

Deuteronomy Chapter 19

Verses 19:1 – 23:14

The statutes explained by Moses in this part of Deuteronomy deal broadly with social and community order.

These laws, focus on interpersonal relationships.

Verses 19:1 – 22:8

This is a separate section relating to the sixth commandment which pertains to homicide.

There are 13 subunits within this topic.

Verses 1-13

(See Numbers 35:9-34), for the purpose of the cities of refuge.

Accidental or intentional homicide and cities of refuge: These “three cities” of refuge were in addition to those set aside on the east side of the Jordan (compare 4:41-43; all were mentioned in Num. 35:9-15).

“The avenger” was the nearest relative of the deceased (*goel*, Num. 35:12).

A typical case of unintentional killing is given, death caused by an axe head that flies from the handle (verse 5).

Verse 11

(And following), relates the case of deliberate slaying and treats it differently.

The “three cities more” (of verse 9), seem to look beyond the near future and the selection of three western cities to a more remote future when Israelite expansion in accordance with the divine promise (1:7; 11: 24; 12:20), would necessitate nine instead of six cities of refuge.

There is no historical notice of compliance with this command.

Here is the law settled between the blood of the murdered, and the blood of the murderer.

Provision is made, that the cities of refuge should be a protection, so that a man should not die for that as a crime, which was not his willing act.

In Christ, the Lord our Righteousness, refuge is provided for those who by faith flee unto him.

But there is no refuge in Jesus Christ for presumptuous sinners, who go on still in their trespasses.

Those who flee to Christ from their sins, shall be safe in him, but not those who expect to be sheltered by him in their sins.

Verses 1-10

God commanded the Israelites to set up “cities” where they could be safe from the “avenger”, the person appointed by the family of one who had been slain.

These cities were spread out so no one would be more than a day’s journey from one (Num. 35:9-28; Josh. 20:1-9).

Deuteronomy 19:1 "When the LORD thy God hath cut off the nations, whose land the LORD thy God giveth thee, and thou succeedest them, and dwellest in their cities, and in their houses;"

The seven nations of the land of Canaan, whose destruction was of the LORD for their sins, and whose land was a gift of him that had a right to dispose of it to the children of Israel (see Deuteronomy 12:29).

"And thou succeedest them, and dwellest in their cities, and in their houses":

Should possess their land in their stead, by virtue of the gift of it to them by the LORD, and inhabit their cities and houses built by them.

This is of course, speaking of the land after it is taken by Israel.

Notice it is the LORD that cut off the nations and gave the land to the Israelites.

Deuteronomy 19:2 "Thou shalt separate three cities for thee in the midst of thy land, which the LORD thy God giveth thee to possess it."

“Three cities”:

Three cities of refuge were to be set aside in Canaan after the conquest of the Land (see Joshua 20:7 for Israel’s obedience to this command).

These 3 cities to the west of the Jordan River were in addition to the 3 already established east of it (see 4:41-43 for the eastern cities of refuge).

A few chapters back, we saw the LORD have them cut off three cities on the eastern side of Jordan for the cities of refuge for the manslayer.

These are primarily the same instructions for the west side of the Jordan.

They must be in the middle of the land, to be quick access to the manslayer.

Deuteronomy 19:3 "Thou shalt prepare thee a way, and divide the coasts of thy land, which the LORD thy God giveth thee to inherit, into three parts, that every slayer may flee thither."

A road, a highway to those cities.

On the first of Adar, or February, the magistrates used to meet, and proclaimed, or ordered to be proclaimed, that the ways be repaired.

Particularly those leading to the cities of refuge.

Which was done by making them smooth and plain, so that there was not a hill or dale to be seen.

And by building bridges over rivers and brooks, that he might escape who had killed anyone through mistake, and not be hindered.

Lest the avenger of blood should overtake him and kill him.

And therefore every obstruction was removed out of the way, that there might be a clear course for him.

And at the parting of ways, or where two or more ways met, that he might not be at a loss one moment which way to take, "refuge" was written.

