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THE RELEASE OF HOMICIDES FROM THE CITIES OF REFUGE

A Critical Monograph on Numbers 35:25

Abridged by the Author

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"And the congregation shall deliver the slayer out of the hand of the revenger of blood, and the congregation shall restore him to the city of his refuge, whither he was fled: and he shall abide in it unto the death of the high priest, which was anointed with the holy oil" (Num. 35:25).

Why were the homicides who were detained in the cities of refuge released upon the death of the high priest? The reason why this event of religious interest in Israel should be the terminus of the slayer's confinement, as indicated in Numbers 35:25, has elicited a variety of explanations. First, however, the ancient customs regarding kinsmen and the procedure in cases of homicide must be ascertained.

In some ancient eastern civilizations if a man were slain by another man, the duty of avenging him lay as a sacred obligation upon his nearest relative. In the Biblical record the next of kin is called a go'el, the active participle of ga'al meaning "to deliver," "to redeem," "to buy back." Oehler describes the go'el as "that particular relative whose special duty it was to restore the violated family integrity, who had to redeem not only landed property that had been alienated from the family (Lev. 25:25ff), or a member of the family that had fallen into slavery (Lev. 25:47ff), but also the blood that had been taken away from the family by murder."¹ The go'el in the last named capacity is almost inevitably known as go'el haddam, "the redeemer of blood." The Authorized Version translates this duty as "the avenger of blood," but Trumbull points out that the mission of the go'el haddam under the Old Testament law was not vengeance but equity. He was not an avenger, but a restorer, a redeemer, a balancer.²

Genesis 9:6 expresses generally the precept that he who sheddeth man's blood, by man shall his blood be shed. The first indication of the redemption of blood is to be found in Genesis 27:45. The words of Rebekah, "Why should I be deprived also of you both in one day?" mean that if Jacob were slain by the hand of Esau, then Esau would be slain by the redeemer of blood. We cannot be certain how long blood-redemption existed among the people, but it is clear from II Samuel 14:6-11 that it was still in existence and in full force in David's time. The performance of the duty itself was probably regulated by the closeness of the relationship and corresponded to the duty of the redeeming from bondage (Lev. 25:49) and to the right of inheritance (Num. 27:8).

The order in which the nearest relative was considered is given in Leviticus 25:48-9; first a brother, then an uncle or an uncle's son, and after them any other relative. While God Himself would avenge the blood that was shed (Gen. 9:5), He withdrew its execution from subjective caprice and restricted it to cases of premeditated homicide or murder. But to whom or where was the unintentional homicide to flee? The cities of refuge were instigated for this express purpose.

The directions for the institution of the cities of refuge are to be found in Numbers 35:9-34. These are the fulfillment of the original promise God had given in Exodus 21:13 that He would appoint a place for a man who should unintentionally slay his neighbor to which he might flee from the "redeemer of blood." These cities were available to both the children of Israel and also the foreigners and settlers who were dwelling among them (Num. 35:15). Levitical or priests' towns were selected for all these free cities. Jamieson explains:

This was partly because it was to the priests and Levites that the people would all look for an administration of justice and partly because these cities were the property of Jehovah. It was no doubt felt that they would be the most suitable and impartial judges and that their presence and counsel would calm and restrain the stormy passions of the blood avenger.³

The number of cities was fixed at six; three were to be "on this side Jordan," and three "in the land of Canaan" (Num. 35:14). The three cities on the eastern side of Jordan were selected by Moses himself; they were Golan in the territory of Manassah, Ramoth-gilead in the tribe of Gad, and Bezer in the lot of Reuben (Deut. 4:41-3). The three cities in Canaan were not appointed until the land was distributed among the nine and one-half tribes; they were Kedesh in Naphtali, Shechem in Mount Ephraim, and Kirjath-arba or Hebron in Judah (Josh. 20:7). The laws governing these six cities are repeated in Deuteronomy 19:1-13 with a special exhortation that they be carried out.

In Numbers 35:24-5 and Joshua 20:4 we find the procedure incumbent upon the manslayer who had fled to a sanctuary city. He was first of all to state his cause before the elders, no doubt at the gate.

The elders were those who, by common consent, were granted a superior position because of their descent, age or ability. They formed a local authority for the transaction of judicial or other business.⁴

The preliminary decision of the elders had to be given in the manslayer's favor before he could be admitted. If the avenger of blood appeared they were not to deliver up the person whom they had received, but they were to hand him over on the charge of the redeemer of blood to the congregation to which he belonged.

