THE CITIES OF REFUGE

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Other references to the asylum cities are Deuteronomy 4: 41-43 and 19:1-13. Nicolsky\(^\text{18}\) claims that 19:8-10 is a later interpolation, because it breaks into the context of verses 7 and 11, and does not agree with Deuteronomy 4:41-43 where Moses set aside only three cities of refuge. He believes the addition of the verses was occasioned by the attempt to bring the stipulations of Deuteronomy into harmony with those of the so-called Priest Code (Numbers 35:13, 14; Joshua 20:7, 8). The elders of the city of the manslayer investigate the case, because he is answerable to their jurisdiction. But the elders of the respective city of refuge (to which the fugitive has fled) also examine the case according to Joshua 20:4-5. The elders of the city were a court which actually existed in the time of the monarchy.\(^\text{19}\) Nicolsky thinks that in view of the Deuteronomic reform of 621 B.C. and its character, the continuance of the right of asylum at the place sanctuaries after the centralization of worship is untenable.\(^\text{20}\) Staerk, however, takes a different position: for him asylum was always connected with a sanctuary or a place of numinous (pertaining to the divine force or power attributed to objects or beings regarded with awe) character; without this element asylum was impossible. Thus, if Deuteronomy stipulates certain cities of refuge, then cult cities must have been present and no centralization of worship ever took place. Nicolsky feels that Staerk has not taken into account the dif-

\(^{19}\) Ibid., p. 157.
\(^{20}\) Ibid., p. 159.
ference in terminology between Exodus and Deuteronomy (던 וֹרָםִים). He claims that even if there were no Deuteronomic centralization of worship (as Staerk and his followers hold) yet Ṭ며יל can have but one meaning--cities for refuge, independent of any former religious tradition. If the centralization was carried through (as Nicolsky thinks it must have been), then the right of asylum was not only broadened but secularized. Were these stipulations of Deuteronomy concerning asyla a current law or merely outlines of a program? One feature that Nicolsky pointed out to show that Deuteronomy 19:1 ff. was no exact rendering of a current law is the fact that the cities of refuge are not made known by name. A law concerning right of asylum without exact specification of the cities would be a dead letter. These are directions, then, it is maintained, for a future law.

In Joshua 20 and 21 we have the accounts of the cities of refuge and the Levitical cities. Morgenstern claims that Joshua 20 has in verses 3-6 "considerable material which is unquestionably Deuteronomic."22 Because verses 4-6 are not lacking in LXX B he concludes that they are not original in Joshua, but were inserted from Deuteronomy 19, "at a date so late comparatively that at the time the LXX translation was made they had not yet been incorporated into all extant Hebrew versions of the book."23 Nicolsky thinks that Joshua 20 is dependent upon both Deuteronomy and Numbers. He denies any insertion of Joshua 20:4-5 by a later reviser of the chapter, but holds to a borrowing from the more complete record in Deuteronomy. For him Joshua 20 is important as a summary of earlier standards.24

In the main the references in 1 Chronicles (chapter 6) the Levitical cities are omitted in treatments of the subject. The International Critical Commentary merely notes that it

21 Ibid., p. 163.
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is taken directly from Joshua 21:20-39 with some abridgment.\textsuperscript{25} Klein explains the differences between Joshua and 1 Chronicles by assuming that one list belonged to David and Solomon's time; the other to a much later time. Albright has shown that by means of the LXX almost all differences in the lists of cities (as between Joshua and Chronicles) can be resolved.\textsuperscript{26} Bissell feels that all the references to the refuge cities are supplementary to one another and mutually interdependent. Jacobson, Nicolsky, and others hold that the legislation of the so-called Priest Code (Numbers 35 and Joshua 20) is only theoretical, and was never put into practice.

Probably a word should be said here concerning altars as places of asyla. The only direct mentions of an altar in this connection are Exodus 21:14; 1 Kings 1:50-53 (the case of Adonijah); and 1 Kings 2:28-34 (the case of Joab). The references in 1 Kings (so Bissell) show that the altar was considered a place of refuge at the beginning of Solomon's reign. The altar could not suffice for a whole people, hence the addition of the refuge cities.