As Jarchi and other writers observe, upon posts or pillars erected for that purpose (see notes on Num. 35:6).

"And divide the coasts of thy land, which the LORD thy God giveth thee to inherit, into three parts":

In each of which was to be a city of refuge, and those at an equal distance.

So Jarchi observes, that this was done that there might be from the beginning of the border (of the land), unto the first city of the cities of refuge.

According to the measure of a journey.

That there is from that to the second, and so from the second to the third, and so from the third to the other border of the land of Israel.

Of the situation of these cities, so as to answer to those on the other side Jordan (see note on Num. 35:14).

"That every slayer may flee thither":

To that which is nearest and most convenient for him, that is, who had slain a man unawares, as follows.

This is a place of safety they can go to and not fear the revenger, until it is settled whether this was premeditated murder or just an accident.

Deuteronomy 19:4 "And this [is] the case of the slayer, which shall flee thither, that he may live: Whoso killeth his neighbor ignorantly, whom he hated not in time past;"

It was not any slayer that might have protection in these cities, but such who were thus and thus circumstanced, or whose case was as follows.

"Whoso killeth his neighbor ignorantly":

Without intention, as the Targum of Jonathan, did not design it, but was done by him unawares.

"Whom he hated not in time past":

Had never shown by words or deeds that he had any hatred of him or enmity to him three days ago.

So that if there were no marks of hatred, or proofs of it three days before this happened.

It was reckoned an accidental thing, and not done on purpose.

As this phrase is usually interpreted (see Exodus 21:29).

This place of safety is for those who have killed someone accidentally.

This is not done from hate or anger, but accidentally.

Deuteronomy 19:5 "As when a man goeth into the wood with his neighbor to hew wood, and his hand fetcheth a stroke with the axe to cut down the tree, and the head slippeth from the helve, and lighteth upon his neighbor, that he die; he shall flee unto one of those cities, and live:"

A wood is a place common to men, and cutting down wood a business which any man might do.

Whereas a private place, where a man had no right to be, and doing what he had no business with, rendered a case suspicious.

And such a man was liable to be taken up when any affair happened of the kind here spoken of.

So the Jewish writers observe, "a wood is a public place for him that hurts and him that is hurt to enter there;"

Both had a right to go to, the one as well as the other, he to whom the accident came, and he to whom it came from.

But they say, a court that belongs to a master of a house (a private court) is excepted, where there is no power or liberty for him that hurts or for him that is hurt to enter.

Abba Saul says, what is hewing wood?

It is what a man has a right to do, or is in his power.

It is what is public and common, and not peculiar to any.

"And his hand fetcheth a stroke with the axe to cut down the tree":

Lifts up the axe and is about to strike with it, in order to cut down the tree pitched upon by him or by his neighbor, or both.

"And the head slippeth from the halve":

The head of the axe from the handle of it.

Or the iron from the wood.

The iron part of the axe, which is the head, from the wooden part, which is laid hold on by the hand.

And this not being well fastened, slips and falls off as the blow is fetching, or the stroke just ready to be given.

"And lighteth upon his neighbor, that he die":

Hits him in some part as he stands by him, which proves fatal.

"He shall flee unto one of these cities, and live":

Be safe and secure from the avenger of blood.

Such a one might have the benefit of one of these cities, for such they were designed.

The rule with the Jews is, what is done by way of descent (i.e. which comes down and lights upon a man, and is not levelled against him, or thrown up at him), he is to be exiled (or to have the benefit of a city of refuge).

But what is not by way of descent, he is not to have it.

Some think this is spoken of the wood which is cleaved, and not of the wood in which the iron is fixed.

But the wise men say it is to be so understood; in which they are right.

This is just one example of how an accidental death could occur.

It could be any other occurrence that was accidental.

The end of the axe has come off, and accidentally killed his neighbor here.

To be safe from the near relative of the man killing him, he must run to the city of refuge.

