

CHAPTER 35

Orders having been given before for the dividing of the land of Canaan among the lay-tribes (as I may call them), care is here taken for a competent provision for the clergy, the tribe of Levi, which ministered in holy things.

I. Forty-eight cities were to be assigned them, with their suburbs, some in every tribe (v. 1-8).

II. Six cities out of these were to be for cities of refuge, for any man that killed another unawares (v. 9-15). In the law concerning these observe,

- 1.** In what case sanctuary was not allowed, namely, that of wilful murder (v. 16-21).
- 2.** In what cases it was allowed (v. 22-24).
- 3.** What was the law concerning those that took shelter in these cities of refuge (v. 25, etc.).

~~ORD~~ NUMBERS 35:1-8

THE CITIES OF THE LEVITES

The laws about the tithes and offerings had provided very plentifully for the maintenance of the Levites, but it was not to be thought, nor indeed was it for the public good, that when they came to Canaan they should all live about the tabernacle, as they had done in the wilderness, and therefore care must be taken to provide habitations for them, in which they might live comfortably and usefully. It is this which is here taken care of.

I. Cities were allotted them, with their suburbs, v. 2. They were not to have any ground for tillage; they needed not to *sow, nor reap, nor gather into barns*, for their heavenly Father fed them with the tithe of the increase of other people's labours, that they might the more closely attend to the study of the law, and might have more leisure to teach the people; for they were not fed thus easily that they might live in idleness, but that they might give themselves wholly to the business of their profession, and not be entangled in the affairs of this life.

1. Cities were allotted them, that they might live near together, and converse with one another about the law, to their mutual edification; and that in doubtful cases they might consult one another, and in all cases strengthen one another's hands.

2. These cities had suburbs annexed to them for their cattle (v. 3), a thousand cubits from the wall was allowed them for out-houses to keep their cattle in, and then two thousand more for fields to graze their cattle in, v. 4, 5. Thus was care taken that they should not only live, but live plentifully, and have all desirable conveniences about them, that they might not be looked upon with contempt by their neighbours.

II. These cities were to be assigned them out of the possessions of each tribe, v. 8.

1. That each tribe might thus make a grateful acknowledgment to God out of their real as well as out of their personal estates (for what was given to the Levites was accepted as given to the Lord) and thus their possessions were sanctified to them.

2. That each tribe might have the benefit of the Levites' dwelling among them, to *teach them the good knowledge of the Lord*; thus that light was diffused through all parts of the country, and none were left to sit in darkness, ^{<530>}Deuteronomy 33:10, *They shall teach Jacob thy judgments*. Jacob's curse on Levi's anger was, *I will scatter them in Israel*, ^{<497>}Genesis 49:7. But that curse was turned into a blessing, and the Levites, by being thus scattered, were put into a capacity of doing so much the more good. It is a great mercy to a country to be replenished in all parts with faithful ministers.

III. The number allotted them was forty-eight in all, four out of each of the twelve tribes, one with another. Out of the united tribes of Simeon and Judah nine, out of Naphtali three, and four apiece out of the rest, as appears, Joshua 21. Thus were they blessed with a good ministry, and that ministry with a comfortable maintenance, not only in tithes, but in glebelands. And, though the gospel is not so particular as the law was in this matter, yet it expressly provides that he that is *taught in the word* should *communicate unto him that teaches in all good things*, ^{<866>}Galatians 6:6.

~~GEN~~ NUMBERS 35:9-34

THE CITIES OF REFUGE

We have here the orders given concerning the cities of refuge, fitly annexed to what goes before, because they were all Levites' cities. In this part of the constitution there is a great deal both of good law and pure gospel.

I. Here is a great deal of good law, in the case of murder and manslaughter, a case of which the laws of all nations have taken particular cognizance. It is here enacted and provided, consonant to natural equity,

