

November 25, 2018
Sunday Evening Service
Series: Deuteronomy
Community Baptist Church
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To Ponder . . .

Questions to ponder as you prepare to hear from Deuteronomy 19.

1. What is “due process” and why is it important to you as an American citizen?
2. How were the cities of refuge a demonstration of mercy?
3. What is the difference between mercy and justice?
4. Explain why it is necessary for the government to show justice when at the same time Jesus taught us to show mercy.
5. How important is honesty in a society?

DUE PROCESS Deuteronomy 19

The Fifth Amendment of the U.S. Constitution provides, “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

The gist of this amendment is that the American citizen has the right to expect a process by which he or she has opportunity to prove innocence. To that end, because of due process, the rule of thumb in the American culture is that a person is innocent until proven guilty (unless of course you are a political conservative, in which case, you are assumed guilty and seldom given free recourse to prove your innocence in the public arena).

Maybe the most serious issue facing our culture at the moment is the almost total lack of truth. There seems to be little concern for truth in government, from the chief offices of the nation down to the local councils. Truth in reporting news became non-applicable years ago. Now we are experiencing the devastating results of that error. In the same way, truth in advertising is often AWOL from the local newspaper to the internet.

As a result, truth in the courtroom, truth in congressional hearings, truth in investigations overseen by the Justice Department is ignored. A society devoid of truth cannot long endure. As we are already experiencing, when truth is no longer a foundational tenant of a culture, that culture descends into anarchy. When truth doesn't matter, the powers in control will be the loudest voices, the most serious threats, or the fastest gun. That is a sad but fitting description of this nation that was founded on the true principles of God's law. We have rejected the absolute truth of God and taught two generations of young people that truth is whatever feels right to them, the individual.

God is the essence of truth and desires for His people to govern themselves based on adherence to that truth. Therefore, God desired to keep the perversions our culture now struggles with out of His chosen nation. God, who designed us, knows that any movement away from truth will result in chaos and upheaval in a family, a church, a school, a business, or a nation. Therefore, we find these very simple and pragmatic rules that afforded “due process” to God's people in the case of wrong doing or apparent wrong doing. The rules sound very good to people who love God and desire to serve Him with a clear conscience.

Provision of Cities of Refuge (vv.1-13).

The opening words of our text reveal Moses's instruction about the provision of unique and necessary cities. He told the people that they were to provide these three cities at the outset of possessing God's promise. Of course, provision of the cities of refuge would only be possible as the LORD gives the land. *When the LORD your God cuts off the nations whose land the LORD your God is giving you, and you dispossess them and dwell in their cities and in their houses (v.1).*

The requirement for God's people to provide cities of refuge came within Moses's instruction about how the people were going to be able to settle in a land already occupied. Moses reminded them that Yahweh, the God of Israel (the nation He had chosen), was preparing to "decapitate" the nations living in the land. The Hebrew word translated *cuts off* does mean to cut away or eliminate. But it is sometimes also translated in the more graphic picture of decapitate.

That is an accurate and vivid description of what God planned to do to the nations and kings who had been settled in the land for many centuries. God would destroy those long-established nations because they had rejected Him, worshiped their false gods, and practiced abhorrent sins for many years (cf. 18:9-10). God was ready to remove those pagans and give the land to the lineage of Abraham to whom God had promised it. *When they came to the land of Canaan, Abram passed through the land to the place at Shechem, to the oak of Moreh. At that time the Canaanites were in the land. Then the LORD appeared to Abram and said, "To your offspring I will give this land." So he built there an altar to the LORD, who had appeared to him (Genesis 12:5b-7).*

But notice also the personal responsibility required. While on the one hand God was going ahead of His people and rooting out the inhabitants, on the other hand God required of His people: *you dispossess them . . . and dwell in their cities and in their houses.* The people could not possess the Promised Land if God did not destroy the inhabitants. But God was not going to do the practical and mundane tasks for them.