**RECAPITULATION AND REFUTATION**

It can be readily seen from the foregoing discussion that the postulates of the scholars cited have been predicated upon the theory of the multiple authorship of the Pentateuch (or Hexateuch). For reasons too numerous to set forth here, but which are cogent nonetheless, we reject completely the denial of the Mosaic authorship of the Pentateuch.\textsuperscript{27} The position of Max Lohr that the tradition of the cities of refuge is very ancient and rests upon a historical basis is well taken, especially in view of the regulation in Exodus 21:12 f. which looked forward to a future amplification and is admittedly an ancient portion of the Pentateuch. Those who deny that such cities ever existed must treat lightly the passages in

\textsuperscript{25} The Books of Chronicles, p. 140.
\textsuperscript{26} Archaeology and the Religion of Israel (1942), p. 121, and footnotes 80 and following on pages 208 and 209.
\textsuperscript{27} See M. G. Kyle, The Problem of the Pentateuch (1920) and, O. T. Allis, The Five Books of Moses (1943), among others.
which the cities are spoken of. Why cities which were merely the objects of the desires of some noble souls, having no basis in fact, should be treated with legislation as valid detailed as other institutions in Israel has never been explained. What is it regarding such cities that make them a priori impossible as far as actuality is concerned? Nicol-sky's treatment of the very innocuous term נִלְטָה is both la-bored and far-fetched. The passages in which it occurs show that it had reference to those leaders in each community, representing all the congregation, who were entrusted with administration of justice among the people of Israel. We do not have to come down to days in which the administration of Israel was highly developed, as in the days of the mon-archy, before we can have some form of communal leader-ship. Nicolsky and Morgenstern, in discussing the force of the death of the high priest in the matter, have overlooked the fact that the death of the high priest evidently closed a certain legal period (so Prince), as did the year of jubilee. It closed a period of theocratic life. The argument of Nicolsky that a vicarious human sacrifice was needed to cleanse the land in the case of the involuntary manslayer is insus-portable, nor is the case of the one found dead in the field slain by an unknown hand (Deut. 21), analogous. In the latter case no one could be accused since the perpetrator the deed was unknown; therefore, and, mark you, it was in strict keeping with the whole sacrificial system in Israel innocent animal victim had to die. Similarly, when the death of an Israelite was found to have occurred through involun-tary manslaughter, provision had already been made in the Levitical system for the covering of such sins through the daily sacrifices and the consummating, all-comprehensive sin-offering of the Day of Atonement. Human sacrifice was never countenanced nor practiced in Israel. The offering up of Isaac by Abraham and the offering of his daughter by Jephtah (in her case a consigning to perpetual virginity) are not exceptions to our position but rather proofs of validity of it.

The argument of Nicolsky that the passages in Deut-
eronomy, especially 19:8-10, are a later interpolation is a gratuitous assumption based upon a prejudged conception of what is in keeping with the context and what is not. In a book like Deuteronomy where statutes and judgments and ordinances were set forth for the many phases of the people in the land, when they had conquered it and were settled in it, one cannot deny Moses the right to pass rapidly from one legislative matter to another. It is common practice in extra-Biblical literature as well. We firmly deny that Deuteronomy 19:8-10 disagrees with 4:41-43 of the same book. Deuteronomy 4 shows that Moses appointed the three cities east of the Jordan, but he makes it equally plain that when they have come into the land and the Lord has enlarged their borders, they are to set apart three more cities. Would Nicolas deny to Moses the right, common throughout the world, of making a preliminary statement and then adding, elaborating, and explaining the provisions of such a statute? Has this not been done so recently as in the deliberations of the United Nations? The so-called Deuteronomic reform, entirely a distortion of the facts by the liberal schools of Old Testament criticism, has no bearing on the question. The difficulties that arise from holding that position are traceable to the position and not to the text in Deuteronomy. Similarly, the regulations in Joshua and Chronicles are in keeping with the Pentateuchal legislation and amplify it; they are not dissonant with, the testimony given by Moses. As Albright has shown, all the differences in the lists of cities can be cleared up through reference to the LXX. In short, Moses designated the three cities east of the Jordan (Deut. 4:41-43). After the conquest of the land, Joshua appointed the three west of the Jordan (Josh. 20:7).

As for the argument of Bissell that altars were considered places of refuge, we note that when Exodus 21:12 f.; 1 Kings 1:50; and 2:28 are compared by some with the right of asylum connected with the temples of heathen, they have placed a strained interpretation upon the passages. Neither

the Exodus passage nor those in Kings allow for such conclusion. The results of Adonijah's and Joab's actions are clearly set forth. They did not escape the penalty for their deeds by acting like the heathen. There is no proof that such conduct was countenanced in Israel, nor practiced to any extent. The Exodus passage speaks in broad and general terms of the provision of a place. Should one (when guilty of murder and aware that he had no right to a place of refuge) flee to the altar for protection, even from that place, supposedly such a haven, must he be taken to pay full penalty.

