

GUARDING THE PARENTS' HONOUR—DEUTERONOMY 21.18-21\*

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The law of the unruly son (Deut. 21.18-21) is certainly one of the more puzzling texts in the book of Deuteronomy, if not in the Old Testament as a whole. The Hebrew Bible never mentions the practice of such a law and the practice strikes one as barbaric, for it does not seem to fit the general Old Testament perception of parents as loving and caring persons.<sup>1</sup> In this article I hope to show, however, that it was clearly a normal procedure for parents in antiquity to discipline their children in a way that may look severe by modern standards.

It seems appropriate first to clarify problematic linguistic and grammatical issues, before turning to the relationship of Deut. 21.18-21 to the fifth commandment. It will then be argued that the law is a specific

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1. Nevertheless the law seems to serve as a *Vorlage* for a couple of modern laws, defining 'juvenile delinquency'. Thus we read in §712 of the *New York State Family Court Act*: 'A "person in need of supervision", means a male less than sixteen years old of age and a female less than eighteen years of age who does not attend school...or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other lawful authority'. The State of California is even more harsh in its judgment of unruly children and states in §610 of the *Welfare and Institutions Code*: 'Any person under the age of 18 years who persistently or habitually refuses to obey the reasonable and proper orders or directions of his parents, guardian custodian or school authorities...' The law moves on to stress especially the dangers of leading an idle, dissolute and immoral life (quoted from Marcus 1981: 32).

explanation of that commandment<sup>2</sup> rather than a commentary on the sixth commandment.<sup>3</sup> I will also look at the sociological setting of the law, applying social-scientific models of the relationship of parents and children in antiquity in contrast to our modern understanding and introducing the notion of honour and shame. It is my goal to show what was actually meant if a son was labelled *בן סורר ומורה*, what such a label implied for his parents, and why a father (and mother) in antiquity would have never acted like the parents in Deut. 21.18-21. Thus I hope to demonstrate that 21.18-21 represents yet another utopian law in Deuteronomy that served only preventive purposes.<sup>4</sup>

### *The Setting of the Text*

With Deut. 21.18-21 we have moved into the realm of family laws within the legal corpus of Deuteronomy 12–26. We find here expanded material concerning the family, whereas the Book of the Covenant (Exod. 20.22–23.33) contains just one stipulation concerning the family, namely Exod. 22.15.<sup>5</sup> The formal structure of the law of the unruly son suggests that Deut. 21.15-17, 21.18-21 and 21.22-23 belong somehow together, since only here do we find an introduction with *כִּי + הִיא* or *כִּי + לֹאִישׁ* or *בְּאִישׁ*, a formula to be read nowhere else in Deuteronomy.<sup>6</sup> Perhaps Deut. 21.18-21 stimulated the insertion of Deut. 21.22?<sup>7</sup>

2. Cf. Miller 1990: 166

3. Thus Braulik 1991: 72

4. Also Gertz (1994: 191-92) recognizes this when he states that the law has never been formulated for the actual jurisdiction but rather for internalization of the norms of society.

5. Carmichael 1974: 138. Otto (1994: 191) also thinks that the redactor of Deuteronomy uses a pre-deuteronomic collection of family laws; according to him this collection contained Deut. 21.15-21, 22.13-21a, 22a, 23, 24aa, 25, 27, 28-29; 24.1-4a.5; 25.5-10. Similarly, Nielsen (1995: 204) and Gertz (1994: 173) places the law of Deut. 21.18-21 together with other laws in which the elders of Israel play an important role such as Deut. 21.18-22; 22.13-21; 25.5-10.

6. Outside Deuteronomy we find such a construction in Lev. 22.12 and Num. 30.3.

7. Thus already Steuernagel (1923: 131). See also Braulik (1991: 71) and Gertz (1994: 177). In contrast to such a view Seitz (1971: 117) assumes that we have here an old tradition that placed Deut. 21.15-17 and 21.18-21 together, quite analogous to Codex Hammurabi 165-169. Unfortunately Seitz fails to notice that the laws in Codex Hammurabi 165-195 are all connected by the main theme of

Deuteronomy 21.18a poses a further problem: while the text makes reference only to  $\text{שׁוֹנֵא}$  at this point, later on both father and mother of the disobedient one act together.<sup>8</sup> The author may have chosen Deut. 21.18 to connect the law with his *Vorlage* in Deut. 21.15-17; if so, it is possible to conclude that Deut. 21.18-21 is considerably younger than the preceding law,<sup>9</sup> an observation to be kept in mind. In addition it is noteworthy that Deut. 21.18-21 belongs to a series of laws concerned with public order, in the course of which the address changes from 3rd to 2nd person.<sup>10</sup>

### *Exegesis*

The law of the unruly son can be clearly separated from its surrounding verses, since in Deut. 21.18 and 21.22 new units commence.<sup>11</sup> The law itself can be divided into two parts:<sup>12</sup> its impersonal *protasis* (v. 18) simply states the case in a casuistic way and thus describes the acts of the son<sup>13</sup> and the reaction of his parents to the repeated disobedience. The *apodosis* (vv. 19-21) is twofold, describing the action taken by the parents (vv. 19-20) and elders (v. 21a $\alpha$ ). In Deut. 21.21a $\beta$  the address changes and therefore the last part of the verse is not really part of the *apodosis* (Gertz 1994: 181).

