

Exodus 21:12-14

Introduction

Last week we began our study of what the Bible calls the “Book of the Covenant.” (Exod. 24:7) In the Book of the Covenant (Exod. 21-23), God sets before the people His “rules,” or His “righteous judgments,” which will guide them in rightly *applying* the terms of the Covenant (the Ten Commandments) to different circumstances and situations in life. So, the Book of the Covenant began with the “righteous judgments” of Yahweh concerning the institution of slavery. And now, this morning, we come to some rules and righteous judgments that are more explicit and “direct” in their application of the 6th Commandment (“You shall not murder”).

“Now these are the rules that you shall set before them... “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.”

I. Exodus 21:12 — Whoever strikes a man so that he dies shall be put to death.

The first thing that jumps out at us here is the universal language. A more literal translation would go something like this: “the man striking a man.” Or we could accurately paraphrase: “A person striking a person so that [that person] dies shall be put to death.” The point is that **everyone** is included here, and *no one* is left out. One commentator writes:

“In other ANE law, murder was punished by death only when a person murdered someone of an equal or higher class. Murder of someone of a lower class was punished either by the payment of a fine or by putting to death someone in the murderer’s household who was of the same class as the person murdered.” (Stuart)

But in the righteous judgments of Yahweh, it doesn’t matter how high on the social ladder the murderer is (even if he’s a king), or how low on the social ladder the victim is (even if he’s a slave), the punishment for premeditated murder is always, every time, without exception, the death of the murderer — *unless* God Himself should intervene. (cf. 2 Sam. 12:13) So we read in Numbers thirty-five:

➤ Numbers 35:31 — You shall accept no ransom for the life of a murderer, who is guilty of death, but he shall be put to death.

According to the Creator of human life, *all* human life is of **equal** value – equally created as His own image and likeness. (cf. Num. 35:15) **Therefore:** “A person striking a person so that [that person] dies shall be put to death.”

But now we need to ask two questions. First of all, *why* the death penalty? *Why* a life for a life? And second of all, *who* carries out the death penalty? Who puts the murderer to death?

II. Exodus 21:13a — But if he did not lie in wait for him, but God let him fall into his hand...

Here we have a special provision made for the case of an unpremeditated killing. In other words, someone kills another person without ever wanting to or meaning to. This might possibly include some of what we call today “involuntary manslaughter” where someone kills another person due to some recklessness or carelessness on their own part, but still without meaning to or wanting to. Or we could just be talking about situations where there was truly no one at fault. We’re given some examples of this kind of unpremeditated killing in Numbers, and then in Deuteronomy.

- Numbers 35:22–23 — 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...
- Deuteronomy 19:4–5 — If anyone kills his neighbor unintentionally without having hated him in the past— 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...

In all of these examples, the killer did not lie in wait for the victim. Instead, according to the Book of the Covenant here in Exodus, these are situations where “**God** let [the victim] fall into [the killer’s] hand.” Now, this doesn’t mean that the victim had secretly done some wicked deed that was deserving of death. This doesn’t mean that we can guess at the reasons *why* God purposed to let this happen. In fact, the point is exactly the opposite. The real point is that we can’t possibly begin to comprehend or understand. One commentator puts it like this:

“Not only... did [he] not intend to kill him, but [he] did not even cherish the intention of smiting him, or of doing him harm from hatred and enmity, and therefore [he] did so quite unawares, **according to a dispensation of God, which is generally called an accident because it is above our comprehension.**” (Keil)

There are no true accidents as many people might think of accidents – random, arbitrary events of fate with no reason or purpose. Instead, if we’re going to call something that’s happened an accident, this should only be because the *reason* it happened is simply beyond our comprehension and hidden from us. So here in Exodus 21, what we would definitely call an accident is nevertheless according to a secret dispensation of God whereby **He purposed** (according to His infinite wisdom, goodness, and justice) to let the victim fall into the killer’s hands. This is not fatalism; it’s divine providence and God’s absolute sovereignty over all things. This is not cause for stoicism and despair, but cause for comfort, and hope, and joy, and humble submission, and trust. There are no true accidents in life as we think of accidents. God’s sovereign purposes are providentially and mysteriously at work in **all things** that ever happen in our lives, and in **all things** that ever happen on this earth. So be comforted, and rejoice. So now, back to the main point of the text:

III. Exodus 21:13 — 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.

So, question: *Why* should the killer have to *flee*, and *from whom* is the killer *fleeing*? After all, this killing was “accidental”; it was unplanned, and unintended. Let me start off by reading this quote:

“In much of the ancient world a mandatory vengeance system was built into the unwritten societal code of conduct. Under this system, you or someone in your family were expected to take the life of anyone who had taken the life of someone in your family, whether or not that person had done so purposefully. Virtually no distinction was made between purposeful and accidental homicide. In the logic of the vengeance system, the causing of a death required the parallel causing of a death to ‘satisfy’ the grievance and make things equal.” (Stuart)

So what do we all think of this “vengeance system”? It sounds pretty bad, doesn’t it? Like the Hatfields and the McCoys. But that’s probably not at all what happened as a general rule. Once the situation was “equal,” it was equal, and I’m not aware that there was any unwritten rule that required you to make things “unequal” again by killing the person who killed the person who had killed someone in the first place. The point was equality; a life for a life. Once there was a life for a life—the killer for the victim—there was no need for the taking of more lives. So while Stuart calls this a “vengeance” system, I’m not sure that’s entirely appropriate. It might be better to call it the ANE version of a “**justice**” system. Likewise, I’m not convinced that this “justice system” *required* that a killer be put to death even if it was obviously a completely unintended accident. Instead, the problem seems to be that it didn’t have any built in, official safeguards. It made no provision for the reality that sometimes what appears *at first* to have been purposeful was really an accident. In the same way, it made no provision for the reality that people often do things in the heat of the moment – without taking the time to find out if things are really as they seem. So in this unwritten system of “justice,” even if you killed someone “accidentally,” you could still very easily end up losing your life. Therefore, what Yahweh does for Israel is to give them “righteous judgments” and “rules” that will remove the flaws from the system.

God doesn’t outlaw the system and replace it with something else; instead, He builds a safeguard into the system that will protect the killer who doesn’t deserve to die by providing a place to which he can flee. For right now, that place would appear to be any one of Yahweh’s **altars** (v. 14; cf. 20:24-26). These altars were to be safe havens – sacred places where the “avenger of blood” wouldn’t dare to put anyone to death. But later on, when Israel was settled in the land, these safe places would be actual **cities** of refuge – to start off with: three Levitical cities on the east side of the Jordan River, and three Levitical cities in Canaan, on the west side of the Jordan River. (cf. Num. 35:14) So we read in Deuteronomy nineteen:

- Deuteronomy 19:4–10 — “If anyone kills his neighbor unintentionally without having hated him in the past... he 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... 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, 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.

What God is guarding against, here, is the crime of **passion** where the “avenger of blood,” in the heat of his anger, pursues and kills the one who killed his family member *before* he really knows the whole story. (cf. Allen; EBC) And so in being provided a place to which he can flee, the killer is provided the opportunity for a fair trial.

- Numbers 35:12 — 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.**

Now, maybe we still feel like we’re just being too “lenient” with this ANE “justice system.” Wouldn’t it be better to say that God is mercifully guarding His people from the dangers of a cultural system that’s completely and totally flawed and illegitimate? Well, let’s come now to verse fourteen. “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...”

IV. Exodus 21:14 — But if a man willfully attacks another to kill him by cunning, you shall take him from my altar, that he may die.

OK, so the first assumption here is that even a killer with murderous intent was likely to flee for refuge to one of the places that God appointed. The second assumption is that before any killer was removed from that place of safety and refuge, it had to be established by the evidence that he did, indeed, have murderous intent. But once this murderous intent was established, the rule was clear: “You shall take him [even] from My altar, that he may die.”

