

"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 **cułon** 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 Barnab. 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, **edei gar, iha epi-cułou paq**^ ("for it was necessary for him to suffer upon the tree").

³ Barnabas Lindars, *New Testament Apologetic: The Doctrinal Significance of the Old Testament Quotations* (Philadelphia: Westminster, 1961) 232-37. See also A. T. Hanson, *Studies in Paul's Technique and Theology* (Grand Rapids: Eerdmans, 1974), 45-51, 155, 197; F. F. Bruce, "The Curse of the Law," *Paul and Paulinism: Essays in Honour of C. K. Barrett* (ed. M. D. Hooker and S. G. Wilson; London: SPCK, 1982) 27-36; and Max Wilcox, "Upon the Tree'-Deut 21:22-23 in the New Testament," *JBL* 96 (1977) 85-99.

was already being used by the enemies of the Church."⁴ 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

⁴ Lindars, *New Testament Apologetic*, 233. Cf. the earlier article by U. Holzmeister, "De Christi Crucifixione Quid e Deut. 21:22 et Gal. 3:13 consequatur," *Bib* 27 (1946) 18-29. Holzmeister suggests that Deut 21:22-23 was a text brought against Paul by Jewish opponents, a text which Paul had to answer. See also John Hoad, "Some New Testament References to Isaiah 53," *ExpTim* 68 (1956-57) 254-55.

⁵Cf. Barnabas Lindars, "The Place of the Old Testament in the Formation of New Testament Theology," *NTS* 23 (1976) 64. Contrast Peder Borgen ("Response," *NTS* 23 [1976] 75), who argues that the role of the OT in the NT "is much more than to be a mere mode of expression used in an *ad hoc* way."

⁶Seyoon Kim, *The Origin of Paul's Gospel* (Grand Rapids: Eerdmans, 1982) 46.

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).

⁸Ibid., 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" (**hgh?** Deut 21:23b), and a link forward to 3:18, "inheritance" (**kl hronomia**) possibly reflecting **ch kl hr&** in the unquoted portion of Deut 21:23b. Finally, Deut 21:23 aids Paul's peshet of 3:16 with the presence of **culon** as the "link-word" that offers the clue to Paul's interpretation of Gen 22:6.

⁹Cf. 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

¹⁰Richard N. Longenecker, *Biblical Exegesis in the Apostolic Period* (Grand Rapids: Eerdmans, 1975) 35; cf. 117. See, e.g., F. F. Bruce, "The Curse of the Law," 30; Bruce, *Commentary on Galatians* (NIGTC; Grand Rapids: Eerdmans, 1982) 165.

¹¹Joseph A. Fitzmyer, "The Use of Explicit Old Testament Quotations in Qumran Literature and in the New Testament," *Essays on the Semitic Background of the New Testament* (London: Geoffrey Chapman, 1971) 33. Concerning Paul's use of Deut 21:23, Fitzmyer states, "The only connection here between the verse of Deuteronomy and the Pauline use of it is the double pun of the Law's curse and the word 'cursed' and the crucifixion of Christ and 'hung on a tree.' The orator Paul is the one who makes the connection by putting them together" (p. 45).

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

¹³See 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.

¹⁴Cf. 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

¹⁵Martin 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).

¹⁶Douglas J. Moo, "'Law,' 'Works of the Law,' and Legalism in Paul," *WTJ* 45 (1983) 100.

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.¹⁷ Because Paul interprets God's great act in Christ from the vantage point of one dwelling in the tension between fulfillment and expectation,¹⁸ 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" (**pro>ou? elqen̄ th̄ pistin** [3:23])¹⁹ is contrasted with "now that faith has come" (**elqoushj th̄j pistewj** [3:25]).²⁰

¹⁷ Cf. Geerhardus Vos, *The Pauline Eschatology* (Princeton: Princeton University Press, 1930; reprint Grand Rapids: Baker, 1979) 37ff; and George E. Ladd, *A Theology of the New Testament* (Grand Rapids: Eerdmans, 1974) 68-69. See also Herman Ridderbos, "The Redemptive-Historical Character of Paul's Preaching," *When the Time Had Fully Come: Studies in New Testament Theology* (Grand Rapids: Eerdmans, 1957; reprint Jordan Station, Ontario: Paideia Press, 1982) 4460.

