"REDEEMED FROM THE CURSE OF THE LAW"
THE USE OF DEUT 21:22-23 IN GAL 3:13*

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I. INTRODUCTION

The NT uses cu<lon with two notable points of reference within the OT. One, which is confined to the Apocalypse (Rev 2:7; 22:2, 14, 19) with its referent in the "tree of life," continues the imagery of Gen 2:9; 3:22, 24.1 The other (Gal 3:13; Acts 5:30; 10:39; 13:29; 1 Pet 2:24) apparently alludes to Deut 21:22-23.2

Of several NT allusions that apply Deut 21:22-23 to the cross of Jesus, Paul's citation in Gal 3:13 is the clearest: "Christ redeemed us from the curse of the law, having become on our behalf a curse--for it is written, 'Cursed is everyone who hangs upon a tree.'" This NT citation of an obscure OT text has been the occasion of several recent studies, beginning with Lindars's programmatic study.3 He sees Paul's use of Deut 21:22-23 as a "sharpened form in which this text

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1 Cf. also post-biblical Judaism. E.g. I Enoch 24:4; 25:1-6; T. Levi 18:11; 4 Ezra 8:52; 1QH 8:5.

2 The NT does not merge these two reflections of OT images by identifying Jesus' cross with the "tree of life," but some early patristic literature does. See, e.g., Justin Martyr, Dialogue 86:1: "... Learn also that He whom the Scriptures show us as about to come again in glory after being crucified had the type of the tree of life, which it was said was planted in paradise ..." (cited from trans. by A. Lukyn Williams, Justin Martyr: The Dialogue with Trypho [London: SPCK, 1930], 182). See also Barn cf. 11:6, (citing Ps 1:3-6; cf. also Justin, Dialogue 86:4), 8:1, 5; 12:1, 7. Barnabas states in 5:13, e@ei ga>r, iha eβίξυκου paq* ("for it was necessary for him to suffer upon the tree").

was already being used by the enemies of the Church." Accordingly, Paul employed Deut 21:22-23 in a creative and *ad hoc* manner as it served his polemic purpose.\(^5\) Kim follows Lindars and summarizes,

So the Jews must have looked upon the crucified Jesus as accursed by God. . . . The allusions to Deut 21.23 in Acts 5.30; 10.39; 1 Pet 2.24 suggest that from the beginning the Christians encountered Jewish opposition based upon Deut 21.23 to their proclamations of Jesus as the Messiah. The Christians would hardly have applied Deut 21.23 to Jesus on their own initiative. Rather, they must have taken it from their Jewish opponents, and turned it into a weapon of counter attack.\(^6\)

Against Lindars's influential approach, Wilcox argues that the NT use of Deut 21:22-23 reflects a "tree-testimonia" as "part of an early Jewish-Christian midrashic exposition of the Akedah" and was used to facilitate "the application of the role of Isaac to Jesus."\(^7\)

His study of Paul's use of Deut 21:22-23 is dominated by Jewish midrashic techniques by which he seeks to "exhaust its influence" upon the verses surrounding Gal 3:13.\(^8\) So Paul's warrant for using Deut 21:23 depends primarily upon his midrashic skills to find a text with link-words to continue his catenation of citations.\(^9\)


\(^7\) Wilcox, "'Upon the Tree'," 86, 99. So Wilcox states, "In the NT model, in the fullness of time another [like Isaac] comes to the place of sacrifice, carrying his 'wood'/ 'cross' . . . and is put upon it. . . ." (p. 98).

\(^8\) Ibid., 96-97. He finds not only the obvious link back to 3:10 (curse/blessing motif), but also a link back to the citation of Gen 12:3 by way of the promise of "the land" (h<gh? Deut 21:23b), and a link forward to 3:18, "inheritance" (klh<ronomia) possibly reflecting h<kl h<rh< in the unquoted portion of Deut 21:23b. Finally, Deut 21:23 aids Paul's pesher of 3:16 with the presence of cuk<on as the "link-word" that offers the clue to Paul's interpretation of Gen 22:6.

\(^9\) Cf. Nils A. Dahl, "The Atonement--An Adequate Reward for the Akedah? (Rom 8:32)," in *Neotestamentica et Semitica: Studies in Honour of Matthew Black* (ed. by E. Earle Ellis and Max Wilcox; Edinburgh: T. & T. Clark, 1969) 23. Concerning Gal 3:13, Dahl contends, "There is a conscientious interpretation in the background. In Deut 21:23 it was stated that a hanged man was accursed. This might be taken to exclude faith in a crucified Messiah, but the passage could be turned into an argument in favour of the Christian faith if 'a man hanging upon a tree' was combined with 'a ram caught in a thicket' (Gen 22:13). Thus the crucified Jesus was understood to be the lamb of sacrifice provided by God. Here there is an element of typology; but the ram, rather than Isaac, is seen as a type of Christ."
Generally, scholars see in Gal 3:10-13 an appropriation of the Jewish exegetical device, *gezerah shawah* ("equal category"). Many argue that Paul finds verbal analogy in discrete OT texts where, because "the same words are applied to two separate cases, it follows that the same considerations apply to both."\(^{10}\) Paul's "string of pearls" in Gal 3:10-13 may reflect Jewish literary appropriation techniques, for link-words are readily apparent. However, mere ascription of the use of *gezerah shawah* to Paul offers little or no explanation for the apostle's use of the selected texts beyond an *ad hoc* appropriation. So Paul's warrant or authorization for employing the chosen texts (arising first from those texts and then from his theological framework) is largely passed over without discussion. Instead, some claim that the OT text is "wrested from its original context or modified somehow to suit the new situation."\(^{11}\)

Two questions must be asked to determine Paul's warrant for employing Deut 21:22-23 in Gal 3:13: (1) How did the NT writers, Paul in particular, use the OT to document their creed? (2) Upon what basis did the apostle select Deut 21:22-23 to give credence to his assertion in Gal 3:13a?\(^{12}\)

What is necessary is a reflective consideration not only of Paul's hermeneutical techniques but also of his controlling "hermeneutical axioms."\(^{13}\) The Christian community's theological beliefs,\(^{14}\) that not only transcend but also shape its hermeneutics, inform Paul's actual appropriation of OT texts. Accordingly, Paul's appeals to the OT reflect this matrix of the community's beliefs that bear directly upon the way Scripture is to be employed.

This fresh consideration of Paul's citation of Deut 21:23 in Gal 3:13 is born out of an acknowledgement of both Jewish interpretation techniques as well as the matrix of Christian theological beliefs. The aim is to give proper consideration to the contexts of both the OT text and its NT citation to demonstrate Paul's warrants for applying Deut 21:22-23 to Christ. Does Paul employ this Scripture text in an *ad hoc* manner, i.e., wrenched from its OT context for the


\(^{12}\) Cf. Wilcox, '"Upon the Tree',' 94, where he essentially asks these two questions, but fails to seek the answer outside the entanglement of midrash.

\(^{13}\) See the use of this designation in the extended discussion by Douglas J. Moo, *The Old Testament in the Gospel Passion Narratives* (Sheffield: The Almond Press, 1983) 56ff.

\(^{14}\) Cf. Longenecker, *Biblical Exegesis*, 50, who states, "Each of these, Pharisees, sectarians, and Philo alike, worked from distinctive doctrinal and ideological commitments, which produced distinctive features in their exegetical methodologies."
particular purpose at hand without further considerations? Or, does Paul find authorization in the OT text validated by his contemporary context that gives his argument credibility?

The presentation develops around three procedural steps. First, Paul's hermeneutical matrix is considered to establish his approach to scripture. Second, Paul's use of Deut 21:22-23 in Gal 3:13 is studied in three major sections: (1) a brief survey of Paul's polemical thesis in Galatians 3 to contextualize the OT citation; (2) a consideration of the warranted use of Deut 21:22-23 in Gal 3:13 from the OT text and context, and (3) Paul's NT basis for employing Deut 21:22-23 and its place in his argument. A third brief section draws conclusions with appropriate implications.

