

# “Anyone Hung Upon A Pole Is Under God’s Curse:” Deuteronomy 21:22- 23 in Old and New Covenant Contexts

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## **Introduction**

That we might remember his sacrificial death upon the Roman cross in our place the Lord Jesus instituted a simple meal with symbolic bread and wine with instructions to “do this in remembrance of me” and to observe this until he comes (1 Cor 11:24-26). Despite the Lord’s directives concerning this meal, one that inseparably binds together both gospel message and symbol, the stigma of the cross has faded for many western Christians due partly to historical distance from and banishment of

ancient Rome's form of capital punishment. Religious freedom and the ubiquitous presence of the cross as a ceremonial symbol embedded into church and cathedral architecture, etched into jewelry, or hanging as a pendant upon a chain tends to mask its horrors and repugnance. Offended activist "vampires" who file lawsuits to banish the cross from public buildings and lands ironically suppress the offensiveness of the cross, because Christians who take the bait become preoccupied with rights as citizens of this world. To the degree that our responses allow the cross of Christ to become trivialized, our hearing Jesus' call to bear our own cross is equally muted (cf. Mark 8:34-38; Matt 16:24-27; Luke 9:23-27). Consequently, apart from our daily taking up of our crosses and our regular and mindful ceremonial remembrance (1 Cor 11:27-29), the scandal of Christ's cross in both symbol and substance is at risk of becoming trite, not unlike a dead metaphor.

Until recently, the only images of crucifixion most had seen were artistic renderings of Christ's death by the great masters or were photographs of enacted rituals of reified crucifixions staged as part of Good Friday and Easter observances as in the Philippines. Now graphic photographs of crucified bodies may be seen readily on computer screens. For members of the violent Islamic State in Iraq and the ash-Sham (ISIS) reportedly crucified eight men in Raqqa, Syria. Yet, accounts indicate that these men were first executed and then their bodies were hung upon poles for three days as warning deterrents, with some poles resembling Roman crosses. These recent events recall reports of Turks of the Ottoman Empire who crucified Armenians in 1914. Greater media access now exposes the practice to a horrified world.

Though repugnant, contemporary hanging of corpses, whether of defeated foes or of condemned criminals, whether guilty or not, resembles an ancient Israelite practice that restricted exposure until evening as in the case of Israelite men who engaged in sexual immorality with Moabite women (cf. Num 25:4). Joshua hung defeated kings upon poles. He hung the king of Ai upon a pole until evening (Josh 8:23-29), and he did the same with five Amorite kings (10:16-27). Because Saul violated a covenant Joshua had made with the Gibeonites David granted the Gibeonites seven male descendants from Saul whom they killed and hung for exposure on a hill before the Lord.

An obscure passage does not prohibit Israel from hanging corpses of executed covenant breakers upon poles but regulates the practice.

If someone guilty of a capital offense is put to death and their body is exposed on a pole, you must not leave the body hanging on the pole overnight. Be sure to bury it that same day, because anyone who is hung on a pole is under God's curse. You must not desecrate the land the LORD your God is giving as an inheritance (Deut 21:22-23).

Despite this text's inconspicuousness, several allusions or partial quotations of the passage occur in the New Testament (Matt 27:57-59; Mark 15:42-45; John 19:31; Acts 5:30; 10:39; 13:29; Gal 3:13; 1 Pet 2:24). The crucifixion narratives of three Gospels allude to the passage but the most explicit is in John's Gospel—"Now it was the day of Preparation, and the next day was to be a special Sabbath. Because the Jewish leaders did not want the bodies left on the crosses during the Sabbath, they asked Pilate to have the legs broken and the bodies taken down." The allusions in Acts reflect the Septuagint translation with the phrase "hanging upon the pole" (κρεμάσαντες ἐπὶ ξύλου, 5:30; 10:39; κρεμάμενος ἐπὶ ξύλου, LXX) or "taking down from the pole" (καθελόντες ἀπὸ τοῦ ξύλου, 13:29).<sup>1</sup> In his letter to the Galatians, at a critical point in reasoning through his gospel against the Judaizers' message, Paul quotes the passage, "Christ redeemed us from the curse of the law by becoming a curse in place of us, for it is written, 'Cursed is everyone who is hung upon a pole'" (Gal 3:13).<sup>2</sup>

Why do the New Testament writers appeal to Deuteronomy 21:22-23, an inconspicuous passage that associates Jesus with covenant breakers who were under God's curse? How can they appropriate this passage as fulfilled in Christ's crucifixion? The Lord Jesus was hung upon a Roman cross to die; the covenant breaker was hung upon a pole after being put to death. So, what warrants the New Testament writers, especially Paul, to indicate that this Old Testament passage is fulfilled in the sacrificial death of Christ Jesus? How does Jesus Christ "fulfill" a law that puts a time restriction upon exposure of a covenant breaker's corpse? Do Paul and other New Testament writers arbitrarily use a passage that had no connection to the Coming One until they creatively appropriated it?<sup>3</sup> When Paul cites Deuteronomy 21:22-23 to support his argument that "Christ redeemed us from the curse of the law" (Gal 3:13), does he simply assume "without demonstration, this Scripture applies to Jesus," does Paul transform the passage into prophecy concerning the Christ?<sup>4</sup>

The basic thesis I will argue is that though Paul's appropriation of Deuteronomy 21:22-23 in Galatians 3:13 entails slight grammatical ad-

aptation, his use of the verse is not arbitrary, does not yank it out of context as a proof-text, does not twist its meaning, nor does it reflect clever creativity on his part that his readers cannot follow or reproduce. Paul does not appropriate the verse merely because it fits conveniently due to verbal associations with his use of Deuteronomy 27:26 in Galatians 3:10. Instead, the apostle uses the passage because now that Christ Jesus has opened his eyes to understand the unfolding mystery of the gospel revealed in advance throughout the Scriptures, we call the Old Testament (Gal 1:12-15), Paul recognizes that God endowed Israel's experiences with typological significances and had them inscribed by prophets so that even obscure actions, including hung corpses of executed covenant breakers, foreshadowed things to come in the time of Messiah (1 Cor 10:1-11).<sup>5</sup> As the symbolic bronze serpent hung upon a pole foreshadowed the raising up of Messiah upon a pole (Num 25:8, 9; John 3:14), so also the raising up of covenant breakers upon poles to bear the law's curse and to propitiate God's anger from Israel typified righteous Messiah's becoming a curse, to bear the curse of the law once for all time. Thus, the Faithful One, condemned as a criminal, effected redemption by propitiating God's wrath and turned his being cursed into blessing for his own people, both Jews and Gentiles, by bestowing the Spirit and the full blessing promised to Abraham (Gal 3:13-14).