The trial then commenced. The manslayer could only be convicted of murder by the evidence of at least two witnesses. One witness could not only be more easily mistaken than several, but he would be more likely to be partial than several persons who were unanimous in bearing witness to one and the same thing. Also, the judiciary was not ecclesiastical in this instance, but the people themselves were in charge. The intentions of the manslayer had next to be determined; the criterion regarding the determination whether the homicide was guilty or not will be dealt with at length later on. If the manslayer was declared a murderer, the elders of his city were to have him turned over to the avenger of blood (Deut. 19:11, 12). If the manslayer was declared innocent, he was to be escorted to the nearest city of refuge to which he had fled and remain within the confines of that city until the death of the high priest. If he decided to leave the city of refuge before that time, the redeemer of blood could take hold of him and slay him outside the borders of the city, and "he would not be guilty of blood." (Num. 35:27) However,

after the death of the high priest he might return "into the land of his possession," that is, his hereditary possession (Num. 35:28) without the redeemer of blood being allowed to pursue him any longer.

The problem, then, is: Why were the homicides who were detained in the cities of refuge released upon the death of the high priest?

VARIOUS INTERPRETATIONS WITH EVALUATION

The Expiatory View

This view is held by those who would explain the release of the manslayers at the time of the death of the high priest by assigning expiatory or atoning value to this significant event. They point out that human blood has been shed, though inadvertently, and demands expiation (cf. Gen. 9:5,6; Num. 35:33). God in His mercy made provision for cities of refuge so that the offender could flee the wrath of the redeemer of blood. The blood of the homicide was not required to be shed because he had not sinned willfully. Inasmuch as the release of the homicides was coincident with the high priest's death, great value is placed upon the death of the high priest himself. Keil states:

The death of the high priest had the same result in a certain sense, in relation to his time of office, as his function on the day of atonement had had every year.⁵

Great emphasis is placed upon the appositional clause in Numbers 35:25 which refers to the high priest "who has been anointed with the holy oil." Keil holds that this definitive clause makes this viewpoint "unmistakably evident," and "it would appear unmeaning and superfluous on any other view."⁶ He further elaborates this point by saying:

This clause points to the inward connection between the return of the slayer and the death of the high priest. The anointing with the holy oil was a symbol of the communication of the Holy Ghost, by which the high priest was empowered to act as mediator and representative of the nation before God, so that he alone could carry out the yearly and general expiation for the whole nation, on the great day of atonement. But as his life and work acquired a representative signification through this anointing with the Holy Ghost, his death might also be regarded as a death for the sins of the people, by virtue of the Holy Ghost imparted to him, through which the unintentional manslayer received the benefits of the propitiation for his sin before God, so that he could return to his native town, without further exposure to the vengeance of the avenger of blood.⁷

The strength of this view is supposed to be enhanced by the fact that its tradition goes back to the earliest days of church history. Keil points out that many of the Rabbins, fathers, and earlier commentators maintain that the death of the high priest was regarded as expiatory. Both the Talmud and Mekilta agree with Philo in holding this view, and they are followed in general by Jewish commentators. Some modern commentators who would concur with this view are Barth, Gossman, Lange and Williams.

The word kipper whose primary meaning is "to cover" is usually found in the piel and constructed with be'ad, le, and 'al meaning "to expiate an offense" or "to make atonement for an offender." The word "atone," then, is a translator's attempt at interpreting the meaning of kipper. This word, however, has been seized upon and used in a theological sense to express the entire work of Christ upon the cross, and it is used to represent the work of the lamb of God taking away the sin of the world. The New Standard Dictionary defines the meaning of expiation thusly: "The active means of expiating, or of making reparation or satisfaction, as for offense, or sin; the removal of guilt by suffering punishment; atonement, or an atonement."⁸ In its Old Testament usage, atonement is thought of as a covering for sin while expiation deals with reparation or satisfaction for wrong done, although both have to do with removal of guilt for sin. Although "expiation" is not to be found in the Authorized Version, it is used as a translation of kipper in Numbers 35:33 (ASV) in the sense indicated above. Commentators use "atonement" and "expiation" as synonymous so the writer will regard them as such and view them in their Old Testament sense.

Although several commentators hold the Expiatory View, Keil clearly is the chief representative with the others merely following his lead. He goes back to Genesis 9:5 which asserts generally the precept that he who sheddeth man's blood, by man shall his blood be shed. This fundamental truth is based upon the idea of man's being created in the image of God, and murder being primarily a transgression against the Creator and Lord of human life (Gen. 9:6). The shedding of blood pollutes the land and to allow the blood of man to go unexpiated amounts to defiling the land (cf. Num. 35:33-4). The explanation that appeals to those holding this view is that the high priest, who has received a representative significance due to his anointing, satisfies the demands of the law himself when he dies. The similarity between this function of the high priest and the "heavenly One, who through the eternal (Holy) Spirit offered Himself without spot to God, that we might be redeemed from our transgressions, and receive the promised eternal inheritance" is often pointed out.⁹

