

# CHAPTER 19

## INTRODUCTION TO DEUTERONOMY 19

This chapter contains an order to separate three cities of refuge in the land of Canaan, for such that killed a man unawares to flee to, of which those who were guilty of murder purposely were to have no benefit, (<sup><6191></sup>Deuteronomy 19:1-13), a law is given against removing landmarks, (<sup><6194></sup>Deuteronomy 19:14), and others concerning witnesses, that they should be more than one; be two, or three, (<sup><6195></sup>Deuteronomy 19:15), and that a false witness, on conviction, should be punished, (<sup><6196></sup>Deuteronomy 19:16-21).

**Ver. 1.** *When the Lord thy God hath cut off the nations whose land the Lord thy God giveth thee*, etc.] 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 <sup><6129></sup>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.

**Ver. 2.** *Thou shalt separate three cities for thee in the midst of thy land*, etc.] From the cities they took possession of and dwelt in; and indeed from the cities of the Levites, which were given to them to inhabit; three were before ordered to be separated from those inhabited by the tribes of Reuben and Gad, and the half tribe of Manasseh, (<sup><6041></sup>Deuteronomy 4:41-43) but these were to be in the midst of the land of Canaan; (see <sup><6107></sup>Joshua 20:7,8),

*which the Lord thy God giveth thee to possess it*: which as it is often mentioned when this land is spoken of, so it carries in it a reason here why this order of the Lord's should be readily complied with, the whole land and all the cities of it being the gift of his to them.

**Ver. 3.** *Thou shalt prepare thee a way*, etc.] A road, an 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 <sup>f227</sup>, particularly those leading to the cities of refuge; which was done by making them smooth and plain, so that there was not an 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 <sup>f228</sup>; 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 Gill on “<sup>-0656</sup>Numbers 35:6”),

*and divide the coasts of thy land, which the Lord thy God giveth thee to inherit, in 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 Gill on “<sup>-0654</sup>Numbers 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.

**Ver. 4.** *And this is the case of the slayer, which shall flee thither, that he may live*, etc.] 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 neighbour 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 <sup>-0229</sup>Exodus 21:29).

**Ver. 5.** *As when a man goeth into the wood with his neighbour to hew wood*, etc.] 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 <sup>f229</sup>,

“a wood is a public place for him that hurts and him that is hurt to enter there;”

both had a right to go thither, the one as well as the other, he to whom the accident came, and he by whom it came; 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 neighbour, 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* <sup>f230</sup>; the iron part of the axe, which is properly 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 neighbour, 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 an one might have the benefit of one of these cities, for, 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 <sup>f231</sup>; in which they are right.

**Ver. 6.** *Lest the avenger of blood pursue the slayer*, etc.] These words are to be connected with (<sup>489B</sup>Deuteronomy 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 thither, 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 Gill on “<sup><1590></sup>Deuteronomy 19:4”).

**Ver. 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.

**Ver. 8.** *And if the Lord thy God enlarge thy coast,* etc.] 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, (<sup><102></sup>1 Kings 4:21,24). 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 <sup><159></sup>Genesis 15:19 26:3,4 28:13,14).

**Ver. 9.** *If thou shalt keep all these commandments to do them, which I command thee this day,* etc.] A phrase often met with before, and signifies the putting in practice the several laws, moral, ceremonial, and judicial, which Moses was now making a repetition of, and enjoining the observance of them by a divine authority:

*to love the Lord thy God*; which is the source and spring of genuine obedience to the commands of God:

*and to walk ever in his ways*; noting constancy and perseverance in them; now all this is mentioned as the condition of the enlargement of their coast, which would be the case if a due and constant regard was had to the laws of God:

*and then shall thou add three cities more besides these three*; three more in the land of Canaan, besides the three now ordered to be separated in it, and besides the three on the other side of Jordan; so that there would have been nine in all, if these had been ever added; but that time never came: the Jews expect the addition of these three cities in the days of the Messiah <sup>f232</sup> but the Messiah is already come, and all those cities, as they were typical of him, have had their accomplishment in him the antitype of them, of which (See Gill on “<sup>-0852</sup>Numbers 35:29”).

**Ver. 10.** *That innocent blood be not shed*, etc.] 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.

**Ver. 11.** *But if any man hate his neighbour*, etc.] Has conceived enmity in his heart against him, 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* <sup>f233</sup>; 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.

