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The Cities of Refuge and Biblical Asylum

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THE CITIES OF REFUGE AND BIBLICAL ASYLUM

by

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This thesis has been read by each member of the following graduate committee and by majority vote has been found to be satisfactory.

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Date

Stephen D. Ricks, Chair Graduate Committee

ABSTRACT

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I should like to thank the members of my thesis committee for their unfailing support, advice, and friendship since I came to Brigham Young University and its Foundation for Ancient Research and Mormon Studies. I should also like to express my great gratitude to my parents whose quiet example and confidence in my abilities have always spurred me on to achieve more than I would believe of myself.

TABLE OF CONTENTS

Introduction

When the children of Israel were sojourning in the desert for forty years, it is unlikely that they were farther away from each other than necessary. The numbers reported as they prepared to enter Canaan were enormous (see Numbers 2), but they were divided into tribes and their government was orderly. Because of their success in conquering Canaan under Joshua, and the frequent mention of armies (see *), it can be surmised that military discipline was in force. Justice, although not always an easy matter to determine, was proscribed in accordance with the exact laws given to Moses on Sinai and administered in equally proscribed ways via "chiefs of thousands, hundreds, fifties, and ten (see Exodus 18:17–23; Deuteronomy 1:9–17). Haim Cohn suggests that "Israel was one of those civilizations in which the judicature preceded the law, and that some of the later, codified law may have originated in judicial precedents." [1] The training that the judges were given by Moses and Jethro "indicate a high standard of judicial practice and qualifications. Judges had to be 'able men, such as fear God, men of truth, hating unjust gain' (Ex. 18:21) and 'wise men, and understanding and full of knowledge' (Deut. 1:13)."[2]

When they moved into Canaan, however, justice was to be administered locally rather than numerically "i.e. that judges were to be appointed in every town within the various tribes (Deut. 16:18 and Sif. Deut. 144; Sanh. 16b.)."[3]

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[1]   Haim H. Cohn, "Bet Din," in Menachem Elon ed. *Principles of Jewish Law* (Jerusalem: Keter, 1975), 561.

[2]   Ibid.

[3]   Ibid.

Hebrew law, however, was not purely a matter of adherence to civil codes, it was inextricably linked with the Hebrew religion.

Hebrew tradition did not distinguish between norms of religion, morality and law. As befitting their common divine origin, man was bound to obey all of them with equal conscientiousness. The apodictic style, especially, signifies the fact that the command originated from God and that its promulgation was part of a religious ceremony. Cultic rules quite often appear in a sequence of civil laws (cf. Exodus 22–23) and the pleas of the prophets for justice are part of their teaching of loyalty to God.[4]

Thus although talion was a part of the Law of Moses "an eye for an eye"(see Exodus 21:23–25; Deuteronomy 19:12; Leviticus 24:18–20), inadvertent manslaughter called for a special set of provisions. I will briefly review the talionic laws and their application.

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[4]   Ze'ev Falk, *Hebrew Law in Biblical Times: An Introduction.* 2nd ed. (Provo, Utah: Brigham Young University Press, 2000), 4. Falk adds for further reference the following sources: Friedrich Horst, *Gottes Recht: Gesammelte Studien zum Recht im Alten Testament* (Munich: Kaiser, 1961), 260 ff.; van der Ploeg, "Studies in Hebrew Law," 164–71. Otherwise: Arthur S. Diamond, *Primitive Law: Past and Present* (London: Methuen, 1950), maintaining the secular character of most ancient Hebrew law as well as of other legal systems.

For the murderer, the punishment was death, but for someone who inadvertently slew another, "whoso killeth his neighbor ignorantly, whom he hated not in time past" (Deuteronomy 19:4), the situation was not at all clear. The temple was from earliest times a place of refuge for the inadvertent sinner, but Alexander Rofé has postulated that once the tribes moved into Canaan and established residence, the distance to the central location of the Ark, or the temple at Jerusalem when built, would have been too great, and the fleeing manslayer would have inevitably been overtaken by the family members assigned to exact blood vengeance. Therefore provision was made for regional cities of refuge.[5]

At least six cities were established by Moses for the inadvertent manslayer (Deuteronomy 19:4; cf. 1–13; Numbers 35:6–34; Joshua 20).[6] The law provides that the refugee would request a trial, either by the elders of the city of refuge, or the elders of his own city, to determine the inadvertent nature of his manslaughter. If his innocence from murder was established, he would be able to stay in the city, free from the blood vengeance of the victim's family, until the death of the current high priest.

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[5] Alexander Rofé, "The History of the Cities of Refuge in Biblical Law," *Scripta Hierosolymitana,* 31 (1986): 205–39.

[6] These cities are Kedesh, Shechem, and Hebron (Kirjeath-arbah) on the west of the Jordan, and Golan, Ramoth-Gilead, and Bezer on the east of the Jordan; see attached map from Benjamin Mazar," The Cities of the Priests and Levites," in Shmuel A·ituv ed., A *Biblical Israel: State and People* (Jerusalem: Magnes, 1992), 135.

A further forty-two Levitical cities were established that appeared to have the same properties of asylum (see Joshua 21), although in these cities asylum had to be requested and was not the automatic right granted to those fleeing to the six cities. That property of asylum was also applied to the altar of Jehovah (see Exodus 21:14).

The Law of Moses made provision for atonement for inadvertent sin. During Yom Kippur, which according to Leviticus 16:29 is set on the tenth day of the seventh month (therefore during the New Year season), the high priest sacrifices goats. This entails the sacrifice of two goats—one is designated as the Lord's goat, and the other the *scapegoat* or the Azazel goat (Leviticus 16:7–10), which is on the high priest's left hand. According to Milgrom, when the purified high priest laid his hand on the live scapegoat, he transferred to that scapegoat the "'*>awwønø®*,' 'iniquities'—the causes of the sanctuary's impurities, all of Israel's sins, ritual and moral alike, of priests and laity alike."[7] Thus the stipulation for sanctuary in the cities of refuge was that the manslayer was to remain there until the death of the current high priest, when presumably he was free from the vengeance of the family and could return home.

As is frequently the case with biblical textual criticism, opinions on the timing of the establishment of the cities of refuge, their actual function, and longevity are varied and contradictory. They are, however, definitely tied into the law on homicide in ancient Israel and may have strong links to asylum in other cultures. Various surveys have been published on the right of asylum in other cultures. Several authors discuss sanctuary in the religious and political communities of Greece and Rome. Works have also been written taking the idea

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[7] Jacob Milgrom, *Leviticus 1–16* (New York: Doubleday, 1991), 1044.

of asylum through the Middle Ages. I will review asylum in the surrounding cultures to establish the antiquity and endurance of these traditions.

Biblical evidence for asylum after the establishment of the cities is not abundant. In 2 Samuel we have the classic case of Abner who had inadvertently slain Asahel, the brother of Joab in a fair fight. Abner had actually tried his best to avoid the duel (see 2 Samuel 2:22). Abner came to David in Hebron to make peace (Hebron was one of the cities of refuge, but it is not clear if it was used as such at this time). David sent Abner away in peace, but Joab, Asahel's brother, sent for Abner and murdered him at the gates of Hebron, presumably under the guise of blood vengeance. David mourned Joab but did not punish him. However David does kill those who thought to please him by murdering the son of Saul, Ishbaal, (see 2 Samuel 4). The distinction can only be that of blood vengeance. I will establish the principles that govern asylum and apply them to this and other situations in the four main periods of the Old Testament to see if they were adhered to.

First and second Samuel are texts that were found in Cave 4 at Qumran and the differences between these witnesses and the traditional Masoretic, Greek, and Latin texts may shed light on the problem. I will do a study of the language used to establish the cities and enforce the law.

According to the *Encyclopedia Judaica,* Talmudic scholars have added some interesting interpretations of the law:

These cities were all populated towns in which the manslayer would

be immune from persecution by the blood avenger (Num. 35:12) and

where he could lead a normal life and earn his livelihood—the words

"and live" (Deut. 4:42; 19:5) being interpreted to mean that he was entitled

to all normal amenities of life: if he was a scholar he was even entitled to take his school with him; if a pupil he was entitled to have his teacher brought to him (see Mak. 10a). But in order to discourage avengers from frequenting these cities, certain trades—believed to increase commercial intercourse—were banned to them, such as the manufacture of textiles, ropes, and glassware (see Tosef., Mak. 3:9), and the sale of arms and hunting tools (Mak. 10a).[8]

I will conduct a brief survey of the Midrash regarding the passages in Numbers, Deuteronomy, and Joshua to shed light on Jewish interpretation of the cities of refuge and the laws of inadvertent manslaughter.

Finally I will apply the stipulations for asylum from inadvertent manslaughter to the Book of Mormon. The main case will be the Anti-Nephi-Lehis when they were allocated Jershon as a refuge from the vengeance of the Lamanites, but I will also look at the question of slavery since it is linked to asylum.

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[8]   Haim H. Cohn, "Cities of Refuge," *Encyclopedia Judaica* CD-ROM.

Historical Backgrounds of the Cities of Refuge

Although of the six original cities of refuge referred to in Joshua 20:7–8, only Hebron and Shechem on the west of the Jordan, and Golan on the east are still in existence, a survey of the pre- and postbiblical history, as well as tracing their biblical occurrences will help with an overview of the significance of the cities in Jewish history.

Hebron

According to the Anchor Bible Dictionary, "The Canaanite city, which was built seven years prior to the establishment of Zoan (Gk. Tanis) in Egypt (Num 13:22) is also called Kiriath-arba (Gen 23:2, etc.) possibly after a notable ancestor of the Anakim (Josh 14:15; 15:13)."[9]   The Encyclopedia Britannica elaborates on its antiquity "Zoan, later Tanis, the capital of the Hyksos invaders, has been dated to the 18th century BC. Abraham, founder of the Jewish people, long lived in Hebron, which was often referred to as Qiryat Arba' (Hebrew: 'City of the Four,' or 'Tetrapolis'), possibly referring to four confederated settlements in the area in biblical times, or to the fact that the city is built on four hills."[10] Another interpretation that derives from the "City of Four" is that four patriarchs and their wives are reputedly buried there (see below on the Cave of Machpelah).

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[9]   Paul Wayne Ferris, Jr. "Hebron," in David Noel Freedman, ed. *Anchor Bible Dictionary* (New York: Doubleday, 1992), 3:107.

[10]   At http://www.britannica.com/bcom/eb/article/ 9/0,5716,40599+1+39765,00.html?query=hebron.

When Abraham returned from Egypt he first went to Beth-el, where he no doubt intended to settle, but the land would not support both him and his brother, Lot, so he gave Lot the choice land and went to Canaan via Sodom, settling "in the plain of Mamre, which is in Hebron" (Genesis 13:18) and there he built an altar (see Appendix; Genesis 13:3–18). It was while he was in Mamre that Abraham took a force to rescue Lot from the kings of Mesopotamia (see Genesis 14:14–16) and it was presumably in that vicinity when Melchizedek blessed him (see Genesis 14:18–20). The Lord made his covenant with Abraham in Mamre (see Genesis 17). And when Abraham was ninety-nine years old, the Lord and then three "men" visited him at Mamre to announce that his barren wife Sarah would bear a son named Isaac (see Genesis 18:1–15). Abraham pleaded against the destruction of Sodom and Gomorrah in Mamre when the Lord appeared to him (see Genesis 18: 20–33).

While the children of Israel were camped at Kadesh-barnea, Moses sent out twelve spies to Canaan to assess the strength of its inhabitants and the the fertility of the land. They reported that descendants of the Anakim giants were residing in Hebron. The negative report of ten of the spies resulted in the refusal of the Israelites to enter Canaan and condemned them to another thirty-eight years in the desert (see Numbers 13). After Joshua had taken possession of Canaan, Caleb asked him for Hebron. Caleb drove out the Anakim and settled there (see Joshua 14:6–15).

When David succeeded Saul, the Lord directed him to move to Hebron and to make it his headquarters. He ruled from there for eight years until he captured Jerusalem from the Jebusites (see 2 Samuel 5:1–5). David's son, Absalom, conspired against his father and "stole the hearts of the men of Israel" (2 Samuel 15:6). He moved to Hebron, from where he eventually took over the kingdom (see 2 Samuel 15–18:15).

But the event that appears to be the most significant in the Jewish history of Hebron at least is the purchase of the Cave of Machpelah where Abraham buried Sarah (see Genesis 23). Jewish sources date the cave back to Adam, "*Machpelah* means *Multiple* – housing multiples of couples: Adam & Eve, Abraham & Sarah, Isaac & Rebecca, Jacob & Leah" (Tract. Eruvin 53); "Adam was buried there by the All-Mighty" (Br. Rab. 58).[11] The Zohar reports that "R. Judah said 'Abraham recognised the cave of Machpelah by a certain mark, and he had long set his mind and heart on it. For he had once entered that cave and seen Adam and Eve buried there" (Zohar 1:127a)[12] LaMoine DeVries reports that "information from the *Testament of the Twelve Patriarchs* (20:6) . . . names Joseph among those buried at the site."[13] The Bible confirms it as the burial site of Sarah (Genesis 23); Abraham (Genesis 25:9); Isaac (Genesis 39:29; 49:31); Rebecca, Leah, and Jacob (Genesis 49:31; 50:13).[14]

During Herodian times, the site was enclosed in a large wall and "monuments or cenotaphs in honor of the patriarchal figures" were erected. DeVries further reports that "A basilica-type church was built at the site inside the enclosure wall during the 5th or 6th century C.E. Arculf, who visited the site in 670, wrote not only about the monuments of the patriarchal figures, but also

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[11]   At http://www.hebron.org.il/text/MEANING.htm

[12]   *The Soncino Zohar,* CD-ROM.

[13]   Lamoine F. DeVries, "Machpelah" in *Anchor Bible Dictionary,* ed. David Noel Freedman, New York: Doubleday, 1992, 4:461.

[14]   See Ibid., 460.

mentioned the presence of a monument built for Adam."[15] Apparently the chamber below the basilica was investigated in 1119 at which time "the bones of the partriarchs were reportedly found."[16] The Herodian origin of the enclosure wall was confirmed by excavations in 1971. In 1967, shortly after the Six-Day War, Moshe Dayan directed an investigation into the site but no bones were found.

Today the Cave is mostly controlled by the Arabs and is a source of controversy, with the Jews demanding it be named as a Jewish historical monument and given over to them.[17]

Hebron, then, has been a holy site possibly from Adam but certainly from Abraham through to modern day Palestine.

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[15]   Ibid., 461.

[16]   Ibid.

[17]   See www.hebron.org.il (the Jewish Internet site); for an alternative viewpoint, see www.hebron.com; the Palestinian site: "Why Hebron is important to Jews and Muslims: For Muslims, Hebron is holy because it has the Magarat (Cave, Colloquial Gar) where Muslims believe that Abraham was buried. To Muslims, Abraham, is called the father of all the prophets. Muslims cannot be Muslims without the absolute belief in the prophecies of Abraham, Isaac and Jacob as well as the Torah as the word of God. In the holy Muslim book, the Quran, Abraham, Jacob and Isaac were named 73, 18 and 16 times, respectively as opposed to only 4 times for the prophet of Islam, Muhammad. Jews revere the Cave for the same reason."