The words  $\text{זוֹלֵל וְסַבֵּב}$  in Deut. 21.20b may be regarded as a gloss<sup>14</sup> because the second half of the verse destroys the parallelism of vv. 18a and 20a:

inheritance, an aspect that is clearly missing in Deut. 21.18-21. Cf. Mayes 1981: 302.

8. Cf. Hossfeld 1982: 256.

9. Gertz 1994: 178. Callaway (1984) also thinks that the law originated out of a courtly setting and has later been incorporated into Deuteronomy. By contrast Nielsen (1995: 204) claims that both laws date from pre-deuteronomic times.

10. See also Deut. 21.22-23; 24.7; 25.1-3, 11-12

11. See Driver 1902: 247-48; Steuernagel 1923:130-31; von Rad 1983: 99; Merendino 1969: 245-46; Mayes 1981: 302; Crüsemann 1992: 295; Gertz 1994: 180; Nielsen 1995: 194.

12. Cf. Seitz 1971: 118; Dion 1993: 74.

13. Merendino (1969: 246) wants to exclude Deut. 21.18a $\beta$  because it does not fit the *Gattung* of a law. Thus, after some atomising literary criticism he arrives at an original law consisting of Deut. 21.18a $\alpha$ , 21a, concluding that there must have been an older apodictic form such as:  $\text{בֶּן סוֹרֵר וְמוֹרֵד מוֹת יוֹמָת}$ .

14. So already Steuernagel 1923: 130.

(18a) בן סורר מורה איננו שמע בקול  
 (20a) בננו זה סורר ומרה איננו שמע בקלנו

The same phrasing can also be found in Prov. 23.20-23; 28.7 and Isa. 56.11 but it is never an offence that requires the death penalty. Probably a later author with a knowledge of the phrase inserted it to explain the acts of the son.<sup>15</sup> The law ends with (an expanded version of) the *בערה*-formula also found in Deut. 17.12-13 and 19.18-19.

The disobedience of the son is described with three participles (*סורר* (*סורר*) and *מורה* (*ומרה*)) used in an attributive sense.<sup>16</sup> *שמע*, as opposed to *סורר* or *מרה*, is found elsewhere in the Old Testament<sup>17</sup>—the two latter items can be synonymously<sup>18</sup> employed to describe a general attitude of disobedience<sup>19</sup>—thus it seems that a general persisting attitude rather than a single act is meant.<sup>20</sup> In Deut. 21.18b *לא שמע* is synonymous for *מרה*<sup>21</sup> and thus the whole phrase need not be repeated.

Strangely, the first participle (*סורר*) normally refers to the deeds of a group.<sup>22</sup> It may serve to characterize a public offence.<sup>23</sup> This would also be true for *מרה* which, apart from Job 17.2, is almost exclusively used to depict the disobedience of all Israel against Yahweh.<sup>24</sup> Details of the offence of not honouring father and mother are never given, which leaves the practicability or use of the law in Deut. 21.18-21 as a manual

15. McKane 1970: 388; Gertz 1994: 182. An opposing view is that of Bellefontaine (1979: 22-23), who wants to maintain 'that the legal account in Deut. 21.18-21a derives from a double source: (1) the ancient customary procedure by which a family got rid of an incorrigible member and (2) a similarly ancient custom by which a clan rid itself of irreformable and dangerous social deviants'. Unfortunately she never clarifies what exactly the difference between an incorrigible member of a family and a social deviant is. Furthermore an explanation of the law just from ancient wisdom as proposed by Callaway (1984) is hardly possible, for it does not sufficiently explain the killing of the son.

16. *סורר* is apart from Hos. 4.16 always qal active participle; see GK §116a.

17. See Jer. 5.21; 7.11; Neh. 9.29.

18. Cf. Jer. 5.23; Ps. 78.8.

19. Bellefontaine 1979: 19; Weinfeld 1972: 305; Gertz 1994: 183.

20. Cf. Gertz 1994: 182.

21. See Deut. 1.43; cf. Deut. 9.23; Josh. 1.18; Isa. 30.9; Ezek. 20.8.

22. See Isa. 1.23; 30.1 (*בנים סוררים*); 65.2 (*עם סורר*); Jer. 5.23 (here parallel with *מורר*); 6.28; Hos. 4.16; 9.15; Zech. 7.11; Neh. 9.29; Pss. 66.7; 68.7, 19; 78.8 (here parallel with *מורר*).