So, now we come back to the two questions we asked earlier: First, *why* the death penalty? *Why* a life for a life? And second of all, *who* is to carry out this death penalty? Who puts the murderer to death? Well, why did the killer flee to the altar—or the city of refuge—in the first place? It was to escape the “avenger of blood.” Therefore, the assumption seems to be that when the killer is taken from the altar, he’s taken from the altar *in order that* he might no longer be safe from the “avenger of blood.” In the righteous judgments of God, who is now “legally responsible” to put the murderer to death? It’s the “**avenger of blood**” – the close family member of the one who was killed. So we read in Numbers thirty-five:

- Numbers 35:19 (cf. 35:16-21; Deut. 19:11-12) — The avenger of blood shall himself put the murderer to death; when he meets him, he shall put him to death.

Now, at this point, we know that God could have “handled things” very differently. We’ve already had a fair trial, so God could easily have required a formal, state execution. Why, then, does God give the “avenger of blood” the task of executing the death penalty? Well, why not? It’s the system already in place. And with the flaws now removed from the system, there’s no need to change it. We’ll come back to this again in the conclusion.

So now we ask, “What happens with the person who flees to a place of refuge, and is then proven to have killed a person unintentionally?” **Before** the Israelites were settled in the land of Canaan, when the places of refuge could only be God’s altars, it would appear that the killer was allowed to return to his family and resume normal life. In other words, the death had been fully investigated and shown to be “accidental,” enough time had gone by so there was no longer any chance of a heated “crime of passion,” and so it was expected that the killer no longer needed to fear being killed himself by the avenger of blood. This is strong evidence for me that this isn’t just a “vengeance” system. If that were the case, then the one who had killed someone unintentionally could never be truly safe. Indeed, if that were the case it would be hard to understand why God gave the murderer over to someone who was only seeking *personal* (family) *revenge*. The main point of this system was “justice,” which would sometimes mean killing when you didn’t want to or *feel* like it at all. Now, **after** the Israelites were settled in the land of Canaan, when the places of refuge were now actual cities in the land, the person who was proven to have killed someone only unintentionally was *not* now free to return to his home and family inheritance. Instead, we read in Numbers thirty-five:

- Numbers 35:24–25, 28–29, 32 — The congregation shall judge between the [unintentional] manslayer and the avenger of blood [probably in the manslayer’s home city], 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...** He must remain in his 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... **You shall accept no ransom for him who has fled to his city of refuge, that he may return to dwell in the land before the death of the high priest.**

Now, at this point, we’re really confused, right? Why should this “innocent” person be forced to leave his home and family inheritance and go to live in a possibly far-away city for possibly many years – possibly even for the rest of his life (if the High Priest lives long enough)? For many of us, this might even be as bad as the idea of an acceptable form of “slavery.” And yet the “righteous judgment” of Yahweh is clear, and the reason for this rule certainly doesn’t appear to be any kind of “concession” in light of the culture and the times. This is a positive judgment of God that’s tied in some way to His own character and holiness. In fact, we also read in Numbers thirty-five:

- Numbers 35:26–27 — *If* the [unintentional] 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.

So what’s going on here? It feels to us like this just keeps getting worse and worse, and more and more “unjust” as it goes along. So, therefore, what we have to ask is this: Is the problem with God, or is the problem with **us**? What do our “feelings” about these supposed “injustices” say about our grasp of the true **sanctity** of human life? We find the answer to this question, and a true, biblical understanding of all that’s been happening here in the last two verses of Numbers chapter thirty-five.

V. Numbers 35:33–34 — 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.”

Notice that in Numbers 35, we’ve heard a lot about “blood.” We’ve heard about the “avenger of blood,” we’ve heard about the avenger of blood not being “guilty of blood,” and now we hear that no matter how, or why it was shed blood always pollutes the land, and atonement can be made for the blood that’s shed in the land only by the blood of the one who shed it.¹