THE TIME OF THE SETTING APART OF THESE CITIES

When were cities of refuge actually instituted in Israel? Toy assumes that down to the time of the Babylonian exile all Levitical settlements had the privilege of asylum for homicides and political disturbers. The establishment of cities of refuge was a post-exilic regulation. Says he, "As to how far this post-exilic law was actually in force there is no definite information. Under the rule of the Persians, the Greeks, and the Hasmoneans, the Judean state never had control of the whole of the old territory. . . . The custom of Asylum doubtless continued, though the function of the avenger of blood ceased; the six cities may have retained their legal privilege, and possibly the right of asylum was extended to the other Levitical cities." Moore's position is that because of the abolition of the holy places and the centralization worship by Josiah in 621 (as if it had not been centralized centuries before that in the time of the undivided kingdom that six cities were set apart to substitute for the asylia abolished. Jacobson, in speaking of the six refuge cities, cautiously notes that "it is barely possible. . . that these cities were shrines in the period of the Judges and the Monarchy, when they did serve as sanctuaries for the slayer, and that P simply revived an old tradition." Morgenstern gives an extended survey of the four

stages in the institution of blood revenge in Israel as he conceives them: (1) Before David's time. It was practiced pretty much as in the desert in early nomad or semi-nomad days. (2) In David's time. It was a period of regulation and legislation. The right of asylum at local sanctuaries and larger shrines was in force. The state determined the conditions of blood revenge and those entitled to enjoy the right of asylum. (3) That stage seen in the Deuteronomic legislation, especially Deuteronomy 19:1-13 (with Joshua 20:4-6). This does not differ radically from stage two: state supervision of blood-revenge at the hands of the avenger. The main difference between the two stages is the provision of three cities of refuge (Deut.) because of the destruction of the local sanctuaries in the Deuteronomic Reformation. As for the six mentioned in Deuteronomy 4:41-43 and 19:8-9, he says it is "unquestionably purely theoretical, paper legislation, for granting that this legislation, even in Deuteronomy, is secondary and therefore post-exilic, the fact that during this period the Jewish community seems never to have exercised dominion over trans-Jordania, would have rendered all this legislation for the six cities of refuge completely null and void."31 He conceives the course of the development of the institution of blood revenge to have been from C through D to P. (4) Priestly Code provides a system radically different in spirit and character from the preceding stages. The Deuteronomic system is now completely revised. He notes: "The old principle of blood-revenge, though still recognized as a positive social institution, is completely overshadowed by the new principle of the extreme defiling of the land through the killing of a human being in any manner whatever, and the consequent and imperative necessity of prompt and adequate ritual expiation. Only the blood the manslayer himself or something ritually equivalent to it, the death of the high-priest, could compensate for the blood shed and adequately expiate the defiling effect of the latter and render the land once more ritually pure and fit for

Yahwe's residence in its midst." Morgenstern's views, as always, reveal great industry and ingenuity, but very little regard for the traditional record.

Albright's position is that the time of the setting apart of these cities must have been that of David. It was not possible, he holds, before Saul or David because the cities of the Canaanites (Judges 1) were to be Levitical cities and at that time did not belong to the Israelites. It could not well be later than about 900 B.C. because Golan and Ashtaroth were taken from Israel in Baasha's reign, becoming part of the kingdom of Damascus, and because Bezer "was in ruins when it was occupied by Mesha of Moab circa 850 B.C." according to his stela. The lists must date from a time when the nation was united, not later than the time of Solomon then. The reasons advanced by him for assigning it to Davidic rather than Solomonic times are: (1) The tribal boundaries of the list approximate more closely the tradition in Joshua than "Solomon's political redistribution of administrative districts." He does not imply that the boundaries were identical with the tradition preserved in Joshua. (2) Undoubtedly, David worked out some reorganization of Israel's commonwealth. This is placed at the time of taking of the census. (3) There was a real need for such institution as the cities of refuge in David's time (so Lohr also). During the age of the Judges, feuds, private or clan, were unrestricted. The monarchy naturally sought to curb them. Albright notes, "The idea of having places of asylum to which the unjustly accused might flee, was familiar throughout the ancient Mediterranean world. It is significant that all three of the cities of refuge in Western Palestine are known to have been towns containing important temples or sanctuaries. But the selection of six Levitic towns which were so admirably suited for the purpose and so convenient of access, demands a statesman as well as an administrative plan. . . . We may safely, therefore,

tribute this idea to David's sagacity, along with the associated plan for forty-eight Levitic cities. . . . Both institutions were probably quite ephemeral, since the Division of the Monarchy and later administrative changes must have made them increasingly impractical: We may reasonably doubt whether they were ever much more than an ideal plan."  