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

¹⁹ The epoch-making **pistij**, though debated, may be taken as Jesus Christ's faithfulness. The writer recognizes the difficulty of speaking with certainty whether **pistij IhsouXristou?** 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 **pistij** followed by a genitive noun of person the genitive is invariably subjective-[a] Rom 3:3 – **th̄ pistij tou?eou?h̄** [b] Rom 4:5 **pistij au?ou?ej̄ dikaiosunhn**; [c] Rom 4:12 – **pistewj tou?patroj̄ h̄w̄n** ; [d] Rom 4:16 – **kait̄&ek̄ pistewj Abraam** (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 **dia&ek̄** with the genitive to express the faith of Christ and **ej̄** with the accusative to express man's belief in Christ [cf. Phil 3:9]. (3) Likewise, Gal 3:22 involves a strange tautology if **ek̄ pistewj IhsouXristou?** is made synonymous with **toj̄ pisteuosin**. 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 – **toij pisteuousin**, the object of belief is nonetheless clearly understood from 2:16 (**hpeij eij Xristou Ihsouñ episteusamen**). (4) The subjective genitive reading better fits and puts into bold relief the christological centrality of Paul's argument in Gal 3.

The phrase **pistij IhsouXristou** has attracted many studies. Some more recent articles endorsing the subjective genitive are: Sam K. Williams, "Again Pistis Christou," *CBQ* 49 (1987) 431-47; Richard B. Hays, *The Faith of Jesus Christ: An Investigation of the Narrative Substructure of Galatians 3:1-4:11* (SBLDS 56; Chico, CA: Scholars, 1983) 158-76; Luke Timothy Johnson, "Rom 3:21-26 and the Faith of Jesus," *CBQ* 44 (1982) 77-90; Richard N. Longenecker, "The Obedience of Christ," *Reconciliation and Hope: New Testament Essays on Atonement and Eschatology presented to L. L. Morris* (ed. by Robert Banks; Grand Rapids: Eerdmans, 1974) 146ff; George Howard, "The 'Faith of Christ,'" *ExpTim* 85 (1973) 212-14; D. W. B. Robinson, "Faith of Jesus Christ' -- a New Testament Debate," *The Reformed Theological Review* 29 (1970), 71-81; Markus Barth, "'The Faith of the Messiah,'" *The Heythrop Journal* 10 (1969) 363-70; George Howard, "Notes and Observations on the 'Faith of Christ,'" *HTR* 60 (1967) 459-65; Morna D. Hooker, "**PISTIS XRISTOU**," *NTS* 35 (1989) 321-42. Fewer have specifically written to argue for the objective genitive: Arland J. Hultgren, "The *Pistis Christou* Formulation in Paul," *NovT* 22 (1980) 248-63; C. F. D. Moule, "The Biblical Conception of Faith," *ExpTim* 68 (1957) 157.

²⁰Cf. 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" (**proseteqh aexij ousteq^ to sperma** [3:19]); "locked up until the faith should be revealed" (**sugkl eionenoij eij tha nel lousan pistin kt.l.** [3:23]); "no longer under the *pedagogus*" (**ouketi upo paidagwoj** [3:35]).

²¹ Lindars, "Place of the Old Testament," 61.

²² Contrast *Ibid*, 64. Lindars implies this when he says, "Believing that Christ is the fulfilment 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."

product of OT anticipation.²³ 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."²⁴ 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.²⁵ Thus, Paul and the other NT writers are not dependent on their own skills in *peshet* 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.²⁶ 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).²⁷

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 [*ἐξ ἑσῶν νόμων*] or in association with the proclama-

²³ Cf. similar discussion by Max Wilcox, "On Investigating the Use of the Old Testament in the New Testament," *Text and Interpretation: Studies in the New Testament presented to Matthew Black* (ed. Ernest Best and R. McL. Wilson; Cambridge, Cambridge University Press, 1979) 234-35; and Matthew Black, "The Theological- Appropriation of the Old Testament by the New Testament," *SJT* 39 (1986) 7.

²⁴ Lindars, "Place of the Old Testament," 63.

²⁵ Cf. Richard N. Longenecker, "Who is the prophet talking about?": Some reflections on the New Testament's Use of the Old," *Themelios* 13 (1987) 4-5.