Numbers 35 clearly delineates between two kinds of killing in reference to which the avenging of blood is commanded; verses 16-21 describe willful murder while in verses 22-3 accidental homicide is discussed. In verses 16-21 two kinds of activities are described as murder. Verse 16-18 is a case where one strikes another in such a way that death may be seen as the probable consequence; that is, if an iron instrument were used, such as an ax, hatchet, or hammer; or a stone "which filled the hand" meaning no doubt a stone large enough to kill someone; or a wooden instrument, a thick club or a strong wooden instrument, the suspected person was to be declared a murderer. "The suspicion would rest upon anyone who had used an instrument that endangered life and therefore was not generally used in striking."¹⁰ Verses 20-21 give a case where one has hit another in hatred or threw at him lying in wait, or struck him with the hand in enmity, so that he died. In this case the means by which the actual murder is effected is immaterial. He is declared a murderer in both instances; and if he flees to a city of refuge, the elders of the city are to have him thrown out and delivered over to the avenger of blood (cf. Deut. 19: 11, 12). In this instance even the altar couldn't protect (cf. Exod. 21:14). Clearly, such a premeditated act is a sin committed "with a high hand," i.e. defiantly and deliberately; the law provides no opportunity for a sacrifice (cf. Exod. 21:12, 14; Num. 15:30-31).

On the other hand, the law provided for six cities of refuge in order to shelter the one who had slain a man not out of enmity from his heart. Numbers 35:22 and Exodus 21:13 cover the case in which hurt was not intentional, while Deuteronomy 19:4 deals with inadvertent or unintentional manslaughter. An example of the last mentioned case is given in Deuteronomy 19:5 where a man accidentally kills his neighbor in the forest while chopping wood when the head of the ax being used slips off and strikes his neighbor so that he dies. The action on the part of the manslayer in this case would be the same for anyone who sinned "unwittingly." He was to bring a she-goat one year old, without blemish, and the animal was to be made a sin-offering for the sin which had been committed. After the atonement had been made, the offender was promised that he would be forgiven (cf. Lev. 4:27-31; Num. 15:27-28). That accidental homicide is classed and treated as sinning "unwittingly" or "through error" and is definitely stated as such in Numbers 35:11 and Joshua 20:3,9.

An example of an atonement to be provided for an untraced murder is to be found in Deuteronomy 21:1-9. If a man be found murdered in the open country, and there be no indication who the murderer is, the elders of the city who are nearest to the spot where the corpse was found are to procure a heifer which has never been used for any work. They are to take it to a running stream, and having there slain it in the presence of the priests, to wash their hands over it. At the same time they solemnly avow before God that their city is guiltless of the murder and entreat Him to forgive His people for the crime that has been committed in its midst. "Blood innocently shed defiles a land or people until some recognized atonement be offered for it."¹¹

The writer concludes that the homicide who is admitted into a city of refuge would have made atonement for the blood which he had shed inadvertently and which had defiled the land of His God; this would have been made in the manner as specified in the law as stated above. This would, of course, render the Expiatory View as unnecessary. Lange's contention that "the great event of the death of the high priest covers with respect to God a mass of sins which have risen from ignorance or mistakes"¹² is nullified and completely out of order. The errors of the Expiatory View need now to be exposed and answered.

As already noted, Keil asserts that the death of the high priest was regarded as expiatory unmistakably from the addition of the qualifying clause, "who has been anointed with the holy oil." The instructions for the preparation of the holy oil are to be found in Exodus 30:22-38. The specifications for the ingredients that are to make up this oil are in verses 23-25; the tent of meeting, the articles that are included in the tent, and finally Aaron and his sons are instructed to be anointed with this preparation. Verse 31 says, "and thou shalt speak unto the children of Israel, saying, This shall be a holy anointing oil unto me throughout your generations."

Similar qualifying words or clauses relating to the high priest are to be found interspersed throughout the Pentateuch. For the phrase "the anointed priest" see Leviticus 4:3,5,16; 6:22. See Leviticus 21:10,12 and 16:32 for such clauses as "who shall be anointed" and "upon whose head the anointing oil is poured" etc. Gray states, "Occasionally and chiefly, as here (Num. 35:25) when no reference has been made by name to the person intended, more distinctive terms or descriptions are used; these most frequently refer to the distinctive anointing of Aaron and his successors"¹³ (cf. also Exod. 29:7,29; Lev. 8:12). Weinel considers such passages to be additions, while Gray calls them "redundant definitions." It seems to the writer that the addition of

qualifying words, phrases or clauses is used by the writers of the Old Testament to point out that which is distinctive and most significant concerning the man or his office. Compare Jeroboam I, for example. "Jeroboam, the son of Nebat, who made Israel to sin" is repeated over and over again. Later kings were described often as "walking in the sins of Jeroboam" or "following the sins of Jeroboam" or "departing not from the sins of Jeroboam." That for which Jeroboam was chiefly remembered was his defection from Jehovah worship and the leading of subsequent kings in an idolatrous direction. Such a literary custom would explain the presence of such a phrase in Numbers 35:25.

