



Deuteronomy - Chapter Nineteen

III Deuteronomy 12:1-26:19 - Moses' Second Speech: Specific Covenant Stipulations (continues)

Summary of Chapter Nineteen

Having already set apart three cities of refuge in the Transjordan (Deuteronomy Chapter 4), the order is now given that the same should happen in the Promised Land once it is settled. The purpose of such cities is to allow a place of refuge for one who commits an accidental killing. It is a place where he or she would be safe from the victim's avenger of blood. When the land is fully expanded then a further three cities will be added. Those who commit murder will, however, be put to death.

A simple statement prohibiting the movement of another's land boundaries is added to ensure that no one tries to steal land from a neighbour.

There shall be no conviction of a crime based on a single testimony. It requires at least two or three reliable witnesses in order to obtain a conviction. If a person proves to be a malicious false witness then they shall be punished in the same way as the person against whom they are testifying would have been punished had they indeed been guilty.

III.j Deuteronomy 19:1-21:14 - Protecting life

This section corresponds to the sixth commandment: <<*You shall not murder*>> (Deuteronomy 5:17).

III.j.i Deuteronomy 19:1-13 - Laws concerning the Cities of Refuge

These verses complement the setting apart of cities of refuge in Transjordan in Deuteronomy 4:41-43, and relate to the post-conquest settlement in the land (Deuteronomy 12:29).

¹ When the Lord your God has cut off the nations whose land the Lord your God is giving you, and you have dispossessed them and settled in their towns and in their houses, ² you shall set apart three cities in the land that the Lord your God is giving you to possess. ³ You shall calculate the distances and divide into three regions the land that the Lord your God gives you as a possession, so that any homicide can flee to one of them.

Deuteronomy 19:1-3

When the Israelites have settled in their towns and in their houses three cities of refuge are to be established. These three cities are to be evenly located throughout the land to provide reasonable access from any other part of the nation. Refer to Exodus 21:12-13 and Numbers 35:9-34 for details. Joshua 20:1-9 names these three cities as Kedesh, Shechem, and Hebron.

God instructed Israel to make three cities of refuge in the Promised Land, and instructed them to locate them centrally, i.e. you shall calculate the distances and divide into three regions the land.

There are two other important passages dealing with the cities of refuge: Numbers 35:9-28 and Joshua 20:7-8; a full understanding of the purpose and practice of the cities of refuge must be based on all of these passages. Moses had already established Bezer, Ramoth, and Golan as the cities of refuge on the east side of the Jordan River (Deuteronomy 4:41-43); this command is to establish three more cities of refuge on the west side of the Jordan.

⁴ Now this is the case of a homicide who might flee there and live, that is, someone who has killed another person unintentionally when the two had not been at enmity before: ⁵ Suppose someone goes into the forest with another to cut wood, and when one of them swings the axe to cut down a tree, the head slips from the handle and strikes the other person who then dies; the killer may flee to one of these cities and live. ⁶ But if the distance is too great, the avenger of blood in hot anger might pursue and overtake and put the killer to death, although a death sentence was not deserved, since the two had not been at enmity before. ⁷ Therefore I command you: You shall set apart three cities.

Deuteronomy 19:4-7

The purpose and accessibility of the cities of refuge is to ensure justice for someone who kills another person unintentionally who might otherwise be vulnerable to vengeance from the avenger of blood, that is, someone from the

victim's family. This practice was based on the misinterpretation of: <<*Whoever sheds the blood of a human, by a human shall that person's blood be shed; for in his own image God made humankind*>> (Genesis 9:6). This was intended as justice for violent deaths where there was intent on the part of the perpetrator.

A death sentence was not deserved. The death penalty does not apply for manslaughter. Verse 5 gives one example of manslaughter for which this provision applies. The law clearly distinguishes between manslaughter, which is unpremeditated and generally unintended, and murder.

⁸ If the Lord your God enlarges your territory, as he swore to your ancestors – and he will give you all the land that he promised your ancestors to give you, ⁹ provided you diligently observe this entire commandment that I command you today, by loving the Lord your God and walking always in his ways – then you shall add three more cities to these three, ¹⁰ so that the blood of an innocent person may not be shed in the land that the Lord your God is giving you as an inheritance, thereby bringing blood-guilt upon you.

Deuteronomy 19:8-10

If the Lord your God enlarges your territory, as he swore to your ancestors. The law anticipates the enlargement of Israel's land: <<*When the Lord your God enlarges your territory, as he has promised you*>> (Deuteronomy 12:20a), and thus the need for further cities of refuge to ensure fair and reasonable accessibility from anywhere within the nation. The farther a person had to travel to reach a city of refuge the more likely it was that they would be apprehended by the avenger of blood. Moses takes every opportunity to remind the people that God's promises of land obligate Israel to obedience, i.e. the use of **if** here and not when (12:20a). That these further three cities were never appointed in the OT indicates Israel's lack of obedience.