²⁶ According to Fitzmyer, "OT Quotations in Qumran and NT," *Essays on the Semitic Background of the New Testament*, 33.

²⁷ Cf. Dan G. McCartney, "The New Testament's Use of the Old Testament," *Inerrancy and Hermeneutics* (ed. Harvie M. Conn; Grand Rapids: Baker, 1988) 101-16.

tion of faith [**et akohj pistewj**]?"²⁸ 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."²⁹

Paul's next appeal sets up his third: "If the blessing of Abraham comes to of **oilek pistewj**, what then is there for those who are **oilek eegwn nomu**?"³⁰ To establish his thesis, that **oilek**

²⁸ The contrast which Paul draws is between the messages of two covenants. Based on evidence supplied by Rom 10:16-17 and 1 Thess 2:13, in the context of Gal 3:2, 5, **akoh** may best be taken as report or message. Cf. Gerhard Kittel, "**akouo—akoh**," *TDNT* 1.221; Hans Dieter Betz, *Galatians: A Commentary on Paul's Letter to the Churches in Galatia* (Hermeneia; Philadelphia: Fortress, 1979) 128. Cf. esp. Hays, *The Faith of Jesus Christ*, 143-49. Those who take **akoh** in the active sense ("hearing") against the passive sense ("message, report, the thing preached") frequently follow J. B. Lightfoot, *The Epistle of St. Paul to the Galatians* (Cambridge: University Press, 1865; reprint Grand Rapids: Zondervan, n.d.) 135, who argues that it offers "a better contrast to **eegwn**, which requires some word expressing the part taken by the Galatians themselves" (Cf. Sam K. Williams, "The Hearing of Faith: **AKOH PISTEWS** in Galatians 3," *NTS* 35 [1989], 82-93, esp. 86; and Ronald Y. K. Fung, *The Epistle to the Galatians* [NICNT; Grand Rapids: Eerdmans 1988] 132-33). Lightfoot's argument presumes that the expression **eega nomu** primarily has in view "human deeds performed." However, recognition that in Paul **eega nomu** is a fuller synonym for **nomj**, leads one to conclude that both expressions represent the old covenant with its demands and sanctions. Cf. Joseph B. Tyson, "'Works of Law' in Galatians," *JBL* 92 (1973) 423-31, esp. 429; Stephen Westerholm, *Israel's Law and the Church's Faith* (Grand Rapids: Eerdmans, 1988), 117, 121. Cf. also Moo, "Law," 90-99. But James D. G. Dunn ("The New Perspective on Paul," *BJRL* 65 [1982-83] 1107), restricts **eega nomu** to circumcision and food laws.

²⁹ Paul's early appeal to the reception of the Spirit remains a central element in his argument, as it resurfaces in 3:14 and 4:6. To Paul, the age of fulfillment is "the age of the Spirit." Cf. Geerhardus Vos, "The Eschatological Aspect of the Pauline Conception of the Spirit," *Redemptive History and Biblical Interpretation* (ed. Richard B. Gaffin, Jr.; Phillipsburg, NJ: Presbyterian and Reformed, 1980) 91-125.

³⁰ Paul's two expressions – **oilek pistewj** and **oioi et eegwn nomu eisin** -- are frequently misread as **oipisteuontej** ("the believers") or **oioi pisteuousin** ("those who believe") and of **oilek gazomenoi** or **oipoiouhatej ta nomu** ("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 (**ton ek pistewj Ihsouj**) and Rom 4:16 (**t&ak pistewj**), both of which are best taken as subjective genitives. Also, phrases similar to the second are found in Rom 3:19 (**toij et t&hon& l al ei?**, Rom 4:14 (**eigar oilek nomu kl hronomi**), and in Rom 4:16 (**oujt&ak tou nomu monon**). Cf. also other phrases of this nature: Acts 10:45 (**oilek peritonhj**), Rom 2:8 (**toij et etiqeijaj**), Tit 2:8 (**oilek ehantiaj**), and Gal 2:12 (**touj ek peritonhj**). These phrases, with the construction-substantival article + **ek** + 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 << -ist >> 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 **oilek . . . , oilek . . .** 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, **oilek pistewj eulogouhtai sun . . . Abraam** (v. 9), the link that prepares for the corresponding opposite, **osoie e egwn nomu ei sin upokataran ei sin** (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 **eh nom&**," verified by citing Hab 2:4; and (2) "The law is not **ek pistewj**, but [**al la**]'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 [**upokataran**]!" To prove his point he cites Deut 27:26 with the causal introductory formula (**gegraptai gar 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 **osoie e egwn nomu ei sin** is read, "as many as do the works of the

Accordingly, Paul's expressions – **oilek pistewj** and **osoie e egwn nomu ei sin** -- 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 **osoie e egwn nomu ei sin**. 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.