Klein agrees with Lohr that the existence of these cities can be placed in the Davidic tradition. Certain towns were known as priest towns: Anathoth (Josh. 21:18; 1 Kings 2:26; Jer. 1:1; 32:6); Nob (1 Sam. 21:2; 22:19); Bethel (1 Sam. 10:3; Judg. 20:18; 2 Kings 17:28); and Shiloh (1 Sam. 1:3 ff.). Sources also show that there were Levites or priests at Gath-rimmon, Gibeon, Shechem, Tabor, and Jazer.

If the Pentateuch and the historical books be read through consecutively, we maintain, it will be seen that Moses set apart cities east of the Jordan and that Joshua, after the conquest of the land, assigned cities on both sides of the Jordan. These cities served their intended purpose until the time of the monarchy. At that time, it is true, there may have been less need for this measure to insure justice to the manslayer, but nevertheless the provision was there if and when needed. When the cities fell into the hands of Israel's enemies, manifestly they could not serve their proper ends; but whenever possible and as long as possible they were used for the shelter of innocent men who had accidentally slain a man. There is nothing in the record to convince us that the Mosaic legislation was totally disregarded or that the cities were so long in being set apart as to be instituted only in post-exilic times. We must not, however, fall into the error of thinking that the exile alone made necessary the provision of cities of refuge. We know that in Greek and Roman times many Hellenistic cities in Palestine enjoyed such privileges.

THE LOCATION OF THESE CITIES

If disagreement has marked other phases of this subject, the question of the designation of the asyla is no exception.

Curtis and Madsen (in loco in the volume on Chronicles the I.C.C.) occupy themselves with the designations of the cities, but they admit their identifications are indefinite and uncertain. The three cities east of the Jordan were Ramoth Gilead Golan, and Bezer; those west of the Jordan were Kirath-Arba (Hebron), Shechem, and Kedesh. The cities in Transjordania did not exist in post-exilic times. Golan and Bezer are mentioned in the Scriptures only in the lists of the cities of refuge. The region where Bezer was located is not exactly known. It has been assumed that it was early taken by the Moabites and even in the time of the monarchy did belong to Israel. The three cities west of the Jordan (Hebron, Shechem, Kedesh) existed in post-exilic times. Hebron belonged to the Idumaeans till the time of the Maccabees was first conquered by Judas Maccabaeus (1 Macc. 5:55). Shechem was the religious and governmental center of the Samaritan community. In the time of the Hasmoneans it was destroyed by John Hyrcanus (about 127), because it is not mentioned later. Kedesh belongs to the rebellion of Tyre (66-70). In the time of the Judges and early monarchy, as well as the age of Joshua, these points were places of refuge. Kirjath-Arba (called Hebron in ancient times and in modern times el-Khalil) , Shechem (Tell Balatah), and Kedesh (unknown) possessed old and revered sanctuaries. Ramoth was the chief place in Gilead and Bashan, the residence of Solomon's representative (1 Kings 4:13), and evidently was situated on the great caravan road. To judge from its name it must have been located on a knoll. It is the modern Tell Ramith. Golan (Sahem el-Jolan?) was also an important point, because its name is preserved in the post-exilic period in the designation of the district of Gaulanitis. Of these six places four--Kedesh, Golan, Ramoth, and Bezer--were lost to Israel long before 621. Bezer had been captured by the Moabites and the remaining three were taken by Tiglath-

36 G. E. Wright and F. V. Filson, op. cit., p. 110, column 2.
Pileser III (2 Kings 15:29). Hebron was an old sanctuary and center of Judah even before the establishment of Jerusalem by David. Shechem was the oldest sanctuary in Manasseh and Ephraim. Deuteronomy's stipulation of three points was intended to make it easier for the manslayer and more difficult for the avenger to overtake him. The remark "because the way is far" (Deut. 19:6)--presupposes a certain point which must have been located in Judah at a greater dissonance than a number of other places. Hebron fills this condition. It was located in the neighborhood of the southern border of Judah in the half waste district and was connected with Jerusalem by a good road. For the northwestern districts of Judah, which were the most thickly populated, it was a very remote point.