Deuteronomy 19:6 "Lest the avenger of the blood pursue the slayer, while his heart is hot, and overtake him, because the way is long, and slay him; whereas he [was] not worthy of death, inasmuch as he hated him not in time past."

These words are to be connected with (Deut. 19:3).

Where it is ordered to prepare the way to the cities of refuge, and to divide the land into three parts, for the convenience of the slayer to flee to.

Lest he that was next of kin, and incensed against the slayer, and determined to avenge what was done, should pursue after him.

"While his heart is hot":

By reason of the loss of his relation, upon which his passions being raised, his heart becomes inflamed with wrath and anger.

Which pushes him upon an eager and hasty pursuit of the slayer.

Before he sits down and coolly considers and deliberates on the affair.

"And overtake him, because the way is long, and slay him":

Wherefore it was proper that everything should be done to make the way to these cities as easy and as short as it could be.

"Whereas he was not worthy of death":

Had not committed an action deserving of it, it being done ignorantly and without notice, as follows.

"Inasmuch as he hated him not in time past":

See notes on Deut. 19:4.

Sometimes in the short time after the death, the near relative might not believe it was an accident.

If the manslayer had to go very far to safety, the revenger might catch him and kill him.

This would be bad for him and the revenger.

If he is not guilty of murder, then he has died for no reason.

The revenger has also killed without a cause.

Deuteronomy 19:7 "Wherefore I command thee, saying, Thou shalt separate three cities for thee."

This was to be done immediately, as soon as they were settled in the land of Canaan, and established in the possession of it, the inhabitants being cut off, or driven out, or however subdued.

These three cities will be strategically located, so the manslayer will not have too far to run to safety.

Deuteronomy 19:8 "And if the LORD thy God enlarge thy coast, as he hath sworn unto thy fathers, and give thee all the land which he promised to give unto thy fathers;"

Extend it further than it was upon their first settlement, even carry it as far as the river Euphrates, as in the times of Solomon (1 Kings 4:21).

Jarchi interprets it of such an enlargement as to give them the land of the Kenites, the Kenizzites and Kadmonites.

"As he hath sworn unto thy fathers, and give thee all the land which he promised to give unto thy fathers":

Abraham, Isaac, and Jacob (see Gen. 15:19).

These three cities are actually for the present land the LORD had promised to them.

The idea is for them to be placed, where they are easily reached by all the people.

Deuteronomy 19:9 "If thou shalt keep all these commandments to do them, which I command thee this day, to love the LORD thy God, and to walk ever in his ways; then shalt thou add three cities more for thee, beside these three:"

“Add three cities more”:

If the Israelites had been faithful in following the LORD fully, then He would have enlarged their territory to the boundaries promised in the Abrahamic Covenant (Gen. 15:18-21).

In that case, 3 more cities of refuge, for a total of 9, would have been needed.

If they keep the commandments of God, He will enlarge their inheritance.

In that case, just three cities would not be enough and they will have to find three more cities to make cities of refuge.

The manslayer must have a place of safety close by.

The larger the land is, the more cities of refuge that are necessary.

Deuteronomy 19:10 "That innocent blood be not shed in thy land, which the LORD thy God giveth thee [for] an inheritance, and [so] blood be upon thee."

As it would be if such a slayer as before described was killed by the avenger of blood, before he could get to one of these cities of refuge.

Or supposing that they had not been appointed, or a sufficient number of them.

"Which the LORD thy God giveth thee for an inheritance":

To be enjoyed by them and their children after them, provided they did not defile it by their sins, but observed the commands of the LORD to obey them.

"And so blood be upon thee":

The guilt of innocent blood crying for vengeance, as would be the case if such a man's blood was shed as before described.

It seems as if the guilt would rather affect the whole land, for not having a proper provision of "asylums" for such persons, than the avenger of blood.

If the revenger were to catch the manslayer before he got to the city of refuge and killed him, he might be killing an innocent man.

This blood would be on the people's head, because they had not provided a place as God told them.