³³ Cf. Gerhard Ebeling, *The Truth of the Gospel: An Exposition of Galatians* (Philadelphia: Fortress, 1985) 169.

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. Jaroslav Pelikan; St. Louis: Concordia, [1963]252).

law."³⁵ 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 **οσοι εϑ εϑγwn nomou ειςιν** 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 **εϑga nomou** 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."³⁷ 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."³⁸ There are two problems with such an approach. First, it fails to recognize that **οσοι** is linked with it **εϑ εϑγwn nomou** by the copulative **ειςι** to denote "belonging to" (BAGD, 225),³⁹ 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.⁴⁰ In contrast, understanding **οσοι εϑ εϑγwn nomou ειςιν** to mean "as many as are nomists (i.e., identify with the old covenant)," observes Paul's equation of **εϑga nomou** with **nomoj** 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,⁴¹ does not atomize the curse to individuals distinct

³⁵ But see the discussion above in note 30.

³⁶ Dunn, "The New Perspective on Paul," *BJRL* 65 (1982-83)110f.

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.'"

³⁸ Heikki Raisanen, "Galatians 2:16 and Paul's Break with Judaism," *NTS* 31 (1985), 544 (italics original). The same criticism may be applied to H. J. Schoeps, *Paul: The Theology of the Apostle in the Light of Jewish Religious History* (Philadelphia: Westminster, 1961) 176-77; Bruce, *Galatians*, 157-60; C. E. B. Cranfield, "St. Paul and the Law," *SJT* 17 (1964) 43-68; Daniel Fuller, *Gospel and Law: Contrast or Continuum?* (Grand Rapids: Eerdmans, 1980), 87ff..

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 conflates two texts, perhaps Deut 27:26 and 28:61. His inclusion of **toij gegrammenoij eħ t'biblii& tou nomou** 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 typologically⁴² 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.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 curse⁴⁴ 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 *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, **Xristoj hħaj eħgorasen eħ tou nomou**, 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" (**Xristoj hħaj eħ-**

⁴² See e.g. Douglas J. Moo, "Israel and Paul in Romans 7.7-12," *NTS* 32 (1986) 122-35; Mark W. Karlberg, "Israel's History Personified: Romans 7:7-13 in Relation to Paul's Teaching on the 'Old Man,'" *TrinJ NS* 7 (1986) 65-74; idem, "The Significance of Israel in Biblical Theology," *JETS* 31 (1988) 257-69.

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).

⁴⁴ Cf. Daniel's prayer (Dan 9:5-13) and Zechariah's song (Luke 1:68-75).

gorasen ek thj kataraj tou nomou genomenoj ufer hfwñ katara). To prove his assertion, he cites Deut 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.⁴⁵ His brief citation reads, **epikataratoj paj ol krenamenoj epi-culou**, but the portion alluded to in the LXX reads, **oti kekataramenoj (kekathramenoj) ufo-qeou? paj krenamenoj epi-culou**. Two main differences must be observed: (1) Paul's substitution of an adjective for the participle of the LXX; and (2) his omission of the words **ufo-qeou?**⁴⁶ Yet he agrees with the LXX against the MT by adding **epi-culon** after **krenamenoj**.⁴⁷

First, Paul substitutes **epikataratoj** in place of **kekataramenoj** (LXX). In the Masoretic text of Deut 21:23 the hanged man is not said to be אָרָרָה (the word rendered **epikataratoj**, "cursed," in Dent 27:26) but קִלְלַת אֱלֹהִים ("a curse of God").⁴⁸ Whereas the קִלְלַת אֱלֹהִים is rendered in the LXX **kekataramenoj ufo-qeou?** Paul uses **epikataratoj**, the same verbal adjective the LXX employs to translate אָרָרָה 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-**

⁴⁵ See, e.g. Crawford Howell Toy, *Quotations in the New Testament* (New York: Charles Scribner's Sons, 1884) 192-93; Otto Michel, *Paulus and seine Bibel* (BFCT 2/18; Gutersloh: Mohn, 1929; reprinted, Darmstadt: Wissenschaftliche Buchgesellschaft, 1972) 65, 75.