In discussing the location of the cities Klein quotes the Tannaim (rabbis and teachers in Palestine during the first two centuries A.D. whose interpretations of the Biblical law and oral tradition are preserved in the Mishna, Tosephta, and other works) in Makkoth as saying that Joshua divided three cities in Canaan in positions over against the three beyond the River like two rows in a vineyard (יהושע שלוש שערים בקנעם, Hebron in Judah over against Bezer in the wilderness, Shechem in the hill country of Ephraim over against Ramoth in Gilead, Kedesh in Galilee over against Golan in Bashan. Klein judges that they knew these cities and their locations well. He cites instances to show that rabbinical comment in the Mishna and Talmud, and long after the destruction of the Second Temple, would lead us to believe that refuge cities existed in the time of the Second Temple.

CHRIST OUR REFUGE

The writer is one of those students of the Scriptures who believes, no matter how technical the subject in hand nor how critical the treatment may be, that every line of investigation in the Bible should ultimately, if possible, lead to Christ with consequent spiritual enlightenment and enrichment. By this we do not detract from the literal and historical facts of the Bible. We just introduce Christ into the
scene and He ever turns the water into wine as at Cana. The passages in the Old Testament where God is declared to be the believer's refuge are too numerous to be mentioned (cf. the Psalms). Christ is the Refuge for all men. How is this truth seen in the cities of refuge?

First, we note God's provision of them. Although practice of the avenger of blood was old, God took the initiative to provide these cities of refuge. They were not set apart because, after long settlement in the land, the people saw their need of such a provision (as so many liberals hold). In each instance in the Bible where redemption is set forth to be it in type, prophecy, in the tabernacle, in the temple, or in actual fulfilment, God is always seen as the moving One to bring it about. Christ is God's provision.

Secondly, we see man's need of them. With society constituted as it then was and with this practice ingrained in the people, man, if he was to have his life spared, must have just such help. With the innocent slayer it was a matter of life and death. As sinners we stand in dire need of Christ and we cannot claim innocence of any kind. We are all guilty in the deepest sense of the word.

Thirdly, we recognize the refuge in them. How safe the manslayer was once he entered the gates of the city of refuge! He could mingle in the city with all others and feel and know himself to be safe. No harm could come to him there. What a refuge is ours in Christ (Romans 8:1)! With sin put away, with the ransom paid, with the justice of God satisfied, we are eternally safe (Hebrews 6:18). Once inside the city he knew he was safe whether he had fears or doubts at times, or whether he had no feeling in the matter at all.

Fourthly, we observe the accessibility of them. The cities were on both sides of the Jordan and easily reached. They were within reach of a day's journey. They were located at central places in each area. The cities were open at all times, day and night. The roads to them were kept in good
repair and without obstacles. There were no hindrances to entrance within the city. Is there any question in the mind of anyone as to the accessibility of the blessed Christ? Was He not approachable at all times when on earth? He has not changed one iota. He is ever ready to receive. The word "Come" characterizes Him as well as any other. All the obstacles placed in the way of a soul's coming to Christ are self-made, Satan-made, or man-made. Neither God nor Christ ever made them. The Father and Son have moved heaven and earth, yes, and hell, to remove every obstacle to the sinner's refuge in Christ.

Fifthly, we are mindful of the availability of them. They were available for all, Jew or Gentile. Cf. Numbers 35:15. No one could say he would be excluded because of national differences or conditions. All could avail themselves of this resort. Such is the gospel we preach--available for all (Romans 10:12, 13). Since all men are sinners without difference, Christ is their Refuge from sin without difference.

Finally, we contemplate the peril outside them. The innocent manslayer, innocent though he might be, armed with good arguments as he might be, fortified with the best intentions, could not tarry a moment outside the walls of the city of refuge. Yea, more, after he entered it, he dared never leave it, if he cared to be safe. He was to abide there. Going outside the city meant certain death for him. Such an instance we have in Scripture itself. See 2 Samuel 3:33. Why was he called a fool? David said this of Abner after Joab had killed him in the gate of Hebron. Abner had come (now that Saul his master had died) to confer with David. Abner had previously killed Asahel, the brother of Joab, in the battle at Gibeon. Joab was avenging his own brother's death. Hebron was one of the cities of refuge. Abner should have remained within the walls of the city. Instead, he left and was slain in the very gate of the place of his refuge, knowing all the time that Joab was the avenger of blood. Men dare not be near the Refuge, Christ Jesus the Lord, and
yet refuse His shelter. In the immortal words of Charles Wesley's hymn we sing:

Other refuge have I none;
   Hangs my helpless soul on thee;
Leave, ah, leave me not alone,
   Still support and comfort me.
All my trust on Thee is stayed,
   All my help from Thee I bring;
Cover my defenseless head
   With the shadow of Thy wing.

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