Shechem[18]

The first altar that Abraham built was at Shechem. But Shechem's history starts long before Abraham. According to Toombs, various expeditions uncovered twenty-four strata of occupation. The earliest strata was Chalcolithic, dating from 4600 to 3200 B.C. The excavations also gave evidence of a "large and well-organized community" in the Middle Bronze Age I (1900 to 1750 B.C.) This was important since there is mention of Shechem in two Egyptian texts. "An inscription on the stele of Khu-Sebek (a noble of the court of King Sesostris III (ca. 1880–1840 B.C.) describes how the king campaigned in a foreign country of which the name was Sekmem. . . . One of the [Execration] texts gives the name of Ibish-hadad of Shechem. These texts indicate that by the mid–19th century Shechem was an important strategic and political center, a leader of resistance against Egyptian expansionist policies and probably the head of a city-state confederacy."[19]

The citadel underwent extensive modifications during the Hyksos period (1750–1650 B.C.). Although the German excavators apparently had removed a good deal of the structures and floors, what was left was enough for the Drew-McCormick expedition under the direction of G. E. Wright to identify the complex that was excavated as a palace with the possibility of it being a temple.[20]

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[18]   The main source for this section is Lawrence E. Toombs (good name for an archaeologist), "Shechem," in *Anchor Bible Dictionary*, ed. David Noel Freedman, New York: Doubleday, 1992, 5:1174–86.

[19]   Ibid., 1179.

[20]   Ibid., 1180.

Going higher up to the MB III level (1640–1550 B.C.), the excavations uncovered a "tripartite temple, probably the oldest example in Palestine."[21] But because of its location outside the palace, Toombs believes that "the temple can hardly have been involved in the visits of Abraham (Gen 12:6) and Jacob (Gen 35:4) to the sacred place at or near the city, nor in Jacob's purchase of a piece of ground from the 'sons of Hamor' on which to pitch his camp" (see Genesis 33:18–20).[22] However, a third building was excavated "possibly also of a sacred nature . . . on the N slope of Mt. Gerizim about 300 m from the city."[23]

Shortly after the battle of Megiddo (ca. 1465 B.C.) Shechem was again rebuilt, possibly by King Thutmose III but "in the latter years of Amenhotep III and during the reign of Amenhotep IV (Ikhnaton) . . . Lab'ayu, king of Shechem extended his control from the Valley of Jezreel to the environs of Jerusalem."[24] This was the Amarna period during which the city was destroyed and quickly rebuilt.

Further excavations reveal evidence of the city during the time of the rape of Dinah and the revenge taken by Simeon and Levi on Shechem the prince and on the city (see Genesis 34). The next time Shechem is mentioned is during the entry into Canaan by Joshua. Interestingly enough there is apparently no evidence of destruction during this Iron Age time, so Toombs believes that the handover was peaceful and that would account for the lack of mention of

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[21]   Ibid., 1181.

[22]   Ibid.

[23]   Ibid.

[24]   Ibid.

Shechem as one of the conquered cities (see Joshua 12:7–23). Although of course it is named as a city of refuge in Joshua 20:7 and 1 Chronicles 6:67.

In Joshua 24 we read of a covenant-making ceremony that took place at Shechem and it is noted that Joseph's bones were also buried there which is at odds with the statement that his bones were buried in the Cave of Machpelah at Hebron.

Later, during the period of the Judges, Jotham curses Abimelech on Mt. Gerizim and the men of Shechem first support and then turn against Abimelech. I will deal with that in greater detail when I look at the timing of the cities of refuge being used as such.

The excavations for the Iron IB–IIA period (975–810 B.C.) correspond with the time of the monarchy and Solomon's son Rehoboam is crowned at Shechem (see 1 Kings 12:1). There is evidence of destruction during this time which Toombs attributes to the invasions of the Egyptian Pharaoh Shishak (ca. 918 B.C.)[25]

The last biblical evidence is from Jeremiah when eighty men came from Shechem, Shiloh, and Samaria to bring offerings to the house of the Lord. Ishmael, who had just slain Gedaliah, offered to take them to Gedaliah (as it turns out truthfully) and slays them also.

Toombs informs us that around 330 B.C. "the Samaritans built a temple of their own on Mt. Gerizim. At the foot of the mountain on the ruins of ancient Shechem they designed a city to rival the Holy City of Jerusalem." But in 107 B.C.

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[25]   Ibid., 1184.

"Jewish forces, carrying out the expansionist policies of John Hyrcanus, destroyed Shechem completely."[26]

With evidence for two, and possibly three sanctuaries, Shechem was a holy city almost from its inception and certainly throughout the biblical period.

Kedesh

Completing the cities on the west side of the Jordan, Kedesh was in Naphtali (see Joshua 19:37). Robert Boling refers to it as "perhaps the most impressive archaeological site in the entire land of Israel."[27] Several excavations are currently in progress. Ovadiah, Fischer, and Roll made an extensive survey and then three excavations in 1981–84.[28] In 1997 and 1998 a group from the University of Michigan and the University of Minnesota did a preliminary survey of the site, leading them to mount an expedition that has spent the summers of 1999 and 2000 at the site, although its focus is on the Hellenistic- and Roman-period remains.[29] Excavations show that the site was "continuously occupied from the Bronze Age until the end of late antiquity."[30]

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[26]   Ibid., 1885.

[27]   Robert G. Boling, *Joshua* (New York: Doubleday, 1982), 459.

[28]   A. Ovidiah, Moshe Fischer, and Israel Roll, "Qades, Tell," in *Anchor Bible Dictionary*, ed. David Noel Freedman, New York: Doubleday, 1992, 5:573–575.

[29]   http://www.umich.edu/~kelseydb/Excavation/ Kedesh/webpage.html

[30]   Ovidiah et al., "Qades, Te,l," 573.

The biblical history of Kedesh extends beyond its mention as a city of refuge in Joshua 20:7. First it was one of the Canaanite towns captured by Joshua (see Joshua 12:22; see also Joshua 15:23; 19:37). One of the occurrences that I shall be examining later in an attempt to establish the timing of the cities' function as a refuge for the inadvertent manslayer is at the time of the judges, specifically Deborah and Barak (see Judges 4:9–11). The incident with Sisera, although heralded as a triumph for Israel, nevertheless raises questions as to the sanctity of hospitality.

Later, "the Assyrian king Tilglath-pileser III conquered the city in 733/732 B.C.E. together with other Galilean cities which are listed in 2 Kings 15:29. Kedesh is mentioned in one of the Zenon papyri (*PZen. Co.*: 59004), as well as in the account of the battle between Jonathan the Hasmonean and the generals of Demetrius (1 Macc 11:53–73; see also *Ant* 13:154)."[31]

Josephus also mentions it in *War* as "Kadesa, belonging to the Tyrians" where the Jews, reacting to the slaughter by the people of Caesarea apparently exacted vengeance (see Josephus, *War* 2:459). Kedesh was again a Tyrian outpost and stronghold in the first century A.D. (*Ant.* 13:154); and it served as an encampment for the Roman general Titus at the beginning of the First Jewish Revolt (*War* 4:104).

The reason for the excitement surrounding the excavations is the existence of a large temple complex which has been dated to the Roman period and contains "one of the richest collections of architectural features in Israel."[32] The

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[31]   Ibid.

[32]   Ibid., 574.

temple was either dedicated to Helios or Baal-shamin "one of the main gods of the Syro-Phenician region during the Roman period."[33]

Peterson concludes that "Tell Qades is one of the most northern sites associated with the levitical cities W of the Jordan. This means that this refuge city was not only strategically located geographically, but it was also an important communication center between the Canaanites/Phoenicians/Tyrians and Israel."[34]

Kadesh, of course, means "holy." Although there is no evidence of its use as a holy city before being designated as a city of refuge. Its name would strongly advocate such a use.

Bezer

Bezer was located "in the wilderness, in the plain country, of the Reubenites" (Deuteronomy 4:43). The biblical record is fairly sparse since the only mention other than that in Joshua 20:8 was when it was set apart as a levitical city and assigned to the sons of Merari (see Joshua 21:36; 1 Chronicles 6:63, 78). Gerald Mattingly gives us another witness in the Mesha Inscriptions which "lists Bezer among the Israelite towns that were taken in Mesha's successful effort to reclaim the Moabite tableland."[35]

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[33]   Ibid., 575.

[34]   John L. Peterson, "Kedesh," in *Anchor Bible Dictionary*, ed. David Noel Freedman (New York: Doubleday, 1992), 4:11.

[35]   Gerald L. Mattingly, "Bezer," in *Anchor Bible Dictionary*, ed. David Noel Freedman, New York: Doubleday, 1992, 1:718.

Other than the biblical record, there is no indication that Bezer was a site of sanctuary either anciently or in postbiblical times.

Ramoth-Gilead

Archaeologically there is little information that can be gleaned regarding this city of refuge located in the east of Gad's territory. The nearest modern equivalent is Tell Ramith which is near Ramtha on the modern frontier with Syria.[36] But little has been done other than to establish the existence of Iron Age pottery at the site.[37]

The biblical record is a little more forthcoming. Ramoth-gilead is first mentioned as a city of refuge (see Deuteronomy 4:43; Joshua 20:8; compare 21:31; 1 Chronicles 6:80). Thereafter when Solomon divided his kingdom into twelve districts under twelve officers, "Ben-geber, the governor of Gilead and Bashan,"[38] was housed in Ramoth-gilead (see 1 Kings 4:13). The city then was involved in the conflict with Damascus (see 1 Kings 22) and is the site of the talionic punishment of Ahab (see 1 Kings 22:29–37). Another incident that left the kingship of Israel in jeopardy took place at Ramoth-gilead concerns the dispute between Joram and Ahaziah (see 2 Kings 8:28–29). The resulting confusion enabled Hazael of Aram to capture "the entire Transjordan" from Israel "including the disputed Ramoth-gilead (2 Kgs 10:32–33)."[39]

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[36]   See Patrick M. Arnold, "Ramoth-Gilead," in *Anchor Bible Dictionary,* ed. David Noel Freedman (New York: Doubleday, 1992), 5:620–21.

[37]   Ibid., 621.

[38]   Ibid., 620.

[39]   Ibid., 621.

Although an important city, there is no indication of a religious center other than the original designation as a city of refuge.

Golan

Golan was the northernmost city of refuge on the east of the Jordan river and was in Manasseh. It is only mentioned in the Bible in connection with the cities of refuge or as an inheritance (Deuteronomy 4:43; Joshua 20:8; 21:27; 1 Chronicles 6:71). According to Rami Arav, Josephus knew of a Golan district which he called Gaulanitis.[40] Its history appears to have including once being the capital of Geshur "as a result of the Geshurite and the Aramaean conquest of the sixty cities in the region of Argob in Bashan during 886 B.C.E (2 Chr 2:23). This annexed territory was then named after the newly captured city of Golan."[41]

Currently Golan is, of course, a disputed territory. As with Hebron there are two main Web sites, one from the Syrian point of view and one from the Israeli. The Syrians claim that evidence of Arab occupation dates back to the Paleolithic period and that pottery has been excavated dating back to the Neolithic period.[42]

The Jewish site is a little more specific, as follows

Prehistory—until 4000 BCE

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[40]   Rami Arav, "Golan," in *Anchor Bible Dictionary,* ed. David Noel Freedman (New York: Doubleday, 1992), 2:1057.

[41]   Ibid.

[42]   http://www.golan-syria.org/built.htm; citing Schomar, *The Golan* (London 1899), 304.

First appearance of man on the Golan, about 250,000 years ago, as indicated by the oldest site excavated in the area. Settlement in the Middle and Late Stone Age, near concentrations of flint, used for making implements.

Chalcolithic Period—4000-3150 BCE

Extensive settlement, especially near water sources. Finds from this period include: silos with traces of wheat, seeds of peas, lentils, and vetch, and olive pits; large, broad houses, divided into partitions; unique bronze statues of household gods, with human faces.

Bronze and Iron Ages, 3150-1200 BCE, 1200-587 BCE

Construction of burial sites comprised of large stone slabs; fortified settlement enclosures on ridges. The bronze culture disappears in 2200 BCE. During the Iron Age (lsraelite period), the Golan serves as a buffer zone between Israel and Aram.

Hellenistic Period—332-37 BCE

The first Hellenistic settlements are built on the Golan (second century BCE). Judah Maccabee defends the Jews of Golan and Bashan. Alexander Yannai conquers cities in Transjordan and Golan. The Itureans, members of a tribe of Arab stock, settle in the northern Golan.

Roman Period—37 BCE-324 CE

Extensive settlement. Golan Jews take part in the revolt against the Romans. Three Jewish cities—Gamla, Seleucia, and Sugni—are fortified.

Only Gamla resists the Romans; all of its residents are either killed or commit suicide. Major cities exist in Banias and Susita.

Byzantine Period—365-636

Jewish settlements exist beside Christian communities. Banias prospers, thanks to its water sources and its position on the Tyre-Damascus road. After the Arabs defeat the Byzantine army at Yakutza in the southern Golan in 636, the settlements are abandoned and nomads prevail.

Crusader and Mameluke Periods,1099-1291, 1291-1516

The Golan serves as a border area between the Crusader kingdom and the emirate of Damascus. The Mamelukes build "Nimrod's Castle". Roads and caravansaries are built. Sparse, mainly Beduin population.

Ottoman Period—1517-1917

The population is still sparse. In the nineteenth century, permanent settlements arise. with Beduin, Magreb, Circassian, Alawite, Druse, and Turkoman populations. Attempts at Jewish settlement are made in the 1880s.[43]

The only evidence of religious worship at Golan is during the Talmudic period, "In the Talmudic period, Jewish settlement in the Golan flowered and expanded. Among the wealth of archeological findings in the Golan Heights, were remnants of 25 synagogues from the Talmudic period. A basalt lintel stone

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[43]   http://www.golan.org.il/history-short.html.

was found in the village of Dabura, north of Qazrin, with the engraved inscription, "This is the Beit Midrash (religious school) of Rabbi Eliezer Hakapar". This is the only archeological evidence for the existence of "Beit Midrash" from the Talmudic period.[44]

Surprisingly, perhaps, the physical division of the six cities on either side of the Jordan also appears to follow the division of their function. The three cities that Moses designated in Transjordan (see Deuteronomy 4:43) do not appear to have been sanctuaries, either anciently or in postbiblical times. In contrast the three cities on the west of the Jordan were all important holy sites, almost throughout their existence.

The Laws of Talion

Among the first instructions given to Noah after he left the ark, built an altar, and offered sacrifice established how the Lord feels about the sanctity of human life: "Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man" (Genesis 9:6). This is the first (and ultimate) biblical talionic law where "the punishment whereby the prescribed penalty is identical with, or equivalent to, the offense."[45] The others that follow are "Thou shalt give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe" (Exodus 21:23–25; compare Leviticus 24:18–21; Deuteronomy 25:12), and the law regarding false witness found in Deuteronomy 19:21. Those that do not call for capital

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[44]   http://www.golan.org.il/history.html#1.

[45]   Haim H. Cohn "Talion" in Menachem Elon, ed. *Principles of Jewish Law* (Jerusalem: Keter, 1975), 525.

punishment differ in that "equivalent talions conform to some feature characteristic of the offense, but not to its essence or degree"[46]

Examining the talionic laws is important to preface the study of biblical asylum because, as Ze'ev Falk explains,

The tribal system of revenge was replaced by the fixed forms of punishment provided by the law collections of the Pentateuch. The unrestricted power of the injured party over the person of the assailant was limited by the system of talion, which was applied in cases of murder, causing bodily harm and bearing false witness. In practice, however, the crime was often compounded by the payment of a ransom (Exodus 21:30), though Numbers 35:31–33 excluded this usage with regard to murder.[47]

Huffmon adds that "Debate has also focused on whether the statement of talion was intended to govern actual practice—an actual tooth for a tooth—especially in earlier biblical times, or whether it articulated the principle that the punishment should fit the crime."[48]

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[46]   Ibid.

[47]   Ze'ev W. Falk, *Hebrew Law in Biblical Times: An Introduction.* 2nd ed. (Provo, Utah: Brigham Young University Press, 2000), 71.

[48]   H. P. Huffmon, "Lex Talionis" in *Anchor Bible Dictionary,* ed. David Noel Freedman, New York: Doubleday, 1992, 4:321.