### **Deuteronomy 21:22-23 in Law Covenant Context**

Deuteronomy 21 consists of a sequence of various case laws that concern making atonement for an unsolved murder (1-9), taking a female captive of war as a wife (10-14), inheritance rights of the firstborn son when polygamy is involved (15-17), and the stoning of an obstinate and rebellious son (18-21). Though a common theme throughout the chapter is difficult to identify, 21:15-23 seems to cohere as a unit, and the concluding words—"the land the LORD your God is giving you as an inheritance"—forms an inclusio with 21:1—"in the land the LORD your God is giving you to possess" (cf. 19:2).<sup>6</sup> The lot of a firstborn son of the unloved wife in a polygamous family stands in sharp contrast to the lot of a stubborn and rebellious son who refuses to obey his parents. To the one belongs the right of the firstborn. The lot of the other is death by stoning, not privately but publicly, by all the men of the city for three apparent purposes: (1) to purge the evil of rebellion from their midst (cf. 21:9); (2) to deter all in Israel by observing and duly fearing to rebel against the Lord, and (3) to bear God's wrathful curse. Given the

requirement of death by stoning for the rebellious son that entails public exposure, restriction upon that exposure aptly follows in 21:22-23. After the Israelites purge the evil from their midst by putting the rebellious son to death, the lifeless body of a covenant breaker would be hung upon a pole for public exposure as a deterrent for others to take note that anyone hung upon a pole is under God's curse (cf. Num 25:4; Josh 8:29; 10:26-27; 2 Sam 4:12; 21:6-9).<sup>7</sup>

According to the text, to be hung upon a pole or tree was not the method of executing a covenant breaker but was done following that one's death. The corpse was hung for exposure before humans as a warning deterrent concerning the consequences of violating covenant laws but also hung before Lord as one cursed by God. Deuteronomy 21:22-23 imposes a limitation upon the practice of hanging a lifeless body upon a pole. After being hung upon a pole on the day of execution, the corpse is to be removed and buried by sunset lest the promised land be defiled by a decaying body which signifies the greater decay, the spiritual wasting of Israel whose divine blessings are correlated with the prospering of the land (cf. 2 Sam 21:1-14). "You must not desecrate the land the LORD your God is giving you as an inheritance" recalls the covenant promise of land to be given to Abraham and his seed (Gen 12:6; 24:7; etc.).

The text indicates that "anyone who is hung upon a pole is under God's curse." This prompts some to query, "Is the body accursed due to the fact that it is hanging and thus a public example to be reviled, or is it hanging exposed because of its accursed state as the corpse of a criminal?"<sup>8</sup> Craigie's response seems correct, that the hanging of a corpse is inseparable from the reason for the execution following due process.<sup>9</sup> After execution the body of the covenant breaker is hung upon a pole to signify graphically that it is under God's curse.<sup>10</sup> It is under divine curse on account of unrepentant rebellion which incurs and warrants execution. To rebel against one's parents is to dishonor them, which is the second of twelve specific breaches of the covenant that incurs the Lord's covenant curse (Deut 27:16).<sup>11</sup>

Hanging a covenant breaker's corpse upon a pole recalls the bronze likeness of a poisonous serpent hung upon a pole to which the Lord had Moses instruct the Israelites to look in order that they might be healed from their snake bites and live (Num 21:8-9).<sup>12</sup> This is instructive concerning the hanging of an executed covenant breaker's body upon a pole, for both are divinely authorized means for deliverance from a divinely imposed curse because of Israel's disobedience. Repugnant as it is to

human sensibilities, the corpse of a convicted covenant violator hung upon a pole is not human sacrifice, unlike the sacrifice the Lord instructed Abraham to make of Isaac, his (Gen 22:2) or Jephtah's sacrifice of his virgin daughter (Judges 11:29-40). Though not human sacrifice, the hung human corpse is associated with propitiating God's wrath and averting further defilement of the land in keeping with this dictate.

Do not pollute the land where you are. Bloodshed pollutes the land, and atonement cannot be made for the land on which blood has been shed, except by the blood of the one who shed it. Do not defile the land where you live and where I dwell, for I, the LORD, dwell among the Israelites (Num 35:33-34).

When King Saul violated a covenant that Joshua had made with the cunning Gibeonites to let them live (Josh 9:3-17), for three years Israel suffered lack of rain that brought about famine. Upon inquiring of the Lord, David learned the reason for the famine: "It is on account of Saul and his blood-stained house; it is because he put the Gibeonites to death" (2 Sam 21:1). So, David queried the Gibeonites, "What shall I do for you? How shall I make atonement so that you will bless the LORD's inheritance?" (2 Sam 21:3).<sup>13</sup> The atonement price was seven of Saul's male descendants whom the Gibeonites killed and hung for exposure on a hill before the Lord.<sup>14</sup> These seven, cursed before God, functioned as substitutes for Israel by propitiating the Lord's wrath. Atonement for bloodshed was made, so the curse was removed and once again the Lord sent rain upon the land.

David's action to propitiate God's anger is in keeping with an earlier event in Israel's history. During the days of Moses, Israelite men indulged in sexual immorality with Moabite women apparently linked with idol worship, including the eating of a sacrificial meal of the Baal of Peor and bowing down in worship. The Lord instructed Moses, "Take all the leaders of these people, kill them and expose them in broad daylight before the LORD, so that the LORD's anger may turn away from Israel" (Num 25:4).<sup>15</sup> So, Moses obeyed the Lord by instructing Israel's judges to slay all who united themselves to the Baal of Peor and to expose them (25:5). Those covenant breakers accursed by God hung for exposure to bear the law's curse in place of Israel as her representatives, thus turning God's wrath away from Israel.<sup>16</sup> Propitiation accomplished by the hanging of a covenant breaker's body had no more enduring effect than atonement realized by the sacrifice of an animal.