Unquestionably the significance of the phrase under discussion is that the anointing of the high priest set him aside in a special way to carry out the functions incumbent upon his office. This is clearly evident in Exodus 30:30 where we read, "and thou shalt anoint Aaron and his sons, and sanctify them, that they may minister unto me in the priest's office." Keil gives an excellent statement of this fact:

The anointing with the holy oil was a symbol of the communication of the Holy Ghost, by which the high priest was empowered to act as mediator and representative of the nation before God, so that he alone could carry out the yearly and general expiation for the whole nation, on the great day of atonement.¹⁴

Unger broadens the anointing to cover prophet, priest, and king; and he gives references to show that the coming of the Spirit in connection with the office and the anointing are closely related.

Kings, priests, and prophets were anointed with oil or ointment. . . oil was a fitting symbol of the Spirit, or spiritual principle of life, by virtue of its power to sustain and fortify the vital energy; and the anointing oil, which was prepared according to divine instructions, was therefore a symbol of the Spirit of God, as the principle of spiritual life which proceeds from God and fills the natural being of the creature with powers of divine life. The anointing with oil, therefore, was a symbol of endowment with the Spirit of God for the duties of the office to which a person was consecrated. (Lev. 8:12; I Sam. 10:1,6; 16:13,14; Isa. 61:1)¹⁵

The addition of the clause "who was anointed with the holy oil," therefore, has to do with the setting aside of the high priest for his priestly functions, being a symbol of the endowment of the Spirit of God. Of course, the death of the high priest was hardly a duty of the office to which he was consecrated, and the above interpretation of this clause would exclude the Expiatory View.

The proposition of a man other than the God-man, Christ Jesus, being offered in any sense as an atonement for sin presents a startling innovation, to say the least. As Watson puts it, "Although many of the Rabbins and fathers held this view as to the expiatory nature of the high priest's death, there is absolutely nothing in scripture or reason to support it."¹⁶ The high priest himself could not become an acceptable atonement for the sins of anybody, including himself. Although he was to be one who had no physical blemish (Lev. 21:16-24), yet, being a descendant of Adam, he had a sinful nature. We find provision for a sin-offering to be made for Aaron and his sons when they were consecrated to the priesthood (Exod. 29:10ff), and on the yearly day

of atonement the high priest was to "make atonement for himself and the people" (Lev. 16:24). This utterly refutes the contention of Philo that "the high priest was immaculate and sinless."¹⁷ Of course, it is impossible to speak of an atonement without the shedding of the blood as the value of the sacrifice was due to the life of the victim being shed. Needless to say, the high priest was not offered up as a sacrifice when he expired. His only hope was the substitutionary sacrifices which were made on the yearly day of atonement for himself and the people which looked forward to that day when the Lord Jesus Christ, the Lamb of God, who would with one offering perfect for ever them that are sanctified (Heb. 10:14); but in the meantime the high priest would have to pay the penalty binding upon all mankind, "the soul that sinneth, it shall die."

Keil, in attempting to bolster his position, maintains that many of the Rabbins, fathers, and earlier commentators regarded the death of the high priest as expiatory. The writer has been unable to find any comment whatsoever from the Anti-Nicene or Post-Nicene fathers and has traced the modern commentators who hold this view as far back as Keil himself. Quite evidently, this view dates back at least to Philo and has come down to the present time as a part of Rabbinical theology. Ginzberg says:

The phrase, frequently recurring in the Talmud, 'the death of the high priest atones' (Mak. 11b) really shows that, according to the opinion current among the Rabbis, the chief factor was the death with its atoning power. This is easily explainable from the point of view of rabbinical theology, since in general the death of the pious acted as an atonement for Israel...and the death of the high priest all the more possesses power of atonement.¹⁸

The practice of Keil and his followers of using extra-Biblical sources and Jewish tradition to support their view is precarious to say the least. The writer emphatically rejects this view as being unbiblical and foreign to the doctrinal teaching of the atonement as set forth in the Scripture.