Ancient Near Eastern Law Codes

Welch, citing Boecker, maintains that "*lex talionis* originated much earlier than the law of Moses—its roots can probably be traced to ancient nomadic tribes."[49] In addition, evidence of talionic punishments are replete in the Ancient Near Eastern law codes.[50]

The very first Law of Urnammu (ca. 2100 B.C.) states "If a man commits a homicide, they shall kill that man." The true talionic law is #25, "If a man's slave-woman, comparing herself to her mistress, speaks insolently to her . . . her mouth shall be scoured with 1 quart salt."

The Laws of Lipit-Ishtar (ca. 1930 B.C.) allow for payment to be made as restitution for an offense.[51] The Sumarian Laws (ca. 1800 B.C.) allow both monetary restitution and talionic restitution.[52] The Laws of Eshunna (ca. 1770

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[49] John W. Welch, "Ancient Capital Punishments," unpublished manuscript in my possession, 16; citing Hans Jochen Boecker, *Law and the Administration of Justice in the Old Testament and Ancient East* (Minneapolis: Augsburg, 1980), 174.

[50] I am grateful to John W. Welch who provided me with a copy of his *Ancient Near Eastern & Eastern Mediterranean Laws*, a compilation of the ANE laws grouped by code and by subject.

[51] For instance, "If a man rented an ox (and) damaged its tail, he shall pay one fourth of (its) price." LI 37.

[52] LS 10: "If an ox caused the loss of a straying ox, he (the renter) shall replace ox for ox."

B.C.) provide a scale of payment for offenses, but capital offenses had to go before the king (see LE 48). The Hittite Laws (ca. 1650–1300 B.C.) contain provisions for inadvertent manslaughter: "If anyone strikes a free man or woman and he/she dies, (only) his hand doing wrong, he shall be liable for him/her [the later version reads he shall give 2 minas of silver]" (HL4).

The Code of Hammurabi (ca. 1750 B.C.) and the Middle Assyrian Laws (ca. 1076 B.C.) have the largest number of talionic punishments. Huffmon comments that "Biblical law does not know of the vicarious talion illustrated in the Laws of Hammurapi (##116, 210, 230; cf. Middle Assyrian Laws ##A 50–52) in which someone responsible for the death of a citizen's son or daughter has his son or daughter put to death."[53] Tikva Frymer-Kensky elaborates that "Vicarious talion is expressly forbidden in the Bible. . . . In Old Babylonian legal philosophy, however, the principle of equal retribution is carried to its logical extreme of vicarious talion.[54]

Frymer-Kensky warns that "many of the provisions in the Mesopotamian law collections do not reflect the actual practice of law in their epochs, for these collections are more truly documents of legal philosophy than prescriptive law codes in our modern sense."[55] But with that caveat he offers the evidence of "a letter from Iatar-Ami, king of Carchemis, to Zimri-Lim, king of Mari [which] indicates that the provision for equal gain and equal retribution found in

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[53]   Huffmon, "Lex Talionis," 321.

[54]   Tikva Frymer-Kensky, "Tit for Tat," *Biblical Archeologist* 43/4 (1980): 231.

[55]   Ibid., 233.

Hammurabi §2 is not simply an abstract juridical idea but was, in fact, a basic operating principle of cuneiform law."[56]

"God's Method of Punishment"

Perhaps the greatest distance between the biblical laws of punishment and those found in the Ancient Near Eastern codes is the fact that justice was to be meted out either by God or by his command. "The least ambiguous and most important use of the talionic formula can be found in the concept of divine justice—the 'ultimate justice or the effect of a cause from which one simply could not escape'—and in the teachings of prophets about that justice. Warnings that God will adhere to this principle when judging man are plentiful in . . . the Old

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[56] Ibid., 231. In the letter Iatar-Ami "is sending to Mari two men accused of treason. He requests that they be sent to the river for trial and that a report be sent back. In the meantime, Iatar-Ami is keeping the accuser of these men in prison," (231).

Testament."[57] This has perhaps a greater effect on our study of asylum in the

Book of Mormon, and since "both divine and human actions, as well as natural

consequences, can conform to these talionic principles, . . . it is often difficult to

determine in a given case whether divine, human, or natural justice is involved.[58]

Again turning to Falk,

Hebrew tradition did not distinguish between norms of religion,

morality and law. As befitting their common divine origin, man was

bound to obey all of them with equal conscientiousness. The apodictic

style, especially, signifies the fact that the command originated from God

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[57]   John W. Welch, "Ancient Capital Punishments," unpublished

manuscript in my possession, 7; citing James E. Priest, *Governmental and Judicial

Ethics in the Bible and Rabbinic Literature* (New York: Ktav, 1980), 155. Welch gives

the following examples "Elisha's servant Gehazi experienced a form of

equivalent talion when he accepted a gift for a miracle which Elisha had

performed and would accept no reward for: Elisha had cured Naaman, captain

of the Syrian host, of leprosy; because of his greediness, Gehazi was told that the

'leprosy of Naaman shall cleave unto thee' (2 Kings 5:27). Abimelech, an

ambitious Israelite who had killed seventy of his brothers 'upon one stone' in

order to become king, was killed by a piece of millstone: 'Thus God rendered the

wickedness of Abimelech, which he did unto his father, in slaying his seventy

brethren (Judges 9:56)," (8–9).

[58]   Ibid., 7–8.

and that its promulgation was part of a religious ceremony. Cultic rules quite often appear in a sequence of civil laws (cf. Exodus 22–23) and the pleas of the prophets for justice are part of their teaching of loyalty to God.[59]

The Avenger of Blood

That being said, there is the somewhat puzzling tradition of blood vengeance. The chapter on the language of sanctuary deals with the etymology of this term, but from a conceptual standpoint, a couple of points are worth making.

First it appears that this is a case of the people interpreting the law stipulated in Genesis 9:6 as being something they, not God, are responsible to uphold. Sperling notes that from Numbers 35:11–28; Deuteronomy 4:41–43; 19:1–13; Joshua 20:1–9 "as well as from biblical narrative (2 Sam 14:5–11) and extrabiblical parallels it is clear that the legislators were attempting to accommodate an existing institution to the biblical notion that only God had absolute disposition over human and animal life and over blood, in which life was embodied."[60] The extrabiblical parallels Sperling cites are

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[59]   Falk, *Hebrew Law in Biblical Times*, 4.

[60]   David S. Sperling, "Avenger of Blood," in *Anchor Bible Dictionary*, ed. David Noel Freedman (New York: Doubleday, 1992), 1:763.

The 8th century Aramaic royal treaty from Sefîre (III:1–19)[61] requires

that blood be rescued from the hand of enemies responsible for the kings

assassination . . . by putting them to the sword. Similarly, in a 14th-

century B.C. letter from King Burnaburiash of Babylon to Pharoah

Amenhophis IV, the Babylonian demands that bandits who have killed

Babylonian merchants in Egyptian territory must be apprehended and

executed so that the blood of the slain may be returned.[62]

Regarding this tradition in Israel, Haim Cohn remarks that "originally
private revenge was customary in Israel, as in other ancient civilizations, not
only for homicide but also for mayhem (cf. Gen. 4:23–24) and rape (Gen 34:25–
26); and the restrictions of the avenger's rights and their legal regulation mark
the beginnings of a system of criminal law."[63] Falk feels that:

The most important manifestation of private justice was the

"redemption" of blood, a concept preserved till late into the monarchical

period (2 Samuel 3:27, 30). However, this right was limited by the

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[61]   See Josef Fitzmyer, *The Aramaic Inscriptions of Sefîre* (Rome, 1967), 97–

99; A. Lemaire and J.-M. Durand, *Les inscriptions araméennes de Sefiré er l"Assyrie*

de Shamshi-Ilu (Paris, 1984), 119.

[62]   Sperling, "Avenger of Blood," 764.

[63]   Haim H. Cohn, "Blood-Avenger," in Menachem Elon ed., *The*

Principles of Jewish Law (Jerusalem: Keter, 1975), 530.

institution of cities of asylum (Numbers 35; Deuteronomy 19) and by the

creation of a distinction between unintentional and premeditated killing

(Deuteronomy 19; Exodus 21:13). As a result there arose a need for judicial

decision. Judgment was given either by the community or by the elders

after hearing both the accused and the avenger. The intervention of a

judge was also necessary for the infliction of talion, thus limiting the

plaintiff's right to revenge himself upon the assailant. A wrong committed

against a member of the same clan was adjudicated by the common chief

by virtue of his potestas.[64]

The appointment of an arbitrator became necessary in disputes

between members of different clans. The kinsmen of both parties formed a

mixed tribunal to decide the issue (Genesis 31:37), and there was an

implied agreement that their decree would be obeyed and adverse action

excluded. Especially when the redemption of blood was replaced by the

payment of ransom was there a need for prior accord on the part of both

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[64]   Falk, *Hebrew Law,* 56; Falk cites Max Löhr, *Das Asylwesen im Alten*

Testamentum (Halle: 1930); Nikolai M. Nicolsky, "Das Asylrecht in Israel,"

Zeitschrift für die Alttestamentliche Wissenschaft 48 (1930): 146–75; Moshe

Greenberg, "The Biblical Concept of Asylum," *Journal of Biblical Literature* 78

(1959): 125–32.

families and an independent award fixing the amount payable (Exodus
21:30).[65]

Sperling concludes that "it is of interest that although God
"avenges/rescues blood" (Deut 32:43; 2 Kgs 9:7; Heb *nåqam*) and requires it of
those who shed it wrongly (Gen 9:5; 42:22; Ps 9:13; Heb *dåra¡*) he is never
referred to as *gø<∑l haddåm.* [66]

In summary, the biblical laws of talion appear to at least parallel those
appearing in earlier ANE texts although "Israel's version of the talion 'was a
tremendous improvement over earlier vendetta law or differential penalties
depending on the social status of aggressor and victim.'"[67] This biblical softening
of the traditional talionic laws, as we shall see, created the provision of the cities
of refuge as an escape from the tradition of blood vengeance upon the
inadvertent manslayer.

The Language of Sanctuary: The Cities of Refuge

The three main sections of the Old Testament that deal with the cities of
refuge are Numbers 35:6–34, Deuteronomy 19:4 (1–13), and Joshua 20. In those

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[65]   Falk, *Hebrew Law,* 56; Falk suggests that we compare *Middle Assyrian
Laws* A:10, B:2, Godfrey R. Driver and John C. Miles, trans., The Assyrian Laws
(Oxford: Clarendon, 1936), 33.

[66]   Ibid.

[67]   Welch, "Ancient Capital Punishments," 16; citing Priest, *Governmental
and Judicial Ethics,* 147.

passages specific terminology is used. The Hebrew text for these passages is attached to this paper.

Exodus 21:12–13

The first biblical reference, and possibly the *raison d'être* for the cities of refuge is found in Exodus 21:12–13: "Anyone who strikes a man and kills him shall surely be put to death. However, if he does not do it intentionally, but God lets it happen, he is to flee to a place I will designate" (NIV). The terminology used here is swny rça μwqm ◊ ytmç, the two critical verbs being μwç or μyç "to appoint," or perhaps "to set apart, ordain," and swn "to flee." According to the BDB, μwç is used to mean "ordain," in Numbers 24:23 and "to set up," as in consecrating an altar in 1 Kings 2:19 and Jeremiah 11:13.[68] swn is used both here and in the instructions in Deuteronomy as "flee." Specific references to the flight of the slayer are found in Numbers 35:11, 15; Deuteronomy 4:42; 19:3–5; Joshua 20:3, 4, 9. Additionally, in Exodus 9:20 the

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[68] Francis Brown, S. R. Driver and Charles A. Briggs, *The Brown-Driver-Briggs Hebrew and English Lexicon* (Peabody, Mass.: Hendrickson, 1996), 963–64 (hereafter BDB). Other reference works cited are *A New Concordance of the Old Testament,* ed. Abraham Even-Shoshan (Jerusalem: Kirjat Sefer, 1997) hereafter ES; James Strong, *Strong's Exhaustive Concordance of the Bible* (Nashville: Nelson, 1979) Strong; and *Theological Dictionary of the Old Testament,* ed. G. Johannes Botterwerck and Helmer Ringgren (Grand Rapids: Eerdmans, 1980) TDOT; the Hebrew biblical text is the BHS; other versions include the NIV, KJV, and the Luther translation.

Hiphil form `synh` is taken to mean "drive hastily to a safe place," so that the idea of refuge is embodied in other forms of this root.[69] Perhaps one of the most salient is in the prophecies of Zecharaiah where the salvation of Israel is described and the children of Israel will flee "to the valley of the mountains . . . : and the Lord my God shall come, and all the saints with thee" (Zechariah 14:5). There would appear to be a fine distinction between *flee,* and the word for "escape," `lxn` which in both Hiphil and Niphal form have a definite sense of delivery.[70] This is used positively in terms of slaves escaping their masters (Deuteronomy 23:15 [16]) and negatively in terms of the futility escaping the prophecies of Jeremiah by paying lip service to temple ordinances (Jeremiah 7:10). Fleeing, on the other hand, includes both from and to justice—guilt, in the case of the inadvertent slayer fleeing blood vengeance, being something that is determined after the fleeing takes place.

Numbers 35:6–34

Numbers 35:6–34 contains the terms and conditions of the six cities of refuge (`flqm yr[`). G. Buchanan Gray has pointed out that in verse 11 the verb `hrqh` means "'to bring the *right* or *fit,* thing before one' (cp. Gen. 24:12; 27L20)' if the text is right, the vb. has here acquired some such sense as 'to select as *fit, suitable*'; but unless `wrqyw` should be read for `wçdqyw` in Jos. 20:7, there is no other instance of such a sense."[71] Gray's observation is borne out by ES. The sense of this use of the Hiphil of `hrq` seems to be an extension of the original μwç

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[69]   BDB, 631.

[70]   BDB, 664.

[71]   George Buchanan Gray, *Numbers* (New York: Scribners, 1903), 469.

in Exodus, noted above. The word for refuge, `flqm`, is used exclusively to refer to the cities of refuge (Strong, 832). Gray comments that its exact meaning "is uncertain, but it may mean *place of reception* rather than *place of refuge*." He further notes that in Rabbinic, "the root is chiefly used in speaking of the cities of refuge; but it is also used more widely, as, for example, of the *collection* or *reception* of rain-water." Gray's reason for mentioning this is to correlate with the verb in Joshua 20—where the cities were actually established—specifically verse 4 which has `wpsay`, "receive." This would make sense given the general stipulation that the fleer would have to be received by the elders of the city and his case seen as just before asylum was granted.

The Hebrew noun `jxrh` (v. 12) has the sense of murderer or assassin (BDB 952), which is interesting given that we are dealing with inadvertent manslayers. However, the previous verse tempers the term with `hnnçb`, "accidentally." When the cities are set up in Joshua, they are designated by the technical term `jxrh flqm ry[` with no apparent softening (Joshua 20:2ff.).

A most interesting term is introduced in this passage: `µdh lag`, "the avenger of blood." This is whom the inadvertent slayer is fleeing. According to Philip Budd, "the recover of money owing was another duty of the next of kin. . . . Other responsibilities were the contracting of a levirate marriage (Ruth 3:13), the redemption of a kinsman from slavery (Lev 25:47–49), and duties in relation to property (Lev 25:25; Ruth 4:1–6; Jer 32:8–12). The role of 'avenger' is thought of as a duty in the interests of justice, not as a manifestation of anger or blood

lust."[72] David Sperling defines the avenger of blood as "An individual responsible for avenging the death of a relative." Regarding *gø<∑l*, he suggests that

> The key to understanding the biblical notion "avenger of blood" is the noun translated "avenger" but perhaps more accurately rendered "restorer." Heb *gó<∑l* is derived from the verb *ga<al* "restored," a synonym of *pådá*, "redeemed," "ransomed" (lev 27:27; Jer 31:11; Hos 13:14); *ho¡í>a* "saved," (Isa 61:16); and *râb*, "interceded legally in one's behalf" (Isa 49:25); Jer 50:34; Ps 119:154). Indeed, as awkward as it sounds in English, the redundancy "returns its restoration" (Heb *yå¡íb gé<ullåtó*; Lev 25:51, 52) succinctly demonstrates that *ga<al* primarily means "restored to an original state." A *gó<∑l* therefore was one who effected restoration to an original, sometimes ideal state.[73]

Henry McKeating notes that as late as the early monarchy "it is evidently still the normal thing for the kin group to deal with a case of homicide. Those

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[72]   Philip J. Budd, *Numbers* (Waco: Word, 1984), 383. Budd's commentary assumes that Numbers was written later than Deuteronomy and that the priestly author of Numbers also inserted his interpretations into Joshua.