For as Numbers 35:33-34 states, “atonement cannot be made for the land on which blood has been shed, except by the blood of the one who shed it.”

Thus, within the framework of the law covenant, the practice of hanging upon a pole the lifeless body of an executed covenant breaker, though repugnant and rather obscure, holds a significant and instructive role in the life of Israel. The practice had significance in Israel’s covenant with the Lord, for at crucial times in the nation’s history, Israel’s and the land’s blessing or cursing hung upon those whose corpses were placed upon a pole for exposure before the people as a deterrent and before the Lord to bear the law’s curse and to propitiate the Lord’s wrath on behalf of the covenant people. The association becomes clear. Hanging upon a pole is not a form of execution, for the law stipulates that it is the corpse that is to be hung upon a pole not the live person. Thus, the association is the covenant breaker who hung upon a pole vicariously bore the curse on behalf of Israel, averting the Lord’s wrath and restoring the land’s blessing. At least on one occasion the Lord’s anger was averted and his curse of the land with famine came to an end by implementing this practice. Yet, integral to the regulation of the practice is the prohibition of leaving a dead body suspended upon a pole past sunset lest the land be desecrated.

### **Deuteronomy 21:22-23 in New Covenant Context**

A law covenant breaker’s lifeless body hung upon a pole for exposure, accursed by God under the law’s condemnation and thus averting his anger was abhorrent. How much more so is a guiltless man hung live upon a pole as a covenant breaker to propitiate God’s wrath for others not only by taking upon himself the covenant’s curse for others but because of his righteousness, by removing once for all time that curse on behalf of those for whom he hung accursed. Understandably, the pole upon which Christ Jesus was hung is the gospel’s primal offense according to the apostle Paul (cf. 1 Cor 1:18-25). For Paul features the pole of the accursed covenant breaker as the place of divine transaction and the turning point of the ages. It was there that Christ, the guiltless one, was hung as a covenant breaker as the substitute for real covenant breakers. Thus, the righteous one “became a curse in place of us” (Gal 3:13). He became a curse, unjustly due him, in order that others, who were justly under the law’s curse, might be released from that curse and might be blessed, not by receiving the law’s blessing, which Israel forfeited, but the blessing of Abraham (3:14).<sup>17</sup>

Thus, Paul affirms, “Christ redeemed us from the curse of the

law by becoming a curse in our stead,” which he authorizes with Scripture by explaining, “for it is written, ‘Cursed is everyone who is hung upon a pole,’” an obvious appeal to Deuteronomy 21:23. What warrants Paul’s use of this Old Testament passage? On what basis does “cursed is everyone who is hung upon a pole” authorize his claim, “Christ redeemed us from the curse of the law by becoming a curse in our place”?<sup>18</sup>

It has long been observed that Paul’s use of Deuteronomy 21:23 is an exact match of neither the Hebrew nor the Septuagint, though it derives from the latter with only two adaptations.<sup>19</sup> First, Paul conforms the citation to the covenant curse formulation—“cursed is everyone”—governed by his use of Deuteronomy 27:26 three verses earlier. He adjusts the LXX by substituting “cursed” (ἐπικατάρατος πᾶς), an adjective, for “is cursed” (κεκαταραμένος), a participle.<sup>20</sup> By adapting his citation of 21:23 to read “cursed is everyone,” Paul unmistakably links 27:26 and 21:23 as speaking of the same curse.<sup>21</sup> Second, Paul omits “by God” (ὑπὸ θεοῦ) after “cursed” whereas the LXX reads, “everyone hung upon a pole is accursed by God.”<sup>22</sup> This omission hardly indicates that the law cursed Jesus independently of God.<sup>23</sup> The progression of Paul’s arguments suggests two plausible reasons for this omission. Accenting the law’s curse fits with his later accent upon angelic mediation in the giving of the law (3:19). God gave the law through intermediaries, angels and Moses, unlike the promise. Also, Paul’s adaptation of the text features the law covenant by sustaining his juxtaposing of two historically sequential covenants with antithetically diverse outcomes, one curses, the other blesses. Succinctly stated, the blessing of Abraham belongs to “us,” who are of Christ (οἱ ἐκ πίστεως [Ἰησοῦ] εὐλογοῦνται, Gal 3:9), not the “them,” who are of the law (ὅσοι ἐξ ἔργων νόμου εἰσίν, ὑπὸ κατάραν εἰσίν, 3:10).<sup>24</sup>

By accenting the law’s curse (3:10-12) over against the prior blessing motif anchored in God’s promise to Abraham (3:7-9), Paul amplifies one question and raises another. The question he intensifies concerns the blessing of the Gentiles, for he cites God’s promise written in Scripture (Gen 12:3; 18:18) as proof that he intended to bless the Gentiles “in Abraham,” but thus far, Paul has not shown how they can be blessed as Abraham’s seed apart from accepting circumcision and adhering to the law as the Judaizers contend. Now, given his foreboding argument concerning the “curse of the law”



(Gal 3:10-12), Paul prompts a second question. If the law has no power to bless with justification (2:1-16) or to constitute anyone Abraham's seed, then what hope does a Jew have whose descent is bound to the law (cf. ἄνθρωπος ἐξ ἔργων νόμου, 2:15)? The resolution of both problems is "Jesus Christ crucified," the central theme of Paul's argument and the one with which he begins his series of interrogatives (3:1-6) and which he features in 3:13-14.

Paul addresses these two questions in reverse order, for with its curse, the law serves God's purpose (cf. 4:4) as an impediment to the fulfillment of his sworn oath to Abraham (3:6, 8) until Messiah, Abraham's seed, should come (3:15-26).<sup>25</sup> Prominent among the law's multidimensional roles is its impedimentary function that is bound up in its powerlessness on account of human sinfulness to make good on its promise to give life (3:12) or to justify (cf. 3:19-21). The law has power to stir sin (cf. 1 Cor 15:56; Rom 7:7-11; Gal 3:19) and to curse on account of unfaithfulness (3:10), but it has no capacity to bless, to give life, or to justify, though it promises that all who persevere in obeying the law will receive these.<sup>26</sup> The law promises blessing for obedience, but imposes a curse because it commands but cannot secure obedience of its demands.