1. That wilful murder should be punished with death, and in that case no sanctuary should be allowed, no ransom taken, nor any commutation of the punishment accepted: The *murderer shall surely be put to death*, v. 16. It is supposed to be done *of hatred* (v. 20), or *in enmity* (v. 21), upon a sudden provocation (for our Saviour makes rash anger, as well as malice prepense, to be murder, ~~GEN~~ Matthew 5:21, 22), whether the person be murdered with an instrument of iron (v. 16) or wood (v. 18), or with a stone thrown at him (v. 17, 20); nay, if he smite him with his hand in enmity, and death ensue, it is murder (v. 21); and it was an ancient law, consonant to the law of nature, that *whoso sheds man's blood, by man shall his blood be shed*, ~~GEN~~ Genesis 9:6. Where wrong has been done restitution must be made; and, since the murderer cannot restore the life he has wrongfully taken away, his own must be exacted from him in lieu of it, not (as some have fancied) to satisfy the manes or ghost of the person slain, but to satisfy the law and the justice of a nation; and to be a warning to all others not to do likewise. It is here said, and it is well worthy the consideration of all princes and states, *that blood defiles* not only the conscience of the murderer, who is thereby proved *not to have eternal life abiding in him* (~~GEN~~ 1 John 3:15), but also the land in which it is shed; so very offensive is it to God and all good men, and the worst of nuisances. And it is added that *the land cannot be cleansed* from the blood of the murdered, but by the blood of the murderer, v. 33. If murderers escape punishment from men, those that suffer them to escape will have a great deal to answer for, and God will nevertheless not suffer them to escape his righteous judgments. Upon the same principle it is provided that no satisfaction should be taken for the *life of a murderer* (v. 31): *If a man*

would give all the substance of his house to the judges, to the country, or to the avenger of blood, to atone for his crime, it must *utterly be contemned*. The redemption of the life is so precious that it cannot be obtained by the *multitude of riches* (¹⁵⁰⁶Psalm 49:6-8), which perhaps may allude to this law. A rule of law comes in here (which is a rule of our law in cases of treason only) that no man shall be put to death upon the testimony of one witness, but it was necessary there should be two (v. 30); this law is settled in all capital cases, (¹⁵⁷⁶Deuteronomy 17:6; 19:15. And, *lastly*, not only the prosecution, but the execution, of the murderer, is committed to the next of kin, who, as he was to be the redeemer of his kinsman's estate if it were mortgaged, so he was to be the *avenger of his blood if he were murdered* (v. 19): *The avenger of blood himself shall slay the murderer*, if he be convicted by the *notorious evidence of the fact*, and he needed not to have recourse by a judicial process to the court of judgment. But if it were uncertain who the murderer was, and the proof doubtful, we cannot think that his bare suspicion, or surmise, would empower him to do that which the judges themselves could not do but upon the testimony of two witnesses. Only if the fact were plain then the next heir of the person slain might himself, in a just indignation, slay the murderer wherever he met him. Some think this must be understood to be after the lawful judgment of the magistrate, and so the Chaldee says, “He shall slay him, *when he shall be condemned unto him by judgment;*” but it should seem, by 5:24, that the judges interposed only in a doubtful case, and that if the person on whom he took vengeance was indeed the murderer, and a wilful murderer, the avenger was innocent (v. 27), only, if it proved otherwise, it was at his peril. Our law allows an appeal to be brought against a murderer by the widow, or next heir, of the person murdered, yea, though the murderer have been acquitted upon an indictment; and, if the murderer be found guilty upon that appeal, execution shall be awarded at the suit of the appellant, who may properly be called *the avenger of blood*.

2. But if the homicide was not voluntary, nor done designedly, if it was *without enmity, or lying in wait* (v. 22), not *seeing* the person or not *seeking his harm* (v. 23), which our law calls chance-medley, or homicide *per infortunium* — *through misfortune*, in this case there were cities of refuge appointed for the manslayer to flee to. By our law this incurs a forfeiture of goods, but a pardon is granted of course upon the special matter found. Concerning the cities of refuge the law was,

(1.) That, if a man killed another, in these cities he was safe, and under the protection of the law, till he had his trial *before the congregation*, that is, before the judges in open court. If he neglected thus to surrender himself, it was at his peril; if the avenger of blood met him elsewhere, or overtook him loitering in his way to the city of refuge, and slew him, his blood was upon his own head, because he did not make use of the security which God had provided for him.

(2.) If, upon trial, it were found to be willful murder, the city of refuge should no longer be a protection to him; it was already determined: *Thou shalt take him from my altar, that he may die,* ^{Exodus 21:14}

(3.) But if it were found to be by error or accident, and that the stroke was given without any design upon the life of the person slain or any other, then the man-slayer should continue safe in *the city of refuge*, and the avenger of blood might not meddle with him, v. 25. There he was to remain in banishment from his own house and patrimony *till the death of the high priest*; and, if at any time he went out of that city or the suburbs of it, he put himself out of the protection of the law, and the avenger of blood, if he met him, might slay him, v. 26-28. Now,

[1.] By the preservation of the life of the man-slayer God would teach us that men ought not to suffer for that which is rather their unhappiness than their crime, rather the act of Providence than their own act, for *God delivered him into his hand,* ^{Exodus 21:13}

[2.] By the banishment of the man-slayer from his own city, and his confinement to the city of refuge, where he was in a manner a prisoner, God would teach us to conceive a dread and horror of the guilt of blood, and to be very careful of life, and always afraid lest by oversight or negligence we occasion the death of any.