23. Already Steuernagel 1923: 131.

24. See Deut. 1.26; 2.3, 24; 9.7; Isa. 1.20; 3.8; 63.10; Ezek. 20.8, 13, 21; Ps. 78.8; Lam. 1.18, 20.

for lawsuits highly questionable.<sup>25</sup> It is also unclear whether the father takes an active part in the punishment (v. 21α). In contrast to the lack of description of how to reach a verdict, the procedure is described *in extenso*. As usual, the court is positioned at the gate of the city<sup>26</sup> where the elders serve as judges. The execution of a disobedient son is restricted:<sup>27</sup> father *and* mother must agree on the intensity of the offence and appear before the court to testify against their son. Here we have one of the few cases where it is explicitly stated that a woman appears in a (public) court.<sup>28</sup> As in other laws in Deuteronomy, man and woman are quietly treated as equals.<sup>29</sup> But whether it is possible to speak of a tendency of Deuteronomy to stress the emancipation of women<sup>30</sup> is debatable. Nevertheless the law is certainly an innovation compared with the Book of the Covenant,<sup>31</sup> where criminal acts against one's own parents are severely punished by the local authorities.<sup>32</sup>

The penalty is carried out by all the people of the city and not only by the family of the unruly son.<sup>33</sup> That means that the patriarchal and family litigation is to be decided by the זקנים.<sup>34</sup> The verb used here to describe the actual act of the stoning is רגם, which only occurs here in Deuteronomy.<sup>35</sup> The root normally used in Deuteronomy to describe a

25. Gertz (1994: 183-84) against Bellefontaine (1979: 20) who maintains, that '[i]n some such grave manner the son in Dt.21 has refused this basic compliance. This is the thrust of the accusation and the reason why his specific behaviour need not to be mentioned. He has refused to honour his father and mother to the extent of virtually denying their authority and repudiating his relationship with them. This was his crime and for it he must die'. Unfortunately the imprecise definition of the actual criminal act cannot be solved this way.

26. See Deut. 22.15; Amos 5.10, 12, 15; Prov. 22.22; Jer. 29.21; Zech. 8.16, Ruth 4.11.

27. Against Dion (1993: 73-82), who wants to understand the law as a mere abstraction from every concrete act.

28. Hossfeld 1982: 256; Crüsemann 1992: 296. Cf. also Deut. 25.5-10 whereas in Deut. 22.13-17 only the father answers to the challenge of his honour.

29. Cf. Gertz 1994: 185.

30. Thus Braulik 1992: 157.

31. See Exod. 21.2-11

32. Cf. Exod. 21.15 within the larger context of 21.12-17.

33. Also the Greek world knows of stoning by the hand of all people (of the city): Aeschylus, *Agamemnon* 1615; Euripides, *Orestes* 442; Sophocles, *Antigone* 35.

34. Cf. Deut. 19.12; 22.15-19; 25.8-9; Weinfeld 1972: 234; Gertz 1994: 184-85.

35. The other 15 occurrences: are Lev. 20.2, 27; 24.14, 16, 23; Num. 14.10;

stoning is סָקַל.<sup>36</sup> Since רָגַם almost exclusively appears in post-exilic texts<sup>37</sup> to describe the carrying out of a verdict we might view the use in Deuteronomy as an indication for a late origin of the law.<sup>38</sup>

Only in those texts that deal with the relationship of parents and children do we find a similarly imprecise description of the acts that lead to punishment or the commandment to be observed,<sup>39</sup> such as in the fifth commandment (Deut. 5.16 = Exod. 20.12).<sup>40</sup> This is not the place for a detailed discussion of the problems regarding the Decalogue and its fifth commandment.<sup>41</sup> Following Gertz (1994: 189), it will be assumed that Deut. 5.16 originated prior to Deut. 21.18-21 because the case of the unruly son is a casuistic reshaping of the fifth commandment.<sup>42</sup> The author presumably uses סָרַר and מָרָה here instead of the קָלָה of his *Vorlage*<sup>43</sup>—because of the public connotation, for a normally private matter of an individual household is now made public. As in Jer. 5.28 and Psalm 78 (a Psalm certainly influenced by the language of Dtr<sup>44</sup>), where the acts of all the people of Israel will be punished, so a wicked act of an individual has to be punished publicly. Thus the matter of the unruly son is a public issue; his behaviour undermines social peace,<sup>45</sup> and thus the relationship to Yahweh, since it is the duty of the parents to educate their children in the faith of God.<sup>46</sup> Only if both aspects are observed is it possible to create an Israel that is free from all evil. Possibly, then, the formula in Deut. 21.21aβ-b was always part of the orig-

15.35-36; Josh. 7.25; 1 Kgs. 12.18; 2 Chron. 10.10; 24.21; Ezek. 16.40; 23.47.