So, as a divinely designed impediment to fulfillment of God's promise to Abraham, the law itself in all its aspects functioned in the life of Israel as a type that presaged its own fulfillment and termination in Messiah. For the law covenant bore within itself a variety of instruments for making atonement for sin and for breach of the covenant, but every divinely provided means was only an earthly shadow of the full measure required to make atonement before the Lord of the covenant. For with each transgression, atonement had to be repeated. By their repetition each means of atonement simultaneously signaled the need for divine propitiation and foreshadowed the sacrifice that would end all sacrifices (cf. Heb 10:1-4). In so doing, the law prophesied the coming of Messiah by way of its multiform foreshadows and prefigurements, anticipating his bearing of the curse, his sacrifice.

Because the law's imposed curse could not be bypassed it had to be removed, for the blessing of Abraham stood at an impasse. Fulfillment of the promise, which was followed by the law covenant 430 years later (3:17), stood at bay until the law with its curse

would be fulfilled by the one it foreshadowed with all its types, copies, and shadows. For the law prefigured the Coming One who would bear the curse of the broken covenant just as executed covenant breakers of old bore God's wrath in place of Israel.<sup>27</sup> The desolate and repulsive figure of a covenant breaker's lifeless body hung upon a pole to bear the curse of God's anger, to lift the law's curse from Israel, and to deter Israelites from violating the covenant was not a dominant symbol upon Israel's and the law's landscape. Nonetheless, this is the type or foreshadow Paul features as fulfilled in Christ's sacrificial curse bearing. By becoming "a curse for us" when he was "hung upon a pole," Messiah accomplished redemption from the law's curse as a substitute for others.

Paul's use of Deuteronomy 21:23 is the keystone of his antithetical juxtaposing of two contrasting covenant affiliations which he begins in 2:15-16 by setting *origin from Christ* antithetically to *origin from Torah*. In 2:15, Paul commences his sustained argument concerning who constitutes the seed of Abraham and climaxes with his provisional conclusion, "For as many as were baptized into Christ Jesus have put on Christ. Therefore, there is neither Jew nor Greek, nor is there slave or free, nor is there male and female, for we are all one in Christ Jesus. Now if you are of Christ, then you are of the seed of Abraham, heirs according to promise" (3:27-29). Here, as throughout his argument, Paul's uses of genitive phrases, "if you are *of Christ* then you are the seed *of Abraham*," defines the true lineage of Abraham. Paul's reasoning inverts the argument of the Judaizers who try to compel Gentiles to subject themselves to the deeds required by Torah in order that they might become the seed of Abraham. So, Paul's argument climaxes just as it begins in 2:15-16 by contrasting *origin from Torah* and *origin from Christ*.<sup>28</sup> Essential to his argument is the enthymeme of 3:10—"For as many as are of the deeds required by Torah are under a curse, for it is written 'Cursed is everyone who does not continue in all that is written in the book of Torah to practice them.'" It seems reasonable to infer the unstated premise that accounts for Paul's argument to be the undisputed historical record of Israel's covenant unfaithfulness and exile with hope of restoration, all prophetically sketched in Deuteronomy 27-30.<sup>29</sup>

The turning point of Paul's argument is at 3:13, which fea-

tures the cross of Christ Jesus as the pole on which he became the cursed covenant breaker to bear Torah's curse once for all time. By becoming the cursed one, Jesus terminated Torah's curse *for us* and granted the blessing of Abraham *to us*, to those of faith (οἱ ἐκ πίστεως [Χριστοῦ] εὐλογοῦνται, 3:9).<sup>30</sup> For Paul contends that all who trace their lineage to Abraham from affiliation with the law covenant have no claim upon God's promises made to Abraham. Theirs is the curse of the law; theirs is not the blessing of Abraham because the law is powerless to secure the obedience it requires in order to grant the blessings it promises. Not those who are of the law but those of Christ receive the blessing of Abraham, which is the Spirit and justification.<sup>31</sup> For by becoming the curse, Christ redeemed *us* from the law's curse because cursed is everyone who is hung upon a pole.

So, when Paul uses the graphic expression, "before whose eyes Jesus Christ was publicly portrayed as the crucified one" (οἷς κατ' ὀφθαλμοὺς Ἰησοῦς Χριστὸς προεγράφη ἐσταυρωμένος, 3:1), his rhetoric seems to anticipate the visual imagery in 3:13 of the curse bearer hung upon a pole which Israelites saw on several occasions.<sup>32</sup> For Paul's use of Deuteronomy 21:23 in Galatians 3:13 features Christ as curse bearer; he does not accent the mode of Christ's death. For the correlation his citation envisages is not "hung upon a pole"/"crucified alive upon a cross" but rather "hung upon a pole"/"vicariously bearing a curse." Accordingly, Jesus fulfilled redemption from the law's curse which was typologically prophesied each time the carcass of a covenant breaker was hung upon a wooden pole, several of which occasions were written down for our instruction that we might acknowledge Jesus as our curse-bearer and know God who is propitious, who justifies and grants the Spirit to both Jews and Gentiles without distinction (3:13-14).<sup>33</sup>

It has been argued that the apostle Paul uses Deuteronomy 21:23 not arbitrarily as a proof-text yanked from its literary and covenantal context because of clever verbal connections, but he appropriates the passage because it entails a prophetic foreshadowing of the Messiah.<sup>34</sup> So, what was true concerning those of the old covenant who were hung upon poles aids understanding of Christ's being hung upon a pole. By itself, Paul's expression, "by becoming a curse in our place" (θενόμενος ὑπὲρ ἡμῶν κατάρα),

need not mean more than “on our behalf.”<sup>35</sup> Thus, some attempt to explain Jesus’ act of bearing the curse in terms of representation only without substitution.<sup>36</sup> Others contend that “in our place” is a proper translation of ὑπὲρ ἡμῶν in view of the curse bearing imagery drawn forward from the Old Testament.<sup>37</sup> For Jesus acted “both in our place and for our benefit (ὑπὲρ ἡμῶν) when he was ‘hung on a pole.’ . . . There was a transference of liabilities from sinners to Christ (cf. 2 Co 5:21).”<sup>38</sup> Even so, Smiles insists that “It is difficult to know for sure how, in Paul’s view, Christ’s death broke the power of the curse. It does not seem to be a matter of propitiation or vicarious substitution.”<sup>39</sup> Similarly, Brondos sweeps aside every interpretation of Galatians 3:13 that entails participation, representation, or substitution by claiming that such concepts are read back onto Paul’s text from “doctrines of atonement found in later Christian tradition.”<sup>40</sup> Brondos rejects translating ὑπὲρ ἡμῶν with “in our stead” or “in our place,” for he is convinced that Paul did not embrace “the idea of vicarious satisfaction or penal substitution” within his gospel concerning Christ’s death.<sup>41</sup>