The Typical View

The commentaries that set forth this suggestion are divided somewhat in their emphases; one would call the death of the high priest directly a typical atonement while the other would say that the high priest's death held a general typical significance in looking forward to the day when Christ, the great high priest, would release those captives from sin who trust in Him. The typical atonement position, although possibly traceable to Keil, is set forth by Ellicott in the following eloquent manner:

As the high priest, by reason of the anointing with the holy oil, became qualified to act as the representative of the nation, and in that capacity acted as their mediator on the great day of atonement, so the death of the high priest assumed a symbolical or representative character, and became a type of that great High Priest who, through the eternal Spirit, offered Himself without spot to God, and who by His death made a propitiation for the sins of the world. Thus, as by the death of the Jewish high priest a typical atonement was made for the sin of the Israelitish manslayer, and he was restored thereupon to "the land of his possession" amongst his brethren, so by the death of our

High Priest they who have fled for refuge to lay hold of the hope set before them, are restored to the inheritance which had been forfeited by sin, and made joint heirs with Christ of those mansions which He has gone before to prepare for those who love Him.¹⁹

Others who concur with the typical atonement view are Keil and Gossman.

Those who would see a general typical significance in the death of the high priest reason something like the following elaborate statement from The Bible Commentary:

The High Priest, as the head and representative of the whole chosen family of sacerdotal mediators, as exclusively entrusted with some of the chief priestly functions, as alone privileged to make yearly atonement within the Holy of Holies, and to gain, from the mysterious Urim and Thummim, special revelations of the will of God, was, preeminently a type of Christ. And thus the death of each successive high-priest presignified that death of Christ by which the captives were to be freed, and the remembrance of transgressions made to cease.²⁰

Others who concur with this view are Ainsworth, Barth, Benson, Butler, Clarke, Edersheim, Wordsworth, and James M. Gray.

In regard to the subject of types, there are two schools of thought as to what constitutes a type. Bishop Marsh is the representative of the older school and set forth his famous principle in his Lectures on the Criticism and Interpretation of the Bible where he held that a type is only a type if the New Testament specifically so designates it to be such. Ramm says regarding this tenet:

This is a very strict principle and was advocated to curtail much of the fanciful and imaginary in typological interpretation. Because it is a stern and precise formula it has exerted to great influence on theological thought. Many Protestant exegetes if not adhering to the very letter of Marsh's principle certainly follow it very closely.²¹

Needless to say, such a view would immediately negate the possibility of any kind of typical view regarding the death of the high priest as there is nothing to be found in the New Testament relevant to this event. Such an outlook is the safest possible position and the writer is greatly prone to adhere to this view; however, it is a position taken largely in reacting from the abuse of a good thing. This is not always a healthy outlook and may rob us of precious truth.

Such men as Glassius, Fairbairn, Terry and others would go along with Marsh in saying that the New Testament is the point of departure in typological studies; but they insist that Marsh did not dig out the full teaching of the New Testament on the subject. Glassius propounded the view that types were of two sorts, innate and inferred. An innate type is a type specifically declared to be such in the New Testament. An inferred type is one which has no specific designation in the New Testament, but its existence is justified by the nature of the New Testament materials on typology. Fairbairn would say that the Old Testament and New Testament contain the same basic system of theology; they run side by side like two parallel rivers. Their parallelism is indicated by occasional channels or types which connect them. These channels or types are possible only because the two rivers run parallel. The Marshian principle for him fails to realize that other channels may be cut through which are not specifically named in Scripture; otherwise the rela-

tionship of the two testaments is rather mechanical.²²

The fact that Aaron as the high priest was a type of Christ is clearly attested to in the book of Hebrews. Unger presents the following summary of the high priesthood of Aaron and Melchisedek, which is substantially the view presented in the Scofield Bible:

Aaron as high priest is a type of Christ. The functions, dress and ritual connected with the high priest's anointing are minutely instructive of the Person and work of Christ as a Priest. Although Christ is a Priest after the order of Melchisedek (Psa. 110:4; Heb. 5:6; 6:20; 7:21), He executes His priestly office after the pattern of Aaron. The order is expounded in Hebrews, chapter 9. Death often disrupted the Aaronic priesthood; therefore, Christ is a Priest after the order of Melchisedek as "King of Righteousness" and "King of Peace" and in the perpetuity of His priesthood.²³

Scofield makes the following added comment:

The contrast between the high priesthood of Melchisedek and Aaron is only as to person, "order" (or appointment), and duration. In His work Christ follows the Aaronic pattern, the "shadow" of which Christ was the substance (Heb. 8:1-6; 9:1-28).²⁴

However, even though the Aaronic priesthood is set forth in the New Testament as typical of Christ, not every facet concerning the high priest necessarily has a New Testament counterpart. Ramm wisely points out an imperative caution which should be exercised in deciding what is typical:

Great care must be taken to lift out of the Old Testament item precisely that which is typical and no more. There are points of pronounced similarity and equally so, points of pronounced dissimilarity between Christ and Aaron or Christ and Moses. The typical truth is at the point of similarity. One of the cardinal errors in typology is to make typical the elements of dissimilarity in a type.²⁵

We must, therefore, in all fairness examine those areas which are divergent in order to ascertain whether we should declare the death of the high priest as being typical of Christ's death.

