

Deuteronomy 19: Biblical Reading and Reflections

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[0 : 00] Deuteronomy chapter 19 If anyone kills his neighbour unintentionally without having hated him in the past, as when someone goes into the forest with his neighbour to cut wood, and his hand swings the axe to cut down a tree, and the head slips from the handle and strikes his neighbour so that he dies, he may flee to one of these cities and live, lest the avenger of blood and hot anger pursue the manslayer and overtake him, because the way is long, and strike him fatally, though the man did not deserve to die, since he had not hated his neighbour in the past.

Therefore I command you, you shall set apart three cities, and if the Lord your God enlarges your territory, as he has sworn to your fathers, and gives you all the land that he promised to give to your fathers, provided you are careful to keep all this commandment which I command you today, by loving the Lord your God and by walking ever in his ways, then you shall add three other cities to these three, lest innocent blood be shed in your land that the Lord your God is giving you for an inheritance, and so the guilt of bloodshed be upon you.

But if anyone hates his neighbour, and lies in wait for him, and attacks him, and strikes him fatally so that he dies, and he flees into one of these cities, then the elders of his city shall send and take him from there, and hand him over to the avenger of blood, so that he may die.

Your eyes shall not pity him, but you shall purge the guilt of innocent blood from Israel, so that it may be well with you. You shall not move your neighbour's landmark, which the men of old have set, in the inheritance that you will hold in the land that the Lord your God is giving you to possess. A single witness shall not suffice against any person for any crime, or for any wrong in connection with any offence that he has committed. Only on the evidence of two witnesses, or of three witnesses, shall a charge be established.

[2 : 18] If a malicious witness arises to accuse a person of wrongdoing, then both parties to the dispute shall appear before the Lord, before the priests and the judges who are in office in those days.

The judges shall inquire diligently, and if the witness is a false witness, and has accused his brother falsely, then you shall do to him as he had meant to do to his brother. So you shall purge the evil from your midst, and the rest shall hear and fear, and shall never again commit any such evil among you.

Your eye shall not pity, it shall be life for life, eye for eye, tooth for tooth, hand for hand, foot for foot. In Deuteronomy chapter 6 to 26, we work through the Ten Commandments, commandment by commandment, and in chapter 19, we reach the second half of the Ten Commandments, concerned with our duties to our neighbour, and the sixth commandment, you shall not murder, is the one that begins.

Apart from that devoted to the first commandment, this is the longest such unit in the book of Deuteronomy. It runs up to chapter 22 verse 8, and chapter 19 falls into three sections. First, there's the law concerning the cities of refuge, then there's law concerning landmarks, and then there's laws concerning witnesses. One of the chief concerns of the material in this section is to establish institutional structures that protect the innocent, especially those who might otherwise be institutionally vulnerable, such as those who had committed accidental homicide and the wrongfully accused.

[3 : 51] The first half of this chapter concerns providing means of sanctuary. That had already existed in some form, but now it needed to be set up for a new form in their entrance into the land.

In Exodus chapter 21 verses 12 to 14, we see that the altar was a place of sanctuary previously. Whoever strikes a man so that he dies shall be put to death, but if he did not lie in wait for him, but God let him fall into his hand, then I will appoint for you a place to which he may flee.

But if a man willfully attacks another to kill him by cunning, you shall take him from my altar, that he may die. The land has to be divided into three parts, and three cities have to be chosen at an accessible distance from any point in the land.

This law was already given in Numbers chapter 35 verses 10 to 34. And the Lord spoke to Moses saying, Speak to the people of Israel and say to them, When you cross the Jordan into the land of Canaan, then you shall select cities to be cities of refuge for you, that the manslayer who kills any person without intent may flee there.

The cities shall be for you a refuge from the avenger, that the manslayer may not die until he stands before the congregation for judgment. And the cities that you give shall be your six cities of refuge.

[5 : 05] You shall give three cities beyond the Jordan, and three cities in the land of Canaan, to be cities of refuge. These six cities shall be for refuge for the people of Israel, and for the stranger and for the sojourner among them, that anyone who kills any person without intent may flee there.

And there has to be distinction made between different types of murder. So the passage goes on to distinguish between murder with various instruments, and then how to distinguish between these. But if he pushed him suddenly without enmity, or hurled anything on him without lying in wait, or used a stone that could cause death, and without seeing him dropped it on him, so that he died, though he was not his enemy and did not seek his harm, then the congregation shall judge between the manslayer and the avenger of blood in accordance with these rules.