This is a fitting picture or illustration of Christian living. God by grace awakens our spiritually dead souls through the miracle of Holy Spirit regeneration at salvation. We cannot do that. However, having been awakened and given spiritual life, we are responsible to

live, and grow, and become more like Christ through the grace He gives.

According to the divine plan, God's people were to sacrifice three cities out of their possession. Moses told them, *You shall set apart three cities for yourselves in the land that the LORD your God is giving you to possess (v.2).* We know that three cities were already established on the east side of the Jordan (Deut. 4:41-43). Now the people learned they needed to provide three more cities in the major portion of the Promised Land.

The cities were to be convenient for a person who was guilty of homicide to flee to. *You shall measure the distances and divide into three parts the area of the land that the LORD your God gives you as a possession, so that any manslayer can flee to them (v.3).* The three cities the people set aside were Kedesh, Shechem, and Hebron. We can see on a map of the Old Testament that the cities were equally spaced from the far northern region to the center and to the far southern region of the nation. The purpose behind the locations was that anyone in the nation would have a city of refuge within a reasonable distance if they needed it.

There is also an interesting statement about the possible need to provide three more cities as the nation is enlarged. Moses told the people that IF the Lord enlarged their territory, they would need more cities. *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 . . . then you shall add three other cities to these three. (vv.7b-8, 9b).* There was little doubt that the Lord would enlarge Israel's borders to include all the land the Lord intended for them to have. He did that. However, there is no subsequent record that three more cities of refuge were added. Silence on the matter does not mean the cities were never added.

What was the principle reason for the establishment of these cities of refuge? Verse four states the principle. There might be a case where a person became involved in an innocent, unplanned, taking of life. *This is the provision for the manslayer, who by fleeing there may save his life. If anyone kills his neighbor unintentionally without having hated him in the past (v.4).* In such a case the innocent person

could flee to the city and be safe. The cities of refuge were not a place of safe haven for criminals who broke the law.

A popular trend in some of the larger cities in America is for them to label themselves as “sanctuary cities.” The practical outworking of that idea is that people who have entered the United States illegally can live in the sanctuary city knowing that the authorities will not turn them over to immigration officers to be arrested for crimes or to be deported. Again, these are illegal immigrants, not people who have been given permission to seek asylum and not people who are pursuing citizenship. Therefore, it is neither accurate nor biblical to appeal to God’s command to provide the cities of refuge as an example. That is not at all the purpose the cities of refuge were to serve.

Rather, this was the place a man could flee to in case of accident or unintentional manslaughter until friends and families of the deceased person could cool down and think rationally. We can understand why this would be necessary because human nature will react with hostility if it appears that a friend or loved one was murdered. That is why we find the caveat that the homicide was *unintentionally without having hated him in the past (v.4)*.

This statement addresses the question of **motive**. Motive was the same issue Jesus addressed when He explained the law: “*You have heard that it was said to those of old, ‘You shall not murder; and whoever murders will be liable to judgment’*” (Matthew 5:21). Jesus went deeper than the law and explained that the root problem was that murder has a motive. “*But I say to you that everyone who is angry with his brother will be liable to judgment; whoever insults his brother will be liable to the council; and whoever says, ‘You fool!’ will be liable to the hell of fire*” (Matthew 5:22). Even in our culture, prosecutors who are trying to convict of murder look for a motive.

But sometimes a homicide was not a case of murder because there was no motive. Here God gave an illustration, *As when someone goes into the forest with his neighbor to cut wood, and his hand swings the axe to cut down a tree, and the head slips from the handle and strikes his neighbor so that he dies (v.5a)*. This was obviously an accident. The sad reality is that some accidents do take lives, but that is not the same as murder.

In the case of innocence (or we would call it manslaughter), God required a provision that would allow time to flesh out the evidence. The man *may flee to one of these cities and live, lest the avenger of blood in 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 neighbor in the past (vv.5b-6)*.