The Typical Atonement View, which evidently finds its origin in Keil's writings, is based squarely upon the Expiatory View. Keil states:

But inasmuch as, according to this view (Expiatory View), the death of the high priest had the same result in a certain sense, in relation to his time of office, as his function of the day of atonement had had every year, the death of the earthly high priest became thereby a type of that of the heavenly One, who, through the eternal (holy) Spirit, offered Himself without spot to God, that we might be redeemed from our transgressions, and receive the promised eternal inheritance (Heb. 9:14, 15).²⁶

The writer rejects this view as being untenable and holds that the arguments propounded in refuting the Expiatory view immediately negate the possibility of a typical atonement. It is im-

possible to discuss the word atonement without having the necessity of efficacious blood being shed. Lange, who regards the death of the high priest as a "peculiar method of atonement," helps to refute his own position in pointing out a glaring weakness in the typical atonement view by saying:

Still we must emphasize the fact that this dynamic or moral efficacy of his (high priest's) death is not mentioned among the definite types of the Old Testament, and could not be so mentioned, since the death of the high priest was not always edifying.²⁷

Watson points out what has already been emphasized in the discussion under the Expiatory View; namely, that the expiation provided for under the sacrificial system of the Mosaic law was pertinent only as far as the functions of the office of the high priest were concerned, and was entirely inefficacious regarding the person himself. He says:

All the expiation, moreover, which the Mosaic law provided for was ceremonial. If the death of the high priest was efficacious only so far as his functions were, then there could be no atonement or appearance of atonement for moral guilt, even that of culpable homicide for instance. The death of the high priest was therefore in no sense a type of the death of Christ, the whole meaning of which lies in relation to moral, not ceremonial, offenses.²⁸

Although a goodly number of commentators see the death of the high priest as foreshadowing the death of Christ, in effect they are advocating the same thing propounded by the advocates of the Typical Atonement View. They fail to see one of the most glaring points of divergence between the death of the high priest and the death of Christ; namely, that Christ didn't die as the high priest. This is positively stated in Hebrews 8:4; "Now if he (Christ) were on earth, he would not be a priest at all, seeing there are those who offer the gifts according to the law." We must remember also that there was a high priest functioning under the Mosaic economy while Christ was on earth; and, besides, Christ could not have received His anointing as a high priest as He was of the tribe of Judah. Christ didn't assume His high priestly functions until a divinely appointed time subsequent to His ascension. Such points of difference force the writer to reject any typical view put forth regarding the significance of the death of the high priest. Habershon holds that there must be either a New Testament passage giving authority to call something a type or some expression or analogy which indicates the antitype. She states: "We cannot state with certainty that anything is a type unless we have some warrant for doing so."²⁹

The writer is loath to divest the Bible of typical truth when such is present to bless and instruct in the things of the Lord; nevertheless, the attempt by the advocates of this view to find typical significance in the death of the high priest does violence to the entire study of typology.

In the final analysis, it is the opinion of the writer that as far as the problem with which we are confronted is concerned, no typical view can offer a satisfactory explanation as to why the death of the high priest released the homicides from the cities of refuge. We must seek somewhere else for an immediate reason why the Lord God settled upon such a unique feature. Patrick, after affirming that "it (the death of the high priest) might represent our deliverance only by the death of the Son of God," reverses himself saying:

...of which many great men looked upon this as a type or shadow; though it must be confessed, there is not the least signification of this in the New Testament. And since the great expiation, which the high-priest made every year on the day of atonement, did not procure such men their liberty, I cannot look upon it (the release of the homicides) as the effect of the high-priest's death, but only as that which followed upon it, by virtue of this law.³⁰

The Grief-stricken View

This view explains the release of the homicides from the cities of refuge in terms of the extreme sorrow which was supposed to swallow up all personal regrets and resentments occasioned by the high priest's death. The impact of such a national calamity is supposed to have so overcome and shocked the avengers of blood that they would naturally have forfeited any future hostility toward innocent manslaughter. Jamieson clearly propounds this view:

But the period of his (the manslayer's) release from this confinement was not until the death of the high priest. That was a season of public affliction, when private sorrows were sunk or overlooked under a sense of national calamity, and when the death of so eminent a servant of God naturally led all to serious consideration about their own mortality.³¹

Other commentators who rely solely upon this view or incorporate it into their overall explanation are Lowth, Lange, Matthew Henry, and Scott.