36. See Deut. 13.11; 17.5; 22.21, 24; always in the formula וּמָת בְּאֲבָנִים וּמָת.

37. The exception to the rule is 1 Kgs. 12.18, where the root is used to describe an affect of the people. Cf. Noth 1967: 79; Gertz 1994: 191.

38. רָגַם is also closely connected with idolatry (Lev. 20.2, 27) and blasphemy (Lev. 24.14, 16, 23; Num. 14.10; 15.35, 36).

39. Cf. Exod. 20.12; 21.15, 17; Lev. 18.7-9; 19.3; 20.9; Deut. 5.16; 23.1; 27.16.

40. Leviticus 19.3 can be regarded as a younger derivation from the fifth commandment. For another view see Albertz (1983: 352) who is inclined to think that Deut. 5.16 and Lev. 19.3 are independent versions of a stipulation that deals exclusively with the economic situation of parents.

41. See the extensive treatments offered by Hossfeld 1982: 57-74, 252-59; Schmidt, Delkurt and Graupner 1993: 98-106; Gertz 1994: 187.

42. Strangely enough Nielsen (1995: 203-208) does not note this connection.

43. See Deut. 27.16 where קָלָה is used: אָרָר מִקָּלָה אֲבִיו וְאִמּוֹ.

44. See Spieckermann 1989: 140 n.14.

45. Cf. Perlitt 1976: 107.

46. Against Gertz (1994: 190) who wants to separate that aspect from the social peace.

inal law<sup>47</sup> having a public aim and not dealing with upbringing, as the following parts of that chapter will show. The law serves to maintain the community, a community that is endangered by the deviant behaviour of its children, who breach the fifth commandment.

It is now possible to explore the sociological background of the law, trying to determine what is at stake for the father and the mother of the unruly son. To do so we need to apply two social-scientific models: first is the notion of honour and shame, a salient feature of Mediterranean culture<sup>48</sup> and, second, the principles of upbringing in antiquity. In what follows I will maintain the conclusion that the law is mere literary fiction<sup>49</sup> in the hope of showing that there was more at stake here than to lose a son by stoning, namely a serious loss of honour for the family.

*Introducing Honour and Shame: The Pivotal Values  
of the Mediterranean*<sup>50</sup>

Cultural anthropology has long recognized honour and shame as pivotal values of Mediterranean societies:<sup>51</sup>

47. Against Seitz 1971: 118; Mayes 1981: 305; Buchholz 1988: 66.

48. See Malina and Neyrey 1991: 25-65.

49. Cf. Gertz 1994: 191.

50. Limited space does not allow a detailed discussion of the phenomenon of Mediterraneanism but see, for example, the extensive treatment by Horden and Purcell (2000: 7-49, 491-529) and the critical remarks by Pina-Cabral (1989: 399-406).

51. See Bourdieu 1977; Campbell 1964; Peristiany 1965; Pitt-Rivers 1965; Gilmore 1987; most recently Stewart 1994. See also the critical remarks by Herzfeld (1980; 1993: 7-8, 64-65). Already the ancients were trying to define honour; thus we read in Aristotle, *Rhet.* 1.5.1361a.27–1361b.3: ‘Honor is a token of a reputation for doing good; and those who have already done good are justly and above all honored, not but that he who is capable of doing good is also honored. Doing good relates either to personal security and all the causes of existence; or to wealth; or to any other good things which are not easy to acquire, either in any conditions, or at such a place, or at such a time; for many obtain honor for things that appear trifling, but this depends upon place and time. The components of honor are sacrifices, memorials in verse and prose, privileges, grants of land, front seats, public burial, State maintenance, and among the barbarians, prostration and giving place, and all gifts which are highly prized in each country. For a gift is at once a giving of a possession and a token of honor; wherefore gifts are desired by the ambitious and by those who are fond of money. The present brings to both what they want; it is a piece of property, which is what the lovers of money desire and it brings honour, which is what the lovers of honour desire.’

Honour is the value of a person in his own eyes, but also in the eyes of society. It is the estimation of his own worth, his claim to pride, but it is also acknowledgement of that claim, his excellence recognised by society, his right to pride (Pitt-Rivers 1965: 21).

As such, honour and shame can be described as reciprocal moral values that represent the integration of an individual into a group.<sup>52</sup> Both reflect the conferral of public esteem upon a person and the sensitivity to public opinion on which the person is totally dependent (Pitt-Rivers 1965: 42). Therefore honour and shame are of critical importance in societies in which all relationships are viewed as dyadic.<sup>53</sup> It is important, however, to distinguish between two different forms of honour in Mediterranean cultures: ascribed and acquired.