II. PAUL'S HERMENEUTICAL MATRIX

The study of any OT text cited by Paul in Galatians 3 quickly involves one's own biblical-theological scheme, for it draws one into the apostle's whole argument against the Judaizers by which he disparages the law. The exegete is confronted with the problem of accounting for Paul's negative perspective upon the law, for his argument in Galatians 3 suggests that he ignores the fact that the law promised blessing to those who obeyed it. Central to his polemic is the sanction that the law threatened, namely the curse. Noth correctly observes, "It is . . . noteworthy that the Old Testament itself does not appear to share Paul's judgment upon the law, for from the law it apparently opens out the perspectives, 'blessing and curse', i.e. either blessing or curse, according as the individual or group fulfils or does not fulfil the requirements of the law."15 Paul's view of the Mosaic law challenges the exegete's search for an acceptable solution that properly acknowledges the OT expressions concerning the law but also retains "what is negative in the Pauline picture of the law if God's new act in Christ is to receive due stress."16

A. The OT Is To Be Read Salvation-Historically

Paul's argument in Galatians 3 is tightly structured and is fundamentally heilsgeschichtlich. It is thoroughly influenced by Jesus' teaching concerning the epochal and eschatological character

15 Martin Noth, "For all who rely on works of the law are under a curse," in The Laws in the Pentateuch and Other Essays (Philadelphia: Fortress, 1967) 119. Though Noth's observation is correct, he attempts to resolve the problem of Paul's perspective upon the curse of the law by taking Deut 27:26 (cited in Gal 3:10) as a seventh century BC expression of the final redactor that "the threatened curse had already begun to appear as an actual reality. . . .The blessing is for him [the opinion of the author] already something unreal, but the curse a reality which in his own day had already appeared" (pp. 128-29).
of his own ministry. Jesus summarily proclaimed that the promise of the great day of salvation (Isa 61:1, 2) dawned in him (Luke 4:18-19), for he is the "sun of righteousness" (Mal 4:2), who rises to bring salvation to his people (Luke 1:78, 79). He has disclosed a righteousness from heaven that already announces the divine verdict of forgiveness (cf. Matt 9:6; Luke 7:48-50) or of condemnation (John 3:18). So, for Paul, the coming of Jesus Christ, to fulfill "the law and the prophets" (Matt 5:17ff), is the lens through which diverse and previously diffused or unassociated elements of the OT converge. Therefore, the apostle's retrospective reading of the OT, focalized by Christ, sees the law functioning salvation-historically in keeping with an anticipation/fulfillment motif. Christ's epoch-making entrance into salvation history has inaugurated the new age; it has restructured the redemptive-historical understanding of the NT writers. 

Because Paul interprets God's great act in Christ from the vantage point of one dwelling in the tension between fulfillment and expectation, his two age construction is given two perspectives. On the one hand, conscious of fulfillment and yet anticipating consummation, he speaks in terms of "already" (2 Cor 6:2; Eph 2:13; Rom 3:21, et al.) and "not yet" (Rom 8:23-25, 33-34; 13:11; 1 Cor 1:30; Gal 5:5; et al.). On the other hand, when Paul encounters those who desire to extend the law's jurisdiction coexistent with and coextensive to the proclamation of the gospel of Christ, the present age is seen in sharp contrast to the former. So, Paul frequently punctuated his argument in Galatians 3 with this redemptive-historical contrast, e.g., "before this faith came" (πρὸ τοῦ εἶλεξιν τὴν πίστιν [3:23]) is contrasted with "now that faith has come" (ἐλκοῦσιν τὴν πίστιν [3:25]).


18 See Herman Ridderbos, Paul: An Outline of His Theology (Grand Rapids: Eerdmans, 1975), 52f.

19 The epoch-making πίστις, though debated, may be taken as Jesus Christ's faithfulness. The writer recognizes the difficulty of speaking with certainty whether πίστις Ἰησοῦ Χριστοῦ (in Paul seven times: Rom 3:22,26; Gal 2:16 [twice]; 3:22; Eph 3:12; Phil 3:9) is a subjective or objective genitive. However, one must adopt the sense that best fits Paul's argument in Galatians 3. The following are some reasons for adopting the subjective genitive reading of the phrase: (1) In other places where Paul uses πίστις followed by a genitive noun of person the genitive is invariably subjective-[a] Rom 3:3 – τὴν πίστιν τουμιουμ [b] Rom 4:5 πίστις αὐτουμ ἰδιαίκωσιμον; [c] Rom 4:12 – Πίστει τουφπατροφ ἡμῶν; [d] Rom 4:16 – καὶ ἐκ πίστει ἠβρααμ. (2) The peculiar change of idiom in Gal 2:16 favors the subjective use over the objective. Gal 2:16 makes a distinction in construction by alternately employing the prepositions διὰ θε with the genitive to express the faith of Christ and εἰ with the accusative to express man's belief in Christ [cf. Phil 3:9]. (3) Likewise, Gal 3:22 involves a strange tautology if εκ πίστει Ἰησοῦ Χριστοῦ made synonymous with τοιῇ πίστεωσιν. The tautology reads, "... in order that what was promised, might be given by faith in Jesus.
B. OT Prediction Is Genuine and Perspicuous

True as it is "that contemporary Jewish exegesis is the proper background to the church's use of the Old Testament"\(^{21}\) the coming of Christ hermeneutically focuses the church's reading of the OT. As much as Paul believes that Christ's coming has a great impact on reading the OT scriptures, emphasis also must be placed on the corresponding aspect, namely, the anticipatory character of the OT scriptures. A proper christological reading of the OT does not start with a confessional creed in need of apologetic support and then go to the OT scriptures to marshal evidence for it, arbitrarily employing Jewish appropriation techniques.\(^{22}\) Instead Paul and the other NT writers read the OT with a belief that the gospel is the end-

Christ to those who believe" (cf. NIV). But it appears evident that Paul deliberately distinguishes the two expressions to differentiate between the basis upon which the promise is given and the means by which it is apprehended by individuals. The giving of the promise is grounded in the obedience/faithfulness of Jesus Christ; it is laid hold of by belief. Though Paul does not specify an object after the substantival participle – \textit{to\(\iota f\) piste\(u\epsilon\)s in}, the object of belief is nonetheless clearly understood from 2:16 (\textit{\(h\theta i\epsilon f\iota\) e\(i\)j \(X\iota\s\iota\s\o\)n \(H\i\sigma\s\mu\o\o\)n e\(p\i\s\i\s\o\t\s\u\a\s\m\e\n\)}). (4) The subjective genitive reading better fits and puts into bold relief the christological centrality of Paul's argument in Gal 3.


\(^{20}\)Cf. several other markers that clearly indicate that Paul's argument is inherently salvation-historical: "the law, introduced 430 years later;" the law "was added . . . until the Seed . . . had come" (\textit{\(p\i\o\s\e\t\e\v\h\a\e\)\(\i\o\s\\e\\o\)\(\a\)\(\t\o\)\(\p\e\r\m\a\)\[3:19\]}); "locked up until the faith should be revealed" (\textit{\(s\u\g\k\i\ \i\o\m\e\o\n\i\o\)\(\e\i\)j \(t\h\a\)\(n\m\e\k\l\o\u\s\a\n\ p\i\s\i\t\i\n\ k\t\l\) \[3:23\]}); "no longer under the \textit{pedagogus }" (\textit{\o\u\k\e\k\i\ u\o\p\o\s\a\d\a\g\w\g\o\k\} \[3:35\]).

\(^{21}\) Lindars, "Place of the Old Testament," 61.

\(^{22}\) Contrast \textit{Ibid}, 64. Lindars implies this when he says, "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 \textit{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."
product of OT anticipation. So the OT is much more than a source book of proof-texts used "on an ad hoc basis" to validate its fulfillment in Christ "as the need arose." The OT is necessary and integral for interpreting the coming of Christ, for it anticipates what is now realized in him, not only by way of propositional prediction but also in enigmatic expressions; corporate solidarity motifs; and typological correspondences of persons, institutions, situations, events, etc. Thus, Paul and the other NT writers are not dependent on their own skills in pesher and midrash to search the OT with an effort to find what is needed apologetically and make arbitrary associations even if it includes wrenching texts from their contexts. Instead, they read the OT through the lens of Christ's coming, which brings into focus and clarifies formerly unassociated and enigmatic motifs and features of divine revelation. They believe that what they see was genuinely predictive and anticipated Christ, so that when they appeal to those elements to verify fulfillment, they do so believing that the OT scriptures are perspicuous as they anticipate Christ throughout, not only in their propositionally predictive parts (cf. Acts 17:11).