Unquestionably, this view can be traced back to the 12th century Jewish Rabbi Maimonides. His eloquent explanation is as follows:

It (the city of refuge) is a prudent charity to the manslayer, and to the relations of him that was slain; for by this means the manslayer was kept out of the sight of the avenger of blood, who might have been tempted, some time or other, to fall upon him, if he had come in his way: but by long absence his anger might be mitigated, at least by the death of the high-priest, the most excellent of all other persons, and most dear to every one in the nation. Which made the public grief so great when he died, that men forgot their private resentments: for nothing could fall out more grievous to all the people than the death of the high-priest, which swallowed up all other grief. (More Nevoch. par. iii. cap. 40).³²

In setting forth such a view, Maimonides departs radically from the traditional rabbinical theology. Although all Jewish commentators have an extremely high regard for the person of the high priest, Ginzberg curtly disregards this view with the following words, "Maimonides' explanation that the death of the high priest was an event that moved the entire people so much that no thoughts of vengeance could arise in the avenger of blood, conforms as little to the spirit of the early rabbis as to that of the Bible."³³

There is no question but that this view is foreign to the Scriptural passages dealing with the cities of refuge. Moreover, the question of retribution performed for blood having been shed was not based upon an enraged temper or even family honor; but the avenger of blood was required under the Mosaic law to requite the blood that had been shed by shedding the blood of him who had shed the blood (cf. Num. 35:33). Oehler succinctly states the matter, "The avenging of blood becomes a divine command; it is not merely a matter of honor, but a duty of religion."³⁴ It is because the protection of the integrity of the family is also at stake that the incumbent to redeem the blood shed is chosen from the nearest kin. There is no question but that feelings would soar as the result of blood being shed and revenge would be apt to be taken "while the manslayer's heart is hot" (cf. Deut. 19:6). The whole point of the cities of refuge was to protect the manslayer who slew his neighbor "unwittingly" and "was not worthy of death" (cf. Deut. 19:6) before injustice was performed from an uncontrolled temper. (Compare the needless blood feuds that are to be found among the Arab tribes even to this day.)

Maimonides' contention that the long absence of the manslayer might mitigate the anger of the avenger of blood is open to grave doubts. A lapse of time could cause such resentments to be abated and often forgotten, but in some cases we can be assured that the initial heat of revenge could eat at the heart like a canker so that it became more inflamed instead of subsiding. We must remember also that there was the possibility of the high priest dying the day after the acquittal of the homicide so that the memory of the event would yet be fresh in the mind of the redeemer of blood. Some of the commentators have wondered at the equity of this law whereby one man might be separated from his family for many years while another for but a few months, weeks, or even days. The basic point is that the provision set down by the law hinged upon the death of the high priest himself, and God in His wisdom and grace had provided a refuge for the innocent manslayer.

We can be assured that the death of the high priest, while no doubt causing a period of public grief, would not change the heart of a man set upon revenge. Moreover, the homicides had to be declared innocent before they could be admitted to the cities of refuge in the first place. We must assume that they would have made an atonement provided for their action and consequently satisfied the demands of the law. The only possible legal way in which the avenger of blood could seek vengeance upon the homicide would be if the homicide forsook the protection of the city where he had been instructed to stay. Then the avenger of blood could slay the manslayer, if he chose, and "not be guilty of blood" (cf. Num. 35:26-28). Actually we cannot even assume that every redeemer of blood carried such resentment in his heart in view of the fact that his relative was slain "through error." The fatal weakness of this view is that if such a phenomenon were even possible it describes the supposed result of the death of the high priest and does not explain what significance is inherent in the law itself which effects the release of the manslayers; actually, it explains nothing.

The Administrative View

The writer regards this view as the true solution of the problem. This view regards the administrative term of the high priest as constituting a definite epoch which is terminated at his death. The cases of the homicides in the cities of refuge are so vitally incorporated into the administrative life of the high priest that their cases are expunged from the record and considered as null and void upon his decease. Savile states the matter thusly:

One thing all knew respecting the anointed high-priest, viz. that he was the head and representative of the whole community in matters pertaining to life and death; and as some limitation would evidently require to be set to the restraint laid on the manslayer, the thought would naturally commend itself to the people to make responsibility for an accidental death cease and terminate with the death of him who stood nearest to God in matters of that description. In the general relations of the community a change had entered in that respect, which touched all interests, and it was fit that it should specially touch those who had been casually bereft of the freedom of life.³⁵

Higher critics of a certain type take this view, as they look on the passages regarding the institution of the cities of refuge, as being a late development coming from "the Document P." They see a gradual conflict between civil and priestly interests, with more and more influence accruing to the high priest until he had become the political as well as the religious leader of the people. McNeile in the Cambridge Bible of Schools and Colleges says:

The high priest was the head of the religious affairs of the Jewish church, and rose, in the popular estimation, to a higher importance than the civil governor who was appointed by a foreign power. So that "unto the death of the high priest" would have almost the same force that the words "until the death of the reigning sovereign" would bear today.³⁶

Other commentators holding this view are Aarton, Dummelow, Genung, Henry, Patrick, Reihm, and Winterbotham.