However, it is difficult to take ὑπὲρ ἡμῶν in any sense other than “in place of” in some verses (e.g., Philem 13; John 11:50), and the phrase most likely bears the same sense elsewhere (2 Cor 5:14, 21; and 1 Tim 2:6).<sup>42</sup> Likewise, the old covenant backdrop of Galatians 3:13 renders it difficult to take the phrase as indicating anything other than the concept of substitution, with Christ Jesus taking upon himself the curse of the violated covenant in order to redeem his own from the law’s curse. This is how early Christians understood Paul’s text, for Peter Martens demonstrates that “what is often considered a typically Protestant idea—penal substitution—actually played a significant role in early Christian reflection on Jesus’ death,” and that substitutionary atonement derives in part from Paul’s wording in Galatians 3:13.<sup>43</sup> For example, concerning Justin’s use of Deuteronomy 21:23 in *Dialogue with Trypho* (mid 2<sup>nd</sup> cent.), Martens concludes that his use of the Old Testament was shaped by Paul’s use of it in Galatians 3:13 so that “Jesus (the sinless one) vicariously accepted the curses of others who were legitimately under a divine curse. In this way he was at the same time God’s Messiah and the subject of God’s condemnation.”<sup>44</sup>

### **Conclusion**

The significance of the violator of the old covenant who was executed and then hung upon a pole for exposure is not unlike the mere two mentions of Melchizedek in the Old Testament (Gen 14:18; Ps 110:4). Thus, the theo-

logical magnitude of the regulation concerning the practice of hanging the corpse of a covenant breaker is disproportionately greater than its apparent obscurity, being tucked away in a series of case laws in Deuteronomy 21. No prior bearer of the law's curse could effect permanent removal of that curse, but each one presaged the Coming One who would end both the law and its curse. Thus, the repugnant practice foreshadowed the Coming One. Use of Deuteronomy 21:22-23 in Galatians 3:13 is the keystone of Paul's argument because it explains how Jesus Christ, who as the Righteous One, would be hung upon a pole as though he were a covenant breaker. Thus, he became a curse in the place of others in order that he might redeem his people from the "curse of the law" and in place of the curse bring blessing, the blessing of Abraham and the giving of the Spirit. By taking the law's curse upon himself, Jesus removes the law's sanction, putting an end to the law's jurisdiction (cf. 4:4). The law as broken covenant required satisfaction; the curse needed to be removed in order that the blessing of Abraham, which entails justification and the Spirit, might be given to Jew and Gentile believers without distinction.

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<sup>1</sup> Among uses of Deut 21:22-23 in the NT, use in 1 Pet 2:24 is the most obscure because the accusative instead of the genitive follows the preposition, ἐπι τὸ ξύλον. On this, see J. Ramsey Michael, *1 Peter* (WBC 49; Waco, TX: Word, 1988), 148.

<sup>2</sup> The NIV translates ξύλον in Gal 3:13 and ἔξ in Deut 21:22 as "pole," but each of the other NT allusions as "cross."

<sup>3</sup> On the notion that the apostles arbitrarily use the OT in an ad hoc manner, see Barnabas Lindars, "The Place of the Old Testament in the Formulation of New Testament Theology," *NTS* 23 (1976): 59-66. He reasons, "Believing that Christ is the fulfillment of the promises of God, and that they are living in the age to which all the scriptures refer, they employ the Old Testament in an *ad hoc* way, making recourse to it just when and how they find it helpful for their purposes. But they do this in a highly creative situation, because the Christ-event breaks through conventional expectations, and demands new patterns of exegesis for its elucidation" (p. 64). Peter Enns, a contemporary whose view approaches that of Lindars, explains that his view is not to be confused with what others call a "Christological" or "Christocentric" reading of Scripture. He explains, "A Christotelic approach is an attempt to look at the centrality of Christ for hermeneutics in a slightly different way. It asks not so much, 'How does this OT passage, episode, figure, etc., lead to Christ?' To read the OT 'Christotelicly' is to read it *already knowing* that Christ is somehow the end (*telos*) to which the OT story is heading; in other words, to read the OT in light of the exclamation point of the history of revelation, the death and resurrection of Christ" ("Fuller Meaning, Single Goal," in *Three Views of the New Testament Use of the Old Testament* [ed. Kenneth Berding & Jonathan Lunde; Grand Rapids: Zondervan, 2008], 214; see also *idem*, *Inspiration and Incarnation: Evangelicals and the Problem of the Old Testament* [Grand Rapids: Baker Academic, 2005], 154). In a critique of *Inspiration and Incarnation*, D. A. Carson observes that the view advocated by Peter Enns makes his "sound disturbingly like" that of Lindars whose thesis is simple, that "the New Testament writers came to believe that Jesus was the Messiah, and that he had been crucified and raised from the dead. They then ransacked their Bible, what we call the Old Testament, to find proof texts to justify their new-found theology and ended up yanking things out of context, distorting the original context, and so forth" (*Collected Writings on Scripture*, compiled by Andrew Naselli [Wheaton: Crossway, 2010], 282-283).

<sup>4</sup> Judith M. Lieu, "Reading in Canon and Community: Deuteronomy 21.22-23, A Test Case for Dialogue," in *The Bible in Human Society: Essays in Honour of John Rogerson* (ed. M. Daniel Carroll R., David J. A. Clines & Philip R. Davies, JSOTS 200; Sheffield: Sheffield Academic Press, 1995), 323.

<sup>5</sup> See A. B. Caneday, "Covenant Lineage Allegorically Prefigured: 'Which Things are Written Allegorically' (Galatians

4:21-31),” *SBJT* 14.3 (2010): 65-67.

<sup>6</sup> Richard D. Nelson, *Deuteronomy: A Commentary* (OTL; Louisville: Westminster John Knox, 2002), 261-262.