**Ver. 12.** *Then the elders of his city shall send and fetch him thence*, etc.]

The Targum of Jonathan is,

“the wise men of his city,”

the sanhedrim, 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.

**Ver. 13.** *Thine eye shall not pity him*, etc.] 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 favour on account of his being a citizen, a neighbour, a relation or friend, or a rich man, or on any account whatever; but without favour or affection were to judge him and put him to death as a murderer; (see <sup>4652</sup>Numbers 35:21),

*but thou shall put away the guilt of innocent blood from Israel*; by which they would be defiled, and be liable to punishment for it; (see <sup>4653</sup>Numbers 35:33,34), 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.

**Ver. 14.** *Thou shalt not remove thy neighbour's landmark*, etc.] By which one man's land is distinguished from another; for so to do is to injure a man's property, and alienate his lands to the use of another, which must be a very great evil, and render those that do it obnoxious to a curse, (<sup>(4577)</sup>Deuteronomy 27:17)

*which they of old have set in thine inheritance, which thou shall inherit in the land that the Lord thy God giveth thee to possess it*; the land of Canaan: this is thought to refer to the bounds and limits set in the land by Eleazar and Joshua, and those concerned with them at the division of it; when not only the tribes were bounded; and distinguished by certain marks, but every man's estate, and the possession of every family in every tribe which though not as yet done when this law was made, yet, as it respects future times, might be said to be done of old, whenever there was any transgression of it, which it cannot be supposed would be very quickly done; and it is a law not only binding on the inhabitants of the land of Canaan, but all others, it being agreeably to the light and law of nature, and which was regarded among the Heathens, (<sup>(4728)</sup>Proverbs 22:28 23:10 (See Gill on "<sup>(2850)</sup>Hosea 5:10")

**Ver. 15.** *One witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sinneth*, etc.] Whether capital sins, or pecuniary debts; or whatsoever sins a man may be guilty of whether sins against the first or second table of the law, whether greater or lesser sins, whether in moral or civil things; the Jews except only in the case of a woman suspected of adultery and of beheading the heifer:

*at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be established*; either for acquittance or condemnation; and the witnesses may not, as Jarchi says, write their testimony in a letter, and send it to the sanhedrim, nor may an interpreter stand between the witnesses and the judges; (see Gill on "<sup>(6706)</sup>Deuteronomy 17:6")

**Ver. 16.** *If a false witness rise up against any man*, etc.] In a court of judicature:

*to testify against him*: that which is not true of him, let it be in what case it will; Aben Ezra instances in idolatry, but it holds good of any other.

**Ver. 17.** *Then both the men between whom the controversy is*, etc.] 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 vicegerents they are; so it seems to be explained in the next words, which are exegetical of these:

*before the priests and the judges which shall be in those days*; which shall compose the sanhedrim, or court of judicature; and this seems to confirm it, that by priest and judge, in (<sup>4570</sup>Deuteronomy 17:9,12) 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 <sup>f234</sup>, an oath of witness is made by men, and not by women; on which it is observed <sup>f235</sup> that a woman is not fit to bear witness, as it is written,

*then both the men*, etc.] men and not women; and the above writer remarks further, that it teaches that they ought to bear testimony standing.

**Ver. 18.** *And the judges shall make diligent inquisition*, etc.] 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.

**Ver. 19.** *Then shall ye do unto him as he had thought to have done unto his brother*, etc.] 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.

**Ver. 20.** *And those which remain shall hear, and fear*, etc.] 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.

**Ver. 21.** *And thine eye shall not pity*, etc.] The false witness when convicted; this is directed to the judges, who should not spare such an one through favour or affection, but pronounce a righteous sentence on him, and see it executed, in proportion to the crime, and that according to the law of retaliation:

*but life shall go for life*; in such a case where the life of a person must have gone, if the falsehood of the testimony had not been discovered, the false witness must suffer death; in other cases, where a member would have been lost, or the price of it paid for, the same penalty was to be inflicted:

*eye for eye, tooth for tooth, hand for hand, foot for foot*; that is, the price of an eye an eye, etc. (see <sup><12123></sup>Exodus 21:23,24 <sup><18249></sup>Leviticus 24:19,20).