In this view, the duration of the high priest's office is treated as the cessation of an epoch where certain questions that have remained open are to be regarded as now settled. Baudissin uses Numbers 35:25,28 as verses which indicate that "the high-priestly dignity is clearly thought of as conferred for life."³⁷ At the death of the high priest, therefore, a completed period of the theocratic life is effected, and all of the cases which have detained the homicides in the cities of refuge are considered as null and void. The manslayers are permitted to return to their inheritance without fear of coercion from the avenger of the blood and a new period in the life of the nation begins with the inauguration of the next high priest. This is the singular secular authority ascribed to the high priest, and it arises out of his official position as high priest of the land.

The six cities of refuge formed a part of the forty-eight Levitical cities; both Numbers 35:9-34 and Joshua 20:1-9 are joined to passages which record the inheritance of the land as distributed to the Levites. The priests received as dwelling-places thirteen of the towns which were given to the Levites (cf. Josh. 21:4, 10ff). Of course, the priests had no inheritance in the land; they were to be sanctified solely to the Lord and were his portion (Num. 18:20). The priests were partially supported through the tithes of the Levites (Num. 18:26), and the Levites rendered various services in the tent of meeting (Num. 18:31). The Levites would have heard the case of the manslayer when he first arrived at the gate. They would have been in charge of escorting this person to his congregation in order to hear his innocence declared. Finally, they would place the homicide in one of the six Levitical cities where protection would be available from the avenger of blood. The writer feels, therefore, that the close connection both in function and Scriptural context between the priests, Levites and the high priest plus the fact that the nature of

the homicides' detention was a legal issue, makes the connection between the high priest and the cities of refuge a natural and intimate one. Henry states the case emphatically:

The cities of refuge being all of them Levites' cities, and the high-priest being the head of the tribe, and consequently having a peculiar dominion over those 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.³⁸

Patrick also stresses this aspect:

For the high-priest having a great power everywhere, and particularly in these cities of the priests and Levites, over whom he was chief, it is possible that manslayers might be confined here by some act of his authority; which expiring with himself, he was released.³⁹

The significance of the oppositional clause, "who has been anointed with the holy oil" as pointing up the distinctive and official nature of the high priest's calling; namely, that of representative of the people before God has been indicated above. The stress which is laid upon the fact of the high priest's death (Num. 35:28) plus this solemn notice of his having been anointed with the holy oil, seem to point unmistakably to something in his official and consecrated character which made it right that the rigour of the law should die with him.⁴⁰ Henry describes the matter as Actio moritur cum persona - the suit expires with the party.⁴¹

The significant parallel of this situation and the year of Jubilee is mentioned by Winterbotham. He states, "What the Jubilee was to the debtor who had lost his property, that the death of the high priest was to the homicide who had lost his liberty."⁴² Not only did the homicide lose his liberty, but he was deprived of his inheritance for a period of time; perhaps even for the rest of his life. Inasmuch as both the year of Jubilee and the death of the high priest are vitally related to the inheritance of the individuals involved, it seems that this comparison is valid and points to the consistency of the principle behind these laws (cf. Lev. 25 and Num. 35:28).

Those higher critics who can manage to say anything at all constructive regarding our problem after they have labored diligently to prove this law to be post-exilic inevitably adopt this view. Actually, by assigning the high priest the role of the reigning authority in their evolutionary conception, their view of the authority of the high priest is substantially the same as those of us who regard this law as being pre-monarchical. We can, therefore, use with profit the comparison which George F. Moore, shows of the sweeping changes which a reigning monarch might make at the beginning of his administration. He says, "The sojourn in the city of refuge is regarded as a species of exile, a punishment which was removed by a general amnesty at the ascension of the new high priest, the real sovereign."⁴³

The writer concurs with this view which seems to be the most natural and obvious explanation of the problem. The problem is one fundamentally of Jewish jurisprudence in which an administrative change in the high priest begins a new era as far as the cities of refuge are concerned. This statute of limitations is succinctly summed up by Winterbotham: "When he (the high priest) died all processes of vengeance lapsed, because they had really been commenced in his name."⁴⁴

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