### 1. *Ascribed Honour*

Ascribed honour is the social claim to status of a person attributed to him by birth or genealogy. Normally such honour is already received at birth<sup>54</sup> and derives mostly from the lineage.<sup>55</sup> Since kinship was the most important institution in antiquity, birth into a 'noble' family immediately meant ascribed worth in the eyes of the family's peers; the family itself would make claims to worth on behalf of its offspring, these being most commonly expressed when a marriage was being arranged. Within that family, siblings have differing degrees of ascribed honour. Parents typically valued male children more than female children,<sup>56</sup> thus crediting them with worth (cf. Lev. 12.1-8); moreover, they

52. Pace Gilmore 1987: 3.

53. Cf. Peristiany 1965: 10.

54. See Deut. 23.2; 2 Kgs. 9.22; Isa. 57.3; Ezek. 16.44; Hos. 1.2; also Homer, *Od.* 2.271: 'good strength has been instilled'. Cf. Aristotle, *Rhet.* 1.5.5: 'Good birth in the case of a nation or a city, is to be autochthonous or ancient and for its first inhabitants to have been leaders and their descendants distinguished in estimable qualities. For an individual, good birth may be traced either on the father's or the mother's side and includes legitimacy on both lines, and, as in the case of a city [implies that] the earliest ancestors were known for virtue or wealth or another of the things that are honored and [that] there have been many outstanding men and women in the family, both among the young and the older.'

55. See for example Pseudo-Aristotle, *Rhet. ad Alex.* 35.1440b.29–1441a.12, and Philo, *Deus Imm.* 150: 'Will you take no heed of the honours of high ancestry on either side or the pride of noble birth, which is the multitude so extol? Will you leave glory behind you, glory, for which men barter their all, and treat it as though it were a worthless trifle.'

56. Cf. Lev. 12.1-8.



valued the first born male as more worthy than his siblings because he stands to inherit the family property. Similarly, a high-ranking person, such as a king, might ascribe honour to a governor who is sent to a province.

Therefore it is quite understandable why the ancients referred to themselves always as 'son of'. Naturally that ascribed honour has to be guarded very carefully; even though you cannot lose it, you can easily bring shame on your family if your behaviour is disrespectful and shameful. Thus the corporate honour of the family or group has to be observed and protected.<sup>57</sup>

## 2. *Acquired Honour*

Acquired honour is the status built up by persons over their lifespan. A military victory<sup>58</sup> or social interaction involving 'challenge and riposte'<sup>59</sup> or benefaction<sup>60</sup> are normal fields where honour can be gained. Military victory and benefaction were open only to elites; non-elites, who made up at least 90% of the ancient population, could normally achieve prestige only through agonistic behaviour which was socially sanctioned in the common game of push-and-shove ('challenge and riposte').<sup>61</sup> Anyone in a village or neighbourhood who claimed special respect based on achievement was likely to be challenged by others because of the pervasive perception of 'limited good'.<sup>62</sup>

In general the inferior has to pay honour to the superior: the younger to the older,<sup>63</sup> the believer to the god(s),<sup>64</sup> the child to the parent,<sup>65</sup> the

57. See, e.g., Sir. 22.3.

58. See Exod. 14.4, 17-18; 2 Kgs. 14.10.

59. For how to play that honour-game see Bourdieu 1977: 61.

60. See 2 Sam. 15.2-6; Xenophon, *Cyr.* 7.2.

61. The concept of challenge and response is further nourished by the general 'agonistic' (derived from the Greek term for combat *ἀγών* [Aeschylus, *Choephor*; 584; Sophocles, *Trachiniae* 159; Cohen 1991: 70-75, 90-101, 128]) character of (ancient) society (see Foster 1960: 174-78). Scholars of Homeric and Classical society have long recognized the agonistic character of Greek society (Walcot 1978: 52-76).

62. For the perception of 'limited good' see Foster (1965: 293-315) and Piker (1966: 1202-225).

63. Lev. 19.32; Isa. 3.5; Lam. 5.12.

64. Cf. Exod. 20.12; Deut. 6.16; Hag. 1.8; Mal. 1.6; *ARM* II.77.14; *KTU* 1.17.V.20, 30.

65. Exodus 20.12; Ezek. 22.7; Prov. 19.26.

living to the dead,<sup>66</sup> the minor gods to YHWH.<sup>67</sup> As it is common in ‘face-to-face-societies’, the notion of honour is strongly linked with parts of the body,<sup>68</sup> especially the head and the face.