Behind all this talk about “blood” is the fundamental reality in Scripture that the “**life** of every creature is its blood.” (cf. Lev. 17:14) So whenever the blood of a human being is shed, that blood represents the life of one who was created as the very image and likeness of God Himself. (cf. Gen. 1:26-26; 2:7) When you kill a person, even if only accidentally, you’ve still taken the life of one created as **God’s own image and likeness**; the blood of **God’s own image and likeness** has just been shed at your hands. *Therefore*, this blood—or the shedding of this blood—always pollutes and defiles *the land*. Now, what’s unique here in the Old Testament is that this “land” that’s been defiled is very uniquely the land in the midst of which God Himself has chosen to live. “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.” This isn’t true of any other land at any other time in history, and so it partly explains why the rules should be different in America, today – just like it explains why the rules were even different for the Israelites before they entered the land. The wilderness wasn’t set apart as the special place of God’s presence, and so while blood still defiled the land (as it still does today), the *unintentional* manslayer was nevertheless allowed to return immediately to his home and family inheritance. But if ever the blood of one created as God’s own image and likeness was unintentionally shed inside the land of promise, defiling the place of God’s special, holy presence, then even the *unintentional* killer had to remain in his city of refuge until the death of the high priest – with absolutely no exceptions allowed. Are we beginning to get a new perspective now on what the Bible really teaches about the sanctity of human life – created as the very image and likeness of the Creator?

Now we’re in a better spot to understand what the “avenger of blood” really is. The translation “avenger of blood” isn’t necessarily wrong, but when we hear the word “avenger,” we automatically think of revenge and vengeance as a sinful and bad thing. The Hebrew word translated “avenger” is translated that way in only *three* chapter in the Old Testament. (Num. 35; Deut. 19; Josh. 20) But in every other context everywhere else in the Bible the word for “avenger” *always* means “*to redeem*” (91x’s out of 103 x’s). What this tells us is that the role of the avenger was *never* to engage in revenge, but rather to *redeem* the shed blood of his family member that’s now also polluting the land – in the case of Canaan, the land in which Yahweh Himself dwells. And in the very act of “redeeming” the shed blood of his family member, “atonement” is also made for the land for the blood that was shed in it. The “redeemer” had

¹ Of course, this rule assumes a truly “innocent” death whether by a murderer or by an unintentional killer. The blood of the murderer, however, is not “innocent blood” and does not pollute the land or need to be “atoned” for. Instead, the blood of the murderer actually purges the land. In the same way, the blood of the man killed in battle is not, in the Bible, “innocent blood,” or blood that pollutes the land.

many *other* responsibilities outside of being the “redeemer of blood,” but when it came to this specific responsibility, the only way to redeem the blood of the innocent family member, created as the very image and likeness of God, was to avenge that blood on the murderer himself.² And once again, the point is not vengeance, but the true and real sanctity of human life. Indeed, the deeper our understanding of the true sanctity of life, the more *willing*, and even *determined* we will be to see human life taken. For the avenger of blood, the deeper his understanding of the creation of every man, woman, and child as the image and likeness of God, the more enabled he will be to take the life of the murderer even if he would otherwise *not* want to.

- Deuteronomy 19:11–13 — “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, 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 what about the person living in the land of Canaan who’s killed someone *unintentionally*? Remember, this person has still taken the life of one created as God’s own image and likeness; the blood of God’s own image and likeness has just been shed at his hands. And that blood is now polluting and defiling the land in which the holy God dwells. So what is to be done? Before, we were *upset* that this man had to leave his home and family inheritance to go live in a possibly far away city for possibly a very long time. But now maybe we can see that the problem was not with God and His righteous judgments, but rather the problem was with us and our very inadequate view of the sanctity of human life. Now maybe we can see that the question we should really be asking is how he can possibly be allowed to *live*. The answer is found in the fact that he was to live within the city of refuge “*until the death* of the high priest who was anointed with the holy oil.” *Why* until the death of the high priest? Because the high priest, as the one anointed with the holy oil, represented and stood in the place of the people before God. (cf. Exod. 29:1-46; Lev. 8:1-36) And so, in God’s mercy and justice, the death of the high priest *purged and purified* the land, and satisfied every claim on the life of the person who had killed his brother unintentionally. (cf. Ashley; Allen) Therefore, with the death of the high priest the unintentional killer was free to return home. The deeper our understanding of the true sanctity of human life and the holiness of God’s presence in the land, the more we can *understand*, and even *agree* with the death of the *unintentional* killer at the hand of the avenger of blood if he should ever dare to leave the city of refuge before the death of the high priest.³