<sup>7</sup> The Hebrew *‘ēś* can refer to either a pole or a tree. The same word is used for tree throughout Gen 1-3, including the tree of the knowledge of good and evil and the tree of life (2:9, 16-17). The word *nēs*, something raised up as a signal, is used for the pole on which Moses raised the bronze serpent (Num 21:8-9). Thus, the LXX translates *nēs* as *σημείον* (θῆς ἐπὶ σημείου/ἔστησεν αὐτὸν ἐπὶ σημείου). Likewise, *ξύλον* (LXX) can refer to a tree, a pole, or an object made from wood.

<sup>8</sup> Nelson, *Deuteronomy*, 262.

<sup>9</sup> P. C. Craigie, *The Book of Deuteronomy* (NICOT; Grand Rapids: Eerdmans, 1976), 285. Craigie observes, “The body was not *accursed of God* . . . because it was hanging on a tree; it was hanging on a tree because it was *accursed of God*.”

<sup>10</sup> The Hebrew phrase *ki qelā-lāt ‘ēlō-hīm* may denote either the person who pronounces a curse (cf. Judges 9:57) or the person against whom a curse is pronounced (cf. Gen 27:13). So, it may read “everyone who is hung upon a pole is *curse*d by God” (LXX, Vulgate, Syriac, Gal 3:13) or “the one who is hung is a *curse* to God” (Symmachus, *Tg. Onqelos, m. Sanh.* 6.4). Cf. Max Wilcox, “Upon the Tree”—Deut 21:22-23 in the New Testament,” *JBL* 96 (1977): 87. See also Ardel Caneday, “Redeemed from the Curse of the Law”—The Use of Deut 21:22-23 in Gal 3:13,” *TrinJ* 10 NS (1989): 200.

<sup>11</sup> Given Israel’s role as God’s son, the first and second curses seem linked in that the rebellious son typifies rebellious Israel. To dishonor one’s parents is akin to dishonoring God by making an idol. Don Garlington observes, “That the son is ‘stubborn’ and ‘rebellious’ is instructive in itself, because these are terms characteristic of Israel’s resistance of and apostasy from Yahweh’s lordship in the wilderness and afterwards. Thus, while the son’s behavior was in the first instance confined to a household, its implicit threat would be against the security and continuity of the covenant community at large. His deportment is all the more grievous because of its specific nature, that is, disobedience to parents, which, according to Deut. 27.16, *ipso facto* incurs Yahweh’s curse” (“Role Reversal and Paul’s Use of Scripture in Galatians 3.10-13,” *JSNT* 65 [1997]: 104-105).

<sup>12</sup> See note 6 above.

<sup>13</sup> The Hebrew word for “make atonement” is *כִּפָּר* and the LXX translation is *ἐξιλάσσομαι*. David understood that his actions entailed propitiating the Lord’s anger away from Israel.

<sup>14</sup> Rizpah, the mother of two who were killed by the Gibeonites and hung for exposure protected all the exposed bodies from birds and wild animals. Apparently she acted better than King David, for it seems that he permitted the bodies to be hung for exposure until the rains fell and the famine ceased, against the regulation of Deut 21:22-23, that forbids leaving bodies exposed after sunset lest the land be defiled. When King David learned of Rizpah’s actions more honorable than his own, he ordered the bodies to be taken down and buried together with the bones of Saul and Jonathan. The bones of Saul and Jonathan, whom the Philistines had killed and hung for exposure, were moved from Jabesh Gilead and buried them in the tomb of Saul’s father Kish. Then the Lord answered Israel’s prayers on behalf of the land and sent rain (2 Sam 21:10-14).

<sup>15</sup> The Hebrew and LXX phrases respectively are *לָאֵלֹהִים יָשׁוּבָה אֲרָחֵי יִשְׂרָאֵל* and *ἀποστραφήσεται ὀργή θυμοῦ κυρίου ἀπὸ Ἰσραὴλ*—that the Lord’s anger “may turn away from Israel.” Also see the Lord’s commendation of Phineas, whom “made atonement for the sons of Israel” (*ἐξιλάσατο περὶ τῶν υἱῶν Ἰσραὴλ*; Num 25:13).

<sup>16</sup> Within the context, the actions of Phineas are also instructive.

<sup>17</sup> Given Paul’s argument that all “who are of the law are under a curse” (ὅσοι ἐξ ἔργων νόμου εἰσὶν, ὑπὸ κατάραν εἰσὶν, Gal 3:10), and given his statement, “in order that the gentiles might receive in Christ Jesus the blessing of Abraham” (3:14), it is curious that C. Marvin Pate states, “Thus, Christ on the cross took the Deuteronomistic curses so that the Galatians could receive the Deuteronomistic blessings” (*The Reverse of the Curse: Paul, Wisdom, and the Law* [WUNT 114; Tübingen: Mohr Siebeck, 2000], 178).

<sup>18</sup> The six questions posed by G. K. Beale and D. A. Carson guide this study (*Commentary on the New Testament Use of the Old Testament* [Grand Rapids: Baker Academic; Nottingham, England: Apolllos, 2007], xxiv-xxv). (1) What is the NT context? (2) What is the OT context from which the quotation is drawn? (3) How is the OT passage used in Second Temple literature? (4) Does the NT draw upon the MT, the LXX, a Targum, or some other translation form? (5) What is the nature of the connection between the NT citation and the OT passage? (6) What is the NT writer’s theological use of the OT passage?

<sup>19</sup> See, e.g., Crawford Howell Toy, *Quotations in the New Testament* (New York: Charles Scribner’s Sons, 1884), 192-193. Paul’s citation is brief: *ἐπικατάρατος πᾶς ὁ κρεμάμενος ἐπὶ ξύλου*, whereas the LXX reads, *ὅτι κεκαταραμένους [κεκατηραμένους] ὑπὸ θεοῦ πᾶς κρεμάμενος ἐπὶ ξύλου*.

<sup>20</sup> For fuller discussion, see Caneday, “Redeemed from the Curse of the Law,” 196-197. The LXX reads *ὅτι κεκατηραμένους ὑπὸ θεοῦ πᾶς κρεμάμενος ἐπὶ ξύλου*, but Paul’s text is *ἐπικατάρατος πᾶς ὁ κρεμάμενος ἐπὶ ξύλου*.

