

February 17: Deuteronomy 19:1-21

Cities of refuge:

- I. Intro to cities of refuge (Verses 1-3)
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- III. 3 more cities of refuge (verses 8-10); verse 10 is a summary
- IV. If hatred turn them over (verses 11-13)
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The ESV Study Bible:

Protecting Life. This section corresponds to the sixth commandment, "You shall not murder" (5:17).

One source shares:

As Moses had already set apart the cities of refuge for the land on the east of the Jordan (Deut. 4:41ff.), he is speaking here simply of the land on the west, which Israel was to take possession of before long; and supplements the instructions in Num. 35:14, with directions to maintain the roads to the cities of refuge which were to be set apart in Canaan itself, and to divide the land into three parts, viz., for the purpose of setting apart these cities, so that one city might be chosen for the purpose in every third of the land¹

- I. Intro to cities of refuge (Verses 1-3)

"When the Lord your God cuts off the nations, whose land the Lord your God gives you, and you dispossess them and settle in their cities and in their houses,² you shall set aside three cities for yourself in the midst of your land, which the Lord your God gives you to possess. ³You shall prepare the roads for yourself, and divide into three parts the territory of your land which the Lord your God will give you as a possession, so that any manslayer may flee there.

- a. This is picking up after Moses talked about testing prophets.
- b. Moses also had talked about the 4 offices of leadership
 - a. Prophet
 - b. Priest
 - c. judge
 - d. king
- c. Deut. 4:41-43 also was about cities of refuge
- d. New American Commentary: The cities selected—Kedesh,¹³³ Shechem, and Hebron—would not need to be built from scratch but would fall to the Israelites by

¹ Carl Friedrich Keil and Franz Delitzsch, *Commentary on the Old Testament*, vol. 1 (Peabody, MA: Hendrickson, 1996), 937.

¹³³ Of the many places by this name, the one in view here is Kedesh of Galilee (T. Qades), ca. seven miles northwest of Hazor. Cf. Aharoni, *Land of the Bible*, 222.

- conquest and be unscathed (cf. 6:10–11). Each would be centrally located within one of three districts into which the land would be divided (v. 2) and each must be of ready access to anyone in the land who needed sanctuary (v. 3). Kedesh served the Galilee region, Shechem the central hill country, and Hebron the highlands of Judah.²
- e. now, Moses comes back to when they enter the land.
 - f. Verse 1: this anticipates a time when the Lord brings victory by “cutting off” the other nations.
 - g. Notice Moses says that they settle into “their” cities and “their” houses.
 - h. Deut 6:10-11 talked about this.
 - i. Now, verse 2: they are to set aside 3 cities
 - j. These cities must be in the middle of the land
 - k. The ESV Study Bible: *The three cities of refuge are to be evenly located throughout the land to provide reasonable access. See Ex. 21:12–13 and Num. 35:9–34. Joshua 20:1–9 names these three cities as Kedesh, Shechem, and Hebron.*
 - l. **IVP BBC:**
 - m. **19:1. Late Bronze Canaanite cities.** Most of what is known about Late Bronze Canaanite cities comes from archaeological excavations and surveys and the inscriptions of the Egyptian Pharaohs who ruled that region. Evidence suggests that the major cities of this period (Jerusalem, Shechem, Megiddo) were walled, but settlements were spaced fairly far apart. The central hill country was sparsely inhabited prior to 1200 B.C. The population was mixed, containing peoples who had come from the Hittite kingdom, Syria, Mesopotamia and the desert areas of Arabia. The Egyptians apparently had some difficulty governing the area and were required on numerous occasions to send military expeditions to quell revolts and end brigandage (reported in the fourteenth-century B.C. Amarna letters as well as in the victory inscriptions of Amenophis II [c. 1450–1425 B.C.] and of Merenptah [c. 1208 B.C.]).
 - n. **19:2–3. refuge cities in ancient Near East.** See the comment on Numbers 35:6–34 for a discussion of the cities of refuge in Israel. The concept of asylum and refuge is quite old. Babylonian and Hittite texts both speak of sacred space where all are to be protected. The inhabitants of the great temple cities of Nippur, Sippar and Babylon were granted special status because of the protection afforded by patron deities of these places. The principle was that only the god could withdraw protection from persons here, and thus no one could shed their blood without an omen or sign from the god (Herodotus has an example from the classical period). Egyptian tradition regarding asylum appears to apply only to the temple precinct rather than to the entire city. This would parallel the biblical examples in which a fugitive takes refuge at the altar (1 Kings 1:50–53; 2:28–34).³
 - o. It is possible that the title “avenger of blood” evolved out of the family obligation to engage in blood revenge when one of their clan members was slain. Such a process,

² Eugene H. Merrill, *Deuteronomy*, vol. 4, The New American Commentary (Nashville: Broadman & Holman Publishers, 1994), 276.