[73]   David S. Sperling, "Avenger of Blood," in *Anchor Bible Dictionary*, ed. David Noel Freedman (New York: Doubleday, 1992), 1:763.

handling the matter . . . act through the *gø<∑l had-dåm.*[74] Gray, citing Trumbull, elaborates:

"In the event of the depletion of the family life by loss of blood—the loss of a life—the goel had a responsibility of securing to the family an equivalent of that loss, by other blood, or by an agreed payment for its value. His mission was not vengeance, but equity. He was not an avenger, but a redeemer, a restorer, a balancer" (Clay Trumbull, Blood Covenant, 260). . . . The law tacitly insists that the life of the actual murderer only can become forfeit. . . . Hebrew law marks a very distinct advance by so modifying a primitive custom as to secure an adequate punishment for the individual guilty of murder, and a clear distinction between accidental and wilful homicide.[75]

As is often the case, the question of whether or not the law was implemented is difficult to answer.

A final comment on verse 12. The phrase fpçml   ynpl wdm[, "standing before . . . for judgment," means "standing trial."[76]

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[74]   Henry McKeating, "The Development of the Law on Homicide in Ancient Israel," *Vetus Testamentum* 25/1 (1975): 50.

[75]   Gray, *Numbers,*470–71.

[76]   Budd, *Numbers,* 383.

Numbers 35:15 establishes the beneficiary of this provision, μcwtb bçwtlw rglw larçy inbl, "Israelites, aliens and any other people living among them" (NIV). This is pretty inclusive, but Gray make special note of ç which appears at first look to be a simple derivative of bwç:

> The term is confined to P (Gn. 23:4, Ex. 12:45, Lev. 22:10 25:6, 23, 35, 40, 45, 47) and Ps. 39:13, 1 Ch. 29:15; it did not occur in the original text of 1 K. 17:1 (see LXX). The exact meaning of the term is not clear; possibly the *tôshåb*, or *settler*, was a person not of Hebrew birth, who was attached to a Hebrew family in some more permanent way than the day-labourer (rybç).[77]

Verses 16 to 21 deal with the ways in which life could be taken with malice aforethought. For such crimes the perpetrator is at the mercy of the *gø<∑l had-dåm.* Verses 22 and 23 establish the conditions that turn a murderer into a manslayer, hbya alb and hydx alb (22); twar alb; wt[r çqbm alw wl bywa al awhw (23). A similar description is found in Deuteronomy 19:4: t[d ylb. hbya denotes hostility or emnity "betw. men Nu 35:21–22 (P), betw. serpent & woman Gn 3:15 (J), betw. peoples . . . Ez 25:15 35:5" (BDB, 33). hydx comes from hdx meaning "lying in wait." This form, a feminine noun, is apparently only attested here and in verse 20 (BDB, 841; cf. ES, 975; Strong, 589). The other terms in these verses are presumably elaborations to add weight to the idea of inadvertency.

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[77]   Gray, *Numbers,* 472.

After the inadvertent slayer has been delivered from the hands of the *gø<∑l had-dåm,* judgment is to take place between the blood avenger and the manslayer. Verse 25 contains the phrase `hmç sn rça wflqm ry[ la hd[h wta wbyçhw` "and the assembly must send him back to the city of refuge to which he fled" (NIV; JJV has restore). The sense of `wbyçhw` "sending him back" implies that he must have gained the city of refuge and then left it for judgment. This is very important for an understanding of the legal procedure involved here and is further supported by Deuteronomy 21:6 (21:1–9), which talks of the "elders of the city which is next to the slain man," `lljh la µybrqh awhh ry[h ynqz.`[78]

Numbers 35:25 contains another very important stipulation. If the refugee is proven innocent of premeditated manslaughter, he is to remain in the city of refuge `ldgh ~hch twm d[` "until the death of the high priest." Gray notes that "the determination of the detention of the homicide by the life of the high priest may be a complete novelty in this post-exilic law. It is also possible . . . that it is a modified survival of an earlier practice; it may be that as some of the asyla of ancient Israel, homicides were detained till the death of the chief priest who had charge of the sanctuary."[79] Other than here and in verse 28, the phrase `ldgh ~hch` only occurs in Leviticus 21:10; Joshua 20:6 (also in connection with the cities of refuge); 2 Kings 12:11; 22:4; Haggai 1"1, 12; Zechariah 3:1; Nehemiah 3:1. Budd terms this "a late usage."[80] However, in verse 32, the term is reduced to simply `~hwc.`

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[78]   Ibid., 475; Budd, *Numbers,* 383.

[79]   Gray, *Numbers,* 475.

[80]   Budd, *Numbers,* 384.

A final condition from Numbers is the necessity for the testimony of two witnesses, μyd[ypl (Numbers 35:30). Although this verse does not stipulate the number of witnesses, Deuteronomy 19:15 "requires at least two witnesses on any charge," and Deuteronomy 17:6 says that "two witnesses are required before a capital sentence can be passed."[81] However, verse 30 does say that "no one is to be put to death on the testimony of only one witness" (NIV).

Deuteronomy 19:1–13

The Deuteronomy account adds some dimensions to that in Numbers (whether or not it preceded it). 19:5 ends with the word yjl "and live." To my mind there is a definite distinction between exist and dwell (bçy), however the Hebrew text does not make such distinctions, since that all-encompassing verb hyh is found in both senses (see 1 Kings 8:40, μyyh). The JPS Torah Commentary notes that "and live," means "be granted protection in one of the cities,"[82] Samuel R. Driver appends "according to the Deut. Insertion in Jos. 20 (v.4f.) he is to state his case at the gate of the city to the elders, who are then formally to receive him into it."[83]

This account, although only providing for three of the six cities, also adds the fate of the intentional murderer who flees to one of these cities, someone who WYL[ÂQW, "rises up against him (Deuteronomy 19:11). Then the elders of his own city wry[ynqz will send for him and the city of refuge must deliver him up tmw μdh lag dyb into the hand of the blood avenger, so he will die (19:12).

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81   Gray, *Numbers*, 475–76.

82   Jeffrey H. Tigay, *Deuteronomy* (Philadelphia: JPS, 1996), 180.

83   Samuel R. Driver, *Deuteronomy* (Edinburgh: Clark, 1902), 232.

Although the passage in numbers allowed for the right of the *gø<∑l had-dåm* to carry out the retribution, it did not have this provision of deportation.

Joshua 20

Joshua 20:4 elaborates on the role of the elders of the city. Trent Butler comments, "The elders of the city represent an important political and legal institution in the Ancient Near East. . . . They play a particular role in the Deuteronomic law (5:23; 19:12; 21:1–19, 18–21; 22:13–21; 25:5–10; 27:1; 29:9; 31:9, 28) In Joshua, they play only a minor role, appearing in our passage; 7:6; 8:10, 33; 23:2; 24:1, 31.[84] However, given that Joshua 20 is, in my opinion, the fulfillment of Deuteronomic law, the role of the elders is pivotal. The explication here is that the fleer must "declare his cause in the ears of the elders of that city, they shall take him into the city unto them, and give him a place, that he may dwell (bçy) among them" (KJV Joshua 20:4). These are the duties of the elders of the cities of refuge, when previously only the elders of the city where the slaying was performed were involved.

Finally verse 6 gives us the fate of the inadvertent slayer after the death of the high priest (lwdgh ~hch). He, (jxwrh) shall return to his city (wry[), to his house (wtyb) in the formulaic city from which he fled (µçm sn rça ry[h).

The terminology is remarkably consistent in the three accounts and further studies should reveal the possibility of similar terminology existing in other cultures such as Egyptian representing pre-Israelite-occupation Canaan and Arab.

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[84] Trent C. Butler, *Joshua* (Waco: Word, 1983), 217.

Asylum in Other Cultures

Before embarking on an examination of the function and timing of the cities of refuge. I should like to examine asylum in the surrounding and interwoven cultures during the biblical era. The right of asylum is "the protection afforded a person in an inviolable location where he cannot be the object of any measure of coercion."[85] De Martin adds that "Almost all peoples, at one time in their history, have recognized a protecting power in the temples of their gods."[86] He continues,

Among the people of the Mediterranean Orient, in particular the Egyptians and the Greeks, we apparently the presence of a true religious asylum: criminals, debtors, and slaves find an effective protection when they seek refuge in sacred places. . . . Among polytheistic peoples, the same honor is not reserved for all the gods and there is a difference in the nature of the protection guaranteed to those who seek refuge in their temples.[87]

Egyptian Asylum Traditions

According to Bulmerincq, the founder of asylum was an Egyptian King Assyrophernes who built an obelisk (Bildsäule) to his son. Apparently the purpose of this obelisk was to offer sanctuary to fleeing criminals. Bulmerincq attests that "Fulgentius, Bernhardus, Sixtus Senensis and Alphonsus Tostatius" all maintained that Assyrophernes was therefore the founder of the asylum

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[85]   Pierre Timbal Duclaux de Martin, *Le Droit d'Asile* (Paris: Librairie du Recueil Sirey, 1939), 1. As with previous sections, the translations are my own.

[86]   Ibid., 2.

[87]   Ibid. 12.

tradition.[88] Bulmerincq continues the story. "Ninus, the first king [of Assyria], after he had discovered the obelisk of Assyrophernes, built a similar edifice to his father Belus, as the best of kings, and endowed it with the right of asylum. Thereafter Semiramis was said to have put this obelisk into the most beautiful temple built by her father in law, Belus, and thereby the right of asylum was extended to the temple."[89] Since Semiramis presumably dates to the flood and Nimrod, this would establish an asylum tradition contiguous with the biblical narrative. Belus, of course, is the father of Aegyptus. However de Martin cites Koschaker, who believes that the right of asylum was transmitted from Babylon to Egypt via the Persians. [90] Either way, the right of asylum is an ancient tradition in Egypt, and this might explain why Moses was not held accountable for the slaying of an Egyptian when he returned to confront Pharaoh (see Exodus 5).

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[88]   August Bulmerincq, *Das Asylrecht in seiner geschichtlichen Entwickelung beurtheilt vom Standpunkte des Rechts und dessen völkerrechtliche Bedeutung für die Auslieferung flüchtiger Verbrecher* (Dorpat: Karow, 1853), 11–12.

[89]   Ibid., 12–13.

[90]   Ibid., 13, citing Koschaker, *Orientalische Litteratur,* vol. 27 (1924), 197. De Martin adds that more recent studies believe that the Persian asylum was not established until a century later (see Von Woess, "Asulija," *Zeitschrift der Savigny Stiftung, Romanische Abteilung,* 46 [1926]: 32–67).

On the subject of Moses, Dewey Beegle makes the comparison between him and Sinuhe.[91]

The first of the great kings of the Twelfth Dynasty in Egypt was Amenemhet (Amenemmes) I, about 1990–1960 B.C. During the last decade or so of his reign his coregent was his son Senusert (Sesostris) I, about 1971–1928. Nefru, the daughter of Amenemhet and wife of Senusert, had an attendant named Sinuhe. On one occasion Sinuhe accompanied Senusert on a military expedition against the Libyans to the west of Egypt. While the army was returning from this campaign, King Amenemhet died. News was rushed to Senusert in order that he might return to the capital and secure his throne before some pretender learned of the death. Sinuhe happened to be near enough to overhear the message. As attendant to Nefru he had had close contact with both rulers and there should have been no anxiety on his part, but apparently he had done something which he thought would displease Senusert and he feared that

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[91] Obviously Beegle is not the first, nor the only person to make this comparison, but it can be found at Dewey M. Beegle, *Moses, The Servant of Yahweh* (Grand Rapids, Mich.: Eerdmans, 1972), 56–57. Nibley makes use of the various interpretations of the Sinuhe narrative to construct a picture of Egypt in Canaan. See Hugh Nibley, *Abraham in Egypt* (Salt Lake City: Deseret Book and FARMS, 2000), 221–23, notes on 249.

in the transfer of power he would be imprisoned or slain. "My heart was distraught," he said, "my arms spread out in dismay, trembling fell upon all my limbs. I removed myself by leaps and bounds to seek a hiding place for myself. I placed myself between two bushes, in order to cut myself off from the road and its travel."[92]

Sinuhe fled to the "Wall of the Ruler" and was on the point of dying of thirst when he "found a band of Asiatics. The sheikh recognized him, gave him a drink of water, and took him to his tribe. . . He finally settled with Ammi-enshu, a ruler in Syria. Sinuhe married his eldest daughter, had a number of children, and became the ruler of a tribe in a very fertile portion of the country. Years later Senusert heard about Sinuhe's success, urged him to return to Egypt, and restored him as a courtier among the nobles."[93]

Although the parallel is not exact, since we do not know what Sinuhe had done to seek voluntary exile, the king did restore him. It may be that Moses' returned to Egypt as a prophet accorded him asylum, since he came to negotiate not as an Egyptian prince but as the prophet of the Hebrews, not himself a resident of Goshen.

A later example of asylum in Egypt is afforded by the excavations by Mariette at the Serapeum in Memphis. Von Woeß has done an extensive study of

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[92]   Beegle, *Moses,* 56–57; citing James B. Pritchard, ed., *Ancient Near Eastern Texts Relating to the Old Testament,* 3rd ed. (Princeton: Princeton University Press, 1969), 19.

[93]   Ibid., 57.

the asylum tradition in Egypt and particularly at the Serapeum.[94] Because of the papyri that were discovered there give "a unique view into the workings of an important Egyptian asylum."[95] Although fairly late in terms of the biblical narrative,[96] it nevertheless affords a view of Egyptian asylum traditions that stemmed from that first obelisk at the time of Semiramis.

Max Guilmot, who published a topographical study of the Serapeum, mentions no less than six sanctuaries at this location (Isis, Horus, Hathor-Astarte, Sekhmet, Thot, and Amon).[97]

Von Woeß describes a complex system of checks and balances that an applicant for asylum must go through. After negotiating a veritable maze of walls, desert plateaux, the graveyard of the Necropolis the supplicant must enter

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[94]   Friedrich von Woeß, *Das Asylwesen Ägyptens in der Ptolemäerzeit und die spätere Entwicklung: Eine Einführung in das Rechtsleben Ägyptens besonders der Ptolemäerzeit* (Munich: Beck, 1923), 122–46.

[95]   Ibid., 124. Von Woeß gives an exhaustive list of sources for the papyri on pp. 122–23.

[96]   There is some dispute in the dating. Von Woeß maintains it is the "13–29th year of Philometor, ca. 169–152 B.C.," ibid.; Michael Jones decides for a rebuilding in the "fourth century BC, and more specifically during the reign of Nectanebo II," see Michael Jones, "The Temple of Apis in Memphis," *JEA* 76 (1990): 147.