III. PAUL'S USE OF DEUT 21:22-23 IN GAL 3:13

A. Paul's Polemical Thesis in Gal 3:1-14

Having surveyed Paul's hermeneutical approach to the OT, it is necessary to review briefly Gal 3:1-14 to set the context of his use of Deut 21:22-23 and establish. its function in his argument. His argument consists of four appeals: (1) reception of the Spirit (3:1-5); (2) blessed with Abraham (3:6-9); (3) cursed by the law (3:10-12); and (4) redeemed from the curse (3:13-14).

After reminding the Galatians that he had clearly preached Christ to them as crucified, Paul begins his polemic by framing his first argument around a question designed to bring the Galatians to concede Paul's case. "This only I desire to learn from you--did you receive the promised Spirit originating from the deeds demanded by the law [eige nomou] or in association with the proclama-

tion of faith [ἐκ ἀκοής πίστεως]? The first appeal of the apostle's argument may be summarized: "If you received the charismatic Spirit grounded in the law's demands, the proclamation of the faith is superfluous. But if the promised Spirit came among you only as an attendant of the preaching of the gospel and attesting it, then it is obvious that you are being unsettled by a different gospel."

Paul's next appeal sets up his third: "If the blessing of Abraham comes to of ὲς ἐγὼν ἡμῶν, what then is there for those who are ὲς ἐργάνοι ἡμῶν?" To establish his thesis, that ὲς ἐγὼν


30 Paul's two expressions – ὲς ἐπίστευσεν ἡμῶν and ὲς ὀσιός ἐγὼν ἡμῶν ἐίσθαι -- are frequently misread as ὲς πίστευσαν ἡμῶν ("the believers") or ὲς ὀσιός πίστευσαν in ("those who believe") and of ὲς ὐγαζόμοι or ὲς ποιούσιν τὰ ἡμῶν ("those who do the things of the law") respectively. However, both phrases have parallels elsewhere in Paul that suggest that this is an incorrect understanding. Phrases similar to the former occur in Rom 3:26 (τὸ ἐπίστευσεν Ἰησοῦς) and Rom 4:16 (τὰ ἐπίστευσαν), both of which are best taken as subjective genitives. Also, phrases similar to the second are found in Rom 3:19 (τοῖς ἐπίστευσαν ἡμῖν) and Gal 2:12 (τοῖς ἐπιτιθέντος). These phrases, with the construction-substantival article + ἐκ + the genitive--are appropriately classified by Zerwick. He states, "An important usage, especially in Paul, is. . . described . . . in the following manner: as we use the ending ἐκ to denote a member of a certain class or party or sect or school of thought (socialist, idealist, pessimist) etc., so Paul uses for the same purpose ὲς ἐκ . . ., ὲς ἐκ . . . etc., with the genitive of what is the characteristic of the class in question" (Maximilian Zerwick, Biblical Greek Illustrated by Examples [Rome: Scripta Pontificii Instituti Biblici, 1963] §134).


*pistewj* are the sons of Abraham,\(^{31}\) he appeals to Gen 15:6, which is more than a claim of scriptural support; he claims solidarity with Abraham, the patriarch held in high regard in Jewish tradition.\(^ {32}\) His citation of Gen 15:6 is followed by his interpretation (*ginwskete*, v. 7) that expresses his thesis. Then Paul draws his first proof from the "blessing of Abraham" (Gen 12:3; 18:18) that is followed by the logical consecutive *wste*. This passage leads Paul to assert, *oieki pistewj euולוגουται εισ... Ἀβραάμ* (v. 9), the link that prepares for the corresponding opposite, *οσοι εξ ἐγγὺς νομού εἰσιν ὑποζατακαί εἰσιν* (v. 10).

In vv. 10-12, the structure is reversed. Here Paul states his proposition first, followed by the supporting OT citation. In this way the quotations are not presented as premises leading to conclusions, as in vv. 6-9, but their entrance into the text is to support assertions. So the introductory formulas to the passages cited have causal rather than simply consecutive force." Thus Paul intensifies his argument by asserting two propositions: (1) "Clearly no one is declared righteous before God ἐξ νομοῦ," verified by citing Hab 2:4; and (2) "The law is not ἐκ pistewj, but [ἀλλὰ] 'the one who does these things shall live in them'" (vv. 11, 12).

These three difficult verses (10-12) have generated volumes of discussion. For the purpose of this study, only v. 10 will be considered, since it only is crucial for understanding v. 13. The "blessing" motif associated with Abraham in vv. 8-9 is now contrasted with the "cursing" motif connected with the law's sanctions. Therefore, Paul abruptly states, "As many as are of the demands of the law are under a curse [ὑποζατακαί]!" To prove his point he cites Deut 27:26 with the causal introductory formula (*gegraptai ga'ri oti*):

"For it is written, ‘Cursed is everyone who does not continue in all the things written in the book of the law to do them.’" It is frequently observed that on the surface Deut 27:26 says the opposite of what Paul claims.\(^ {34}\) This would be true if the expression *οσοι εξ ἐγγὺς νομού εἰσιν* is read, "as many as do the works of the

Accordingly, Paul's expressions -- *oieki pistewj* and *οσοι εξ ἐγγὺς νομού εἰσιν* -- do not identify individuals by their actions but by their orientation either to the old covenant or the new: "Nomists" or "Gospelists" (i.e., Christians). So, the term nomist, without connotations of legalism, may best translate *οσοι εξ ἐγγὺς νομού εἰσιν*. See Longenecker, *Paul*, 82. Cf. also the term "covenantal nomism" in E. P. Sanders, *Paul and Palestinian Judaism* (Philadelphia: Fortress, 1977) 422f.

\(^{31}\) The conclusion to which Paul's thesis progresses is that "to belong to Christ" is "to be Abraham's seed" (3:29).

\(^{32}\) See the excursus on Abraham in Betz, *Galatians*, 139-40.


\(^{34}\) See, e.g., Betz, *Galatians*, 145. Even Luther states, "These two statements, Paul's and Moses', are in complete conflict. Paul's is: 'Whoever does the works of the Law is accursed.' Moses' is: 'Whoever does not do the works of the Law is accursed.' How can these be reconciled? Or (what is more) how can the one be proved on the basis of the other?" (Lectures on Galatians 1535, *Luther's Works*, vol. 26 (ed. Jaraslov Pelikan; St. Louis: Concordia, [1963]252).
This mistaken reading creates the first problem for interpreting Paul's use of Deut 27:26. The second problem is generated because Paul's warrant for selecting Deut 27:26 to prove his assertion is generally submerged in the morass of interpretations offered. With regard to the first problem, as long as one reads οὗτοι ἔργαν νομίζησιν as suggesting "doing the law," "relying upon the law," or similar ideas of human action, one begins down a path Paul's argument does not go. For example, Dunn argues that εὐγνωμον essentially consist of keeping commandments concerning circumcision, the food laws, and the sabbath, i.e., wearing badges of covenantal identity." He clarifies his interpretation: "Yet once more we must note that it is works of the law that Paul disparages, not the law itself or law-keeping in general." He opens himself up to Raisanen's criticism: "Dune thus presents a new version of an old thesis: what Paul attacks is not the law as such or as a whole, but just the law as viewed in some particular perspective, a particular attitude to the law, or some specific (mis-)understanding of it." There are two problems with such an approach. First, it fails to recognize that οὗτοι is linked with it εὐγνωμον by the copulative εἰμί to denote "belonging to" (BAGD, 225), and is not designated as performing action upon the law. Second, it fails to account for the fact that what is required to redeem from the curse is the epoch-making death of Christ. In contrast, understanding οὗτοι εὐγνωμον εἰμί to mean "as many as are nomists (i.e., identify with the old covenant)," observes Paul's equation of εὐγνωμον with νομοῦ and allows for the true impact of the redemptive-historical act of Christ (3:13) in relation to the law.

A solution to the second problem must be summarized. Paul's logic is plain enough: "As many as are nomists are under a curse, for it is written, "Cursed is everyone who fails to do all that the law requires." The text cited is part of the sanctions of the old covenant. The deuteronomical conception of the curse of the law, being cast in terms of sanctions of a suzerainty treaty between king and vassal nation, does not atomize the curse to individuals distinct

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35 But see the discussion above in note 30.
37 Ibid., 117. It is in this context that he criticizes Sanders who "keeps taking the phrase 'works of the law' as though it was simply a fuller synonym for 'law.'"
39 Cf. Zerwick, Biblical Greek, §134.
40 Cf. Dunn, "Works of the Law and the Curse of the Law (Galatians 3:10-14)," NTS 31 (1985) 536: "The curse which was removed therefore by Christ's death was . . . the curse of a wrong understanding of the law."
41 See Meredith G. Kline, Treaty of the Great King: The Covenant Structure of Deuteronomy (Grand Rapids: Eerdmans, 1963), 121ff and 13-44.
from identity with the covenant nation. The individual within the nation was treated as a member of the covenant people until such a time that his conduct violated the covenant. Then the nation was to act as a community to punish the offender (Deut 13:9f).