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 **krenamenoj** the phrase appears twice earlier: עַל-הָעֵץ וְלִיתְּ אֹתוֹ (21:22) and עַל-הָעֵץ לֹא-תָלִין נִבְלָתוֹ (21:23a). Schoeps (*Paul*, 179) points out that תָּלוּי in Deut 21:23b, meaning "hanged" or "elevated," may serve the evangelist John's purpose in his verb תָּלוּי (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 . . . katara** (Gal 3:13a).

kataratoj instead of the perfect passive participle of the LXX by way of assimilation to his citation of Deut 27:26⁴⁹ in 3:10.⁵⁰

Second, and more difficult, is Paul's omission of the **υφο>γεου?** 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" (קָלַלְתָּ אֱלֹהִים תְּלִיָּה) by reading, "everyone hung upon a tree is accursed by God."⁵¹ Scholars frequently regard Paul's omission of **υφο>γεου?** after **epikataratoj** as his attempt to avoid suggesting that Christ on the cross was really cursed by God.⁵² Paul leaves the "curse" unqualified, for his point is that Christ became "on our behalf" (**υπερ ημων**) "a curse" (**katara**) absolutely, so he makes no reference to God in either his assertion (3:13a) or the quotation itself (3:13b).⁵³

(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 **oti dia>tha blasf hmian tou?geou?krenasq^**, "for he was hanged on account of blasphemy of God." *Tg. Onqelos* approaches this, as it reads, קדם יי איצטליב רחב ארי על רחב ("For he was hanged because he sinned before the Lord").⁵⁴ The Targum circumvents the association of "curse" with "God" in the Hebrew text by translating generally קָלַלְתָּ ("curse") with "sinned" and then associates the act of sinning with man before (קדם) God. Similarly, *m. Sanh. 6:4* responds to the question, "Why was this one hanged?"--"because he *blessed* [a euphemism for 'blasphemed'] the Name".⁵⁵ 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 קָלַלְתָּ אֱלֹהִים 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,⁵⁶ 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 **υφο>γεου?** 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

⁴⁹ This quotation diverges from the LXX at several points.

⁵⁰ See Wilcox, "'Upon the Tree,'" 87; Bruce, *Galatians*, 165.

⁵¹ So also Aquila, and Theodotion: **katara qeou?krenanenoj**.

⁵² Cf. Bruce, *Galatians*, 165.

⁵³ Wilcox, "'Upon the Tree,'" 87.

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

⁵⁵ Some texts read "cursed."

⁵⁶ For a brief background on Aquila, Theodotion and Symmachus see Ernst Würthwein, *The Text of the Old Testament* (Grand Rapids: Eerdmans, 1979) 53-55.

sanction-form in which he casts the quotation.⁵⁷ His use of **epikataratoj** instead of the LXX **kekataramenōj** may favor the omission, since **epikataratoj** **ὑποκεου?** is doubtful Greek."

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 **קָלַלְתָּ אֱלֹהִים**, leaving a complex history of the text.

(c.) **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 *alive*" (**יְתִלֶּה אֲנָשִׁים חַיִּים אֶשֶׁר**). The line following (line 8) adds a further note concerning "a man hanged *alive* on [the] tree" (**כִּי לְתֵלֹוֹ יַעַל [הָ] עֵץ**). 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 unsure⁶⁰ -- too uncertain to warrant firm conclusions.⁶¹

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 (**הַעֵץ וַיִּמַּת**) and 11 (**יְתִלֶּה אֶשֶׁר**) 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

⁵⁷ Greater discussion of this follows in the next section.

⁵⁸ See Hanson, *Studies in Paul's Technique and Theology*, 49.

⁵⁹ The words **עַל [הָ] עֵץ** are reconstructed from mere traces of letters, while the last word of line 8, taken as **אֶשֶׁר**, 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," *JBL* 75 (1956) 91.