Shame is the partial or complete loss of honour. This notion applies in general only to men, since honour and shame are parts of the public realm, in which women participate only partially.<sup>69</sup> Accordingly, those men who spend too much time in the house are in danger of losing their honour.<sup>70</sup> Loss of honour is linked to the loss of social status.<sup>71</sup> As is the case with honour, shame always has a public aspect,<sup>72</sup> and has to be displayed to become recognized as such: ‘*Misera est ignominia iudicorum publicorum*’.<sup>73</sup> Yahweh is also part of the social system of honour and shame. His shame is the opposite to the honour that has to be paid to him.<sup>74</sup>

While words used to express ‘honour’ are generally derived from the root כבד, we find a greater variety to shame-vocabulary<sup>75</sup> in the Old Testament. Most extensively used is בוש,<sup>76</sup> sometimes parallel with כלם<sup>77</sup> in the formula בוש ונכלם. Further words are חפר,<sup>78</sup> חרף<sup>79</sup> and זלל.<sup>80</sup> But even if the language of honour and shame is not explicitly

66. Jeremiah 14.18.

67. Psalm 29.1-2; but also *Enuma Elish* 4.3; *KTU* 1.3.III.10; VI.19-20; 1.4.IV.26.

68. See Neyrey 1996; cf. Plato, *Tim.* 44d.

69. See Lysias 1.4.25.36; Demosthenes 18, 132; Isocrates, *Antidosis* 282–285; Plato, *Nomoi* 805e (but see the cautious remarks by Cohen 1989 on the seclusion of women); Bourdieu 1977: 44-45; Pitt-Rivers 1965: 64-71.

70. Cf. Xenophon, *Oeconomicus* 7.30-32.

71. Isaiah 16.14; 23.9; Jer. 46.12; Hos. 4.7; Lam. 1.6, 8.

72. See Bechtel 1991.

73. Cicero, *Pro Rabirio* 9.17.

74. Cf. Isa. 29.13; 43.23; Pss. 61.8; 66.2; 96.7; 145.5; Prov. 14.31.

75. On the language of shame in general see Klopfenstein (1972), who provides an excellent overview of nearly all the material on shame in the Old Testament but fails to draw the sociological conclusions from his survey.

76. The word occurs c. 100 times in the Old Testament, but only twice in the Pentateuch (Gen. 2.25; Exod. 32.1).

77. See Isa. 41.11; 45.16, 17; Jer. 8.12; 22.22; 31.19; Ezek. 9.6; 36.32; Ps. 35.4. For the parallels with כלם see: Num. 12.14; Judg. 18.7; 1 Sam. 25.15; 20.34; 25.7; 2 Sam. 10.5; 19.4; Isa. 50.7; 54.4; Jer. 3.3; 6.15; 14.3; 31.18, 19; Ezek. 16.27, 54, 61; 27.23; 43.10; 2 Chron. 30.15; Pss. 40.15; 44.10; 69.7; 74.21; 70.3; Prov. 28.7 (here parallel with זלל as in Deut. 21.19); Job 19.3; Ruth 2.15.

78. Isaiah 1.29; 33.9; 54.4; Jer. 15.9; 24.23; 50.12; Mic. 3.7; Pss. 34.6; 35.4, 26;

used, the notions may be at hand. Thus the challenge is to decipher documents derived from the 'high context' society's mindset, a culture in which 'most of the information or message...is either in the physical context or internalised in the person, while very little is in the coded, explicit transmitted part of the message' (Hall 1976: 91-92). This must be kept in mind in the case of the unruly son.

### *The Concept of Childrearing in Antiquity*

Previous scholarship has used this law to detect a biblical conception of psychopathy here,<sup>81</sup> interpreting a biblical text according to twentieth century standards. We must rather consider social parenting norms<sup>82</sup> and the relationship between parents and children in the ancient world.<sup>83</sup> This will be done by taking up a model of 'basic distrust' of parenting<sup>84</sup> to contrast our modern understanding of parenting with that of the Mediterranean. Our modern world tends to view children generally as co-operative partners and views human nature as neutral or good, a world view that clearly favours a style of grounded in trust parenting. In contrast, ancient Mediterranean societies viewed human nature as a mixture of good and evil tendencies and thus favoured a parenting style based on distrust. As a result their parenting style relies on physical punishment to prevent the evil tendencies developing into evil deeds (as in Prov. 29.15: 'The rod and reproof give wisdom, but a mother is disgraced by a neglected child'). The table at the end of this article contrasts both cultural approaches to upbringing.<sup>85</sup>

40.15; 70.3; 83.18; Job 6.20; Prov. 13.5; 19.26.

79. As in Gen. 30.23; 34.14; Josh. 5.9; 2 Sam. 13.13; Isa. 47.5; Ezek. 16.57; 36.30; Job 16.10; 19.5; Prov. 6.33; Neh. 1.3; 2.7; Dan. 11.18; Lam. 3.30; 5.1.

80. Deuteronomy 21.20; Jer. 15.19; Lam. 1.11; Prov. 21.20; 28.7.

81. See Rotenberg and Diamond 1971: 29-38.

82. Out of the quite extensive literature on children in antiquity see more recently Garland (1990) and Golden (1990).

83. For a more theological treatment on the relationship in the Old Testament see Wolff 1994: 259-69.

84. Cook 1983: 5; Pilch 1993: 103. For different styles of parenting and their dependence on the surrounding culture see Fantini and Gardenas (1980) and Greven (1991).