This person or persons called the “avenger of blood” was an ancient rule found even back to the time of Cain (Genesis 4:14). Cain was concerned that a family member (everyone was a family member in the beginning) would find him and kill him because he murdered his brother Abel. In the case of murder, God allowed for the family member to be the avenger of blood. The law stipulated, *The avenger of blood shall himself put the murderer to death; when he meets him, he shall put him to death (Numbers 35:19)*. That sounds to us kind of like the way the “mob” gets vengeance on each other. Such was not the case. Rather, the elders of the cities considered the evidence first, and then if there was premeditated murder, they sentenced the perpetrator to capital punishment at the hands of the avenger.

The process looked like this: *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 (Numbers 35:22-23). . . . then the congregation shall judge between the manslayer and the avenger of blood, in accordance with these rules (Numbers 35:24)*. The avenger could not avenge until guilt was proven. We call it due process.

In the statement of the principle, we discover (as we should have expected) that God maintains a balance of justice and mercy. In order to practice mercy, God required, *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 (v.8) . . . 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 (v.9)*.

The intent to give the man who was guilty of murder opportunity to defend himself was a command from God rooted in the

peoples' love for the LORD. It was a display of mercy to prevent innocent bloodshed. God said the reason for time to prove innocence was *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 (v.10)*. God is very serious about the shedding of innocent blood, and this law about cities of refuge was intended to prevent it. God's people show mercy by ferreting out the evidence and details. If motive is lacking, if evidence is lacking, the man accused of the wrong doing goes free. That is mercy.

But God's rules also require justice. There could be a case of premeditated murder. *But if anyone hates his neighbor 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 (v.11)*. In this case, there was a motive. God's law was broken: Commandment number six states: *You shall not murder (Deut. 5:17)*. Someone broke the law and the murderer sought safety from the avenger of blood in the city of refuge.

If it really was a case of murder, the judges were to spare no justice. *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 eye shall not pity him, but you shall purge the guilt of innocent blood from Israel, so that it may be well with you (vv.12-13)*. The elders were to consider the evidence and, in this case, the evidence proved that the man committed murder. The elders were to extradite the murderer and deliver him to the avenger of blood. Why? Where is the mercy? When God's law was clearly broken, the issue was justice. The people were to turn the murderer over *so that he may die*. In fact, *Your eye shall not pity him*. The whole thing seems so heartless! Or worse, the murderer could be killed by the family avenger if it was proven that he was guilty by at least two witnesses (Numbers 35:19-21) even before the guy reaches the city of refuge.

But if the murder got to the city of refuge first, he was safe until proven guilty. Upon the proof of guilt, the family avenger could take him back to the place of the crime and execute him. There was always to be due process, but always swift capital punishment in the case of guilt. Which begs the question, "Why was God's law so harsh?" The short answer is that practice of the law was to purge guilt from among God's people. Furthermore, obedience to God in the matter made the

people more suited for the Lord's blessing (*that it may be well with you*).

We do well to understand the deeper reason behind this law. God makes humans in His image. To commit murder is to attack God, an act of rebellion, and insubordination against God first. Therefore, response to murders needs to be swift and severe. Cultures that are weak in responding to murder set themselves up for much more of it. And worse, the culture that makes murder legal and acceptable has proven that life is of no value and sets themselves up for rampant murder and mass killings.

A Couple of Rules of Justice (vv.14-21).

Another rule, somewhat related to the foregoing, is that the people must not move landmarks. *You shall not move your neighbor'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 (v.14)*. The command is set against the backdrop of the LORD's inheritance. Numbers 27 shows how important it was for the inheritance to stay intact and within the same family. The law of redemption of family property reveals the same importance. The law of kinsman redeemer, as illustrated by Boaz regarding Ruth, proves how important it was to maintain the family inheritance.

To understand how important family inheritance of property was, we only need to remember how God responded to Ahab stealing Naboth's vineyard. It was the straw that broke the camel's back for Ahab. God immediately sent His preacher to tell Ahab that he and his family were marked for destruction. This response reveals how serious God was about protecting a family's property.

The command prohibiting the moving of boundaries is based on honesty. The Ahab/Naboth story also reveals how dispute about property lines can lead to hostilities – which takes us back to the previous point about murder or homicide. If honesty prevails in relationships (especially about boundaries), there is less chance of hostility.