[97] Max Guilmot, "Le Sarapieion de Memphis: Etude Topographique," Chronique d'Égypte 37/74 (1962): 467–70.

the temple of Athribis, for it is there that asylum is granted.[98] The temple police, who are apparently there only at the behest of the priesthood, then do a weapons search.[99] The priesthood are apparently responsible for reviewing the case with information from city officials since if it is a case of murder and manslaughter "no asylum would be granted for proven crimes."[100]

Drawing from his research on the Serapeum, von Woeß is able to detail the stipulations of the Egyptian law of asylum:

- Asylum is not available for crimes committed while under asylum protection.
- The priesthood adminsters and decides on granting asylum.
- Priesthood control is under the supervision of the city.[101]

Important for the purposes of establishing a link between the Egyptian traditions and biblical asylum is that, at least in the case of the Serapeum at Memphis, asylum was administered by the priesthood in cooperation with the city authorities and it had been a tradition (although perhaps only in myth) since the founding of Egypt.

Arab Asylum Traditions

Tracing Arab asylum traditions from Moses, M. Quatremère asserts that the desert Arabs, when faced with a family member who had perished at the hand of a murderer, "had a sacred duty to carry out themselves the punishment

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[98]   Von Woeß, *Asylwesen Ägyptens,* 127–29.

[99]   Ibid., 130–33.

[100]   Ibid., 133.

[101]   Ibid., 165–70.

for the crime, and to wipe clean the debt in the blood of the guilty person." This tradition extended not only to families but to whole tribes and caused a 40-year war until "wise men put themselves between the two parties bent on blind vengeance and forced them to accept an equitable solution.[102] Quatremère explains that "in the middle of the desert, where nothing meets the eye but arid land and sand, it is difficult to establish a place of refuge," but nevertheless a solution was arrived at.. . . He who obtains the protection of an individual or a tribe takes the title of *djar*, . . . "cousin," i.e. *client, protegé.* . . . We read in the poetry of Bohtori . . . "God is your protector."[103] Quatremère cites various historical incidents to demonstrate the kudos that attaches to a tribal leader surrounded by many of these "clients," who have placed themselves under his protection.

W. Atallah adds the interesting tradition that in his fight against paganism, the Prophet had stipulated that no-one was to "sit on the tombs," meaning not to despoil them in respect for the dead and for death. Further this was taken to mean that the cult of the dead was to be abolished and with it, apparently the tradition of seeking sanctuary and asylum.[104] As a result, "in the two sanctuaries of La Mecque and Médine . . . inviolability was relative: the

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[102]   Etienne Quatremère, "Mémoire sur les asiles chez les Arabes," *Des inscriptions et belles-lettres* 15/2 (1842): 314–15.

[103]   Ibid., 315–16.

[104]   W. Atallah, "Le droit d'asile chez les Arabes: Analyse de quelques vestiges linguistiques," 266–68.

supplicant who was guilty of murder is torn from his refuge, by force or by starvation, to be delivered to justice."[105]

However, as Atallah explains, "for the Arab, the tent remains always a sacred enclosure offering the right of sanctuary and hospitality, a sublimated form of asylum. The right of cousinship, claimed of a leader, always assures the protection of he who solicits it."[106]

John Tvedtnes links the biblical custom to the current customs of the Bedouin:

> The Bedouin have long been known for their hospitality. In the desert, where neighbors are few and far between and life can hang upon a water bag and a crust of bread, it is natural that people should help each other by providing rest and food and drink for the traveler. It is typical to offer three days, three nights, and the third of the next day in hospitality and protection of visitors. The Bible contains the story of a Levite who was preparing to leave the hospitality of his father-in-law after the third day when the elder man prevailed upon him to remain beyond the customary period (Judg. 19:1–6ff).[107]

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[105]   Ibid. 262.

[106]   Ibid.

[107]   John A. Tvedtnes, "Bedouin Culture and Biblical Customs." Unpublished manuscript in my possession, 4–5.

Tvedtnes gives an example of "collective responsibility." Dealing with blood vengeance, he says

In the desert, where there are no police, it is the responsibility of the clan to keep its members in line. . . . Sometimes the clan will banish an irrational member whom they consider to be a potential murderer or accidental killer. . . . If the guilty party is banished, escapes to a distant land, dies or is imprisoned, then there is a suspension of retaliatory acts against his clan until such time as he rejoins his family. . . . Sometimes, a reconciliation . . . is made by means of blood money.[108]

Because of their nomadic lifestyle, the Arabs of the desert regarded their tent as a place of hospitality and protection, but the concept of blood vengeance was strongly adhered to.

Greek Asylum Tradition

As with the Egyptians, there are different versions of where the Greek asylum tradition stemmed from. Bulmerincq proposes that if we accept Japheth as the founder of the Greeks and his son Javon as the first inhabitant of Greece, then the right of asylum in Greece came from the Israelites. However, since the Israelite asylum came from God, and the Greeks were heathens who did not worship God this, says Bulmerincq, is not an altogether satisfactory explanation.[109] He would rather look to philosophy and the nature of man to provide a source for this compassion. "The Greeks searched for a solution to raw power, the heroic ideal age when might was right. In their longing for a peaceful, orderly coexistence, they were forced to the conclusion that only the gods could

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108   Ibid., 10.

109   See Bulmerincq, *Asylrecht,* 29–30.

break the raw dictatorships of the strong, and so they fled to them and begged for their protection."[110]

Eventually they molded their gods so that they were gentle and compassionate, and "whoever fled to them, was inviolable; he stood under the protection of the gods and could not even be taken by the state authorities."[111] Bulmerincq concludes from this that the Greek's humanity was the root cause of asylum. This humanity led to the establishment of the right of the guest. "If the master of the house could protect those who fled to him, all the more must the gods be able to offer such protection."[112] Schlesinger categorizes this as "personal asylum," as opposed to "religious asylum."[113]

With regard to blood vengeance, Bulmerincq puts the inadvertent manslayer in the hands of Zeus who, since he is the head of the gods, "is to be seen as the guardian of the right of asylum."[114] According to Schlesinger, the guardian of the altar is obligated to grant those fleeing justice in another country

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[110]   Ibid., 31.

[111]   Ibid., 32

[112]   Ibid., 33. Bulmerincq cites Böttiger, *Ideen zur Kunstmythologie* (Dresden and Leipzig, 1836), 2:116: "The refugee goes to the master of any house, sits quiet at his side or grabs his knees or stretches out his hand to the chin of the master."

[113]   Eilhard Schlesinger, *Die griechische Asylie,* Ph.D. diss. (Göttingen: Kaestner, 1933), 4.

[114]   Bulmerincq, *Asylrecht,* 35.

sanctuary at the altar and protection from his pursuers. Failure to do that brings the wrath of the god.[115]

Asylum in Greece was not limited to temples and altars, "but also sacred groves, caves and mountains, statues of the gods, a city dedicated to a god, and the island of Kalauria which was sacred to Neptune.[116] However, according to Schlesinger, Tacitus reported that "in Greek cities certain bad habits arose from the granting of asylum from punishment; the temples were filled with the worst elements of slavery; equally those who were guilty of crimes against its followers, perhaps even capital crimes, were taken into its protection, and no authority was strong enough to limit the statutes that protected criminals through religious stipulations."[117]

Whether the asylum tradition in Greece came from the humanity of the people, as Bulmerincq would have us believe, or from that of Israel, there are distinct parallels to biblical asylum.

The Roman Tradition of Asylum

Timbal Duclaux de Martin, in his book on the right of asylum, explains that the religious right of asylum in the Roman Empire "was directly associated with intercession, . . . without being dependent on established juristic

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[115]   Eilhard Schlesinger, *Die griechische Asylie,* Ph.D. diss. (Giessen, Göttingen: Kaestner, 1933), 30–35.

[116]   Ibid., 35–36.

[117]   Schlesinger, *Griechische Asylie,* 1–2.

principles." [118] The principle was founded on the basis of the "invioliability of a man and of property. He who respected the peace, loved the gods, and was under the protection of the gods; he who violates that, places himself outside of the peace and of the rights of law."[119] A breach of the peace could be serious enough to put oneself outside the law and thus be subject to civil punishment. However, lesser crimes were, according to de Martin, "abandoned to private vengeance: . . . these are the more numerous and public authority was not organized enough to assure its repression." Thus in order to escape this "blood vengeance," a perpetrator could escape this strife by paying a sufficiently high penalty."[120] Of greater interest is that certain areas had attached to them extremely high penalties if the "peace were breached" there. Although probably not temples, these places were sacred and "undeniably recalled the Jewish institutions."[121]

When, How, and If: The Cities of Refuge as Sanctuaries

The debate surrounding the cities of refuge has several facets. First, the time period in which the cities were established has three candidates, the most logical period just after the occupation of Canaan, during the united monarchy under David and Solomon, and the later postmonarchic period under Josiah.

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[118]   Pierre Timbal Duclaux de Martin, *Le Droit d'Asile* (Paris: Librairie du Recueil Sirey, 1939), 95.

[119]   Ibid., 96.

[120]   Ibid., 97.

[121]   Ibid., 98.

Second, did the six cities actually function as cities of refuge? Inextricably tied into the debate on the cities is interpretation of the custom of blood vengeance and the law of inadvertent homicide.

Blood Vengeance and Homicide

Before we can start on a review of the actual cities of refuge, it is necessary to try and reach a consensus on a definition of the custom of blood vengeance and the law of inadvertent homicide. John W. Welch has written an extensive review of the law of homicide in biblical times. He cites Jewish jurist Menachem Elon: "Killing is prohibited as one of the Ten Commandments (Ex. 20:13; Deut. 5:17), but the death penalty is prescribed only for willful murder (Ex. 21:12, 14; Lev. 24:17, 21; Num. 35:16–21; Deut. 19:11), as distinguished from unpremeditated manslaughter or accidental killing."[122] The biblical text that drives the law of inadvertent manslaughter is Exodus 21:12–14: "He that smiteth a man, so that he die, shall be surely put to death. And if a man lie not in wait, but God deliver him into his hand, then I will appoint thee a place whither he shall flee. But if a man come presumptuously upon his neighbor, to slay him with guile; thou shalt take him from mine altar, that he may die."

That which permits blood vengeance can be found in Deuteronomy 19:11–12, "But if any man hate his neighbour, and lie in wait for him, and rise up against him, and smite him mortally that he die, and fleeth into one of these

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[122]   John W. Welch, *Law in the Book of Mormon* (Provo, Utah: BYU Law School, 1998), 3:1, citing Menachem Elon, *Principles of Jewish Law* (Jerusalem: Keter, 1975), 475.

cities: Then the elders of his city shall send and fetch him thence, and deliver him into the hand of the avenger of blood, that he may die."

Henry McKeating separates the treatment of blood vengeance into two segments: inter- and intra-clan. He maintains that clan law, which allowed for blood vengeance when the crime was committed by someone from another clan, was augmented by the monarchy in that it "helped to keep the system alive by remedying abuses. . . . It may well be that the monarchy to some extent also backed up the old system by filling in an obvious gap."[123] This would be an argument for blood vengeance being an accepted practice during the united monarchy. McKeating also deals with the disturbing question of Joab's apparent exoneration from the killing of Abner (see page 5 above). David and Abner were of the same tribe which would explain David's reluctance to punish him for Abner's murder, but, according to McKeating, David "tries to dissociate himself from Joab's act, invoking supernatural sanctions by means of a curse. . . . David asks that Joab's descendants may suffer from various diseases, meet violent deaths, live out their lives in poverty, or be men who 'hold a spindle,' which is usually taken to mean, 'be effeminate.'"[124] A case can be made for the custom of blood vengeance being in effect before and during the united monarchy and thus the need for refuge from that custom for the innocent manslayer.

Ben Zion Eliash, using halachic sources, looks at the law of inadvertent, or negligent, homicide. His assessment is that "Jewish law . . . created a unique type

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[123]   Henry McKeating, "The Development of the Law on Homicide in Ancient Israel," *Vetus Testamentum* 25/1 (1975): 52.

[124]   Ibid., 58.

of punishment for the negligent manslayer—the punishment of exile."[125] This is a different view that the cities of refuge provided a punishment for inadvertent manslaughter, rather than a refuge from the blood vengeance of the family. And Eliash notes that "this model punishment is a theoretical one. There is no evidence that exile was ever imposed as a punishment."[126] Eliash discusses the question of enmity as a deciding factor in classifying a killing as inadvertent or not.

Welch describes the two factors that determine inadvertence: "The first involves the slayer's state of mind. . . the slayer must not have been lying in wait, or in other words must not have come presumptuously (having planned the deed out in advance) to kill his victim with guile. The second involves the role of the divine will: God must deliver the victim into the slayer's hand."[127] He adds that it may or may not have been "necessary to satisfy both of these elements, or only one, in order to prove that a killing was legally excusable under the law of Moses.[128]"

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[125]   Ben Zion Eliash, "Negligent Homicide in Jewish Criminal Law: Old Wine in a New Bottle," *National Jewish Law Review* 8 (1988): 65.

[126]   Ibid.

[127]   Welch, "Law of Homicide," 3:6.

[128]   Welch notes that "It has been argued that the satisfaction of either one of these two elements was sufficient for a killing to be considered unintentional, since the *wāw* in verse 13, usually translated as 'but,' makes better sense grammatically and contextually when translated as 'or,' especially when compared with a similar construction in verse 16 where the *wāw* can only mean

The existence of the custom of blood vengeance and the law of unintentional or inadvertent homicide or manslaughter is established and they undoubtedly led to provision for cities of refuge.

Time Period for the Cities of Refuge

Although provision for the establishment of the cities of refuge was made at the time of the entry into Canaan, the majority of biblical scholars appear to prefer the time of the united monarchy (David and Solomon). Alexander Rofé summarizes the positions:

The history of the cities of refuge in Israel has had radically different presentations. According to Wellhausen, the cities of refuge were a result of the Deuteronomic law concerning the unification of worship. . . . Thus there came about the law of D. Deut 19:1–13, which was later redrafted and expanded in P. in Num 35:9–34. Various scholars have found fault with this point of view. According to Weismann, it seems that the cities of refuge preceded Deuteronomy's unification of worship by hundreds of years. . . . With greater confidence, Löhr, Klein and Albright fix the origin of the cities of refuge in the days of David and Solomon.

Rofé explains that "According to Kaufmann , the cities of refuge were essential established during the period of the conquest," citing Kaufmann's

'or.' Bernard S. Jackson, Speakers Lectures, Oxford University, 1985, unpublished manuscript, 8:5–8."

commentary on Joshua and adds that "Milgrom developed Kaufmann's thesis with a slight modification: this priestly demand was first enforced in the days of Solomon." [129]

Benjamin Mazar strengthens the case for the united monarchy: "An early date for the city lists is implausible because they include Canaanite towns that were conquered by the Israelites only in the time of David and Solomon; they also contain names of places founded by the Israelites during the pre-monarchical period, and even at the beginning of the Israelite monarchy."[130]

The last entrant into the arena of dating is Ehud Ben Zvi, who, looking at the accounts from the point of view of their role as levitical cities, gives an alternative to the case for dating to the united monarchy. "Modern research," he says, "claims that the list [of the cities of refuge], or its core, depends on a historical source that reflects the Josianic period, instead of reflecting the United Monarchy. If this is the case . . . [it] may shed light on Josiah's policies and ideology."[131] Again, Ben Zvi is assuming that the book of Joshua was written after the time of David and Solomon, and there he is in agreement with the current thought among biblical scholars. There is not place to examine the

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[129]   Rofé, "The History of the Cities of Refuge," 207–9. The articles cited by Rofé are in the annotated bibliography, with the exception of Y. Kaufman, *Sefer Joshua* [Hebrew] (Jerusalem: Kirjat Sefer, 1959), 259–70.

[130]   Benjamin Mazar, "The Cities of the Priests and Levites" in *Biblical Israel: State and People* (Jerusalem: Magnes, 1992), 136.