⁶⁰ Gert Jeremias, *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 . . ." (**תִּלֶּה**). He argues, then, that the link between **kremamenōj** and **epi-culōn** 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.

⁶² Yigael Yadin, "Peshar Nahum (4Q pNahum) Reconsidered," *IEJ* 21 (1971) 12.

⁶³ See Joseph M. Baumgarten, "Does TLH in the Temple Scroll Refer to Crucifixion?" *JBL* 91 (1972) 472-81, esp. 476-78.

put to death and they shall hang him on the tree").⁶⁴ Accordingly, the text hardly speaks of crucifixion, and at best it is unclear whether hanging is even considered a means of execution.⁶⁵ Still, 11QTemple 64:12 is evidence of a text of Deut 21:23 that is closer to Gal 3:13b and the LXX,⁶⁶ particularly with the inclusion of the words "upon the tree" after תלוּ, "hanged man."⁶⁷

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.⁶⁸ 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"⁶⁹ 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־קָלַלְתָּ אֱלֹהִים תְּלוּי ("an object of curse," *BDB*, 887) because it is hanging upon a tree (עַל־הָעֵץ) 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,

⁶⁴ The text reads עַל פִּי שְׁנַיִם עֵדִים וְעַל פִּי שְׁלוֹשָׁה עֵדִים יוֹמָת וְהָמָּה יִתְּלוּ אוֹתוֹ הָעֵץ.

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 מִקּוֹלְלֵי אֱלֹהִים וְאֲנָשִׁים תְּלוּי עַל הָעֵץ ("for he who is hanged on the tree is accursed of God and men").

⁶⁸ See Peter C. Craigie, *The Book of Deuteronomy* (NICOT; Grand Rapids: Eerdmans, 1976) 285.

⁶⁹ The Hebrew עֵץ, like the Greek *culon*, 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, כִּי־קָלַלְתָּ אֱלֹהִים, 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 [קָלַל infinitive absolute, BDB, 1068] is a curse (injury, insult, mockery) to God" (Symrnachus, *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).⁷⁰ 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 (תָּלָה עַל־הָעֵץ) 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 (עַל הַמְּשָׁה עֵצִים וַיִּתְּלֵם), 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).⁷¹ Instead of תָּלָה, both passages employ יָקַע ("be dislocated, alienated," BDB, 429) in a figurative sense of a solemn form of execution.⁷² 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 [וְהוֹקַע] in broad daylight before the Lord [לְיְהוָה], so that the Lord's fierce anger may be turned away [וַיִּשָּׁב] from Israel" (Num 25:4). The LXX translates the difficult phrase: **paradeigmatison autouj kuri& apenanti touh[iou]**. Here **paradeigmatizw** suggests public expo-

⁷⁰ David had Baanah and Recab killed, for they had slain Ish-Bosheth, and after severing their hands and feet he had their bodies hung (וַיִּתְּלֵם; ekremasan, LXX) by the pool in Hebron. The context clarifies that David carried out the gruesome act in satisfaction for a capital offense. , "

⁷¹ While the bodies of enemies killed in battle were evidently exposed largely; for publicity purposes, this is less likely in the case of criminals, for the community participated in the execution of the covenant-breaker, making it a public act. See Anthony Phillips, *Ancient Israel's Criminal Law* (Oxford: Basil Blackwell, 1970) 25.

⁷² *Ibid.*, 26. Neither passage makes clear the means of death.

sure by hanging.⁷³ 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 (לִי יְהוָה) 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 (וְהוּן קָעַנּוּם; **ephliasmwn** ["exposure to the sun"]) before Yahweh (לִי יְהוָה) (2 Sam 21:6). The seven were given to the Gibeonites who hung them for exposure (וַיִּקְרְעוּם; **ephliasan**, LXX) on a hill before Yahweh (לִי יְהוָה לְפָנָי, 21:9). After David had retrieved the remains of the seven who had been killed and exposed (וַיִּמְוָקְעוּם, 21:13; **ephliasmwn**, 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 (תִּלְוָה) 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, "**deiknuni, kt1**," *TDNT* 2.32. Coincidentally, the only use of **paradeigmatizw** 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 **katara** from which Christ has redeemed **h[aj]** 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 *nomists* (3:10).⁷⁴ Rather, Christ's act is described by **efagorazw** ("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 **efagorazw** depicts the

⁷⁴ Cf. John Bligh, *Galatians: A Discussion of St. Paul's Epistle* (London: St. Paul Publications, 1969) 265.

