topical biblical studies, for example, on the Christian's relationship to this law. Only consistent patterns of reading can help God's people learn from the masters—no amount of secondary literature, as important as it is, can serve as a substitute. Practically speaking, traditions

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<sup>51</sup> Cf. Martin J. Oosthuizen, “The Deuteronomic Code as a Resource for Christian Ethics,” *JTS* 96 (1996): 44–58 at 50 and Aviv, “Teaching ‘the Stubborn and Rebellious Son’.”

with built-in access to the three-year lectionary cycle should take full advantage of it (e.g., Methodist, Anglican, Roman Catholic). Similarly, praying the Daily Office may ensure that difficult passages from pentateuchal law are read aloud in a communal worship setting. Concerning this call to read and search all of Scripture, St. John of Damascus writes brilliantly:

All Scripture, then, is *given by inspiration of God and is also assuredly profitable*. Wherefore to search the Scriptures is a work most fair and most profitable for souls. For just as the tree planted by the channels of waters, so also the soul watered by the divine Scripture is enriched and gives fruit in its season, viz. orthodox belief, and is adorned with evergreen leafage, I mean, actions pleasing to God. For through the Holy Scriptures we are trained to action that is pleasing to God, and untroubled contemplation. For in these we find both exhortation to every virtue and dissuasion from every vice. . . . Let us draw of the fountain of the garden perennial and purest waters springing into life eternal. Here let us luxuriate, let us revel insatiate: for the Scriptures possess inexhaustible grace.<sup>52</sup>

Second, God’s people might perpetuate D’s legacy of reading for the life of the church by asking less of “what does this mean,” or “what principles can I extract here,” and more of “how am I being instructed” in this very moment. In other words, they may permit themselves to be instructed by the patterns of reading embedded in the biblical canon (and even the canonization process) itself. How precisely D results from C is less of an *exact method* and more of an *acclimatization to the law as sacred instruction* for the purpose of a closer walk with YHWH. The monastic practice of scriptural reading, known as *lectio divina* (“divine [or sacred] reading”), might foster such familiarization and orient God’s people toward hearing the law with a view toward faithful obedience, as did D.

Finally, God’s people might perpetuate D’s legacy of reading for the life of the church by reading OT and NT imperatives, albeit maintaining

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<sup>52</sup> John Damascene, *An Exact Exposition of the Orthodox Faith* (NPNF<sup>2</sup> 9b:89; emphasis original).

instruction or catechesis as the final cause, in terms of how D read C, namely, by offering interpretation, expansion, restriction, generalization, or clarification. This point is offered most tentatively as it is exceedingly controversial. How D read C is heavily debated in the first place. In the second place, this approach arguably places too much authority into the hands of pastors, teachers, and scholars. Sometimes a command is straightforward and should be appropriated as such (e.g., Phil 4:8). Nevertheless, and admittedly anecdotally, the church is just as uncomfortable at times with Paul's letters as with the Pentateuch—and as some in D's era would have been with C (e.g., Exod 21:17)! It may be helpful to ask something like the following: How might D teach God's people today to read challenging sections of Scripture (e.g., 1 Tim 2:8–15)?

## Conclusion

This paper has investigated D's reading of C (esp. 21:15, 17) in order to hear from the Mosaic voice through D, so that today's interpreters would apprentice themselves to this author of pentateuchal law. The result of this apprenticeship might be the church's growth in the Lord through moral instruction and catechesis, for D read C intending to promote obedience for the life of Israel. A second but equally important result of this apprenticeship might be a more profound understanding/reading of pentateuchal law rightly and sufficiently among God's people.



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