³ Victor Harold Matthews, Mark W. Chavalas, and John H. Walton, *The IVP Bible Background Commentary: Old Testament*, electronic ed. (Downers Grove, IL: InterVarsity Press, 2000), Dt 19:1–3.

while typical of tribal society, is extremely disruptive to the maintenance of order within an organized state. As a result, the “avenger of blood” (a term which appears only in the context of the cities of refuge) may have been appointed by the government to serve the needs of both the family and the state by apprehending the accused and then carrying out the sentence if the verdict was murder.⁴

- p. Notice it says that the Lord gives them to possess.
- q. Verse 3 gives more detail: prepare the roads, divide it into 3 parts
- r. There is a repetition of the idea that the Lord gives them this land as a possession.
- s. Verse 3 tells the purpose: that any manslayer may flee there.
- t. Joshua 20:2 talks about this

II. Example of city of refuge need (verses 4-7); verse 7 is a summary

⁴ “Now this is the case of the manslayer who may flee there and live: when he kills his friend unintentionally, not hating him previously— ⁵ as when a man goes into the forest with his friend to cut wood, and his hand swings the axe to cut down the tree, and the iron head slips off the handle and strikes his friend so that he dies—he may flee to one of these cities and live; ⁶ otherwise the avenger of blood might pursue the manslayer in the heat of his anger, and overtake him, because the way is long, and take his life, though he was not deserving of death, since he had not hated him previously. ⁷ Therefore, I command you, saying, ‘You shall set aside three cities for yourself.’

- a. Numbers 35:9-34 expands on this.
- b. Verse 4 begins the details of how this will happen.
- c. A manslayer (one who kills) someone may flee there.
- d. This is when the person kills someone UNINTENTIONALLY
- e. SPECIFIED: NOT HATING HIM PREVIOUSLY
- f. What would be equivalent to this today?
- g. A court can protect someone when need be.
- h. Verse 5 gives a case study
- i. This envisions an accident in the forest when they are cutting wood
- j. Verse 6: if there is no city of refuge the person will hunt down to kill him. However, the distance quenches the anger or prevents the vengeance.
- k. Verse 7 is a summary.
- l. The New American Commentary gives extra info: **but Num 35 provides explicit instruction about its implementation. It was forbidden in cases of accidental homicide (as here); but if the slayer was found with a weapon in hand or had been known to harbor malice toward the deceased, he must be put to death by the avenger himself (Num 35:16–21). All of this, of course, presupposes due process, the assembly of citizens having determined the guilt or innocence of the alleged murderer (Num 35:24). If the verdict was in favor of the accused, he was to be protected by the**

⁴ Victor Harold Matthews, Mark W. Chavalas, and John H. Walton, [The IVP Bible Background Commentary: Old Testament](#), electronic ed. (Downers Grove, IL: InterVarsity Press, 2000), Dt 19:6.

assembly and allowed to return to the city of refuge from which he had been earlier brought for trial (v. 25).⁵

III. 3 more cities of refuge (verses 8-10); verse 10 is a summary

⁸ “If the Lord your God enlarges your territory, just as He has sworn to your fathers, and gives you all the land which He promised to give your fathers— ⁹ if you carefully observe all this commandment which I command you today, to love the Lord your God, and to walk in His ways always—then you shall add three more cities for yourself, besides these three. ¹⁰ So innocent blood will not be shed in the midst of your land which the Lord your God gives you as an inheritance, and blood guiltiness be on you.

- a. This starts with “if”
- b. This is a case study based on the “if”
- c. If the territory is enlarged giving all the land promised, and “if” they follow the Lord’s commands (verse 9), loving the Lord and walking in His ways, then they get 3 more cities.
- d. The ESV Study Bible: That these further three cities were never appointed in the OT indicates Israel’s lack of obedience. innocent blood. A manslayer is innocent of murder.
- e.