⁷⁵ See Daniel R. Schwartz, "Two Pauline Allusions to the Redemptive Mechanism of the Crucifixion," *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 **efapostel lw** in 4:4 and links it, through the LXX, with **לש** (piel) in Leviticus 14

transaction in Christ that liberates **touj upōnomōn** from slavery or minority (mixed metaphors) unto **uifqesia** ("sonship") and **eļ euqeria**. ("freedom, 5:1).⁷⁶ However, in 3:13 **eļagorazw** 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 **uþer hþwñ katara**. Riesenfeld appropriately points out that **Xristoj . . . genomenoj katara** is probably an instance of *abstractum pro concreto*: "curse" = "bearer of the curse."⁷⁷ The expression **uþer hþwñ**, by itself, need not mean any more than "on our behalf."⁷⁸ Yet, "in our place" is appropriate in view of the OT imagery to which Paul appeals.⁷⁹ 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.⁸⁰

(b.) **The Referent of hþeiþ**. Bruce and other scholars contend that **hþeiþ**; 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.⁸¹ Bruce argues this on the basis that **eij taxqñh** (v. 14) suggests benefits extended to the Gentiles and that **taxpanta** is inclusive language (v. 22).⁸² Westerholm suggests that Paul's language is "an unconscious generalization."⁸³ However, though scholars generally think that Paul indiscriminately employs pronouns in Galatians 3-4,⁸⁴ the progression of his argument makes better sense if they are distinguished.⁸⁵ 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).

⁷⁶ Cf. Friedrich Buchsel, "**agorazw, eļagorazw**," *TDNT* 1.126-27.

⁷⁷ Harald Riesenfeld, "**uþer**," *TDNT* 8.509. Cf. Herman Ridderbos, "The Earliest Confession of the Atonement in Paul," *Reconciliation and Hope*, 80.

⁷⁸ Cf. Fung, *Galatians*, 148.

⁷⁹ Cf. Zerwick, *Biblical Greek* §91; M. J. Harris, *NIDNTT* 3.1197.

⁸⁰ Cf. *Ibid.* Contrast Morna D. Hooker, "Interchange in Christ," *JTS* 22 (1971) 349-61, whose scheme cannot adequately explain Paul's language in Gal 3:13. See also James D. G. Dunn, "Paul's Understanding of the Death of Jesus," *Reconciliation and Hope*, 123-41, who, like Hooker, attempts to interpret Jesus' death in terms of representation only, without substitution. But contrast Ridderbos, "The Earliest Confession," *Reconciliation and Hope*, 79ff.

⁸¹ Bruce, *Galatians*, 166-67.

⁸² *Ibid.* Cf. George Howard, *Paul: Crisis in Galatia* (Cambridge: Cambridge University Press, 1979) 59; E. P. Sanders, *Paul, the Law and the Jewish People* (Philadelphia: Fortress Press, 1983) 68f, 72, 81; Franz Musser, *Der Galaterbrief* (HTKNT; Freiburg: Herder, 1977) 231-34, 268-70; Fung, *Galatians*, 148-49.

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.⁸⁶

It is true, as Bruce points out, that **eiĵ taꝑnh** (v. 14) indicates that the Gentiles are beneficiaries of Christ's becoming a curse for the **hꝑeiĵ**. Yet, the blessing extended to the Gentiles is one step removed from Christ's bearing the curse of the law,⁸⁷ his bearing the law's curse redeemed (**ꝑagorazw**) the **hꝑeiĵ** (i.e. **toiĵ upononou**, 4:5) from the curse of the law, "in order that" (**iha**, 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.⁵⁸

(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").⁸⁹ Paul's modification of the LXX **kekatarameoj** to **epikataratoj**; 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.