<sup>21</sup> David Brondos takes an unnatural if not mechanical reading to argue, “It is important to note that *two different curses* are spoken of here: the curse that the law pronounced on those who disobeyed it (Deut. 27.26), and the curse pronounced against those who hung on a tree (Deut. 21.23). Many exegetes have assumed that the curse under which God’s people lay and the curse suffered by Christ are the *same curse*. This may be the result of reading a penal

substitution or participatory understanding of atonement into this passage: Christ undergoes our curse in our stead, or we undergo the same curse with him by participating in his death” (“The Cross and the Curse: Galatians 3.13 and Paul’s Doctrine of Redemption,” *JSNT* 81 [2001], 22). He posits his notion of two different curses because Paul’s second instance of *κατάρα* (*ὑπὲρ ἡμῶν κατάρα*, 3:13), does not include either a definite article or demonstrative pronoun. Such is a much too mechanistic and prescriptive view of grammar.

- <sup>22</sup> For the LXX reading, see note 18. Both Aquila’s and Theodotion’s version of Deut 21:23 read *κατάρα θεοῦ κρεμύμενος*, “cursed of God is everyone who is hung. . . .” On Aquila, Theodotion, and Symmachus see Ernst Würthwein, *The Text of the Old Testament* (Grand Rapids: Eerdmans, 1979), 53-55. Concerning readings in Symmachus, *Tg. Onqelos*, *Tg. Pseudo-Jonathan*, and *Tg. Neofiti* see Caneday, “Redeemed from the Curse of the Law,” 197.
- <sup>23</sup> For engagement with and critical response to those who wrongly extrapolate Torah’s independence from omission of *ὑπὸ θεοῦ*, see Thomas R. Schreiner, *Galatians* (ZECNT; Grand Rapids: Zondervan, 2010), 217.
- <sup>24</sup> Paul’s shorthand expressions, *οἱ ἐκ πίστεως* (3:9) and *ὅσοι ἐξ ἔργων νόμου* (3:10) derive from his longer formulations in 2:15-16, *ἀνθρώπος ἐξ ἔργων νόμου* and *διὰ πίστεως Ἰησοῦ Χριστοῦ/ἐκ πίστεως Χριστοῦ*, respectively. Cf. Garlington, “Role Reversal and Paul’s Use of Scripture in Galatians 3:10-13,” 94.
- <sup>25</sup> Of course, mention of the resolution of two problems, also of Torah as an impediment to the fulfillment of God’s promise to Abraham, and implication of the need for divine satisfaction in order for the curse to be removed does not suggest that there is any flaw or weakness in God as if he had become subject to forces greater than himself. These obstacles to fulfillment of God’s promise are entirely owing to God’s holy character and divine purpose as well as God’s designed limitations concerning Torah’s jurisdiction, atoning function, and duration. Nevertheless, because he assumes that such descriptions subject God “the Almighty” to “the influence of Greek philosophy,” David Brondos inveighs against exegetes who contend that, given Israel’s unfaithfulness to Torah and subjection to its curse, Torah’s curse required satisfaction. He targets Garlington, Dunn, and Wright. See Brondos, “The Cross and the Curse,” 27-28.
- <sup>26</sup> On the issue of fully obeying Torah, see Garlington, “Role Reversal and Paul’s Use of Scripture,” 87, 97, 100, 102, 104, 10-110; also Don Garlington, *Faith, Obedience, and Perseverance: Aspects of Paul’s Letter to the Romans* (WUNT 79; Tübingen: Mohr Siebeck, 1994), 67-71.
- <sup>27</sup> As Schreiner points out, “We ought not to interpret Paul simplistically here. He knew that a person could be devoted to God and end up being crucified. As a Pharisee Paul was presumably sympathetic to the eight hundred people crucified by Alexander Jannaeus (Josephus, *Ant.* 13.380). It is likely that he viewed at least some of these people as righteous” (*Galatians*, 217).
- <sup>28</sup> For fuller presentation of Paul’s argument concerning two contrasting covenantal origins, see Ardel B. Caneday, “The Faithfulness of Jesus Christ as a Theme in Paul’s Theology in Galatians,” in *The Faith of Jesus Christ: Exegetical, Biblical, and Theological Studies* (ed. Michael F. Bird & Preston M. Sprinkle; Milton Keynes, UK: Paternoster; Peabody, Mass.: Hendrickson, 2009), 192-197.
- <sup>29</sup> *Ibid.* “Israel’s incurring the curse of the Law because of unfaithfulness to the Law covenant, as narrated in Scripture, is the source of Paul’s theology that provides focus upon the polarity: (1) the curse of Torah belongs to ‘as many as are of the works required by the Law (ὅσοι ἐξ ἔργων νόμου εἰσίν, 3:10), and (2) the blessing of Abraham is for ‘those of faith/faithfulness’ (οἱ ἐκ πίστεως, 3:7, 9). Galatians 3:1-14 develops this dual focus upon the curse of the Law that had fallen upon Israel and the blessing of Abraham held at bay by Torah and its curse” (pp. 197-198). See also Frank Thielman, *From Plight to Solution: A Jewish Framework for Understanding Paul’s View of the Law in Galatians and Romans* (NovTSup 61; Leiden: Brill, 1989), 65-72; N. T. Wright, “Curse and Covenant: Galatians 3:10-14,” in *The Climax of the Covenant* (Minneapolis: Fortress, 1991), 144-148; Joseph P. Braswell, “‘The Blessing of Abraham’ Versus ‘The Curse of the Law’: Another Look at Gal 3:10-13,” *WTJ* 53 (1991): 75-77; James M. Scott, “‘For as Many as are of Works of the Law are under a Curse’ (Galatians 3:10),” in *Paul and the Scriptures of Israel* (ed. Craig A. Evans and James A. Sanders, *JSNTSup* 83; Sheffield: JSOT Press, 1993), 187-221; and Garlington, “Role Reversal and Paul’s Use of Scripture in Galatians 3:10-13,” 95-99.
- <sup>30</sup> The participle, *γενόμενος* functions adverbially, describing *how* Christ Jesus redeemed his people from Torah’s curse—*by becoming a curse for us*. David Brondos incorrectly contends that because the participle is aorist, it should be translated “having become” and should be taken to “indicate a point in time previous to the main verb *ἐξηγόρασεν*, so that, in a strict grammatical sense, Christ’s redeeming ‘us’ from the curse of the law follows upon his ‘having become a curse for us’” (“The Cross and the Curse,” 22). His “strict grammatical sense” reflects a mechanical view of grammar, for aorist participles do not invariably function temporally to signify action prior to the main verb. See Stanley Porter, *Idioms of the Greek New Testament*, second ed. 1994 (Sheffield: Sheffield Academic Press, 1992), 187-190. Brondos reasons, “The temporal force of the aorist participle has often been called into question, but this may be because it would rule out the penal substitution reading and many of the readings that revolve around the notion of participation” (*idem*). How this is so he does not explain.
- <sup>31</sup> On the nature of Abraham’s blessing, see S. K. Williams, “Justification and the Spirit in Galatians,” *JSNT* 9 (1987): 91-100.
- <sup>32</sup> On the use of *προγράφω* as setting forth for public notice, showing forth or portraying publicly or placard publicly, see *BDAG* 867.2. On meaning, see also Douglas J. Moo, *Galatians* (BECNT; Grand Rapids: Baker Academic, 2013),