Ge 15:18 That day the LORD made a covenant with Abram: “To your descendants I give this land, from the river of Egypt to the great river, the Euphrates River—

- f. Verse 10 is another summary: innocent blood is not shed.
- g. Notice the continued repetition of “the land the Lord God is giving you to possess.”
- h. The Lord gives the land.
- i. The New American Commentary: The allusion to three more cities of refuge (v. 9) is somewhat problematic in that only here is this proviso stated, and at no time in subsequent history were other cities singled out for this purpose as far as the record is concerned. In the only reference to such places later on, the Israelites under Joshua set apart three cities west of the Jordan and three to the east (Josh 20:7–9). No additional ones are even anticipated here. What is likely is that Moses made allowance for such additional sites, but their selection either never took place or was unrecorded.¹³⁵⁶

IV. If hatred turn them over (verses 11-13)

¹¹ “But if there is a man who hates his neighbor and lies in wait for him and rises up against him and strikes him so that he dies, and he flees to one of these cities,¹² then the elders of his city shall send and take him from there and deliver him into the hand of the avenger of blood, that

⁵ Eugene H. Merrill, *Deuteronomy*, vol. 4, The New American Commentary (Nashville: Broadman & Holman Publishers, 1994), 277.

¹³⁵ The protasis-apodosis construction (⌈ ... '⌋, “if ... then”) makes the addition of three cities conditional on full obedience, something that obviously did not subsequently occur; cf. Craigie, *Deuteronomy*, 267–68.

⁶ Eugene H. Merrill, *Deuteronomy*, vol. 4, The New American Commentary (Nashville: Broadman & Holman Publishers, 1994), 277.

he may die. ¹³ You shall not pity him, but you shall purge the blood of the innocent from Israel, that it may go well with you.

- a. Now, here is a case study.
- b. Hatred is considered equal to murder (Numbers 35 and Matthew 5:21)
- c. The question might be asked, “what do we do if someone flees to the city of refuge but that person is guilty. This explains that.
- d. Verse 11 tells just that: a man hates his neighbor.
- e. The man lies in wait for him--- **this is premeditated murder**
- f. Then the man flees to a city of refuge
- g. Ex 21:12 “Whoever strikes someone so that he dies must surely be put to death.
- h. Nu 35:16 “But if he hits someone with an iron tool so that he dies, he is a murderer. The murderer must surely be put to death.
- i. 1 Jn 3:15 Everyone who hates his fellow Christian is a murderer, and you know that no murderer has eternal life residing in him.
- j. Verses 12-13 tell us what should happen.
- k. The elders of the city shall send and take him from there and deliver him into the hand of the avenger.
- l. Interesting in this case he is to go into the hand of the avenger.
- m. Verse 13: no pity
- n. Purge the blood from the innocent
- o. This makes it go well with them.
- p. IVP BBC:
- q. In the Bible capital punishment is the sentence imposed for apostasy (Lev 20:2), blasphemy (Lev 24:14), sorcery (Lev 20:27), violation of the sabbath (Num 15:35–36), stealing from the *herem* (Josh 7:25), gross disobedience to parents (Deut 21:21), adultery (Deut 22:21), incest (Lev 20:14) and deliberate homicide (Num 35:9). While stoning is the most common form of capital punishment, some offenses require burning or stabbing with a sword. In every case the purpose is to eliminate contaminating elements from society and thereby purge the evil that threatened to draw the people away from the covenant.⁷

V. Don't move boundary markers (verse 14)

¹⁴ “You shall not move your neighbor's boundary mark, which the ancestors have set, in your inheritance which you will inherit in the land that the Lord your God gives you to possess.

- a. Verse 14 has to do with a land boundary dispute.
- b. Back them, as today, they had markers for property.
- c. The New American Commentary shares: *At first glance v. 14 appears to be irrelevant to either its preceding or following context, for it speaks of moving a neighbor's boundary stone (or, better, encroaching upon a neighbor's property, as Heb. nāsag in the hiphil suggests; cf. Prov 23:10). However, it is well known that a common cause of hostility between persons is a failure to agree upon common boundaries and to respect property*

⁷ Victor Harold Matthews, Mark W. Chavalas, and John H. Walton, [The IVP Bible Background Commentary: Old Testament](#), electronic ed. (Downers Grove, IL: InterVarsity Press, 2000), Dt 19:11–13.

