



Administering justice in a covenantal way

Deuteronomy 19

Key Verse: *'And those who remain shall hear and fear, and hereafter they shall not again commit such evil among you. Your eye shall not pity: life shall be for life, eye for eye, tooth for tooth, hand for hand, foot for foot.'*

Deuteronomy 19:20-21

The character of covenantal justice

Nowadays it seems that 'justice' has become evangelicalism's rallying cry for relevance. So many contemporary sermons, journals and church discussions are seasoned with the rhetoric of equal rights or public justice or choosing the side of the poor. Confusing the situation are the many different definitions of justice. For some, justice means equality, which means everybody should get the *same* treatment. For others, justice means that the poor and disadvantaged in society deserve *more* than the rich and powerful. Translating 'justice' into public policy, aims at guaranteeing equality before the law, or equality of opportunity, or worst of all: equality of result or outcome.

Although the term isn't found in Deuteronomy 19, the entire chapter involves administering justice among Israel. Biblical justice is a *covenant* activity. That is to say, justice is defined and administered not on the basis of humanly determined needs, but according to divine prescriptions within a context of grace and redemption. *God's law defines what is and is not just.* Not opinion polls. Not majority vote. Not even supreme courts.

As we walk through Deuteronomy 19, notice how beautifully the LORD'S laws balance righteousness and love, justice and mercy, so that any nation ordering its public life according to them will bear a striking resemblance to this God. Truly Israel was a favored people among all the nations. As the psalmist sang,

*[The LORD] declares His word to Jacob,
His statutes and His judgments to Israel.
He has not dealt thus with any nation;
and as for His judgments,
they have not known them.
Praise the LORD!*

Psalms 147:19-20

The standards for human justice come from above, not from below. Biblical justice functions redemptively in society, keeping together what ought to be kept together (families, for example), and separating what ought to be separated (criminals from the rest of us, for example). How desperately the world needs to hear *that* message from the church today!

Cities of refuge (read 19:1-13)

Children playing tag will often run to a designated spot and shout 'Free!' in order to catch their breath and avoid being caught. Israel's cities of refuge were neutral sites which worked that way too. Someone guilty of involuntary manslaughter could run to one of these cities and be 'free' from prosecution and execution.

This isn't the first time the LORD prescribed such cities. Already in Exodus 21:13 and Numbers 35:6-28 (you should really pause to read these), He had commissioned Israel to appoint three cities east of the Jordan, and three cities in Canaan. (*Question 1*)

Moreover, these cities were to be accessible to everybody. So once Israel had crossed the Jordan, she was to locate the cities proportionately throughout the land, near roads and within range of everybody. Later, when the LORD had blessed Israel and enlarged her boundaries, she was to appoint three more cities of refuge, for a total of nine (vv. 8-10).

Naturally, these cities could be used properly or improperly.

The *proper* use involved instances of involuntary manslaughter (vv. 4-7), illustrated by the case of the flying axhead (v. 5). Unlike the surrounding nations, Israel was not to practice *vigilante* justice, but only *covenant* justice. No vendetta or feuds, no lynch mobs or street justice.

The *improper* use involved cases of premeditated murder (vv. 11-13). In such instances the criminal would flee for protection to the city of refuge, but upon conviction was to be extradited to the elders of his hometown and to the avenger for execution.

From Numbers 35 and Joshua 21 it is clear that these cities of refuge were also levitical cities, cities assigned to the Levites who had no other inheritance or land among Israel. As levitical cities they functioned as a kind of representation or extension of the single altar of the LORD located in 'the place the LORD chooses' (see Deuteronomy 12:5). This central sanctuary was the place where atonement was rendered through the shedding and sprinkling of blood, where sins were covered and the LORD was reconciled with His people. Symbolically, the benefits of atonement and reconciliation extended, by means of the levitical ministry, to these cities of refuge in a way that served public justice among Israel.

This close connection between the sacrificial cult and the public square, between atonement and justice, teaches us that true justice depends on reconciliation with God. A nation that despises God and chooses to do without divine atonement for sin cannot execute biblical justice. When the values and order of religious life are excluded from public discourse, justice rots in the streets. (*Question 2*)

Notice also the LORD'S protection of *life* by means of His law. You might picture it this way: 'death' (the avenger) chases 'life' (the perpetrator), but by means of the LORD'S merciful law which provides cities of refuge, 'death' is not permitted to swallow up 'life.' So then, these cities of refuge perform a custodial function (Galatians 3:24) until that day comes when 'life' will swallow up 'death' in victory (see 1 Corinthians 15:54).