Paul's citation evidently draws upon the LXX text-type, but it confluences two texts, perhaps Deut 27:26 and 28:61. His inclusion of \textit{toi?j gegramme<noij e\text{"}t \&\bibli\& tou\text{"}momou} suggests that Paul does not intend his citation of Deut 27:26 to be restricted to the twelve curses of 27:15-26, but to include all the curses spoken to Israel (27:15-28:68). The curse of Deut 27:26 had special reference to the covenant-breaker, for it -was pronounced at the close of a covenant-renewal ceremony.

The citation of Deut 27:26, conflated with 28:61, both proves the proposition of 3:10a and prepares for 3:13, redemption from the curse. Reading the OT from his controlling hermeneutical axioms, established by fulfillment in Christ, Paul sees Israel's history under the law typologically\textsuperscript{42} as a monument of human unfaithfulness now, in view of the faithfulness of the "New Israel," i.e., "the Seed" who is Christ (Gal 3:16). Because the covenant was tribal by nature, it inflicted its sanctions upon all when the covenant was violated by its fathers and leaders.\textsuperscript{43} Therefore, the nation's disloyalty incurred the curse of the law which enveloped God's covenant people for centuries, including the remnant which cried out to Yahweh for deliverance from the curse\textsuperscript{44} and for "the redemption of Jerusalem" (Luke 2:38, cf. 2:25).

Thus, since the coming of Christ, for the Galatians to seek adoption as Abraham's sons by becoming \textit{nomists}, is to join themselves to the old nation, Israel, which is subjected to the curse of the violated covenant. The history of Israel's covenant unfaithfulness cries out for a "new Israel" who is faithful to Yahweh and from whom blessing spills out upon all who are identified with him.

Verse 13 breaks upon the darkened scene of the broken and violated covenant, which holds its curse over all its subjects. One may expect from Paul's strong deprecation of the law in 3:12a that he would say, \textit{Xristo>j h[ma?j e\text{"}hgoras en ek tou\text{"}momou}, as he more nearly does in 4:5a. However, Paul has argued that the law's curse looms over Israel, and he recognizes that the law demands satisfaction in order for the curse to be lifted from God's people. Consequently, he states instead, "Christ redeemed us from the curse of the law, having become a curse in our place" (\textit{Xristo>j h[ma?j e\text{"}h}).


\textsuperscript{43}Thus the proverb, "The fathers have eaten sour grapes, and the children's teeth are set on edge" (Jer 31:29). Contrast the new covenant which inaugurates the day when "everyone will die for his own sin; whoever, eats sour grapes--his own teeth will be set on edge" (31:31).

\textsuperscript{44}Cf. Daniel's prayer (Dan 9:5-13) and Zechariah's song (Luke 1:68-75).
To prove his assertion, he cites Dent 21:23: "For it is written, "Cursed is everyone who hangs upon a tree." Before further developing Paul's warrant for citing Deut 21:22-23 in the context of Gal 3:13, it is necessary first to understand what it is in the OT passage that attracted Paul's use of it to support his assertion concerning Christ.

B. Paul's OT Warrant for Citing Deut 21:22-23

1. The Text of Deut 21:22-23

(a.) Evidence from the LXX and MT. It has long been observed that Paul's use of Deut 21:23 does not reproduce exactly either the MT or the LXX. It has long been observed (LXX citations) has long been observed (LXX citations) has long been observed (LXX citations)

Paul's substitution of an adjective for the participle of the LXX; and (2) his omission of the words 'upoqoeou'. Yet he agrees with the LXX against the MT by adding 'epiukon' after 'krema noj'.

First, Paul substitutes 'epikatakoj' in place of 'kekatarmenoj' (LXX). In the Masoretic text of Deut 21:23 the hanged man is not said to be 'eitomos' (the word rendered 'epikatakoj', "cursed," in Dent 27:26) but 'Myhilox' ("a curse of God"). Whereas the 'Myhilox' is rendered in the LXX 'kekataramejo u'poqoeou', Paul uses 'epikatakoj', the same verbal adjective the LXX employs to translate 'eitomos' in Deut 27:26, thus connecting the two texts. Accordingly, if Paul employs the exegetical technique 'gezerah shawah' here, the common term of the two texts brought together is in neither the Masoretic text nor in the LXX. Did he employ an unknown Greek text? It may be that he used the verbal adjective 'epi-

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46 Because Paul's citation does not correspond exactly either to the MT or to the LXX, some older commentators concluded that the apostle's variation was due to a reliance upon memory. So John Brown, An Exposition of the Epistle of Paul the Apostle to the Galatians (Edinburgh: Oliphant and Sons, 1853; Minneapolis: James Family Christian Publishers, 1979) 132.

47 Though the MT does not include the phrase corresponding to the LXX after 'krema noj' the phrase appears twice earlier: 'Cefla Cefla' (21:22) and 'Cefla Cefla' (21:23a). Schoeps (Paul, 179) points out that 'eitomos' in Deut 21:23b, meaning "hanged" or "elevated," may serve the evangelist John's purpose in his verb 'eitomos' (John 8:28; 12:23) to indicate not only the elevation of Jesus but also the manner of his death. See Schoeps's extended discussion (pp. 179-80).

48 Paul may show that he is aware that the Hebrew text of Deut 21:23 involves a substantive meaning "curse" rather than a participle meaning "cursed" when he speaks of Christ as 'genomenoj . . . kataka' (Gal 3:13a).
kata<ratoj instead of the perfect passive participle of the LXX by way of assimilation to his citation of Deut 27:26<sup>49</sup> in 3:10.<sup>50</sup>

Second, and more difficult, is Paul's omission of the ὑποξεοῦ of the LXX in his quotation. The additional phrase in the LXX attempts to clarify the Hebrew text, "a hanged man is a curse of God" (יִלֶדֶת נַחֲשָׁן אֵלֹהֵי) by reading, "everyone hung upon a tree is accursed by God."<sup>51</sup> Scholars frequently regard Paul's omission of ὑποξεοῦ after ἐπίκατα<ratoj as his attempt to avoid suggesting that Christ on the cross was really cursed by God.<sup>52</sup> Paul leaves the "curse" unqualified, for his point is that Christ became "on our behalf" (ὑπὲρ ἡμῶν) "a curse" (κατα<ratoj) absolutely, so he makes no reference to God in either his assertion (3:13a) or the quotation itself (3:13b).<sup>53</sup>

(b.) Evidence from Targums and Translations. Whatever Paul's reason for the omission, not only the form of the text he cited but also its interpretation reflects a history of ambiguity. Symmachus interprets the text, stating explicitly οὕτως ἔχει τοι ἀστηλέων, "for he was hanged on account of blasphemy of God." Tg. Onqelos approaches this, as it reads, Κρέματος ἐκ τῆς ὑποξεοῦ, "for he was hanged because he sinned before the Lord").<sup>54</sup> The Targum circumvents the association of "curse" with "God" in the Hebrew text by translating generally ἡνικόν ("curse") with "sinned" and then associates the act of sinning with man before (ὁ θεός) God. Similarly, m. Sanh. 6:4 responds to the question, "Why was this one hanged?"..."because he blessed [a euphemism for 'blasphemed'] the Name".<sup>55</sup> In a similar way Tg. Pseudo-Jonathan states, "because it is a disgrace before God to impale someone unless his sins were the cause of it" in an attempt to circumvent the problem. At issue with these Jewish traditions is whether Κρέματος means "cursing God" or "being cursed by God." Symmachus, Tg. Onqelos and Tg. Pseudo-Jonathan are inclined toward the former while the LXX favors the latter. Aquila, devoted to the principle of literalism,<sup>56</sup> and the Theodotion revision reproduce the ambiguity of the Hebrew in the Greek. On the other hand Tg. Neofiti is closer to the LXX and Paul: "for everyone who is hanged is accursed before the Lord."

Paul may have excised the words ὑποξεοῦ not only to adapt the quotation better to the earlier part of the verse ("having become a curse for us"), but even more to agree with the covenantal

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<sup>49</sup> This quotation diverges from the LXX at several points.