Deuteronomy 19:11 "But if any man hate his neighbor, and lie in wait for him, and rise up against him, and smite him mortally that he die, and fleeth into one of these cities:"

Has conceived enmity in his heart against him and bears him a mortal hatred.

And has formed a scheme in his mind to take away his life.

"And lie in wait for him":

Knowing and expecting he will come by in such a way at such a time.

"And rise up against him":

Out of the place where he lay in wait, just at the time he is passing by.

"And smite him mortally that he die":

Or smite him in soul or life; in such a part where life is in danger, and the consequence of it is that he dies.

"And fleeth into one of these cities":

For shelter from the avenger of blood.

A person who has committed premeditated murder may run to the city of refuge for safety, but he will be treated differently, as we see in the next verse.

Deuteronomy 19:12 "Then the elders of his city shall send and fetch him thence, and deliver him into the hand of the avenger of blood, that he may die."

The Targum of Jonathan is, "the wise men of his city," the Sanhedrin, or court of judicature, or at least the civil magistrates of that city, to which such a murderer belonged.

Had a power to send to the city of refuge whither he was fled, and demand the delivering of him up to them.

That his case might be tried before them, and it might appear whether he was a proper person to receive the benefit of the city of refuge or not.

And if not, to pass sentence of death upon him, and see it executed as follows:

“And deliver him into the hand of the avenger of blood, that he may die”:

That is, after the examination and trial of him.

And when he is found guilty, and sentence is passed upon him, then he was to be delivered into the hands of the avenger of blood, to be the executioner of that sentence.

The elders of the city decide if he is innocent, or guilty of murder.

If he is guilty of murder, they let the avenger have him to kill him.

Deuteronomy 19:13 "Thine eye shall not pity him, but thou shalt put away [the guilt of] innocent blood from Israel, that it may go well with thee."

This is not said to the avenger of blood, who is not to be supposed to have any pity or compassion on such a person.

But to the elders, judges, and civil magistrates of the city to which he belonged, who took cognizance of his case.

These were to show him no favor on account of his being a citizen, a neighbor, a relation or friend, or a rich man, or on any account whatever.

But without favor or affection were to judge him and put him to death as a murderer (see Numbers 35:21).

"But thou shalt put away the guilt of innocent blood from Israel":

By which they would be defiled, and be liable to punishment for it (see Num. 35:33).

The Targum of Jonathan is, "shall put away those that shed innocent blood out of Israel;" put them away by death.

"That it may go well with thee":

With the whole land and its inhabitants, and with the city particularly, and the magistrates.

And men of it, to which the murderer condemned to death belonged.

Being continued in the enjoyment of all temporal blessings and mercies.

Those who are guilty of premeditated murder, should die by the hand of the avenger.

Innocent blood is different.

God will not bless Israel, if they do not give protection to those of innocent blood.

Deuteronomy 19:14 "Thou shalt not remove thy neighbor's landmark, which they of old time have set in thine inheritance, which thou shalt inherit in the land that the LORD thy God giveth thee to possess it."

“Thy neighbor’s landmark”:

These boundary marks referred to stones bearing inscriptions which identified the owner of the property.

Moving a neighbor’s boundary stone was equivalent to stealing his property (compare Prov. 22:28; 23:10).

“Thou shalt not remove thy neighbor’s landmark”:

This is the type of law found in numerous law codes in the ancient Near East.

Despite their distinctiveness from pagan neighbors, Israel shared certain “standard values”, rooted in ancient times (Prov. 22:28).

The second subsection is this verse relating to the respect for a neighbor’s boundaries.

“Landmark”:

In many societies, the limits of a man’s land are still marked by a boundary stone or a heap of stones.

Boundary stones were removed by those who sought to defraud their neighbors (Job 24:2; Isa. 5:8; Hosea 5:10).

Centuries later the Israelites widely violated this law (1 Kings chapter 21: Isa. 5:8; Micah 2:2).

Direction is given to fix landmarks in Canaan.

It is the will of God that every one should know his own; and that means should be used to hinder the doing and suffering of wrong.