And the congregation shall rescue the manslayer from the hand of the avenger of blood, and the congregation shall restore him to his city of refuge to which he had fled, and he shall live in it until the death of the high priest, who was anointed with the holy oil.

But if the manslayer shall at any time go beyond the boundaries of his city of refuge to which he fled, and the avenger of blood finds him outside the boundaries of his city of refuge, and the avenger of blood kills the manslayer, he shall not be guilty of blood.

[6 : 21] For he must remain in the city of refuge until the death of the high priest. But after the death of the high priest, the manslayer may return to the land of his possession. And these things shall be for a statute and rule for you throughout your generations, in all your dwelling places.

Numbers 35 then goes on to discuss laws of witness in capital cases, and the fact that ransom could not be taken for the life of a murderer. Behind all of this, there is the concern that is expressed in the final verses of this section.

You shall not pollute the land in which you live, for blood pollutes the land, and no atonement can be made for the land for the blood that is shed in it, except by the blood of the one who shed it. You shall not defile the land in which you live, in the midst of which I dwell.

For I, the Lord, dwell in the midst of the people of Israel. Within the law of the manslayer is the need to distinguish between malicious and premeditated homicide and negligent or accidental homicide.

The example of a man accidentally killing his neighbour, with whom he had no prior quarrel with the head of an axe that accidentally came off, is the example that Deuteronomy chapter 19 gives.

[7 : 30] Now this man may have been negligent in not looking after his tools, but this is not assumed, it's not necessarily the case. The avenger of blood would presumably have been a close relative or kinsman of the person who lost their life, not just a bounty hunter.

In a society where you do not have an established police force, some allowance is made for vengeance in this way. There is a limited power of policing, but yet it is necessary that some people face the consequences of their action.

The concern, though, is that this should be dealt with in a just manner, and that people should be protected from the cycles of vengeance and vendettas. Much of this chapter, when considered carefully, seems to be designed to work with a society where vengeance is a very powerful and dangerous and volatile force, trying to put curbs upon it, trying to ensure that it does not get started, trying to ensure that the law takes priority, and that breaks are placed upon vengeance's characteristic lack of proportion.

The purpose of the city of refuge, among other things, is to ensure that people get just trials, preventing vengeance from taking its effect before people can actually be heard and have their case considered by the judges.

Cities of refuge had already been set up in Deuteronomy chapter 4, in verses 41 to 43 of that chapter. Then Moses set apart three cities in the east beyond the Jordan, that the manslayer might flee there.

[8 : 52] Anyone who kills his neighbour unintentionally, without being at enmity with him in time past, he may flee to one of these cities and save his life. The extra three cities that Moses speaks about here are set up in Joshua chapter 20, in verse 7 of that chapter.

So they appointed Kadesh in Galilee, in the hill country of Naphtali, and Shechem in the hill country of Ephraim, and Kiriath Arbor, that is Hebron, in the hill country of Judah. In this chapter, however, Moses goes on to speak of three further cities that they should set apart, if and when their territory was enlarged.

There is no reference to this ever taking place, though. Deuteronomy chapter 11, verses 22 to 24 does speak about the territory that they will get if they are faithful to the Lord.

For if you will be careful to do all this commandment that I command you to do, loving the Lord your God, walking in all his ways, and holding fast to him, then the Lord will drive out all these nations before you, and you will dispossess nations greater and mightier than you.

Every place on which the sole of your foot treads shall be yours. Your territory shall be from the wilderness to the Lebanon, and from the river, the river Euphrates, to the western sea. Now that never actually happened.

[10 : 11] They didn't get all that territory. It didn't extend up as far as the Euphrates. As a judgment upon Israel, they never entered into the full measure of what the Lord held out to them in his promise.

Judges chapter 2 verses 20 to 3 verse 4 describes this. So the anger of the Lord was kindled against Israel, and he said, Because this people have transgressed my covenant that I commanded their fathers, and have not obeyed my voice, I will no longer drive out before them any of the nations that Joshua left when he died, in order to test Israel by them, whether they will take care to walk in the way of the Lord as their fathers did or not.

So the Lord left those nations, not driving them out quickly, and he did not give them into the hand of Joshua. Now these are the nations that the Lord left to test Israel by them, that is, all in Israel who had not experienced all the wars in Canaan.