rights.¹³⁷ A major way of avoiding strife and even homicide among landowners would be to observe scrupulously the sanctity of personal landholdings and to desist from unlawful use or appropriation of one another's territory. An example of failure in this regard is Ahab's seizing of Naboth's vineyard by perjury and murder, a transgression that eventually cost him his own life (1 Kgs 21:1–26; 22:37–38).¹³⁸ The reason Ahab's crime was so serious was that he was trying to rob Naboth not just of land but of his patrimony (1 Kgs 21:3), the inheritance originally allocated to his ancestors by the Lord himself. This is also what was at stake here in Deuteronomy as reference to "inheritance" (*nahālā*) makes clear (cf. Lev 25:23; Num 36:7).⁸

- d. In the ancient world boundary markers protected the property rights of individuals (v. 14). Many nations as well as Israel regarded them as sacred. Stones several feet high marked the boundaries of royal grants.²¹⁵ The Romans executed people who moved boundary markers.²¹⁶ Tribal boundaries were particularly significant in the Promised Land because Yahweh, the owner of the land, determined them.⁹
- e. This is showing that it was okay to own property and ownership was respected.
- f. Dt 27:17 'Cursed is the one who moves his neighbor's boundary marker.' Then all the people will say, 'Amen!'
- g. Job 24:2 Men move boundary stones; they seize the flock and pasture them.
- h. Pr 22:28 Do not move an ancient boundary stone which was put in place by your ancestors.
- i. Ho 5:10 The princes of Judah are like those who move boundary markers. I will pour out my rage on them like a torrential flood!
- j. **IVP BBC: moving boundary stones.** Since the land had been given to the people by God and apportioned according to a God-given formula, to move boundary stones and thus appropriate territory unlawfully was a crime of theft against God. The antiquity of laws concerning property rights is affirmed by inscriptions on sixteenth-century B.C. Kassite *kudurru* boundary stones, admonitions in eleventh-century B.C. Egyptian wisdom literature against relocating a surveyor's stone (*Teachings of Amenemope*) and in the curse in Hosea 5:10. Each example calls on the gods to protect the owner's rights against encroachment.¹⁰

VI. Witnesses (verses 15-21)

¹³⁷ Kaufman, "The Structure of the Deuteronomic Law," 137.

¹³⁸ For the linkage between the present statute and the Naboth incident, see C. C. Carmichael, *Law and Narrative in the Bible* (Ithaca: Cornell University, 1985), 117–22.

⁸ Eugene H. Merrill, *Deuteronomy*, vol. 4, The New American Commentary (Nashville: Broadman & Holman Publishers, 1994), 279.

²¹⁵ 215. Kline, "Deuteronomy," p. 182.

²¹⁶ 216. Keil and Delitzsch, 3:399.

⁹ Tom Constable, *Tom Constable's Expository Notes on the Bible* (Galaxie Software, 2003), Dt 19:14.

¹⁰ Victor Harold Matthews, Mark W. Chavalas, and John H. Walton, *The IVP Bible Background Commentary: Old Testament*, electronic ed. (Downers Grove, IL: InterVarsity Press, 2000), Dt 19:14.

¹⁵ “A single witness shall not rise up against a man on account of any iniquity or any sin which he has committed; on the evidence of two or three witnesses a matter shall be confirmed. ¹⁶ If a malicious witness rises up against a man to accuse him of wrongdoing, ¹⁷ then both the men who have the dispute shall stand before the Lord, before the priests and the judges who will be in office in those days. ¹⁸ The judges shall investigate thoroughly, and if the witness is a false witness and he has accused his brother falsely, ¹⁹ then you shall do to him just as he had intended to do to his brother. Thus you shall purge the evil from among you. ²⁰ The rest will hear and be afraid, and will never again do such an evil thing among you. ²¹ Thus you shall not show pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.

- a. This still related to cities of refuge as it deals with the judgment.
- b. The Moody Bible Commentary shares that this section relates to the 9th commandment “not to bear false witness against his neighbor.”
- c. *Even Jezebel knew that she had to hire more than one witness to testify against Naboth if her case were to have any merit (1 Kgs 21:10, 13). Nor was such a stipulation required, for only serious allegations such as murder for the law here speaks of “any crime or offense” (v. 15).*¹¹
- d. These verses expand on the ninth commandment not to bear witness against one’s neighbor (5:20). Earlier, capital punishment cases were to be meted out only when there was more than one witness (17:6). Now that same principle is applied to any criminal case (v. 15). The new legislation here pertains to someone who intentionally bore false witness in a malicious manner. When that happened, both parties were to stand before the LORD (v. 17), presumably at the central sanctuary where the appointed priest and/or judge would investigate and adjudicate the matter (v. 18). If false malicious testimony was given, then the guilty one would be sentenced with the penalty he was seeking to have ruled against the other party (v. 19). In this way evil would be purged from the land, and this would deter others from bearing false witness in criminal matters (v. 20). Again no mercy (v. 13) was to be shown to the false accuser. Perjury was subject to the law of lex talionis: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot (v. 21). In other words the penalty had to fit the crime and not be excessive. These principles were to be implemented for the sake of the community within the promised land and thus were seen as judicial, not personal, punishment. Jesus later communicated that this principle need not be followed in interpersonal relationships (Mt 5:38-42).¹²
- e. A single witness does not “rise up against a man.”
- f. In other words, a single witness does not carry out judgment.
- g. This applies to iniquity and sin.
- h. Iniquity can carry the idea of gross sin. In this case it seems that it is just generic for guilt of sin.
- i. Sin is a general word for crossing a moral or divine law.