This, without doubt, is a moral precept, and still binding.

Let every man be content with his own lot, and be just to his neighbors in all things.

The landmarks God established are sacred.

It is a terrible sin to move a landmark.

Those who move landmarks, are cursed by God.

Verses 15-21

This third subsection relates to evidence and testimony given at civil trials.

The practice of false witness is forbidden in the Decalogue (5:20).

However, in order to discourage false witnesses, certain judicial measures were devised.

God would work through the priests and the judges who would make a diligent investigation of the case.

If the witness was false, he must suffer the punishment intended for the accused.

In that way the evil would be “put ... away” (literally, “burnt out”), from among the Israelites.

The concept of “lex talionis” (the law of retaliation), does not encourage vengeance, but limits it and stands as a guide for a judge as he fixes a penalty suited to the crime.

With “two or three witnesses”: the judgment in a matter would be “established” (17:6; John 8:17; 1 Tim. 5:19; Heb. 10:28).

This principle also applies in church discipline (Matt. 18:16).

A further provision against false testimony was that those who lied would face the same punishment that the falsely accused person had faced.

Sentence should never be passed upon the testimony of one witness alone.

A false witness should suffer the same punishment which he sought to have inflicted upon the person he accused.

Nor could any law be more just.

Let all Christians not only be cautious in bearing witness in public, but be careful not to join in private slanders.

And let all whose consciences accuse them of crime, without delay flee for refuge to the hope set before them in Jesus Christ.

Deuteronomy 19:15 "One witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sinneth: at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be established."

“At the mouth of two ... three witnesses”:

More than one witness was necessary to convict a man of a crime.

This principal was to act as a safeguard against the false witness who might bring an untruthful charge against a fellow Israelite.

By requiring more than one witness, greater accuracy and objectivity was gained (compare Deut. 17:6; Matt. 18:15-17; 2 Cor. 13:1).

We saw in an earlier lesson, where the word of one witness was not enough to sentence a person to death.

This is the same here.

It takes two or three witnesses to convict a person.

Several witnesses establish the truth of the accusation.

Verses 16-19

“A false witness”:

In some cases, there would only be one witness who brought a charge against someone.

When such a case was taken to the central tribunal of priests and judges for trial, and upon investigation the testimony of the witness was found to be false, the accuser received the punishment appropriate for the alleged crime.

Deuteronomy 19:16 "If a false witness rise up against any man to testify against him [that which is] wrong;"

In a court of judicature.

"To testify against him that which is wrong":

That which is not true of him, let it be in what case it will.

Aben Ezra says in idolatry, but it holds good of any other.

This just means if a man accuses someone of doing something, and the person accused denies the accusation, it must be proven.

Deuteronomy 19:17 "Then both the men, between whom the controversy [is], shall stand before the LORD, before the priests and the judges, which shall be in those days;"

The man that bears the false witness, and the man against whom it is borne.

"Shall stand before the LORD":

As in the presence of him.

The omniscient God, and as represented by judges and civil magistrates, whose earthly representative they are.

So it seems to be explained in the next words, which are an interpretation of these.

"Before the priests and the judges, which shall be in those days":

Which shall compose the Sanhedrin, or court of judicature.

And this seems to confirm it, that by priest and judge in (Deut. 17:9), are meant priests and judges.

Jarchi says, this Scripture speaks of witnesses, that is, of the false witness that testifies wrong against a man.

And another that contradicts his testimony, and teaches that there is no witness by women.

And so it is elsewhere said, an oath of witness is made by men, and not by women.

On which it is observed that a woman is not fit to bear witness, as it is written, then both the men, (men and not women).

And the above writer remarks further, that it teaches that they ought to bear testimony standing.

We remember the judges and priests are operating in the power and authority of God.

Whatever they decide, is final in the matter.

Deuteronomy 19:18 "And the judges shall make diligent inquisition: and, behold, [if] the witness [be] a false witness, [and] hath testified falsely against his brother;"

Into the case before them, into the nature of the evidence and proof that each witness brings for or against.