[3.] By the limiting of the time of the offender's banishment to the death of the high priest, an honour was put upon that sacred office. The high priest was to be looked upon as so great a blessing to his country that when he died their sorrow upon that occasion should swallow up all other resentments. The cities of refuge being all of them Levites' cities, and the high priest being the head of that tribe, and consequently having a peculiar dominion over these cities, those that were confined to them might properly be looked upon as his prisoners, and so his death must be their discharge; it was, as it were, at his suit that the delinquent was imprisoned,

and therefore at his death it fell. *Actio moritur cum persona* — *The suit expires with the party*. Anisworth has another notion of it, That as the high priests, while they lived, by their service and sacrificing made atonement for sin, wherein they prefigured Christ's satisfaction, so, at their death, those were released that had been exiled for casual murder, which typified redemption in Israel.

[4.] By the abandoning of the prisoner to the avenger of blood, in case he at any time went out of the limits of the city of refuge, they were taught to adhere to the methods which Infinite Wisdom prescribed for their security. It was for the honour of a remedial law that it should be so strictly observed. How can we expect to be saved if we neglect the salvation, which is indeed a great salvation!

II. Here is a great deal of good gospel couched under the type and figure of the cities of refuge; and to them the apostle seems to allude when he speaks of our *fleeing for refuge to the hope set before us* (³⁰⁶⁸Hebrews 6:18), and being *found in Christ*, ³⁰⁶⁹Philippians 3:9. We never read in the history of the Old Testament of any use made of these cities of refuge, any more than of other such institutions, which yet, no doubt, were made use of upon the occasions intended; only we read of those that, in dangerous cases, took hold of *the horns of the altar* (³⁰⁷⁰1 Kings 1:50; 2:28); for the altar, wherever that stood, was, as it were the capital *city of refuge*. But the law concerning these cities was designed both to raise and to encourage the expectations of those who looked for redemption in Israel, which should be to those who were convinced of sin, and in terror by reason of it, as the cities of refuge were to the man-slayer. Observe,

1. There were several cities of refuge, and they were so appointed in several parts of the country that the man-slayer, wherever he dwelt in the land of Israel, might in half a day reach one or other of them; so, though there is but one Christ appointed for our refuge, yet, wherever we are, he is a refuge at hand, a very present help, for *the word is nigh us* and Christ in the word.

2. The man-slayer was safe in any of these cities; so in Christ believers that flee to him, and rest in him, are protected from the wrath of God and the curse of the law. *There is no condemnation to those that are in Christ Jesus*, ³⁰⁷¹Romans 8:1. Who shall condemn those that are thus sheltered?

3. They were all Levites' cities; it was a kindness to the poor prisoner that though he might not go up to the place where the ark was, yet he was in the midst of Levites, who would teach him the good knowledge of the Lord, and instruct him how to improve the providence he was now under. It might also be expected that the Levites would comfort and encourage him, and bid him welcome; so it is the work of gospel ministers to bid poor sinners welcome to Christ, and to assist and counsel those that through grace are in him.

4. Even strangers and sojourners, though they were not native Israelites, might take the benefit of these cities of refuge, v. 15. So in Christ Jesus no difference is made between Greek and Jew; even the *sons of the stranger* that by faith flee to Christ shall be safe in him.

5. Even the suburbs or borders of the city were a sufficient security to the offender, v. 26, 27. So there is virtue even in the hem of Christ's garment for the healing and saving of poor sinners. If we cannot reach to a full assurance, we may comfort ourselves in a good hope through grace.

6. The protection which the man-slayer found in the city of refuge was not owing to the strength of its walls, or gates, or bars, but purely to the divine appointment; so it is the word of the gospel that gives souls safety in Christ, *for him hath God the Father sealed.*

7. If the offender was ever caught struggling out of the borders of his city of refuge, or stealing home to his house again, he lost the benefit of his protection, and lay exposed to the avenger of blood; so those that are in Christ must abide in Christ, for it is at their peril if they forsake him and wander from him. *Drawing back is to perdition.*