[131]   Ben Zvi Ehud, "The List of Levitical Cities," *JSOT* 54 (1992): 83–84.

documentary hypothesis with regard to the cities; it will be sufficient to quote Cassuto,

> It is no daring conjecture, therefore, to suppose that a whole world of traditions was known to the Israelites in olden times, traditions that apparently differed in their origin, nature and characteristics; . . there were stories that were given a poetic and consequently a more fixed form, and others that were narrated in prose that was liable to suffer changes in the course of time; . . . From all this treasure, the Torah selected those traditions that appeared suited to its aims, and then proceeded to purify and refine them, . . . until they were welded into a unified whole.[132]

Such a view is not foreign to us as Latter-day Saints. We accept Mormon as the great editor of the Book of Mormon, and we know that Abraham did not himself pen the papyri from which Joseph translated the Book of Abraham. But we believe in divine inspiration guiding the hands of those who brought these invaluable records (in which we include the Bible) to us.

What Was the Function of the Cities of Refuge?

The main assessment is on the designated function of the cities. Although Wellhausen makes a case that the existence and function of the cities of refuge is

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[132]   U. Cassuto, *The Documentary Hypothesis,* trans. Israel Abrahams (Jerusalem: Magnes, 1983), 102.

a total fantasy, [133] other commentators are not so harsh. Löhr leads the way in proposing that they were established to conform to the law of inadvertent manslaughter by providing a sanctuary from those perpetrating the custom of blood vengeance.[134] Milgrom concentrates on the properties of the asylum altar and postulates a couple of viewpoints, one that the "asylum city was built around a sanctuary, of necessity an important one, whose widely recognized powers were then extended to the entire city," and another that "altars and city asylums sprang up simultaneously" and that "the purpose of the city was to provide permanent quarters for the refugee who sought protection at its altar."[135]

Rofé concurs with the first proposal, adding the supposition that it was expedient because of the possibility of too great a distance to the ultimate sanctuary, the temple at Jerusalem. Any refugee living far enough away from Jerusalem would inevitably be overtaken in his flight by relatives wishing to exact their revenge, therefore more convenient locations were established in strategically placed cities.[136] The purpose of the cities of refuge, therefore, appears to be as a result of the clan tradition of blood revenge and in response to the law of inadvertent manslaughter.

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[133]   Wellhausen, *Prolegomena zur Geschichte Israels* (6th ed.; Berlin: Neudruck, 1927), 39, 66, 163.

[134]   Max Löhr, "Das Asylwesen im Alten Testament" (Halle: Niemeyer, 1930), 209–11.

[135]   Jacob Milgrom, "Sancta Contagion and Altar/City Asylum," *VT* 30 (1980): 300.

[136]   Rofé, "Cities of Refuge," 218–21.

Case Studies

As has been established, the form that asylum was prescribed to take in the Pentateuch was by escape to a city of refuge. The law provides that the refugee would request a trial, either by the elders of the city of refuge, or the elders of his own city, to determine the inadvertent nature of his manslaughter. If his innocence from murder was established, he would be able to stay in the city, free from the blood vengeance of the victim's family, until the death of the current high priest.

The Law of Moses made provision for atonement for inadvertent sin. During Yom Kippur the high priest performs a sacrifice. According to Milgrom, when the purified high priest laid his hand on the live scapegoat, he transferred to that scapegoat the "'>*awwønø®*,' 'iniquities'—the causes of the sanctuary's impurities, all of Israel's sins, ritual and moral alike, of priests and laity alike."[137] Thus the stipulation for sanctuary in the cities of refuge was that the manslayer was to remain there until the death of the current high priest, when presumably he was free from the vengeance of the family and could return home. Therefore the conditions of asylum are:

- Some kind of injustice is about to be perpetrated (see Deuteronomy 19:4)
- The refugee must declare the cause in the ears of the elders (see Joshua 20:4)
- He must be judged by the congregation (see Numbers 35:12, 24).
- Judgment concerns delivery from those from whom refuge is sought (see Numbers 35:25; Joshua 20:5) or delivery into the hands of the avenger of blood, that he may die.
- Successful applicants will obtain a release after the death of the high priest (see Numbers 35:25).

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[137] Jacob Milgrom, *Leviticus 1–16* (New York: Doubleday, 1991), 1044.

I will apply these conditions to various situations in the three different time periods in which the scholars place the cities in the biblical record to see whether a stronger case can be made for any of the three being the time the cities functioned as cities of refuge.

THE ENTRY INTO CANAAN AND THE PERIOD OF THE JUDGES

My first comment on this period is that Joshua did what the Lord commanded him to do. In numerous instances the Lord commanded and Joshua obeyed. He conquered Jericho according to the Lord's commands (see Joshua 6); he retook Ai after uncovering Achor's treachery (see Joshua 7–8); he built altars to the Lord (see Joshua 8:30–31; 9:27; 22). Even Nehemiah, when he rehearses the history of Israel to the returning exiles confirms that the Israelites, "went in and possessed the land . . . and they took strong cities, and a fat land, and possessed houses full of all goods." (Nehemiah 9:24–25). The three cities on the west of the Jordan were already established holy sites, and the record makes almost continuous mention of them. However, as will be demonstrated, the actual use is hard to establish. It is easier to establish the absence of that use.

One clue perhaps that the cities of refuge were only used as such for a comparatively short time is at the end of the book of Joshua. Joshua gathers all his people to Shechem, the central city of refuge on the west of the Jordan. He is the high priest and he is about to die. Reminiscent of King Benjamin, Joshua recites Israel's history showing that as they obeyed the Lord, they were blessed. He binds them with a covenant to serve the Lord and to put away their strange gods and erects a monument in that city of refuge as a reminder to the people. The postscript to this great covenant assembly reads as follows: "And Israel served the Lord all the days of Joshua, and all the days of the elders that

overlived Joshua, and which had known all the works of the Lord, that he had done for Israel" (Joshua 24:31).

We can look at this covenant assembly as it relates to the stipulations for asylum. Perhaps as an expiation for the strange gods.

1. Some kind of injustice is about to be perpetrated (see Deuteronomy 19:4). The children of Israel were turning from God to worship idols, probably the old Canaanite religion (see Judges 2:1–5).

2. The refugee must declare the cause in the ears of the elders (see Joshua 20:4). Joshua, on behalf of Israel, is declaring the cause before God and all his people.

3. He must be judged by the congregation (see Numbers 35:12, 24). The people of Israel join in an *acclamatio* and covenant to serve the Lord.

4. Judgment concerns delivery from those from whom refuge is sought (see Numbers 35:25; Joshua 20:5) or delivery into the hands of the avenger of blood, that he may die. The children of Israel had repeatedly been delivered from the Canaanite enemy.

5. Successful applicants will obtain a release after the death of the high priest (see Numbers 35:25). Joshua "let the people depart, every man unto his inheritance" (Joshua 24:28) and he died.

Shortly after, "there arose another generation . . . which knew not the Lord, nor yet the works which he had done for Israel" (Judges 2:10). They intermarried with the Canaanites, worshipped Baal, and "did evil in the sight of the Lord" (Judges 3:7).

The Lord raised up judges to rule over Israel. During the time of Deborah and Barak the children of Israel either plead enough or are righteous enough that they are delivered from bondage under Jabin, King of Canaan. The pivotal battle occurred at Kedesh, the northernmost of the cities of refuge on the west of the

Jordan. Sisera was the captain of Jabin's armies and although he had a mighty force (see Judges 4:13), the Lord was on Barak's side and Sisera fled. Here follows what is for the Jews a tale of valor and triumph over the enemy, but in the context of asylum a direct contradiction to the purpose of the cities.

> Sisera fled away on his feet to the tent of Jael the wife of Heber the Kenite: for there was peace between Jabin the king of Hazor and the house of Heber the Kenite. And Jael went out to meet Sisera, and said unto him, Turn in, my lord, turn in to me; fear not. And when he had turned in unto her tent, she covered him with a mantle. . . .Then Jael Heber's wife took a nail of the tent, and took an hammer in her hand, and smote the nail into his temples, and fastened it into the ground: for he was fast alseep and weary. So he died.

Jael offered Sisera the sanctuary of her tent and violated that sanctuary. Although for this act Deborah decreed that from thenceforth "blessed above women shall Jael the wife of Heber the Kenite be, blessed shall she be above women in the tent" (Judges 5:24), nevertheless, were the Israelites to subscribe to the laws of asylum at that time, she would have violated them.

During the period of the judges Shechem is the site of fratricide that becomes a case of talionic punishment. Abimelech used the men of Shechem to help kill his seventy brothers, but eventually they turned on him, for which aid and betrayal they were cursed. Abimelech, having stoned his brothers to death, was himself killed by a millstone (see Judges 9).

Asylum in the Book of Mormon

When dealing with matters pertaining to the Law of Moses in the Book of Mormon, certain facts should be taken into consideration. Firstly, since Lehi had the scriptures on the brass plates (see 1 Nephi 4:61; 5:11–13), we can assume a familiarity with the Law of Moses both as it was originally given in the Pentateuch and as practiced by the Jews just before the Babylonian captivity when Lehi and his family left Jerusalem. Secondly, adherence to the Law of Moses in the Book of Mormon is specifically indicated at various stages in Nephite history, the last being in 4 Nephi, after the appearance of Christ (see 1 Nephi 4:16; 2 Nephi 5:10; 11:4; Jacob 4:5; Mosiah 3:14; 12:29; Alma 30:3; 3 Nephi 9:17; 4 Nephi 1:23).

One of the provisions of the Law of Moses that Christ amended was that of blood vengeance or "an eye for an eye." It is generally accepted that this practice was to recompense the family of the victim for the loss of a faculty, be it a limb or an eye. In practice, the compensation would not be monetary but in kind: The perpetrator would perform whatever tasks he had taken away from his victim. This idealistic law was designed to obviate the need for incarceration. However inadvertent manslaughter had its own set of laws.

The form that asylum was prescribed to take in the Pentateuch was by escape to a city of refuge. At least six cities were established by Moses for the inadvertent manslayer (see Deuteronomy 19:4; cf. 1–13; Numbers 35:6–34; Joshua 20).[138] The law provides that the refugee would request a trial, either by the elders of the city of refuge, or the elders of his own city, to determine the

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[138] These cities are Kedesh, Shechem, and Hebron on the west of the Jordan, and Golan, Ramoth-Gilead, and Bezer on the east of the Jordan.

inadvertent nature of his manslaughter. If his innocence from murder was established, he would be able to stay in the city, free from the blood vengeance of the victim's family, until the death of the current high priest.

The Law of Moses made provision for atonement for inadvertent sin. During Yom Kippur, which according to Leviticus 16:29 is set on the tenth day of the seventh month (therefore during the New Year season), the high priest performs a sacrifice. This entails the sacrifice of two goats—one is designated as the Lord's goat, and the other the *scapegoat* or the Azazel goat (see Leviticus 16:7–10), which is on the high priest's left hand. According to Milgrom, when the purified high priest laid his hand on the live scapegoat, he transferred to that scapegoat the "'*>awwønø®*,' 'iniquities'—the causes of the sanctuary's impurities, all of Israel's sins, ritual and moral alike, of priests and laity alike."[139] Thus the stipulation for sanctuary in the cities of refuge was that the manslayer was to remain there until the death of the current high priest, when presumably he was free from the vengeance of the family and could return home.

Therefore the conditions of asylum are:

Some kind of injustice is about to be perpetrated (see Deuteronomy 19:4)

Declare the cause in the ears of the elders (see Joshua 20:4)

Be judged by the congregation (see Numbers 35:12, 24).

Delivery from those from whom refuge is sought (see Numbers 35:25; Joshua 20:5) or delivery into the hands of the avenger of blood, that he may die.

Release after the death of the high priest (see Numbers 35:25).

We know that the Nephites were aware of the seriousness of premeditated murder from Jacob's sermon to the Nephites, "Wo unto the murder who deliberately killeth, for he shall die" (2 Nephi 9:35). So we might be able to allow

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[139]   Jacob Milgrom, *Leviticus 1–16* (New York: Doubleday, 1991), 1044.

for adherence to the Law of Moses as regards inadvertent manslaughter. James Rasmussen has commented, " There is no indication that the punishment is required to be administered by man. Indeed, the context suggests that the death referred to is a spiritual death. . . . 'Remember, to be carnally-minded is death, and to be spiritually-minded is life eternal.' (verse 39) This makes it clear that spiritual death is discussed and not criminal law. . . . Jacob's teaching is notable for making explicit that it is intentional killing which is forbidden. In the Old Testament the requirement of intention is implicit in the contrasting provisions for accidental homicide."[140]

A case has been made for Jershon, the land ceded to the Anti-Nephi-Lehis, as a city of refuge.[141] While there are certain similarities, I do not believe that we can go so far as to classify it as a city of refuge, but we can categorize it as belonging to the area of asylum.

In this paper I will examine possible instances of asylum in the Book of Mormon, both in relation to slavery and homicide. I will also survey blood vengeance and the raising of altars and temples in the Book of Mormon, both of which are indicators of asylum.

Slavery

In ancient Egypt, most recorded instances of asylum had to do with the slave escaping his master. Slavery or bondage in the Old Testament was provided for in the law exclusively with regard to "heathens" or those outside of

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[140]   James Rasmussen, "Blood Vengeance in the Old Testament and the Book of Mormon." (Provo, Utah: FARMS, 1981), 14.

[141]   Sarah Dee Nelson, unpublished paper in my possession, 13–15.

Israel (see Leviticus 25:25–55). Should a "Hebrew" be purchased as a servant, the stipulation was that his term would not exceed seven years (see Exodus 21:2). Equally Israel offered herself voluntarily to Egypt in bondage (admittedly benevolent at first) to ensure its survival (see Genesis 50). John W. Welch concludes that in the Book of Mormon, since King Benjamin said that "he had not allowed any of his people in Zarahemla to 'make slaves of one another' (Mosiah 2:13), we can then assume that "prior Nephite and Mulekite practices followed the normal (if not necessary) realities and standard legal rules used in most ancient societies that were economically dependent on some form of slavery or involuntary debt servitude."[142]

The evidence for slavery among the Nephites is best found in the record of the people of Zeniff. Apparently, it would appear from Abinadi's diatribe that although the priests of Noah had at least part of what was written on the brass plates, they made no attempt to understand it (see Mosiah 12: 20–37), other than making a highly biased interpretation as contact with the original record and the Nephites diluted over time. Accordingly they had no qualms about following the example of their Lamanite overseers and embracing slavery when the opportunity arose. These Nephites had been in bondage to the Lamanites since Zeniff settled the land, and so it was easy for Amulon and the wicked priests of Noah, with the approval of their Lamanite overlords, to subject Alma's people to bondage (see Mosiah 24). The only recourse from such bondage was delivery by the Lord (see Mosiah 24:17–25). The children of Amulon and the other wicked

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[142] John W. Welch, "A Masterful Oration," in John W. Welch and Stephen D. Ricks, eds. *King Benjamin's Speech: "That Ye May Learn Wisdom"* (Provo, Utah: FARMS, 1998), 58.

priests were apparently counted among those who fled with Alma. When they arrived in Zarahemla, they rejected their parentage and "took upon themselves the name of Nephi, that they might be called the children of Nephi and be numbered among those who were called Nephites" (Mosiah 25:12). This act of changing a collective name as part of atoning for or putting aside a previous allegiance appears to be part of the asylum tradition in the Book of Mormon.