So the Targum of Jonathan, "the judges shall interrogate the witness, by whom these things are said, well."

Shall thoroughly examine the testimony given, and look carefully into it.

"And, behold, if the witness be a false witness, and hath testified falsely against his brother":

It appears plainly by full evidence that he has testified a falsehood of him.

The judges and the priests look for other witnesses to this matter.

Diligent inquisition shows that they put out an effort to come to the truth.

Perhaps, they will find that the witness is a false witness.

We see in the following verses what happens in that case.

Deuteronomy 19:19 "Then shall ye do unto him, as he had thought to have done unto his brother: so shalt thou put the evil away from among you."

Inflict the same fine or punishment on him he thought to have brought his brother under by his false testimony of him.

Whether any pecuniary fine, or whipping and scourging, or the loss of a member, or the value of it, or death itself.

Whether stoning, strangling, burning, or killing with the sword.

Though, in the case of accusing a priest's daughter of adultery, as Jarchi observes, such were not to be burnt, as would have been her case if proved, but strangled.

"So shalt thou put the evil away from among you":

The evil man that bears a false testimony of his brother, or the guilt of sin which would be incurred by conniving at him.

The false witness will receive whatever punishment would have been spoken against the one accused.

He will have set a trap for himself. His punishment is what he wished for his neighbor.

Deuteronomy 19:20 "And those which remain shall hear, and fear, and shall henceforth commit no more any such evil among you."

"Hear, and fear":

When the fate of the false witness became known in Israel, it would serve as a deterrent against giving false testimony in Israel's courts.

Those which survive the false witness shall hear of the punishment inflicted on him.

And fear to commit the like sin, lest they should be punished in like manner.

This will be a good lesson for those who hear and see what went on.

If they ever desire to speak false accusations against someone, they will remember this punishment and not do that evil thing.

Deuteronomy 19:21 "And thine eye shall not pity; [but] life [shall go] for life, eye for eye, tooth for tooth, hand for hand, foot for foot."

The Latin legal phrase *lex talionis*, law of retaliation or retribution, is based on the Old Testament teaching in this verse: "eye for eye, tooth for tooth, hand for hand, foot for foot" (Exodus 21:23-25; Lev. 24:17-20).

That the punishment should fit the crime was a rule for judges, and a major point of it was to limit retribution.

Punishment for a crime should not go beyond the amount of the victim's loss.

Jesus expounded on this law in Matthew 5:38-39.

This law was given to encourage appropriate punishment of a criminal in cases where there might be a tendency to be either too lenient or too strict.

Jesus confronted the Jews of His day for taking this law out of the courts and using it for purposes of personal vengeance.

If the punishment the false accuser was trying to get for the person he accused was death, then the accuser shall be killed.

If the loss was to be an eye, then the accusers eye will be put out.

The same is true, if it was a tooth, or a hand.

Whatever punishment he wanted for the person he accused, will be the punishment inflicted upon him.

Deuteronomy Chapter 19 Questions

1. When is the time they are to do what the LORD told them?
2. How many cities shall they separate?
3. Where are they to be located?
4. Why must they be in the middle of the land?

5. What are the three cities for?
6. Who, of the manslayers, is to be protected here?
7. What is the example of that type of killing, given here?
8. If the way is long, the revenger might _____ the manslayer.
9. If he killed him, he might be killing an _____ man.
10. Is this a request, or a command, of God to separate the cities?
11. What should they do, if their land size increases?
12. What happens to a person, who commits premeditated murder?
13. Who turns him over to the avenger?
14. Thou shalt not move thy neighbor's _____.
15. The landmarks God established are _____.
16. _____ witness is not enough to cause a person to be stoned to death?
17. _____ witnesses establish the truth of the accusation.
18. What should be done to those who accuse someone falsely?
19. The judges and priests are operating in the _____ and _____ of God.
20. What should be the false accuser's punishment?
21. What does the punishment of the false accuser do for the rest of the people?
22. What are some of the examples of his punishment?