Conclusion

It’s true that these righteous judgments are all given in the context of the Old Covenant mixed community living in the land of promise. But while they’re not necessarily to be practiced in

² The *goel* does not engage in revenge, but in redemption of family loss, and thus comes to mean ‘redeemer.’ The duties of the *goel* may be to contract Levirate marriage (Ruth 3:13), to receive money payable to a dead family member on behalf of the family (Num. 5:8), to buy a family member out of slavery brought on by poverty (Lev. 25:48), to buy property that has passed out of the family under similar conditions (Lev. 25:25, or to buy property to keep it from passing out of the family (Jer. 32:7-15. The *goel* may also restore the loss a family has suffered when a member has been killed. When such becomes the task of the *goel*, the usual term is ‘avenger of blood.’” (Ashley)

³ The fact that the unintentional killer was no longer in danger from the avenger of blood after the death of the high priest is yet more evidence that the avenger of blood was not engaging in revenge, but rather in redemption.

secular states today or in the New Covenant community, what they reveal to us about the full extent of the sanctity of human life as the very image and likeness of God is just as true and just as relevant for us today as it's ever been. James says:

- James 3:8–9 — No human being can tame the tongue. It is a restless evil, full of deadly poison. With it we bless our Lord and Father, and with it we curse people who are made in the likeness of God.

So how will this *deeper and fuller understanding* of what the sanctify of human life truly means—how will this impact our own **treatment** of those in the world that we might call our “enemies”? Will this enable us better to **love** our enemies and to **pray** for those who persecute us? (Mat. 5:44)

Even today, the shedding of blood always defiles and pollutes the land – even the accidental, unintentional shedding of blood. How much more, then, the intentional and legal shedding of innocent blood? I think, today, of all the “contraceptives” on the market that kill life in the womb just moments after it's begun – contraceptives that today are slaughtering millions of those who are the very image and likeness of God. I think of the over 3000 babies, created as the image and likeness of God, that are legally murdered every single day in America. The land that we live in is polluted and defiled with blood. And this blood is crying out unceasingly to be avenged on mothers, on fathers, on abortion providers, on lawmakers, and on our nation.

So what will *we do*? Or in our silence will we become complicit, and also guilty of blood ourselves? First and foremost, we need to pray – pray earnestly and consistently that God would stop the legalized shedding of innocent blood in our nation. *Pray* that God would move in the hearts of mothers and fathers to protect instead of kill their children. And as we have opportunity, we can also march, call our lawmakers, financially support or volunteer at pregnancy centers. And then, again, we can be faithful to pray, pray, pray.

Our land is polluted and defiled with blood. And this blood is crying out unceasingly to be avenged. So what can *we do*? We can preach the Gospel. In the Old Testament, the death of the high priest purged and purified the land of the blood that was shed *unintentionally*, allowing the one who had shed that innocent blood to return home without any fear of death. This redemption is a picture of what the death of our great High Priest today accomplishes – now *even* for the repentant sinner who has killed a person with murderous intent. If the death of the high priest under the Old Covenant satisfied for the blood that was shed *unintentionally*, **how much more** will the shed blood of our great High Priest, Jesus Christ, be powerful to redeem from the guilt of innocent blood shed with murderous intent? And so even as we warn of the blood crying out to be avenged, we can point to the blood of Jesus Christ shed for the redemption of sinners – “even” murderers. What an impossibly powerful, wonderful, awesome redemption this is – a redemption that was no less necessary for me to be saved than for anyone else! And so we read in the book of Hebrews:

- Hebrews 7:26–28 — For it was indeed fitting that we should have such a high priest, holy, innocent, unstained, separated from sinners, and exalted above the heavens. He has no need,

like those high priests [in the Old Testament], to offer sacrifices daily, first for his own sins and then for those of the people, since he did this once for all when he offered up himself.

- Hebrews 9:11–12 — But when Christ appeared as a high priest of the good things that have come, then through the greater and more perfect tent (not made with hands, that is, not of this creation) he entered once for all into the holy places, not by means of the blood of goats and calves but by means of his own blood, thus securing an eternal redemption.