Blood Vengeance

The "revenger of blood," μdh lag, in Numbers 35:19 is whom the inadvertent slayer is fleeing. Henry McKeating notes that as late as the early monarchy "it is evidently still the normal thing for the kin group to deal with a case of homicide. Those handling the matter . . . act through the *gø<∑l had-dåm*.[143] Gray, citing Trumbull, elaborates:

> "In the event of the depletion of the family life by loss of blood—the
> loss of a life—the goel had a responsibility of securing to the family an
> equivalent of that loss, by other blood, or by an agreed payment for its
> value. His mission was not vengeance, but equity. He was not an avenger,
> but a redeemer, a restorer, a balancer" (Clay Trumbull, Blood Covenant,
> 260). . . . The law tacitly insists that the life of the actual murderer only can
> become forfeit. . . . Hebrew law marks a very distinct advance by so
> modifying a primitive custom as to secure an adequate punishment for

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[143]   Henry McKeating, "The Development of the Law on Homicide in Ancient Israel," *Vetus Testamentum* 25/1 (1975): 50.

the individual guilty of murder, and a clear distinction between accidental and willful homicide.[144]

In the Book of Mormon, blood vengeance appears to have a symbolic and physical meaning. The symbolic is represented by blood of the saints crying out from the dust against wickedness (see 2 Nephi 26:3; 28:10; Alma 1:13; 14:11; 20:18; 37:30; 54:16; 60:10; 3 Nephi 9:5, 7–9, 11; Mormon 3:9, 14; 8:27, 40–41; Ether 8:22, 24) and often has a link to secret combinations (Alma 37:30; 3 Nephi 9:9; Mormon 8:27, 40; Ether 8:19, 22, 24). In Alma, Nehor slays Gideon and when he is brought before Alma for judgment, Alma says "were we to spare thee his blood would come upon us for vengeance" (Alma 1:13). This is a specific reference to blood vengeance but again with the idea of a symbolic μdh lag, or perhaps that God would carry out that role.

The meaning turns physical when men take upon themselves the role abdicated to God by righteous leaders. When the Nephites had turned finally against their God, they took upon themselves the role of blood avenger (see Mormon 3:9, 15; Moroni 9:5, 23). God, however, revealed to Mormon that "vengeance is mine" (Mormon 3:15) and so Mormon refused to aid the Nephites at that time. Such was their wickedness that God himself declares his role as avenger, "Behold the sword of vengeance hangeth over you; and the time soon cometh that he avengeth the blood of the saints upon you, for he will not suffer their cries any longer" (Mormon 8:41). This, of course, resulted in the total annihilation of the Nephites.

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[144]   George Buchanan Gray, *Numbers* (New York: Scribners, 1903), 470–71.

Altars and Temples

Altars are linked with asylum or sanctuary in the Old Testament. Indeed, Alexander Rofé believes that once the Israelite tribes moved into Canaan and established residence, the distance to the central location of the Ark, or the temple at Jerusalem when built, and therefore the altar, would have been too great and the fleeing manslayer would have inevitably been overtaken by the wrathful family who would have exacted blood vengeance. Therefore provision was made for regional cities of refuge.[145]

The table below shows the occurrences of altars and temples in the Book of Mormon.

Reference	Location	Built by	Approx. Date	Reason
1 Ne 2:7	River Laman	Lehi	600 B.C.	Altar for offering and thanks
2 Ne 5:16	Nephi	Nephi	580 B.C.	Temple after manner of Solomon
Alma 15:17	Sidom	Alma/Amulek	81 B.C.	Altar for worship, humility, deliverance
Alma 17:4	Among Lamanites	Sons of Mosiah?	90 B.C.	Altar for confession (*this is probably symbolic)
Mos 1:18	Zarahemla	Mosiah $_1$?	130 B.C.?	Temple for gathering, worship, acclamatio

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[145]   Alexander Rofé, "The History of the Cities of Refuge in Biblical Law," *Scripta Hierosolymitana,* 31 (1986): 205–39.

Mos 11:10	Lehi-Nephi	Noah/Nephi?	150 B.C.	Notes suggest this is Nephi's temple, Sorenson concurs.[146]
Alma 10:2	?	?	?	Where Aminadi saw the writing on the wall
3 Ne 11:1	Bountiful	?	Before A.D. 34	? where Nephites met Christ

The only instance where asylum might be directly attributable to these edifices is when wicked King Noah fled to the tower he had built adjoining the temple at Lehi-Nephi and begged Gideon to save his life (see Mosiah 19:5–7).

Anti-Nephi-Lehis

King Lamoni recognized that he would be subject to punishment from the "Great Spirit" because of the murders committed by the Lamanites against their own brethren and against the Nephites (see Alma 18:12). This is in line with Rasmussen's comments about spiritual death being the punishment; however I believe that Lamoni would feel that the Nephites would be the instrument of God in dealing out the punishment, and would be about as ready to forgive the murders as his own people (i.e. not at all). So it was necessary that he seek asylum.

The first step for the converted Lamanites was to change their name to Anti-Nephi-Lehi, a name chosen after Lamoni's father, the king, consulted with "Aaron and many of their priests," to give them a name whereby "they might be distinguished from their brethren" (Alma 23:16–17). To strengthen this

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[146]   John L. Sorenson, *Mormon's Map* (Provo, Utah: FARMS, 2000), 99.

separation further, the Lamanite king conferred the kingdom upon his son, Lamoni, on his deathbed and changed his son's name to Anti-Nephi-Lehi (Alma 24:2–3). Such was the persecution that these new converts faced in their own land, that they came with Ammon to Ishmael in the land of Nephi (Alma 25:13), still in Lamanite territory.

This turned out to be not far enough away from destruction by their fellow Lamanites, so Ammon decided to bring them to Zarahemla. The manner of atoning for the perceived murders was to volunteer bondage: "We will go down unto our brethren, and we will be their slaves until we repair unto them the many murders and sins which we have committed against them" (Alma 27:8). Ammon, however, cites the law that Mosiah, his father, implemented after the example of his father Benjamin, "It is against the law of our brethren . . . that there should be any slaves among them" (Alma 27:9).

We can look at what followed in light of the conditions of asylum given above.

Some kind of injustice is about to be perpetrated (see Deuteronomy 19:4). The Lamanites were going to exact vengeance on the Anti-Nephi-Lehis (see Alma 27:2).

Declare the cause in the ears of the elders (see Joshua 20:4). Alma pleads their case before the chief judge (see Alma 27:20). The chief judge sends out a proclamation to hear the voice of the people regarding the fate of these converted Lamanites.

Be judged by the congregation (see Numbers 35:12, 24). The decision is to give them a fertile land, Jershon, "on the east by the sea" as "an inheritance." The reasons for this generosity are (1) to enable the Nephites to set armies between Jershon and Nephi, (2) because of their "fear to take up arms against their brethren lest they should commit sin," and (3) "because of their sore repentance .

. . on account of their many murders and their awful wickedness" (Alma 27:21–23). The only condition was that "they will give us a portion of their substance to assist us that we may maintain our armies" (Alma 27:24).

Delivery from those from whom refuge is sought (see Numbers 35:25; Joshua 20:5). The Anti-Nephi-Lehis joyfully accepted the offer of asylum in Jershon, but apparently another transition was necessary since "they were called by the Nephites the people of Ammon; therefore they were distinguished by that name ever after" (Alma 27:26).

It is interesting to note that according to Stephen Ricks and John Tvedtnes, the name Jershon has an "authentic Hebrew origin" in the root çry "meaning 'to inherit,' with the suffix *-ôn* that denotes place names." Each mention of *Jershon* is accompanied by some reference to inheritance (see Alma 27:22–24; 35:14).[147] In addition, from the book of Abraham we learn that Abraham built an altar, a traditional place of asylum as well as worship and sacrifice, at Jershon which was between Haran and Sechem (Shechem) on the way to Canaan (see Abraham 2:16–18). The footnote in the LDS version says that "There is a possibility that Abram traveled southward on the ancient route by way of Damascus to the site of ancient Jerash (Jershon)." Jerash, of course, has the same root as Jershon.

Release after the death of the high priest (see Numbers 35:25). One of the clauses attached to the cities of refuge is that the inadvertent manslayer remains there until the death of the current high priest. Although no such stipulation exists in the case of the people of Ammon, nevertheless, he was appointed high priest over them (see Alma 30:20) and the only reason they leave Jershon is for

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147   Stephen D Ricks and John A. Tvedtnes, "Book of Mormon Place Names," *Journal of Book of Mormon Studies* 6/2 (1997): 257–58.

their safety after the converted Zoramites have joined their ranks. The vengeful Zoramite chief makes an alliance with the Lamanites in order to destroy the people of Ammon and the Nephites (see Alma 35:10–11), and Ammon takes his people to Melek so that Jershon might become a defense outpost (see Alma 35:13). Some thirty years later, well beyond Ammon's life expectancy, some of the people of Ammon form part of the exodus to the land northward (see Helaman 3:12).

Expulsion from Sacred Space

One question that arises from the issue of asylum is how Nephi and his brothers would have been able to return to Jerusalem to get Ishmael and his family. It was almost certainly known that they had killed Laban and would therefore be subject to not only the law of homicide but also the practice of blood vengeance. The answer may lie in the tradition referred to earlier of the two goats. The Azazel goat is banished to the wilderness which Milgrom says is possible the "habitation of demons."[148] Be that as it may, it is out of sacred space. By escaping into the wilderness, Nephi and his brothers put themselves out of sacred space and that was probably considered sufficient punishment for the murder of Laban. How they were able to return safely to fetch the family of Ishmael is not explained. Although John Welch makes a convincing case for the justification of Laban's demise, there is no record that the elders of Israel would have known of or even accepted such an explanation.[149] One must rely on the

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[148]   Milgrom, *Leviticus 1–16,* 1020.

[149]   John W. Welch, *The Slaying of Laban: Justifiable Homicides in Biblical Times,* vol. 2 of *Law in the Book of Mormon* (Provo, Utah: FARMS, forthcoming).

explanation that the Nephite brothers were in God's hands and somehow were granted asylum to enter Jerusalem again.

When Korihor was convicted of "being the means of bringing many souls down to destruction" (Alma 30:47) he was struck dumb and "cast out" or expelled from Zarahemla (Alma 30:56). This followed the stipulation that if the elders found someone guilty, they should deliver that person to the avenger of blood (Deuteronomy 19:11–12). Korihor left sacred space and found himself among the apostate Zoramites where he was "run upon and trodden down, even until he was dead" (Alma 30:59). Korihor was struck dumb by God (see Alma 30:50) and his eventual demise would also have been in God's hands, as Rasmussen noted above. On the face of it, one would expect the Zoramites to welcome a fellow apostate.[150]

Conclusion

There do not seem to be any clear-cut cases of inadvertent manslaughter in the Book of Mormon where asylum was granted. Asylum seems to take the form of adoption of converted peoples where the manslaughter occurs during war. However, a case can be made that the Nephites were aware of the law of asylum and applied it in the case of the people of Ammon. Forgiveness of murder was granted the truly repentant, such as Alma the younger and the sons of Mosiah, but that was by direct divine intervention. In addition, the righteous

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[150]   For a more detailed discussion of Korihor's fate at the hands of the Zoramites, see John W. Welch, "Korihor's Rejection among the Zoramites," in *Law in the Book of Mormon* vol. 1.

Nephites recognized that the role of the "revenger of blood" was exclusively God's and not to be assumed by man.

Slavery was abolished by Benjamin but was apparently common practice among the Lamanites, therefore on conversion they sought slavery as an atonement. Thus the asylum granted them was not only for murder but also against slavery.

The city of Jershon undoubtedly was set aside for an inheritance for those who had been granted asylum, but I do not believe it was, itself, a city of refuge in the Pentateuchal tradition. Temples and separate altars were erected in Book of Mormon lands, but apart from one recorded possible use of the temple as a sanctuary from vengeance (Mosiah 19:5–7), there is no internal evidence that these edifices were used for the purpose outlined in the Old Testament.

Altars and Sanctuaries in the Old Testament

1. Altar

SCRIPTURE REF	WHO	WHERE	WHY
Genesis 8:20	Noah	Ararat	Offer burnt offerings
Genesis 12:7	Abraham	Shechem	Where the Lord appeared to him
Genesis 12:8; 13:4	Abraham	East of Bethel; west of Hai	Called on the name of the Lord
Genesis 13:18	Abraham	Plain of Mamre in Hebron	Built an altar unto the Lord
Genesis 22:9	Abraham	Moriah	To sacrifice Isaac
Genesis 26:25	Isaac	Beersheba	Call upon the name of the Lord
Genesis 33:20	Jacob	Shalem in Shechem in Canaan	El-elohe-Israel
Genesis 35:1, 3, 7	Jacob	Bethel	God appeared; God answered; El bethel
Exodus 17:15	Moses	Hill in Rephidim (wilderness)	Memorial to victory over Amalek; Jehovah nissi
Exodus 20:24–26	Moses	Sinai	Instructions regarding

SCRIPTURE REF	WHO	WHERE	WHY
			construction of altar for burnt/peace offerings
Exodus 21:14 (12–14)	Moses	Sinai	Instructions regarding deliberate murder (take him from mine altar)
Exodus 24:4, 6	Moses	Under the hill (Sinai)	Built the altar and offered burnt/peace offerings
Exodus 27:1, 5, 6, 7	Moses	Sinai	Instructions re altar in tabernacle
Exodus 28:43	Moses	Sinai	Clothing for Aaron to minister at the altar in the tabernacle
Exodus 29: 12, 13, 16, 18, 20, 21, 25, 36,–38, 44	Moses	Sinai	Instructions for the sacrifices; Lord to sanctify the altar
Exodus 30:1, 18, 20, 27–28	Moses	Sinai	Make an altar to burn incense; instructions regarding both altars
Exodus 31:8, 9	Moses	Sinai	Aholiab son of Ahisamach of Dan to make the altar of incense and burnt offering
Exodus 32:5	Aaron	Foot of Sinai	Built an altar to the molten calf

SCRIPTURE REF	WHO	WHERE	WHY
Exodus 35:15, 16	Moses	Foot of Sinai	Returns and reports on two altars
Exodus 37:25	Bezaleel	Foot of Sinai	Makes incense altar
Exodus 38:1, 3–4, 7, 30	Bezaleel, Aholiab	Foot of Sinai	Make burnt offering altar and all the vessels of the altar
Exodus 39:38–39	Moses	Foot of Sinai	Brought golden altar (incense) and brasen altar
Exodus 40:5–7, 10, 26, 29, 30, 32, 33	Moses	Foot of Sinai	Receives final instructions and implements them. Court around the tabernacle
Leviticus 1:5, 7, 8, 9, 11–13, 15–17	Moses	From the tabernacle	Instructions regarding sacrifices
Leviticus 2:2, 8–9, 12	Moses	From the tabernacle	Instructions regarding incense altar
Leviticus 3:2, 5, 8, 11, 13, 16	Moses	From the tabernacle	Instructions re peace offering
Leviticus 4:7, 10, 18–19, 25–26, 30–31, 34–35	Moses	From the tabernacle	Instructions re atonement for inadvertent sin
Leviticus 5:9, 12	Moses	From the tabernacle	Instructions re sin offering

SCRIPTURE REF	WHO	WHERE	WHY
Leviticus 6:2–3, 5–8	Moses	From the tabernacle	Instructions re trespass offering*
Leviticus 7:2, 5, 31	Moses	From the tabernacle	More on trespass offering
Leviticus 8:11, 15–16, 19, 21, 24, 28, 30	Moses	In the tabernacle	Moses anoints altar, makes a sin offering and anoints Aaron and his sons
Leviticus 9:7–10, 12–14, 17–18, 20	Moses	Foot of Sinai	Instructions to Aaron who makes burnt offering/peace offering
Leviticus 9:24	People of Israel	Foot of Sinai	Fire from the Lord consumes the offering
Leviticus 10:12	Moses to Aaron, Eleazar, and Ithamar	Foot of Sinai	Aaron and sons to eat offering (after death of Nadab and Abihu)
Leviticus 14:20	Moses	Foot of Sinai	Instructions re burnt offering for leprosy
Leviticus 16:12, 18, 20, 25, 33	Moses	Foot of Sinai	Instructions re Aaron's sin offering for his sons; atonement for the people
Leviticus 17:6, 11	Moses	Foot of Sinai	Penalties for offering sacrifices other than to