<sup>50</sup> See Wilcox, "'Upon the Tree'," 87; Bruce, Galatians, 165.

<sup>51</sup> So also Aquila, and Theodotion: κατα<ratoj qeoukrema<menoj.

<sup>52</sup> Cf. Bruce, Galatians, 165.

<sup>53</sup> Wilcox, "'Upon the Tree'," 87.

<sup>54</sup> Cf. Israel Drazin, Tg. Onkelos to Deuteronomy (Hoboken, New Jersey: Ktav, 1982) 202-3.

<sup>55</sup> Some texts read "cursed."

<sup>56</sup> For a brief background on Aquila, Theodotion and Symmachus see Ernst Wurthwein, The Text of the Old Testament (Grand Rapids: Eerdmans, 1979) 53-55.
sanction-form in which he casts the quotation.\(^{57}\) His use of \textit{ἐπικατατοιχία} instead of the LXX \textit{κεκαταραμενοί} may favor the omission, since \textit{ἐπικατατοιχία ὑποσχεῖν} is doubtful Greek.\(^{57}\)

Among all the Jewish witnesses to the text thus far considered there is no suggestion that "hanging upon the tree" is the means of execution; in all it is the corpse that is strung up after execution. Yet, apparently Deut 21:22-23 created a dilemma for Jewish translations and targums concerning \(\text{κρεμισμένος στὸ δέντρον} \), leaving a complex history of the text.

(c.) \textbf{Evidence from Qumran}. Two other bits of evidence have attracted the attention of some concerning the use of Deut 21:22-23 in the NT: 4QpNah 3-4; i.7-8 and 11QTemple 64:6-13. The former speaks of "the furious young lion" who "hangs [or formerly hanged] men up \textit{alive}" (ῥωπός \\(\text{σῖνθες \\(\text{τίμιος} \\(\text{πατρός} \)). The line following (line 8) adds a further note concerning "a man hanged \textit{alive} on [the] tree" (ῥωπός \\(\text{κρέμεται} \\(\text{υπάρχουσα} \\(\text{τίμιος} \)). The wording of this line is uncertain because of lacunae.\(^{59}\) So, whether 4QpNah 3-4; i.7-8 alludes to Deut 21:22-23 is unsure -- too uncertain to warrant firm conclusions.\(^{60}\)

More significant and closely connected with Deut 21:22-23 is 11QTemple 64:6-13, for this passage immediately follows a clear reference to Deut 21:21, and it offers an interpretation of Deut 21:22-23. Of the explanatory features added to the text of Deut 21:22-23, the most significant is the inversion of the order of the "hanging" and "dying." Yadin claims that this pesher interpretation offers evidence that the Qumran sect regarded "death by hanging alive" (i.e., crucifixion) as valid punishment for certain offenses, especially treason.\(^{62}\) Whether this text even suggests "crucifixion" is disputed and doubtful.\(^{63}\) Besides, though 11QTemple 64:6-13 twice reverses the sequence of "hanging" and "dying," it is not clear that the text makes hanging the means of execution. Lines 8a (τὰ ίματα \\(\text{ἁλατέα} \\(\text{έλεγχος} \) and 11 (\\(\text{有色金属} \\(\text{δύναμις} \\(\text{τοῦ} \) reverse the order of Deut 21:22-23. Yet, lines 8b-9a clearly retain the sequence of the MT ("On the testimony of two witnesses and on the testimony of three witnesses he shall be

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57 Greater discussion of this follows in the next section.
58 See Hanson, \textit{Studies in Paul's Technique and Theology}, 49.
59 The words \(\text{κατατελθεῖς} \\(\text{δύναμις} \) are reconstructed from mere traces of letters, while the last word of line 8, taken as \(\text{κατερώπνυ} \), is cut short in the middle by a void in the MS. See J. M. Allegro, "Further Light on the History of the Qumran Sect," \textit{JBL} 75 (1956) 91.
60 Gert Jeremias, \textit{Der Lehrer der Gerechtigkeit} (Göttingen: Vandenhoeck & Ruprecht, 1963) 131-35, esp. 133 enthusiastically observes that both 4QpNah 3-4; i.7-8 and the LXX of Deut 21:23 speak of "the one hung... upon the tree," whereas the MT merely reads "the one hung..." (יָוהֵל). He argues, then, that the link between \textit{κρεμισμένος} and \textit{ἐπικυκλοῦν} in Deut 21:23, attested by the LXX, Gal 3:13, and Acts 5:30; 10:39, is finally found in Hebrew as well.
61 Cf. the discussion by Wilcox, "Upon the Tree," 88.
63 See Joseph M. Baumgarten, "Does TLH in the Temple Scroll Refer to Crucifixion?" \textit{JBL} 91 (1972) 472-81, esp. 476-78.
put to death and they shall hang him on the tree"). Accordingly, the text hardly speaks of crucifixion, and at best it is unclear whether hanging is even considered a means of execution. Still, 11QTemple 64:12 is evidence of a text of Deut 21:23 that is closer to Gal 3:13b and the LXX, particularly with the inclusion of the words "upon the tree" after דִּבְרֵי, "hanged man."

2. The Place of Deut 21:22-23 in Covenantal Context

(a.) Legal Regulations Concerning Capital Offense. The text which Paul cites in Gal 3:13 (to verify the fact that Christ "became a curse") is set within a context dealing with covenant sanctions for capital crimes. Deut 21:18-21 addresses the case of a rebellious son who is to be stoned to death. Verses 22-23 generalize concerning any case of capital crime. This sanction concerned with hanging corpses upon trees does not initiate the practice, a practice that is ancient, but it only imposes certain restrictions on its use. The sequence shows that the hanging was not the means of execution. Rather the criminal's corpse was hung on a "tree" or "wooden post" the same day of his death to be exposed as a warning. The gruesome display forcefully warned the Israelites concerning the results of breaking covenant laws that were punishable by death.

The limitation imposed upon the practice by the Mosaic law was that the body of the criminal was to be removed from the tree or wooden post before sunset, and the corpse was to be buried. To leave the corpse upon the tree would pollute the land. The concern is not so much over the decomposition of the body but the symbolic desecration, for the land belonged to the Lord and would be given to Israel by him.

The victim is not כִּי מִתְחַלָּה ("an object of curse," BDB, 887) because it is hanging upon a tree (תָּנִן) instead, hanging upon a tree is a graphic sign of his being "an object of curse" to God. Also, the body is not a curse to God because it is dead (for all men die), but it is accursed because of the reason for the death,

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64 The text reads על פִּי שָׁם עָדָם אוֹלִים פִּי שָׁם עָדָם יָם וּמְדָמְתִּים יָם וּמְדָמְתִּים ("for he who is hanged on the tree is accursed of God and men").
65 Contrary to Wilcox, "Upon the Tree", 90.
66 See Ibid. Wilcox offers two conclusions from his study of 11 QTemple 64:6-13: "(a) that it is no longer necessary to view the Peshitta form [on Deut 21:22 it reads "and if a man be guilty on account of a sin worthy of death, and be hung upon a tree and be put to death . . ."] as due to christianizing influence, in view of the early date given to the Temple Scroll, and (b) that the form in Acts 5:30; 10:39, . . . put (him) to death by hanging (him) upon a tree,' may reflect the same variant OT textual tradition."
67 The text reads כִּי מִתְחַלָּה ("for he who is hanged on the tree is accursed of God and men").
69 The Hebrew כִּי, like the Greek κοκόν, is used for "tree," "wood," and "wooden articles" (BDB, 781).
namely covenant violation. For an Israelite to violate God's law incurred God's curse, the death penalty. It was to die the worst possible separation from the community of God's people.

The Hebrew phrase, מַלַּחְתּ, may denote either the person who pronounces the curse (Jdg 9:57), or the person against whom the curse is pronounced (Gen 27:13). Accordingly it may read, "everyone who is hanged upon a tree is cursed by God" (LXX, Vulgate, Syriac, Paul in NT, Gal 3:13). Or it may read "the one who is hanged מַלַּחְתּ infinitive absolute, BDB, 1068] is a curse (injury, insult, mockery) to God" (Symmachus, Tg. Onqelos, m. Sanh. 6:4).