85. Quoted from Pilch (1993: 102) but see originally Cook (1978: 8).

*Comparison of Parenting Styles*

Both styles of parenting raise the child as a person that is somehow representative for their culture,<sup>86</sup> and thus raising of children serves as a key to the behaviour of the adult members of a society. Of course, this model is never found in a pure state, but is rather an ideal type.<sup>87</sup> Nevertheless, it seems appropriate to consider some of its aspects.

*The Authority of the Father and the Loyalty to the Family*

The main concern of parenting in the Mediterranean is to socialize the children to be loyal to their family, because it is loyalty towards a group (here the family) that keeps the group together. This will be illustrated by the following three quotes from ancient literature:

If anyone treats his father or mother with contempt, he shall be put to death. He has condemned his father and mother; his blood guilt is upon him (Lev. 20.9).

Yes my son, you should bear this in your heart—in all respects to obey your father's will; it is for this that men pray to have dutiful children grow up in their homes—that they may requite their father's enemies with evil and honour, as their father does, his friend. But he who begets unprofitable children—what shall one say that he has begotten but troubles for himself, and much laughter for his enemies (Sophocles, *Antigone* 639-648).

Boys should be seen, not heard...they should be trained in the ways of their fathers...revere their parents, show respect for the elders...not to talk back to fathers... (Aristophanes, *Clouds* 963, 993-94, 998).<sup>88</sup>

86. See Jahoda and Lewis 1988.

87. As such a model can be described as follows: 'An abstract selective representation of the relationships among social phenomena used to conceptualize, analyze, and interpret patterns of social relations with another. Models are heuristic constructs that operationalize particular theories and that range in scope and complexity according to the phenomena analyzed' (Elliott 1993: 132). See also Carney 1975: 8

88. According to Plato (*Laws* 717-718a; 879b; 880e; 881b-c; 930a; 931e; 932a) the youth should learn honour and respect for parents, grandparents and elders and show no scorn for or commit acts of violence against them (except in cases of insanity).

This loyalty has to be established from a very early state,<sup>89</sup> and closely related to the honour and shame, since these values are essentially group oriented values:<sup>90</sup> this becomes especially clear in the biblical record when one looks at the fifth commandment. Individual members share the honour of the family and one member's misbehaviour reflects on the whole family, that is, shames the entire group. It was essential for Mediterranean culture that children are taught at a very early stage to accept the authority of the father totally.<sup>91</sup> Since it was a disgrace for the father to have brought up a son badly,<sup>92</sup> so it was that the parents sought to control and direct the child. This is exactly what is advocated by Proverbs,<sup>93</sup> which stresses the importance of guiding the son on the right path<sup>94</sup> and the son is well advised to listen to the authority of the father,<sup>95</sup> because 'whoever curses father or mother, his light will be put out'.<sup>96</sup> But, as the above table showed, this style of parenting results in an increased risk of conflict.

### *Conflict between Father and Son*

In contrast to the rearing of daughters, special care is taken of sons.<sup>97</sup> The boy quickly learns that every word he speaks amounts to a command to the women; on the other hand, however, he becomes an over-dependent person with a certain degree of social timidity.<sup>98</sup> This changes at puberty when it is suddenly expected of a boy that he should grow up. He is introduced into the male world, or in the words of Athena to Telemachos in the *Odyssey*:

You should now refrain from childish behaviour, since you are no longer of an age, where that is appropriate. Or have you not heard what renown Orestes won throughout the world when he slew his father's murderer?<sup>99</sup>

89. Cf. Berger 1962: 119.

90. See Campbell 1964: 158.

91. See Prov. 13.1; 15.5; Sir. 3.7; cf. Campbell 1964: 155.

92. Cf. Sir. 22.3.

93. See Perlitt 1976: 107-13.

94. Proverbs 22.6.

95. Proverbs 1.8.

96. Proverbs 20.20 and even more drastically 30.17.

97. See 1 Sam. 1.21-28; 2.11.

98. See Pilch 1993: 105.

99. Homer, *Odyssey* 1.296-299

Suddenly he realizes that now somebody else is in command, namely his own father. Here we have the roots of conflict. Already in the *Wisdom of Ptah-hotep* we find indications of conflict between father and son:

If thou art a man of standing and foundest a household and producest a son who who is pleasing to god, if he is correct and inclines toward thy ways and listens to thy instruction, while his manners in thy house are fitting, and if he takes care of thy property as it should be, seek out for him any useful action. He is thy son, whom thy *ka* engendered for thee. Thou shouldst not cut the heart off from him. (But a man's) seed (often) creates enmity. If he goes astray and transgresses thy plans and does not carry out thy instruction, (so that) his manners in thy household are wretched and he rebels against all that thou sayest, while his mouth runs on in the (most) wretched talk, (quite) apart from his experience, while he possesses nothing, thou shouldst cast him off: he is not thy son at all. He was not really born to thee... (*ANET*: 413).