The blood of an innocent person may not be shed. A person who kills accidentally is innocent of murder. However, there are many cases where negligence or inappropriate actions have resulted in death, for which the perpetrator can be found guilty of the lesser charge of manslaughter.

¹¹ But if someone at enmity with another lies in wait and attacks and takes the life of that person, and flees into one of these cities, ¹² then the elders of the killer's city shall send to have the culprit taken from there and handed over to the avenger of blood to be put to death.

Deuteronomy 19:11-12

If someone attacks and takes the life of that person. Murder, unlike manslaughter, stems from hatred and is intentional. For a murderer, a city of refuge is not a permitted haven. In such cases, the murderer is handed over to the avenger of blood and subject to the laws of capital punishment.

¹³ Show no pity; you shall purge the guilt of innocent blood from Israel, so that it may go well with you.

Show no pity; you shall purge the guilt of innocent blood from Israel. God was just as concerned that the guilty be punished as he was that the innocent be protected, i.e. <<*so that the blood of an innocent person may not be shed in the land that the Lord your God is giving you*>> (v.10).

So that it may go well with you. God is providing just laws for the benefit of the community as a whole. Justice provides security, it is not about revenge or even punishment of the guilty.

The cities of refuge as a picture of Jesus:

- The Bible applies this picture of the city of refuge to the believer finding refuge in God on more than one occasion: <<*God is our refuge and strength, a very present help in trouble*>> (Psalm 46:1). More than 15 other times, the Psalms speak of God as being a refuge. This theme is applied in the NT as well: <<*so that through two unchangeable things, in which it is impossible that God would prove false, we who have taken refuge might be strongly encouraged to seize the hope set before us*>> (Hebrews 6:18).
- Both Jesus and the cities of refuge are within easy reach of the needy person; they were of no use unless a person could get to the place of refuge. Because of the Cross it is now available to all who believe.
- Both Jesus and the cities of refuge are open to all, not just the Israelite; no one needs to fear that they would be turned away from their place of refuge in their time of need: <<*These six cities shall serve as refuge for the Israelites, for the resident or transient alien among them, so that anyone who kills a person without intent may flee there*>> (Numbers 35:15).
- Both Jesus and the cities of refuge became a place where the one in need would live; a person does not come to a city of refuge in time of need just to look around: <<*and the congregation shall rescue the slayer from the avenger of blood. Then the congregation shall send the slayer back to the original city of refuge. The slayer shall live in it until the death of the high priest who was anointed with the holy oil*>> (Numbers 35:25).

- Both Jesus and the cities of refuge are the only alternative for the one in need; without this specific protection, they will be destroyed.
- Both Jesus and the cities of refuge provide protection only within their boundaries; to go outside meant death (Numbers 35:26-28). In the cases of leaving the city, the person faced physical death; in the case of those who do not come to Jesus, the result is eternal spiritual death.
- With both Jesus and the cities of refuge, full freedom comes with the death of the High Priest.
- A crucial distinction: The cities of refuge only helped the innocent; it is the guilty that can come to Jesus and find refuge!

III.j.ii Deuteronomy 19:14 - Property Boundaries

Moving the landmark, or boundary stone, of a neighbour is tantamount to theft of land; refer also to Deuteronomy 27:17. The law emphasises keeping land in families, since inheritance rights are basic to Israel's life in the land.

¹⁴ You must not move your neighbour's boundary marker, set up by former generations, on the property that will be allotted to you in the land that the Lord your God is giving you to possess.

Deuteronomy 19:14

You must not move your neighbour's boundary marker. God here established and supported the basic right to private property. When a neighbour has a lawful landmark, it must be respected, and people are forbidden to change it other than through legal purchase. This command supports an important foundation for human society: the right to personal property. God has clearly entrusted certain possessions to certain individuals, and other people or states are not permitted to take that property without due process of law: <<***Do not remove an ancient landmark or encroach on the fields of orphans, for their redeemer is strong; he will plead their cause against you***>> (Proverbs 23:10-11), and: <<***The princes of Judah have become like those who remove the landmark; on them I will pour out my wrath like water***>> (Hosea 5:10). Fuller property rights are enshrined in the Jubilee laws in Leviticus 25:8-34.

Set up by former generations. This law also reflects an important spiritual principle: it is not wise to ignore what the former generations have established when doing the work of the Lord. Many a young man, or a new man, has greatly hindered his own work by being a revolutionary, and ignoring the boundary markers which their ancestors have decreed.