(b.) Deut 21:23 and Historical Cases of Capital Offense. The context of Deuteronomy 21 suggests the practice of stringing up corpses upon posts was employed in cases of capital crimes of covenant violation (d. 2 Sam 4:12). Yet, later in Israel's history the custom was employed in military operations. When Joshua destroyed Ai, the king was captured alive (Josh 8:23). Apparently upon killing the king, Joshua hung him upon a tree מַלַּחְתּ until evening. Observing the law's restriction set forth in Deut 21:22-23, at sunset Joshua ordered that the body should be taken down from the tree and buried under a pile of stones (Josh 8:29). Also, when Joshua captured five Amorite kings who fled and hid in the cave at Makkedah, he killed them and hung them from five trees מַלַּחְתּ, Josh 10:26). Again, obeying the Mosaic restriction, Joshua had the bodies removed from the trees at sunset and buried in the cave (10:27).

Two other passages, though referring obliquely to the sanction outlined in Deut 21:22-23, are more promising in identifying Paul's warrant for citing that text (Num 25:4; 2 Sam 21:6, 13). Instead of מַלַּחְתּ, both passages employ פָּרָדִים ("be dislocated, alienated," BDB, 429) in a figurative sense of a solemn form of execution. When Israelites were seduced by Moabite women, the Lord's vengeance was greatly aroused against Israel. The Lord prescribes to Moses how his wrath against Israel may be appeased: "Take all the leaders of these people and hang them to exposure פָּרָדִים in broad daylight before the Lord לְפָרַד יִמֹּר, so that the Lord's fierce anger may be turned away פָּרַד יִמֹּר from Israel" (Num 25:4). The LXX translates the difficult phrase: παράδειγματικὸς ἀναφέρεται κυρία ἀπεμαντικός ἰσαύ. Here παράδειγματικός suggests public expo-
sure by hanging. Of particular importance is the fact that Yahweh not only prescribes that the death of the covenant-breakers would displace his wrath from upon the nation, but the manner of averting his anger includes hanging the violators up for exposure to Yahweh's wrath (הָלַפְנָי) for satisfaction.

In a similar way, David employed this form of execution upon seven descendants of Saul to turn away the curse of Yahweh. God had sent a famine upon the land for three years because of Saul's violation of a covenant with the Gibeonites. Upon David's inquiry, the Gibeonites prescribed that seven male descendants of Saul should be hung for exposure (סֵפִּיתוֹן; esthiasan; "exposure to the sun") before Yahweh (הָלַפְנָי) (2 Sam 21:6). The seven were given to the Gibeonites who hung them for exposure (סֵפִּיתוֹן; esthiasan, LXX) on a hill before Yahweh (הָלַפְנָי) (21:9). After David had retrieved the remains of the seven who had been killed and exposed (סֵפִּיתוֹן; esthiasan, 21:13; esthiasan, LXX), Yahweh again favored the land (21:14). As with Num 25:4, this passage portrays the vengeance of Yahweh being turned away from the nation by infliction of the curse upon a substitute, in this case upon seven male descendants of Saul.

3. Summary

Deut 21:22-23 does not address the death penalty per se, but restricts an intensification of it. When this Mosaic sanction is observed in the practice of Israel, it is evident that the exposure of the corpse (by hanging?) is, at times, divinely sanctioned as the means to propitiate Yahweh's vengeance on behalf of Israel. The corpse is suspended upon a wooden post or tree (Deut 21:22), raising the executed criminal from the earth, which he was no longer worthy to tread (2 Sam 4:11). He is held heavenward, as without hope, exposing him to the greater vengeance of God to turn away his wrath from Israel (Num 25:4; 2 Sam 21:6). Because "anyone who is hung upon a tree" is detestable (תָּלַפְנָי) or cursed of God, that one must be removed out of sight before nightfall, lest the land given by God be defiled (d. Lev 18:24-30; Num 35:34, Deut 11:12).

Accordingly, the suspension of the criminal in Deut 21:22-23 is associated with the propitiation of Yahweh's wrath. There is no need to search for a text tradition that interprets Deut 21:22-23 as speaking of crucifixion, for the association which Paul expresses in Gal 3:13 is not "hanging upon a tree" / "crucifixion" but "hanging upon a tree" / "vicariously bearing a curse." With this covenantal significance, Deut 21:22-23 provides a sufficient OT warrant for its

73 Heinrich Schlier, "deiknumi, ktl," TDNT 2.32. Coincidentally, the only use of paradeigmatisw in the NT is in Heb 6:6, where it speaks of the apostate's subjecting the Son of God to open shame.
use in Gal 3:13 with application to Christ who was hung "upon the tree" as the bearer of the curse.

C. Paul's NT Warrant for Citing Deut 21:22-23

It has already been argued that the basis upon which Paul used the OT, though undoubtedly influenced by Jewish exegetical techniques, was hermeneutically controlled by his belief that the OT finds its realization and fulfillment in Jesus Christ. Therefore, the exegete is obliged to give proper consideration to the contexts of both the OT text cited and the NT citation to determine Paul's sanction for quoting scripture as he does. Consideration of both the text and covenantal context of Deut 21:22-23 provides the "curse" / "removal of curse" motif around which Paul's argument builds and terminates in Gal 3:13. It is now necessary to find Paul's authorization for citing Deut 21:22-23 with application to Christ by examining the counterpart of the OT text, Gal 3:13-14.

1. Gal 3:13-14: Contextual Considerations

The "blessing" motif is introduced by Paul's citation of Gen 15:6 in 3:8 to prepare for the "cursing" motif of 3:10ff. Still, Paul must now explain two problems: (1) How can Gentiles receive the blessing promised to Abraham apart from becoming his sons by circumcision? (2) If the law no longer blesses, how is there any hope for Jews, who being subjected to the law, reside under its curse? The collocation of Deut 21:23 and Deut 27:26 points the way to resolution of both. Paul contends that both the blessing extended to Gentiles and the removal of the law's curse are resolved in the single act of Christ: "Christ redeemed us from the curse of the law by becoming a curse for us . . . in order that the blessing of Abraham might be given in Christ to the Gentiles." Of the two problems Paul poses, he addresses the second first.

(a.) Christ Redeems by Vicarious Curse Bearing. There is no doubt that the \textit{kata\(\text{\textalpha}\)ra} from which Christ has redeemed \textit{h\(\text{\textalpha}\)ma\(\text{\texti}\)} is the curse of Deut 27:26. Yet, the act of Christ did not destroy the curse of the law itself, for it still hangs heavily upon all who are \textit{nomists} (3:10).\(^{74}\) Rather, Christ's act is described by \textit{e\(\text{\textalpha}\)gora\(\text{\texta}\)zw} ("redeem"), used in both 3:13 and 4:5. Both texts speak of Christ's "buying free" subjects of the law. In 4:5,\(^{75}\) \textit{e\(\text{\textalpha}\)gora\(\text{\texta}\)zw} depicts the


\(^{75}\) See Daniel R. Schwartz, "Two Pauline Allusions to the Redemptive Mechanism of the Crucifixion," \textit{JBL} 102 (1983) 260-62, who states, "Now one might note a serious problem regarding 4:4-5: while it states that God redeemed the Jews by sending forth His son, it does not state how this redeemed them" (p. 260). He disregards Paul's explanation in 3:13 and contends that the problem is resolved by Paul's use of \textit{e\(\text{\textalpha}\)apos\(\text{\texte}\)tek\(\text{\textl}\)w} in 4:4 and links it, through the LXX, with \textit{\(\text{\textn}\)\(\text{\textl}\)} (piel) in Leviticus 14
transaction in Christ that liberates τουβ ἐπομονον from slavery or minority (mixed metaphors) unto ἀλευγεριας ("sonship") and ἐλευγεριας ("freedom, 5:1"). However, in 3:13 ἐγαραξω describes the act of Christ's releasing "us" from the effects of the law's curse by interposing himself in our place as he became ὑπερ ἡμῶν κατακαι... genomenoj kata... is probably an instance of abstractum pro concreto: "curse" = "bearer of the curse." The expression ὑπερ ἡμῶν, by itself, need not mean any more than "on our behalf." Yet, "in our place" is appropriate in view of the OT imagery to which Paul appeals. So 3:13 portrays Jesus in his death as vicariously taking upon himself the curse of the violated covenant to release his people from the law's curse.