It was only in order that the generations of the people of Israel might know war, to teach war to those who had not known it before. These are the nations, the five lords of the Philistines, and all the Canaanites and the Sidonians and the Hivites who lived on Mount Lebanon, from Mount Baal-Hermon as far as Lebo-Hemath.

They were for the testing of Israel, to know whether Israel would obey the commandments of the Lord, which he commanded their fathers by the hand of Moses. The purpose of the extra cities of refuge is to make adequate provision for the protection of the innocent from vengeance.

[11 : 34] It is important to recognize the logic of this. A failure to provide such sufficiently accessible institutional structures for the protection of the innocent means that Israel would be guilty of the blood of the innocent.

This suggests, then, that injustice can be, among other things, a matter of institutional omission, the failure to provide institutions to protect the innocent. The asylum that is offered here is a limited right.

It was only for accidental or negligent homicide. People could be extradited or removed from the horns of the altar and put to death if they proved to be guilty of actual premeditated or intentional murder.

This section is followed by another odd commandment about removing landmarks or boundary stones. Once again, it's important to consider why it's here. And it might seem strange.

Why don't we have this under the eighth commandment, not to steal? Or the ninth commandment, not to bear false witness, you're telling a lie about the way in which the land is divided. Or the tenth commandment, not coveting your neighbour's field and property.

[12 : 37] It might seem that it would fit more neatly under any one of those single commandments. So why on earth place it alongside the material concerned with the commandment, you shall not murder? First of all, we should notice that placing it here doesn't mean that it would not have been appropriate elsewhere.

Nor does it necessarily mean that it most naturally belongs under the sixth commandment in the broader scheme of things. Rather, I believe it is here to invite reflection. And why is that?

It seems to me that this is a law designed to prevent homicide, more particularly vendettas and cycles of vengeance from building up. The desire for another man's land so often leads to murder or

to escalating cycles of vengeance, as in the case of Ahab and Naboth's vineyard, for instance. Directly attacking such boundaries is a predatory act. It's more than merely a matter of trespassing over them. We might think about the difference between wrongs that occur within the borders of a territory.

That are criminal offences to be dealt with by the law of that territory. And wrongs that threaten the very borders themselves, which are enemy attacks generally dealt with by a violent assertion of sovereignty.

[13 : 47] Of course, the boundaries of an Israelite family were within the general territory of the land and fell under its law. However, honouring and protecting the internal boundaries, not merely the external borders, is absolutely essential to protecting the peace and the integrity of the land.

There are few things more likely to result in unnecessary bloodshed than the failure to honour the internal boundaries and the external borders of the land. The chapter concludes with laws about witnesses.

These are in close connection with the laws concerning cities of refuge, as we see in Numbers 35.30. We might again wonder why it is placed here. Why not place this section under the Ninth Commandment, concerned with prohibiting bearing false witness?

Once again, I believe we are being encouraged to consider a facet of the law that we might not otherwise consider. The concern of this chapter is upon avoiding and avenging the shedding of innocent blood.

And false witness can be a means by which people seek the life of their neighbour. The judges must carefully investigate all cases. They must ensure that appropriate standards of evidence and testimony are met.

[14 : 58] Accusations that are proven false and proven to be malicious render the false accuser liable to the same judgment that he sought to bring upon another. For false testimony in a capital case then, the false accuser could face the death penalty himself.

Once again, judges are warned against inappropriate pity. The justice they are supposed to mete out is not that of vengeful passion or familial vendetta as the avenger of blood.

But nor is it a matter of pity. They must be impartial and give people what is due to them. Equitable, retributive justice is absolutely non-negotiable. Punishment must be proportionate to the crime.

Life for life, eye for eye, tooth for tooth, hand for hand, foot for foot. When we hear such a list, we think that it's a cycle of vengeance, but it's precisely designed to prevent the cycle of vengeance.

This is a task committed to public justice, not private vengeance. And more importantly still, it's calculated to prevent the disproportionality that is characteristic of vengeance.

[16 : 02] Vengeance in an honest society is disproportionate. If you kill a member of my family, I will kill three members of yours. In laws targeted against the reality of vengeance then, Israel is being presented with a way in which the sixth commandment can be honoured within its public life.

A question to consider, how might the story of Cain and his descendant Lamech in Genesis chapter 4 provide some helpful background for considering the laws of this chapter?

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