181-182; and Schreiner, *Galatians*, 181-182.

<sup>33</sup> Among several convictions that have changed since writing my thesis, ("The Curse of the Law and the Cross: Works of the Law and Faith in Galatians 3:1-14 [PhD dissertation; Trinity Evangelical Divinity School, 1992]), my understanding of references in Paul's uses of pronouns in 3:13-14 has shifted. Formerly, I tracked with T. L. Donaldson ("The 'Curse of the Law' and the Inclusion of the Gentiles: Galatians 3:13-14," *NTS* 32 [1986]: 105-106) and others by understanding first person uses to refer to Jewish life under the law and second person uses to refer to the Galatians. More plausible is the contrast Paul draws between himself with the Galatians versus the Judaizers with cursed Israel. For my former understanding, see Caneday, "Redeemed from the Curse of the Law," 203-204.

<sup>34</sup> See also Wright, "Curse and Covenant," 140.

<sup>35</sup> See, e.g., Ronald Fung, *The Epistle to the Galatians* (NICNT; Grand Rapids: Eerdmans, 1988), 149.

<sup>36</sup> Cf. Morna D. Hooker, "Interchange in Christ," *JTS* 22 (1971): 349-61; and James D. G. Dunn, "Paul's Understanding of the Death of Jesus," in *Reconciliation and Hope: New Testament Essays on Atonement and Eschatology Presented to L. L. Morris on his 60<sup>th</sup> Birthday* (ed. Robert Banks; Exeter: Paternoster; Grand Rapids: Eerdmans, 1974), 123-141. But contrast Herman Ridderbos, who states, "Substitution and justification are closely related so that it can be said that Christ has delivered us from the curse of the law by becoming a curse (i.e., one cursed by God) for us (Gal. 3:13)" ("The Earliest Confession of the Atonement in Paul," *Reconciliation and Hope*, 80).

<sup>37</sup> Cf. Maximilian Zerwick, *Biblical Greek Illustrated by Examples* (Rome: Scripta Pontificii Instituti Biblici, 1963) §91; H. Riesefeld, *TDNT*, 8.509; Murray J. Harris, *New International Dictionary of New Testament Theology* (ed. C. Brown; Exeter: Paternoster; Grand Rapids: Zondervan, 1978), 3.1197.

<sup>38</sup> Murray J. Harris, *Prepositions and Theology: In the Greek New Testament* (Grand Rapids: Zondervan, 2012), 214.

<sup>39</sup> Vincent M. Smiles, "The Blessing of Israel and 'the curse of the law': A Study of Galatians 3:10-14," *Studies in Christian-Jewish Relations* 3.1 (2008): 13.

<sup>40</sup> Brondos, "The Cross and the Curse," 32. A few exegetes and theologians with whom Brondos explicitly disagrees are John Calvin, J. Christiaan Beker, N. T. Wright, James D. G. Dunn, T. L. Donaldson, Don Garlington, and Richard B. Hays. He insists that "foreign to Paul's thought in Gal. 3.13 is the idea that Jesus' death had the 'purpose' of effecting some . . . change in the human situation, satisfying some condition necessary for divine forgiveness or acquittal, laying down an example to be re-enacted, moving human beings to greater love, or providing participation in his death to sin" (p. 28).

<sup>41</sup> *Ibid.*, 5. In particular, he challenges Rudolf Bultmann, who advocated that Paul received the doctrine of penal substitution from the Jewish sacrificial system (Bultmann, *Theology of the New Testament* [London: SCM Press, 1951], 1.46-47, 85-86, 295-297). Subsequently, he slightly softens his tone (pp. 29-30).

<sup>42</sup> See Zerwick, *Biblical Greek*, §91; Harris, "Appendix," *Prepositions*, 214-215.

<sup>43</sup> Peter W. Martens, "'Anyone Hung on a Tree is under God's Curse' (Deuteronomy 21:23): Jesus' Crucifixion and Interreligious Exegetical Debate in Late Antiquity," *Ex Auditu* 26 (2010): 71. He states his thesis: "My central concern in this paper is to trace the reception of Paul's condensed, and perhaps even cryptic, use of Deut 21:23 through several late antique authors [Justin Martyr; Augustine; Theodore Abu Qurrah]. . . . These authors provide us a glimpse into the emergence of the early Christian doctrine of Jesus' vicarious atonement and how it was shaped by a Pauline retrieval of Deut 21:23" (p. 70).

<sup>44</sup> *Ibid.*, 75. Martens observes concerning Justin's reply to Trypho, "While he never refers to Paul's letter by name in this work, the circumstantial evidence in this section strongly points to Justin's engagement with Gal 3. First, when he cites Deut 21:23, he tellingly offers a non-Septuagintal reading that coincides with Paul's rendering of this verse in Gal 3:13 (96.1). Second, Justin retraces the steps in Paul's argument in Gal 3 by citing, with the apostle, Deut 27:26. For both authors this verse immediately precedes and sets the stage for the difficult claim that Jesus died under a curse" (p. 74).