(b.) The Referent of ἡνεηγ. Bruce and other scholars contend that ἡνεηγ; is an inclusive group of Jewish and Gentile Christians, for Paul's argument excludes the possibility that only Jews were redeemed from the law's curse. Bruce argues this on the basis that εἰς τα ἀγνηθ (v. 14) suggests benefits extended to the Gentiles and that τα παντα is inclusive language (v. 22). Westerholm suggests that Paul's language is "an unconscious generalization." However, though scholars generally think that Paul indiscriminately employs pronouns in Galatians 3-4, the progression of his argument makes better sense if they are distinguished. In Gal 3:10-4:7, Paul employs the first person when life under the law is in view and the and 16 where impurity or sin is transferred to a live bird or the scapegoat and sent forth from the camp into the desert (p. 261).

78 Cf. Fung, Galatians, 148.
79 Cf. Zerwick, Biblical Greek §91; M. J. Harris, NIDNTT 3.1197.
81 Bruce, Galatians, 166-67.
83 Westerholm, Israel's Law and the Church's Faith, 194-95.
84 See Raisanen, Paul and the Law, 18-23, with a sufficient bibliography. Raisanen points out that when Paul depicts the human dilemma outside Christ, he occasionally appears to include the Gentiles and the Jews together as subjects of the law.
85 Yet, it must also be kept in mind that underlying Paul's salvation-historical argument is his typological use of Israel's plight as representative of humanity's plight placed in contrast to the faithfulness of the New Israel. Cf. T. L. Donaldson, 'Curse of the Law' and the Inclusion of the Gentiles: Galatians 3:13-14," NTS 32 (1986) 105-6.
second person when the gentile Galatians' own situation is discussed.  

It is true, as Bruce points out, that εἰς τὰ ἐννήματα (v. 14) indicates that the Gentiles are beneficiaries of Christ's becoming a curse for the ἡμεῖς. Yet, the blessing extended to the Gentiles is one step removed from Christ's bearing the curse of the law;  

his bearing the law's curse redeemed (ἐξαγοράζω) the ἡμεῖς (i.e. τὸ ὑπονομοῦν, 4:5) from the curse of the law, "in order that" (ἡ, v. 14) the blessing may extend to the Gentiles. The natural reading suggests that the divine transaction of redeeming Jewish believers out from under the curse of the law was a precondition to bestowing the blessing of Abraham upon the Gentiles.  

(c.) Deut 21:22-23 Cited. Lindars astutely observes that the apostle conforms his citation of Deut 21:23 to match the string of curses in Deut 27:15-26, so the factual statement ("everyone is accursed who hangs") becomes an anathema ("cursed is everyone who hangs"). Paul's modification of the LXX kekatarama to ἐπικατατέω; suggests more than mere assimilation. It reflects his redemptive-historical understanding of the law as a covenant of demands with sanctions; Paul reads the law as a cohesive covenant. As such, its various and diverse parts together anticipated fulfillment in Christ. Paul, not as a rabbi bound only to the middoth, but as a Christian whose perspective is transformed by Christ's coming, interprets Deut 21:22-23 not so much in the light of Deut 27:26 (gezerah shawah), but sees the two together through the optic of fulfillment in Christ. The two texts, though isolated from one another in the context of the law, converge in Christ. So, the simple affirmation of the LXX is recast in the form of a sanction.


88 Hays, The Faith of Jesus Christ, 116-21, who convincingly shows concerning 3:13-14 and 4:3-6, that "The pattern is the same in both cases: Christ's action enables the Jews to receive redemption, the Gentiles to receive blessing/adoption, and Jews and Gentiles alike to receive the Spirit. Furthermore, in both cases the formulation moves from an initial division between 'us' and 'them' towards a final inclusive 'we' that makes no distinction between Jew and Gentile, and in both cases this movement is associated with the gift of the Spirit" (p. 117).  

89 Lindars, New Testament Apologetic, 232. Yet, he fails to show any significance to his observation. Instead, he attributes this change not only to assimilation to the preceding quotation of Deut 27:26, but he states, "It is also possible that it accurately represents the sharpened form in which this text was already being used by the enemies of the Church" (pp. 232-33).
Paul's appeal to Deut 21:22-23 is not to speak to the manner\textsuperscript{90} of Christ's death, for clearly the OT text does not address the means by which the criminal is to be executed. The apostle finds in this text a prophetic anticipation of Christ, not in his being suspended alive upon the cross, but in his relation to the law as the final and superior one who, "hung upon the tree," bears the curse of the law on behalf of Israel, and effects an epochal change in salvation history. His manner suggests that he expects his use of Deut 21:22-23 with 27:26 is perspicuous and gives credibility to his argument concerning the law.

\textbf{(d.) Messianic "Blessing" Spills over to the Gentiles.} Paul's question raised by 3:8 (How can Gentiles receive the blessing promised to Abraham apart from becoming his sons by circumcision?) is answered in 3:14. Verse 14 specifies the purpose for which Christ became the substitutionary bearer of the law's curse for those dwelling under the law. It does so with two īnā clauses, the second of which is arguably subordinate to the former (d. NASB, NIV).\textsuperscript{91} Both clauses express salvation-historical realities to be realized at Messiah's coming: (1) the blessing of the Gentiles, and (2) the arrival of the Spirit (d. 3:2-5; 4:6). Both effects mentioned in 3:14 are dependent upon the redemption of believing Jews from the curse of the law.\textsuperscript{92}

When Christ was hung "upon the tree," he replaced unfaithful Israel as he became the bearer of the law's curse. The propitious effect of his hanging "upon the tree" greatly transcends the effects of those of old, who by bearing the law's curse, with temporary benefits, turned away God's vengeance in cases of plagues upon Israel in specific breaches of the covenant (cf. Num 25:4; 2 Sam 21:6ff). His curse bearing is far-superior, for he did not merely bear the curse on behalf of believing Jews and remove it from them, leaving them under the law's jurisdiction. He "redeemed" them out from under the law's curse by replacing the law (cf. 3:19, 22-25; 4:5ff). Therefore, his curse bearing, which has salvation-historical ramifications, is described in terms of Israel's law. So when Paul speaks specifically of the benefits of Christ's death poured out upon the Gentiles, he does not employ the language of "redemption from the curse of the law." Instead, the blessing of Abraham spills out upon the Gentiles, because Israel's redemption from the law's curse opens the fountain of God's blessing beyond the bounds of ethnic Israel. In Christ the

\textsuperscript{90} Wilcox: ("Upon the Tree," 89-90, 93-94) fails to recognize the warrant for Paul's citation of Deut 21:22-23 and unduly pursues the possibility of an alternate explanation that, though the OT text did not "originally refer to crucifixion, it has been the subject of an early midrashic interpretation to accommodate it to such a context" (p. 90).

\textsuperscript{91} Cf. Betz, \textit{Galatians}, 152. Contrast Fung, \textit{Galatians}, 151, who takes them as coordinate clauses. He argues that the first "makes a statement from the perspective of salvation history" while the latter expresses the same truth "in terms of individual-spiritual experience."

\textsuperscript{92} Cf. Bligh, \textit{Galatians}, 272
believing Jew has been “bought out from under the law” (4:5) so that he, with the believing Gentile, now finds Abrahamic sonship defined by belonging to Christ, not to the law (3:26-29). In this new status, Jew and Gentile together are made recipients of the promised Spirit, for as the Galatians' own experience testifies, the Spirit comes only apart from the law in association with the preaching of the gospel (3:2-5).

2. “Tree” Motif in the NT

The presence of other allusions to Deut 21:22-23 in the NT requires brief consideration to examine the extent to which they cohere with and are influenced by Paul's citation in Gal 3:13. The four allusions are discussed under two heads: (1) References in Acts; and (2) 1 Pet 2:24.

(a.) References in Acts. There are three passages in the book of Acts that allude to Deut 21:22-23. The first two are ascribed to Peter (Acts 5:30 and 10:39). Both passages employ krema nummi epi cukon, a locution for crucifixion. For the purpose of comparison, the two texts are set out as follows:


o[qeoj tw hi pate<ron h]nw
h[geiren] Ihsou?,
o[q mei] diei<ris a s qe
krema<santej e[pi]xou.
tou]n o[qeoj h]giren e[pi] tri< t h[me]<%

Wilcox contends that these two texts employ a Greek version of Deut 21:22 other than the LXX, for the LXX reads Kat a7t0<vJ, kai> krema<shte au<n> e[pi]xou. 93 However, that such brief allusions to scripture differ from the source may be explained by the conventions of extemporaneous speech rather than by a different source text.