¹¹ Eugene H. Merrill, *Deuteronomy*, vol. 4, The New American Commentary (Nashville: Broadman & Holman Publishers, 1994), 280.

¹² The Moody Bible Commentary (Kindle Locations 11315-11320). Moody Publishers. Kindle Edition.

- j. A matter must be confirmed by the evidence 2 or 3 witnesses. Those 2 or 3 witnesses are the evidence.
- k. Verses 16-19 are about a false witness.
- l. Both of those who have the dispute, the accused and the malicious witness are to stand before the:
 - a. The Lord
 - b. The priests
 - c. And the judges.
- m. Verse 18: this is supposed to be investigated thoroughly.
- n. Verse 19: if false, he gets the punishment meant for his brother.
- o. Purge the evil is repeated.
- p. Ex 23:1 *“You must not give a false report. Do not make common cause with the wicked to be a malicious witness.*
- q. Ps 27:12 *Do not turn me over to my enemies, for false witnesses who want to destroy me testify against me.*
- r. Dt 17:9 *You will go to the Levitical priests and the judge in office in those days and seek a solution; they will render a verdict.*
- s. Dt 25:1 *If controversy arises between people, they should go to court for judgment. When the judges hear the case, they shall exonerate the innocent but condemn the guilty.*
- t. Pr 19:5 *A false witness will not go unpunished, and the one who spouts out lies will not escape punishment.*
- u. Verse 20 shows that as everyone observes this they will be warned and stray from this sin.
- v. Verse 21:
- w. Eye for an eye, etc.
- x. Dt 17:13 *Then all the people will hear and be afraid, and not be so presumptuous again.*
- y. Dt 21:21 *Then all the men of his city must stone him to death. In this way you will purge out wickedness from among you, and all Israel will hear about it and be afraid.*
- z. Dt 19:13 *You must not pity him, but purge out the blood of the innocent from Israel, so that it may go well with you.*
- aa. Ex 21:23 *But if there is serious injury, then you will give a life for a life...*
- bb. Le 24:20 *fracture for fracture, eye for eye, tooth for tooth—just as he inflicts an injury on another person that same injury must be inflicted on him.*
- cc. The ESV Study Bible: eye shall not pity. See [13:8](#). 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 ([19:19](#)) and makes punishment proportionate to the crime. See [Ex. 21:23–25](#) and [Matt. 5:38](#). It cannot involve multiple acts of revenge (cf. Lamech, [Gen. 4:24](#)).
- dd. IVP BBC: *lex talionis*. The legal principle of “an eye for an eye” or *lex talionis* (“law of retaliation”) is found in both the biblical law codes and the codes of Mesopotamia. Biblical examples (Ex 21:24; Lev 24:20) express the desire to eliminate a corrupting or unclean element in society. The admonition is to have “no mercy” on the culprit. Mesopotamian law contains both the idealized version of *lex talionis* and an amelioration to set limits of compensation. For instance, the law collection of Eshnunna sets a fine of one mina of silver for the loss of an eye. In the personal liability laws found in

Hammurabi's code, reciprocity for injury may be an exactly equivalent injury, a fine or mutilation, depending on the social status of the injured party and the accused. Even in the cases where exact reciprocity is required by Mesopotamian law, it is quite possible that a monetary equivalent was taken in compensation (if not explicitly included in the law), rather than an eye or a tooth being actually removed.¹³

¹³ Victor Harold Matthews, Mark W. Chavalas, and John H. Walton, [*The IVP Bible Background Commentary: Old Testament*](#), electronic ed. (Downers Grove, IL: InterVarsity Press, 2000), Dt 19:21.