Many years ago, we lived beside a cantankerous neighbor. There was a sweetgum tree growing on our side of the chainlink fence

that separated the properties. As you know, sweetgum trees can be a nuisance because of those spiny little balls they drop. This hard-to-please neighbor hounded me for months to cut down MY tree because it dropped the spiny balls on her yard. Finally to prevent hostility, I cut down the tree. A couple years later, we sold the house and moved to where we have lived the past 32 years. When the surveyor marked the property lines, I discovered that the people who had installed the fence must have moved the boundaries and the sweetgum tree was on the neighbor's property all the time.

Another command that is directly related to both the city of refuge law and the moving of boundaries law is that false witnesses are not to be tolerated. The principle of sufficient evidence is based on mercy. God's law is: *A single witness shall not suffice against a person for any crime or for any wrong in connection with any offense that he has committed. Only on the evidence of two witnesses or of three witnesses shall a charge be established (v.15).*

Now the application of this principle is quite broad. It applies to *any crime or any offense*. The need for witnesses is important in conflicts far less critical than murder or homicide. The rule is that two or three witnesses were necessary in order to establish a charge of wrongdoing. The witnesses would be questioned and if their testimonies did not agree, the charge was dropped.

The Pharisees were so proud to be the guardians of God's law. However, when they put Jesus on trial in their "kangaroo court," this law about witnesses who agree just didn't matter. The false trial, false accusation, and false execution of Jesus at the hands of wicked people causes us to wonder how many other lives have been ruined throughout history by false witnesses? How many innocent people have been executed because of false witnesses? Such pragmatic questions help us understand how serious a matter it was to listen to false witnesses. God's law shows that the issue of false witnesses was more serious than we can imagine.

God demands justice for the false witness. The problem is expressed by a hypothetical situation. If a malicious witness arises to accuse a person of wrongdoing (v.16). There is an accusation of wrongdoing (which in itself is fairly broad). The accusation comes from a malicious witness. The word malicious does mean false as some English translations have it. But the Hebrew word is stronger

than that, as the modern use of the word *hamas* might indicate. We all know what the "Hammas" in the middle east stand for. The word demonstrates a desire for violence or intentional maltreatment. In other words, here is a witness who seeks to do harm.

God's solution to the problem is for *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 (vv.17-18)*. The accuser and the accused go to court. The evidence is presented. The malicious accuser is uncovered after the judges investigate diligently. The verdict is that the brother is guilty of false testimony.

The consequence for that crime was very serious. *Then you shall do to him as he had meant to do to his brother. So you shall purge the evil from your midst (v.19)*. The reason for the consequence is that people would learn from the mistakes of others. *And the rest shall hear and fear, and shall never again commit any such evil among you (v.20)*.

So do we, the people of God, strive for justice or mercy? The principle looks a lot like justice. *Your eye shall not pity. It shall be life for life, eye for eye, tooth for tooth, hand for hand, foot for foot (v.21)*. "Eye for eye," and such was strict justice. It required doing to the false witness the violence he intended for the innocent victim. Wait! Didn't Jesus say that law does not apply anymore? "*You have heard that it was said, 'An eye for an eye and a tooth for a tooth.'* But I say to you, *Do not resist the one who is evil. But if anyone slaps you on the right cheek, turn to him the other also*" (Matthew 5:38-40). This is instruction for the individual follower of Christ. We are to show mercy to our personal agitators. We are to withhold punishment or vengeance, or not insist on our rights.

However, laws governing societies must still render justice (the punishment fits the crime) or even vengeance as God's law states. God's rule for us is, *For rulers are not a terror to good conduct, but to bad. Would you have no fear of the one who is in authority? Then do what is good, and you will receive his approval, for he is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain. For he is the servant of God, an avenger who carries out God's wrath on the wrongdoer (Romans 13:3-4)*.

God's plan is for individual saints to respond in mercy and willing sacrifice. But within God's plan also, a society of sinners must be governed by strong justice because sinners understand that.