Whatever Peter's text may have been, the most crucial matter is his change of the finite krema shte of the LXX to the participle krema santej, making it depend upon diaeiri<za s qe (5:30) and a<heiplan (10:39). So, where the LXX accurately represents two distinct acts from the MT (he is put to death) and (he is hung), Peter's words do not separate the two. As a result, if kre-masantej is translated instrumentally (by hanging), NASB,

93 Cf. Max Wilcox, The Semitisms of Acts (Oxford: Clarendon Press, 1965) 34-35; idem, "’Upon the Tree’," JBL 96 (1977) 91. His argument is based upon: (1) the use of diaeirizoma (5:30, used only twice in the NT [cf. Acts 26:21]) and a<hai rew (10:39) creating a difference from a<poan of the LXX; (2) krema shte is changed to the participle krema santej (3) both omit au<n> after krema santej; and (4) the words krema santej e[pi]xou are introduced without explanation, though their link with Deut 21:22-23 is apparent.
NIV), the reference to Deut 21:22-23 is more oblique. A clearer allusion is preserved if the participle is rendered purely circumstantially, "whom you (they) had, killed, hanging him upon the tree."

In 5:30, the use of \textit{dias eirizoma\textsuperscript{94}} suggests an allusion to Deut 13:10 (LXX), where the Mosaic legislation outlines the procedures Israel is to take with regard to a false prophet.\textsuperscript{95} The false prophet is to be killed for seducing Israel away from Yahweh. The text reads, "Your hands [\textit{ai[xeile] }] shall be upon him first to kill him, and afterwards the hands of all the people" (LXX, 13:10). If this allusion is correctly identified, it strengthens the OT imagery of Deut 21:22-23 referred to in the words \textit{krema\textsuperscript{santej e\textit{pi}cukon}. The Sanhedrin surely understood the reference, for it had condemned Jesus for blasphemy (Matt 26:65) and received testimony against him for falsely prophesying (Matt 26:61).

The Sanhedrin's orders for the apostles to cease proclaiming Jesus elicited Peter's response: "The God of our fathers raised up [\textit{hgeiren }] Jesus, whom you put to death, hanging him upon the tree. This one God exalted to his right hand" (5:30-31). \textit{Egei\textsuperscript{rw}} is conceivably a reference to "resurrection," as the word is frequently used (BAGD, 215). Yet, it is better taken as the "raising up" of a prophet, for two reasons: (1) In Acts, where \textit{egei\textsuperscript{rw}} denotes resurrection, other indicators are present;\textsuperscript{96} and (2) it better suits the sequence of Peter's speech—God raised Jesus as a prophet among his people;\textsuperscript{97} You put him to death, hanging him upon the tree; But God did not ratify your condemnation of Jesus as a blasphemer, for he exalted him.

The third allusion to Deut 21:22-23 in Acts is 13:28-30. Two particular elements in the text suggest that Deut 21:22-23 is regarded here as fulfilled in Christ's Passion. First, and more obvious, is the mention of the removal of the body from the tree (\textit{kaqelo\textsuperscript{nte} apo\textit{tou\textsuperscript{cukou}}, vs. 29). Second, the expression \textit{mhdemi\textsuperscript{an a\textit{ijian qanatou}}, "no capital charge," recalls the occasion of the legislation of Deut 21:22a.\textsuperscript{98}

\textbf{(b.) 1 Pet 2:24.} Peter explicitly associates Deut 21:22-23 with Isaiah 53:

\begin{quote}
o\textit{tapa} a\textit{nantij h\textit{hwh} au\textit{top} \textit{aphmegken,} \\
"who himself bore our sins" (cf. Isa 53:12);
\end{quote}

\textsuperscript{94} Cf. its use in Acts 26:21, where it is also used to describe an "arrest" with an intention to put to death for an alleged violation of the Mosaic law.

\textsuperscript{95} Cf. \textit{ebekalon t\textit{a} xe\textit{ilaj e\textit{pi}to\textit{u}p a\textit{postokou}} (5:18).

\textsuperscript{96} Cf. 3:15; 4:10—o\textit{qo\textit{eop} \textit{hgeiren ek nekrw}}; 10:40—\textit{tut\textit{on o\textit{qo\textit{eop} \textit{hgeiren ek nekrw}}; 13:30—o\textit{dek\textit{eop} \textit{hgeiren au\textit{ton ek nekrw}}; 13:37—oh de\textit{qo\textit{eop} \textit{hgeiren, ou\textit{k eiden diaf qor\textit{a}}; 26:8—e\textit{ijio\textit{qo\textit{eop nekrou\textit{eij}}. Contrast Wilcox, "Upon the Tree," 94, who takes \textit{egei\textsuperscript{rw}} in 5:30 as "resurrection."


e philanthos wmatia auđou epitoxukon,
“in ‘his body’ ‘upon the tree’” (cf. Deut 21:23).

By bringing together the two passages, he interprets Isa 53:12 as fulfilled in Jesus’ death “upon the tree.” Like Paul in Acts 13:28-30, Peter does not merely associate Deut 21:22-23 with Jesus’ death, but also with his guiltlessness (cf. 1 Pet 2:22). But unlike Paul in Gal 3:13, it is doubtful whether Peter uses Deut 21:22 with regard to the curse pronounced upon the criminal. Rather, he uses the passage to draw attention to the shame of the punishment Christ suffered. Though he was convicted of no capital offense, Jesus was nevertheless treated as the guilty man of Deut 21:22-23, for he was “hung upon the tree” to be reviled. Peter’s purpose is parenetic rather than doctrinal.

There are, thus, indications that Deut 21:22-23 was early regarded as fulfilled in Christ’s Passion. So, when Paul penned his words to the Galatians, an early Christian exegetical tradition already interpreted Deut 21:22-23 concerning Christ’s guiltlessness, bearing the curse, hanging upon the cross, and burial, for the church realized that it was the Christ whom the text anticipated.

IV. CONCLUSIONS AND IMPLICATIONS

Much of Paul’s argument in Galatians 3 depends upon the OT scriptures. So, to grasp the development of his thesis, one must understand how he is using his OT citations. This study has isolated Gal 3:13 to offer a fresh approach to Paul’s use of Deut 21:22-23. This is done recognizing that he employed Jewish hermeneutical techniques in his use of the OT, yet that these were governed by his Christian hermeneutical matrix, namely, his belief that the entire OT realized its termination in Christ. Accordingly, the OT must now be read through the optic provided by his inauguration of the OT’s eschatological hope and anticipation. This lens now brings into focus what was formerly diffused and enigmatically predictive.

Reading Deut 21:22-23 from this hermeneutical matrix clarifies the legitimacy of Paul’s use of that passage in Gal 3:13. In its OT covenantal context, Deut 21:22-23 prepares for and anticipates Christ’s curse bearing upon the cross. The corpse of the covenant-breaker is hung “upon the tree” as a gruesome sign that he is an object of curse. He is suspended between heaven and earth, exposed to the vengeance of God to propitiate his wrath toward Israel (Num 25:4; 2 Sam 21:6ff).

From his salvation-historical perspective, Paul argues that Christ hung “upon the tree” in Israel’s place, bearing the curse of the violated covenant and turning away God’s wrath from his people by redeeming them out from under the law’s curse. This redemption of believing Jews from the law’s curse is epochal in character, for Christ replaces the law for Jews and in so doing extends to
Gentiles the blessing promised to Abraham. Thus, Jew and Gentile together are made recipients of the long-awaited Spirit of the new covenant.

Paul's use of Deut 21:22-23 to speak of Christ's Passion is corroborated by other NT uses of the "tree motif." Though Acts 5:30; 10:39; 13:29; and 1 Pet 2:24 all allude to Deut 21:22-23 with an application to Christ's cross, they do so without bringing over to the NT all that Paul does in Gal 3:13. Instead, they underscore Christ's guiltlessness, his divine vindication, and the shame he endured.

If this study is reasonably correct in its identification of biblical authorization for Paul's quotation of Deut 21:22-23 in Gal 3:13, it demonstrates the short-sightedness of exegesis that becomes unduly entangled in pursuing hidden midrashic link-words. Paul's warrant for employing his selected passage, though undoubtedly influenced by gezerah shawah, is not bound to the middoth, nor is he driven to find and appropriate in an ad hoc manner OT passages to validate the NT creed. The eye of faith, reading the OT through Paul's optic (namely the coming of Christ) will yield fresh and rewarding insights concerning how the NT cites the OT.

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