III.j.iii Deuteronomy 19:15-21 - Law concerning Witnesses

Moses returns to the theme that shows the evidence of a single witness is insufficient to secure a conviction of a crime. At least two or three reliable

witnesses are required. If a person bears false witness, itself a crime against the commandments of God, then that person is to be punished in the same manner as the person against whom they are testifying would have been, had they been found guilty. This leads to the principle sometimes referred using the Latin term *lex talionis* or the law of retaliation.

¹⁵ A single witness shall not suffice to convict a person of any crime or wrongdoing in connection with any offence that may be committed. Only on the evidence of two or three witnesses shall a charge be sustained.

Deuteronomy 19:15

A single witness shall not suffice. One witness was never sufficient to establish a fact in a court of law based on biblical principles and statutes. One needed two or three witness to establish a matter. This is not just because it is possible for one witness to lie without having the account corroborated. It is because one witness can be confused, or mistaken in their testimony. It is a basic measure of reliability that it must be more than a simple case of ‘one person’s word against another.’ Some have carried this principle to modern courts by saying that two independent lines of evidence can be valid ‘witnesses.’ For example, if there were a murder which no one witnessed with their eyes, yet there was a murder weapon with clear fingerprints, and additional blood evidence each pointing to one suspect, this would be counted as two independent ‘witnesses.’ On the biblical laws regarding witnesses refer to Numbers 35:30, Deuteronomy 17:6 and comment made on Deuteronomy 17:6-7. For the NT application of these principles refer to Matthew 18:16, John 8:17, 2 Corinthians 13:1 and 1 Timothy 5:19.

¹⁶ If a malicious witness comes forward to accuse someone of wrongdoing, ¹⁷ then both parties to the dispute shall appear before the Lord, before the priests and the judges who are in office in those days, ¹⁸ and the judges shall make a thorough inquiry. If the witness is a false witness, having testified falsely against another, ¹⁹ then you shall do to the false witness just as the false witness had meant to do to the other. So you shall purge the evil from your midst. ²⁰ The rest shall hear and be afraid, and a crime such as this shall never again be committed among you.

Deuteronomy 19:16-20

Both parties to the dispute shall appear before the Lord. In disputed legal cases, the issue is taken to the central sanctuary, before the Lord; refer to Deuteronomy 17:8-9. Careful questioning is required, i.e. the judges shall make a thorough inquiry, to determine if a witness is malicious and false. Giving false testimony

breaks the ninth commandment (Deuteronomy 5:20) and damages the community: <<*Do not give me up to the will of my adversaries, for false witnesses have risen against me, and they are breathing out violence*>> (Psalm 27:12), and: <<*Whoever speaks the truth gives honest evidence, but a false witness speaks deceitfully. Rash words are like sword thrusts, but the tongue of the wise brings healing. Truthful lips endure for ever, but a lying tongue lasts only a moment*>> (Proverbs 12:17-19).

At the trial of Jesus, many false witnesses rose up against him, and were demonstrated to be false witnesses by their confused and contradictory testimony; refer to Matthew 26:59-60. The false witnesses, under OT law, would have been put to death, because that is the punishment they sought for Jesus. However, they were probably encouraged by Jewish leaders to give false testimony and would not have been charged with any crime.

So you shall purge the evil from your midst. Proper justice and punishment acts as a deterrent for the people. Just as Israel was commanded to purge the land of pagan idolatry, so too they were to remove any Hebrews who opposed God's will by breaking his commandments wilfully.

The rest shall hear and be afraid. Many modern people doubt that the punishment of others is an effective deterrent to crime; but the Bible clearly says that it is. Weak or inconsistent punishment does not deter crime, but effective punishment does.

²¹ Show no pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.

Deuteronomy 19:21

Show no pity. As Moses had commanded earlier: <<*and when the Lord your God gives them over to you and you defeat them, then you must utterly destroy them. Make no covenant with them and show them no mercy*>> (Deuteronomy 7:2), Israel is to show no mercy to treacherous Israelites the same way that the Canaanite pagans are to be treated.

Life for life, eye for eye, tooth for tooth, hand for hand, foot for foot. This expression expands the idea that the punishment for the false witness is to be the same as would have been imposed on the accused (v.19) and makes punishment proportionate to the crime. Refer also to Exodus 21:23-25 and Matthew 5:38. It cannot involve multiple acts of revenge, such as that boasted about by the wicked Lamech: <<*If Cain is avenged sevenfold, truly Lamech seventy-sevenfold*>> (Genesis 4:24).