Reasons for the conflict seem to be economic, but also stem from the general perception of stubbornness of the younger male members of the family<sup>100</sup> and the issue of the usefulness of older household members.<sup>101</sup> In a society of 'limited good', the provision of life's basic needs for the elders becomes a crucial point. Thus we read in the book of Proverbs: 'Anyone who robs father or mother and says, "That is no crime" is partner to a thug'.<sup>102</sup> There is also the daily push and shove for honour.<sup>103</sup> In the Old Testament the honour of the parents is secured

100. Cf. Prov. 22.15 and see Homer, *Iliad* 3.105-110; 20.404-412; 22.603. In the *Iliad* Achilles serves as the classic example for a stubborn youth (see 9.252-261; 9.607-619; 16.46-100).

101. See Homer, *Iliad* 2.337-368; 4.303-309; 7.124-160.

102. Proverbs 28.24. The same cases are found in other cultures; a law from Delphi reads: [ὄ]- | [στ]ις κα μὴ τρέφῃ τὸν πατέρα κα- | [ἰ τ]ὰν μητέρα, ἐπεὶ κα [π]οτανγέ[λ]- | [λη]ται πο[ἰ τ]ὰν βουλάν, ἂ βουλὰ κατ- | [αδε]ίτω τὸν μὴ τρέφοντα καὶ ἀγ[έ]- | [τω ἐ]ν τὰν δημοσίαν οἰκίαν ἔ[ντ[ε]]|[κα... (text quoted from Lerat 1943: 62-63). 'If anyone does not feed his father and mother, when this is reported to the council, if the council shall find the person guilty, they shall bind him and conduct him to the civic jail'. For the duties of a son in the ancient Near East see Otto (1996: 265-82).

103. Greek literature knows about the instance of father-beating (see Aristophanes, *Clouds* 1321-1436; *Birds* 755-759; 1347-1352), clearly an action of shaming the father. In contrast to the Old Testament no punishment is mentioned (see Exod. 21.15; Codex Hammurabi 195).

in the fifth commandment and links the behaviour towards the parents to the attitude towards God.<sup>104</sup>

### *Conclusion*

From these insights it is now possible to establish what exactly is at risk for the father and mother of Deut. 21.18-21. To have brought up a disobedient son reflects directly on the parents. It shows that they have failed to do their duty, and missed the chance to direct their son on the right path. This implies a major loss of honour to the family, for a father who is no longer able to control the internal affairs of the household cannot be expected to be an honourable man. The son who rebels is considered disrespectful and gives public evidence that family cohesion is weak: this is shameful behaviour, because the honour of the *pater familias* depends largely on his ability to impose his will on the *entire* family.<sup>105</sup> That loss of honour cannot be avenged, because such a father is nothing more than a cuckold.

The rebellion of sons against fathers was an indication of the rotten condition of Israel before the apocalyptic judgment according to Mic. 7.6. If sons no longer obey their fathers, the end of the whole nation is near.<sup>106</sup> There is, of course, the public aspect of the case of the unruly son—even though it seems that the parents turn to the elders for help, it is in fact the threat of public shaming that motivates them. Mediterranean people would never carry their internal affairs voluntarily into the public, for that would imply running the risk of gossip and shame. Therefore the punishment is not so much directed towards the son as towards his family. I would argue that the law has been constructed to prevent parents abstaining from the duties of raising children and to show them what is at loss here, namely the scarce commodity of family honour,<sup>107</sup> a status that can be displayed by having a wise son that listens to his father's discipline.<sup>108</sup> The theological phrase and the preventive aspect in Deut. 21.21b links the honour of the family with

104. Cf. Perlitt (1976: 107) states: 'Die Ehre der Eltern steht in Berührung mit der Ehre Gottes'.

105. See Prov. 17.25.

106. Cf. Isa. 3.1-5.

107. Deuteronomy puts a curse on anyone who treats his father or mother with contempt (Deut. 27.16).

108. See Prov. 13.1.

the honour of God, for it is only possible to honour God if the honourable status of all the people of Israel is maintained.

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## ABSTRACT

The article argues that Deut. 21.18-21 does not represent an actual law that provides the parents with some guidelines how to proceed with an unruly son. Rather the law aims at guarding the honour of the family. With the help of insights from cultural anthropology it is argued that the law has been constructed to prevent parents abstaining from their duties of raising children and to show them what is at risk if they do, namely the scarce commodity of family honour, a standing in society that can be displayed by having a wise son that listens to his father's discipline. With such an approach it is possible to move beyond the *prima facie* meaning of the law, allowing its cultural background to be understood more fully.

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