Landmarks and justice (read 19:14)

In verse 14 we move to a new subject. Removing landmarks or boundary stones was the equivalent of a real estate swindle. It was a form of stealing, of lying and of covetousness. Moving landmarks betrayed utter disrespect for the law and was a symptom of the breakdown of tradition (see Job 24:3; Hosea 5:10). So serious was this crime that the LORD pronounced a special curse upon those guilty of it (see Deuteronomy 27:17).

For Israel, owning and inheriting land (whose dimensions were certified by the boundary stones) was ultimately a *religious* matter. That piece of land was an earnest or down-payment of one's share in the LORD and His covenant. These stones remained in place for generations because the LORD was the same yesterday, today and forever! To remove the landmarks was to violate the LORD'S sovereignty.

Honoring landmarks fulfilled both tables of the law. The LORD made the original assignment and apportionment of Canaan's land. Leaving the boundary stones alone showed respect for His authority. But this respect also let the neighbor keep the piece of ground that the LORD assigned him!

In other words, *covenantal justice respects divine providence*.

The same holds true today, with regard to the apportionment of property, wealth and land by divine providence. In the eighth commandment God 'brands as theft all wicked tricks and devices whereby we aim to appropriate our neighbor's goods' (*Heidelberg Catechism*, Lord's Day 42, QA 110). Moving landmarks was an ancient trick; forging documents, excessive government taxation and devalued money are modern devices for stealing other people's goods.

Covenantal justice through witness-bearing (read 19:15-21)

Verse 15 contains a stipulation that we encountered already in Deuteronomy 17:6, namely, that in a criminal trial the testimony of only one witness was insufficient.

Verses 16-21 describe what was to happen if a false witness brought charges against a fellow Israelite. With the appearance of righteousness, someone might attempt to get his neighbor out of the way.

Remember, however, that the stipulation of more than one witness wasn't a guarantee that the truth would always be told. Recall the story of Naboth (see 1 Kings. 21, especially vv. 10, 13).

What if a case involved the word of one Israelite against another? Both must go to the central sanctuary to stand before the priests and judges and there submit to a careful examination. That is: they were to lay the matter before the LORD. If the complainant was found to be a false accuser, the punishment he sought against his brother was to be meted out against him. The measure he sought would be the measure he suffered: life for life, eye for eye (v. 21).

Truth-telling is fundamental to an enduring civilization. Without it, social and economic relationships disintegrate, while cultural virtue withers and dies. A society that tolerates perjury has a death wish, soon to be fulfilled.

Notice also the *mercy* of God's law. Retribution must not be blind or impetuous, but controlled and fair. Executing someone for throwing a punch is unjust. But so is letting out on parole a serial rapist. *Covenantal justice is proportionate justice: an eye for an eye, not a life for an eye. (Question 3)*

Remember our Savior's words in the Sermon on the Mount:

You have heard that it was said, 'An eye for an eye and a tooth for a tooth.' But I tell you not to resist an evil person. But whoever slaps you on your right cheek, turn the other to him also. If anyone wants to sue you and take away your tunic, let him have your cloak also. And whoever compels you to go one mile, go with him two. Give to him who asks you, and from him who wants to borrow from you do not turn away.

(Matthew 5:38-42)

Here Jesus is not intending to replace the ancient civil rule, given to restrain violence, with a call to pacifism and disarmament. Rather, Christ teaches His disciples and His church to put away all desire for *personal* revenge and suffer persecution by enduring wrong. There is really no incompatibility between requiring the state to avenge evil (Romans 13:4) and urging believers to avoid *personal* revenge (Matthew 5:39). *(Question 4)*

Questions for reflection and reply

1. Read Deuteronomy 4:41-43, Joshua 20:2, 7-9, and Joshua 21:13, 21, 27, 32, 38. Look at a map of Bible lands to identify and locate the cities used for refuge, and list the tribes they served.
2. Do you believe that Christians should form their own political party? Why (not)? If so, how do you answer those who say that such a party could never be large enough to be effective? If you don't see the need for a Christian political party, how can biblical principles of justice be blended with the secular principles of existing parties?
3. Illustrate how we might apply proportionate justice today. In light of v. 21a, '*Your eye shall not pity: life for life...*,' should there be room for leniency in applying proportionate justice?
4. Some attitudes or actions are appropriate for the *state*, but not for *individuals* (and vice versa). Find several illustrations of this truth. Explain why this truth is important.

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