⁸⁶ See Moo, "Law," 81. Cf. also Douglas R. de Lacey, "The Sabbath/Sunday Question and the Law in the Pauline Corpus," *From Sabbath to Lord's Day*, (ed. D. A. Carson; Grand Rapids: Zondervan, 1982) 165-66 (on 3:23-4:7); Andrew J. Bandstra, *The Law and the Elements of the World: An Exegetical Study in Aspects of Paul's Teaching* (Kampen: Kok, 1964) 59-60 (on 4:3); Bligh, *Galatians*, 235 (who interestingly finds in this segment of Galatians a reproduction of Paul's speech on the Antioch incident); Betz, *Galatians*, 148-78. Cf. also D. W. B. Robinson, "The Distinction between Jewish and Gentile Believers in Galatia," *ABR* 13 (1965) 29-48.

⁸⁷ Cf. Donaldson, "The 'Curse of the Law' ," 94.

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 manner⁹⁰ 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.

(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 **iha** clauses, the second of which is arguably subordinate to the former (d. NASB, NIV).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.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

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).

⁹¹ Cf. Betz, *Galatians*, 152. Contrast Fung, *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."

⁹² Cf. Bligh, *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 **kremanunni epi>cułon**, a locution for crucifixion. For the purpose of comparison, the two texts are set out as follows:

Acts 5:30
ołqeoꝝ twñ paterwn hñwñ
hgeiren ĩhsouñ,
oñ uprej diexeirisasqe
kremasantej epi>cułou.

Acts 10:39-40
oñ kai>aheil an,
kremasantej epi>cułou.
touñon ołqeoꝝ
hgeiren eñ t^?trit^ hñer%

Wilcox contends that these two texts employ a Greek version of Deut 21:22 other than the LXX, for the LXX reads *Kat a7t09a.vTJ*, **kai>kremashte auñon epi>cułou.**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 **kremashte** of the LXX to the participle **kremasantej**, making it depend upon **diexeirisasqe** (5:30) and **aheil an** (10:39). So, where the LXX accurately represents two distinct acts from the MT **תְּהַיְחַדְּוּ** (“he is put to death”) and **תָּלְוּ** (“he is hung”), Peter's words do not separate the two. As a result, if **kremasantej** 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 **diaxeirizomai** (5:30, used only twice in the NT [cf. Acts 26:21]) and **aħairew** (10:39) creating a difference from **apoqan^** of the LXX; (2) **kremashte** is changed to the participle **kremasantej** (3) both omit **auñon** after **kremasantej**; and (4) the words **kremasantej epi>cułou** 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 **diaxeirizomai**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.⁹⁵ The false prophet is to be killed for seducing Israel away from Yahweh. The text reads, "Your hands [**ai]xeitej**] 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 **kremasantej epi-culon**. 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 [**hgeiren**] Jesus, whom you put to death, hanging him upon the tree. This one God exalted to his right hand" (5:30-31). **Egeirw** 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 **egeirw** denotes resurrection, other indicators are present;⁹⁶ and (2) it better suits the sequence of Peter's speech--God raised Jesus as a prophet among his people;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 (**kaqel ontej apo> tou?culou**, vs. 29). Second, the expression **nhdemian aiŋian qanatou**, "no capital charge," recalls the occasion of the legislation of Deut 21:22a.⁹⁸

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

of taj aŋartiaj hfwñ auŋoj aŋnegken,

"who himself bore our sins" (cf. Isa 53:12);

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.

⁹⁵ Cf. **epebal on taj xeifaj epi-touj apostołouj** (5:18).

⁹⁶ Cf. 3:15; 4:10 – **oh o]qcoj hgeiren ek nekrwn**; 10:40 – **touton o]qcoj hgeiren e] t^ h]er**; 13:30 – **o]de-qcoj hgeiren auŋon ek nekrwn**; 13:37 – **oh de-o]qcoj hgeiren, ouk eiden diaf qoran**; 26:8 – **ei]o]qcoj nekrouj egeirei**. Contrast Wilcox, "'Upon the Tree,'" 94, who takes **egeirw** in 5:30 as "resurrection."

⁹⁷ See BAGD, p. 215. a. Matt 11:11; Luke 7:6; John 7:52.

⁹⁸ Cf. the use of **aiŋia** in the Passion narratives (Matt 27:27; Mark 15:26; John 19:4, 6). Luke 24:20b reads, instead, **krima qanatou**, reflecting the LXX form of Deut 21:22a.

ἐπὶ τῷ σώματι αὐτοῦ ἐπιτοξεύων,

“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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