SCRIPTURE REF	WHO	WHERE	WHY
			the Lord
Numbers 4:11, 13–14, 26	Moses	Wilderness	How to move the altar
Numbers 7:1, 10–11, 84, 88	Princes of Israel/Moses	Wilderness	Make offerings/ Moses dedicates
Numbers 17:3–4, 11*		Wilderness	
Numbers 18:3, 5, 7, 17	Aaron	Wilderness	Instructions re sacred nature of altar: lest those who come nigh die
Deuteronomy 12:27	Moses	Wilderness	Instructions to Israel: offer burnt offerings
Deuteronomy 16:21	Moses	Wilderness	Instructions to Israel: no groves near the altar
Deuteronomy 26:4	Moses	Wilderness	Instructions to Israel: lay firstfruits on the altar
Deuteronomy 27:5–6	Moses	Wilderness	Instructions to Israel: build an altar of stones in mount Ebal; offer burnt and peace offerings
Deuteronomy 33:10	Moses	Wilderness	Blessing on Israel: they shall put whole burned sacrifice on the Lord's altar

SCRIPTURE REF	WHO	WHERE	WHY
Joshua 8:30–31	Joshua	Mount Ebal	Builds the altar of whole stone; offers burnt and peace offerings
Joshua 9:27	Joshua	Israelite cities in Canaan	Made Gibeonites hewers of wood and drawers of water for the congregation and for the altar of the Lord.
Joshua 22:10–11, 16, 19, 23, 26, 28–29, 34	Joshua	Borders of Jordan in Canaan	Reuben built an altar supposedly in rebellion against the Lord's altar at Ebal, but Reuben across Jordan from Gad so built an altar, not for sacrifices but for a witness.
Judges 6:24	Gideon	Ophrah of the Abiezrites	Because a fire consumed his offering re the Midianites—Jehovah-shalom; and he had seen an angel
Judges 6:27, 28, 30–32	Gideon and ten servants	Ophrah of the Abiezrites	Cut down grove and altar of Baal and erected an altar to the Lord; called Jerubbaal (cf. 1

SCRIPTURE REF	WHO	WHERE	WHY
			Sam 2:11).
Judges 13:20	Manoah (father of Samson)	Zorah (Danite territory)	Angel instructs to make burnt offering on a rock which becomes an altar.
Judges 21:4	Children of Israel after destruction of Benjamin	Mizpel	Came to the house of the Lord and built an altar for burnt and peace offerings.
1 Samuel 2:28, 33	Eli	Door of the tabernacle of the congregation	Man of God came to him, reminded him he was chosen to make offerings; told him of his sons' treachery and revokes his promise of posterity
1 Samuel 7:17	Samuel	Ramah	Builds an altar unto the Lord (judges Israel)
1 Samuel 14:35	Saul	Gibeah?	After successful battle against the Philistines, to expiate sin of people eating blood, Saul builds his first altar and offers burnt offerings
2 Samuel 24:18, 21	Prophet Gad to David	Threshingfloor of	David told to rear an altar to stay the plague

Scripture Ref	Who	Where	Why
		Araunah the Jebusite	from his people caused by his sin of numbering them
1 Kings 1:50–51, 53	Adonijah	Jerusalem	Catches hold of the horns of the altar to stop Solomon killing him for treason; he is killed anyway
1 Kings 2:28–29	Joab	Jerusalem	Catches hold of the horns of the altar for the same reason; but is killed because of Abner and Ner
1 Kings 3:3–4, 15	Solomon	Gibeon/Jerusalem	Offers a thousand burnt offerings on the altar; does the same in Jerusalem
1 Kings 6:20, 22	Solomon	Jerusalem	Temple construction covers altar with gold
1 Kings 7:48	Solomon	Jerusalem	Made vessels of gold for the altar
1 Kings 8:22, 31, 54, 64	Solomon	Jerusalem	Dedicates temple before the altar; makes offering on the gold altar in the middle court because

SCRIPTURE REF	WHO	WHERE	WHY
			brasen altar too small
1 Kings 9:25	Solomon	Jerusalem	Three times a year offers burnt offerings on the large altar and burns incense on the brasen altar
1 Kings 12:32–33	Jeroboam	Beth-el	Makes an altar and offers the calves of gold he had originally set for the people of Israel to worship.
1 Kings 13:1–5, 32	Jeroboam	Beth-el	Man of God cries against the altar which is rent. Jeroboam turns against the Lord
1 Kings 16:32	Ahab	Samaria	Built a house to Baal and reared up an altar and a grove.
1 Kings 18:26, 30, 32, 35	Elijah	Mount Carmel	Repaired the altar of the Lord and destroys the priests of Baal
2 Kings 11:11	Jehoiada the priest	Jerusalem	Guard the temple around the altar and crown Jehoash, kill Athaliah outside of the

SCRIPTURE REF	WHO	WHERE	WHY
			temple, tear down the altars of Baal and killed the priest of Baal.
2 Kings 12:10	Jehoiada the priest	Jerusalem	Uses temple money to repair the temple
2 Kings 16:10–15	Ahaz/Urijah the priest	Jerusalem	Urijah makes an altar after the pattern of that in Damascus (Tiglath-pileser), offers sacrifices on it; Ahab moves the brasen altar, changes order of offerings; Ahab dismantles the brasen sea
2 Kings 18:22	Hezekiah	Jerusalem	Gives temple gold to Sennacherib to whom they are in bondage; takes away high places and altars
2 Kings 23:9, 15–17	Josiah	Judah	Destroys idolatrous altars in upper chamber of Ahaz and those which Manasseh made in the two courts of the house of the Lord and that at

SCRIPTURE REF	WHO	WHERE	WHY
			Beth-el he defiles by burning bones.
Isaiah 6:6	Isaiah	Judah	Isaiah's call, cleaned by a coal from the heavenly altar.
Isaiah 19:19	Prophecy of Isaiah	Midst of land of Egypt	An altar to the Lord will be erected when the Lord shall destroy and heal her.
Isaiah 27:9	Prophecy of Isaiah	Israel	Groves, images, and idolatrous altars will be destroyed as chalkstones
Isaiah 36:7	Rabshakeh to Eliakim	Jerusalem	Hezekiah cannot deliver Judah from Assyrians, even though he destroyed the altars of Baal
Isaiah 56:7	Prophecy of Isaiah	Judah	Messianic prophecies, gathering of Israel to the temple to sacrifice at the altar
Isaiah 60:7	Prophecy of Isaiah	Judah	In the last days all shall come up with acceptance on mine altar
Ezekiel 8:5, 16	Ezekiel's	Land of the	Sees the gate of the altar

SCRIPTURE REF	WHO	WHERE	WHY
	vision	Chaldeans	and the 25 men worshipping the sun in the east
Ezekiel 9:2	Ezekiel's vision	Land of the Chaldeans	Sees six men with slaughter weapons standing beside the brasen altar
Ezekiel 40:46–47	Ezekiel's vision	Land of the Chaldeans	Sees the temple with sons of Zadok and Levi
Ezekiel 41:22	Ezekiel's vision	Land of the Chaldeans	Sees inner temple and the altar of wood
Ezekiel 43:13, 18, 22, 26–27	Ezekiel's vision	Land of the Chaldeans	Measurements of the altar; instructions for offerings
Ezekiel 45:19	Ezekiel's vision	Land of the Chaldeans	Priests to anoint the altar with blood of the offering
Ezekiel 47:1	Ezekiel's vision	Land of the Chaldeans	Waters from the house of the Lord heal the Dead Sea
Joel 1:13	Prophecy through Joel		Howl, ministers of the altar
Joel 2:17	Prophecy through Joel		Weep between the porch and the altar
Amos 2:8	Prophecy	For Moab,	Defiling of altar

Scripture Ref	Who	Where	Why
	through Amos	Judah, and Israel	
Amos 3:14	Prophecy through Amos	For Moab, Judah, and Israel	In that day the Lord will visit the altars of Beth-el and cut off the horns of the altar
Amos 9:1	Prophecy through Amos	For Moab, Judah, and Israel	Saw the Lord standing on the altar
Zechariah 9:15	Prophecy through Zechariah	For Judah and Ephraim	They shall be as the corners of the altar
Zechariah 14:20	Prophecy through Zechariah	For Judah and Ephraim	At the Second Coming pots in the Lord's house shall be like the bowls before the altar
Malachi 1:7, 10	Prophecy through Malachi	To Israel	Offers polluted bread on His altar
Malachi 2:13	Prophecy through Malachi	To Judah	Departed out of the way; false tears covering the altar
Psalms 26:6	David	Jerusalem	In innocency compass thine altar
Psalms 43:4	Psalmist		Judge me; then will I go

Scripture Ref	Who	Where	Why
			to the altar of God
Psalms 51:21	*		
Psalms 118:27	Psalmist		Bind the sacrifice with cords to the horns
Lamentations 2:7	Jeremiah	To Judah	Lord has cast off his altar
Ezra 3:2–3	Jeshua + priests + Zerubbabel	Jerusalem	Built an altar of the God of Israel and offered burnt offerings
Nehemiah 10:35	Nehemiah, Levites, people, priests	Jerusalem	Cast lots to bring wood offering to burn on the altar
1 Chronicles 6:35	*		
1 Chronicles 16:40	Zadok	Gibeon	Offer burnt offerings
1 Chronicles 21:18, 22, 26, 29; 22:1	David	Threshingfloor of Ornan the Jebusite	Commanded to set up an altar (altar was at Gibeon)
1 Chronicles 28:18	David/Solomon	Jerusalem	Construct temple
2 Chronicles 1:5–6	Solomon	Gibeon; the tabernacle	Offered on the brasen altar
2 Chronicles 4:1, 19	Solomon	Jerusalem	Makes brass altar and vessels for golden altar

SCRIPTURE REF	WHO	WHERE	WHY
2 Chronicles 5:12	Solomon	Jerusalem	Levites in white linen stand at east end of altar
2 Chronicles 6:12, 22	Solomon	Jerusalem	Dedicates temple standing by altar; oath-making before the altar
2 Chronicles 7:7, 9	Solomon	Jerusalem	Offered burnt/peace offerings in consecrated middle court because brasen altar too small. Dedication at altar lasted 7 days
2 Chronicles 8:12	Solomon	Jerusalem	Kept the law of Moses by offering on the altar "before the porch"
2 Chronicles 15:8	Asa	Judah and Benjamin	Puts away idols and renews the altar before the porch
2 Chronicles 23:10	Jehoiada the priest	Jerusalem	Sets people around the altar and the temple to guard Joash as they crown him.
2 Chronicles 26:16, 19	Uzziah	Jerusalem	Transgresses by burning incense on altar of incense; became leprous
2 Chronicles 29:18–	Priests of	Jerusalem	Cleanse the temple;

SCRIPTURE REF	WHO	WHERE	WHY
19, 21–22, 24, 27	Hezekiah		make sin and burnt offerings
2 Chronicles 32:12	Sennacharib	Jerusalem	Tries to use Hezekiah's destruction of high places against him in the siege
2 Chronicles 33:4–5, 16	Manasseh	Judah	Rebuilds altars and high places; uses them for pagan practices. Later converted and repaired the altar of the Lord and destroyed all the pagan altars and high places giving peace and thank offerings.

2. Miqdash

SCRIPTURE REF	WHO	WHERE	WHY
Exodus 15:17	Moses (song of Moses)	Over the Red Sea	Mountain of inheritance; sanctuary established by the Lord
Exodus 25:8	Moses	Wilderness	Lord instructs Israel to make a sanctuary
Leviticus 12:4	Moses	Wilderness	Laws of purification of women; not enter into

SCRIPTURE REF	WHO	WHERE	WHY
			the sanctuary until days of purifying fulfilled
Leviticus 16	Moses to Aaron	Wilderness	When holy places should be entered; v. 33 Aaron to make an atonement for the sanctuary.
Leviticus 19:30	Moses	Wilderness	Keep my sabbaths and reverence my sanctuary
Leviticus 20:3, 8	Moses	Wilderness	Giving seed to Molech defiles the sanctuary
Leviticus 21:8, 12, 15, 23	Moses	Wilderness	High Priest not to profane sanctuary/temple. Blemish profanes sanctuary
Leviticus 22:9, 16, 32	Moses	Wilderness	No blind, broken, maimed, wen, scurvy, or scabbed offerings in the temple;
Leviticus 26:2	Moses	Wilderness	Keep sabbath and reverence sanctuary
Numbers 3:38	Moses	Wilderness	Moses, Aaron, and his sons to keep the sanctuary for the

Scripture Ref	Who	Where	Why
			children of Israel; stranger put to death
Numbers 10:21	Moses	Wilderness	Kohathites bore the sanctuary** Who were they?
Numbers 18:1, 29	Aaron	Wilderness	Aaron, his sons, and his father's house to bear the iniquity of the sanctuary
Numbers 19:20	Moses and Aaron	Wilderness	Unclean person to be cleansed or they will defile the sanctuary
Joshua 24:26	Joshua	Shechem	Writes the revelations in the book of the law of God and set it under a stone by an oak by the sanctuary
Isaiah 8:14	Isaiah	Judah	Messiah will be for a sanctuary
Isaiah 16:12	Isaiah prophecy to Moab	Judah	Messianic prophecy regarding Moab being weary, coming to the sanctuary to pray, but will not prevail
Isaiah 60:13	Isaiah	Judah	Last days, the sanctuary

SCRIPTURE REF	WHO	WHERE	WHY
			in Zion will be beautified and "the place of my feet glorious."
Isaiah 63:18	Isaiah	Judah	At the Second coming, adversaries have trodden down thy sanctuary.
Jeremiah 17:12	Jeremiah	Judah	Sin of Judah; "glorious high throne from the beginning is the place of our sanctuary."
Ezekiel 5:11	Ezekiel	Israel	Because sanctuary defiled, the Lord will not spare nor have pity
Ezekiel 8:6	Ezekiel	Israel	Israel commits great abominations in the temple
Ezekiel 9:6	Ezekiel	Israel	Slaughter of unrighteous to begin at temple
Ezekiel 11:16	Ezekiel	Israel	Although cast off and scattered, the Lord will be a "little sanctuary" in their exile
Ezekiel 23:38–39	Ezekiel	Israel	Samaria and Jerusalem

SCRIPTURE REF	WHO	WHERE	WHY
			defiled the sanctuary and profaned the sabbath
Ezekiel 24:21	Ezekiel	Israel	Lord will profane the sanctuary; irrevocable judgement of Jerusalem
Ezekiel 25:3	Ezekiel	Israel	Ammonites to be made slaves because they rejoiced at profaning of the temple
Ezekiel 37:26, 28	Ezekiel	Israel	Millennium: Temple will be in the midst of Israel for evermore
Ezekiel 43 (21)	Ezekiel	Israel	Glory of the Lord fills the temple; offerings to be made
Ezekiel 44	Ezekiel	Israel	No strangers in the temple; service of the priests in the temple
Ezekiel 45	Ezekiel	Israel	Dimensions of the temple; order of offerings
Ezekiel 47:12	Ezekiel	Israel	Healing waters issue from the temple
Ezekiel 48:8, 10–11,	Ezekiel	Israel	Temple for priests

SCRIPTURE REF	WHO	WHERE	WHY
21			sanctified of the sons of Zadok; sanctuary to be in the midst forever
Amos 7:13	Amos	Judah and Israel	Not to prophesy at Bethel; it is the king's sanctuary
Psalms 74:7	Maschil of Asaph	Judah	Wicked defile the sanctuary
Psalms 78:69	Maschil of Asaph	Judah	Lord chose Judah and built his sanctuary
Psalms 96:6	Psalmist	Judah	Strength and beauty are in his sanctuary
Lamentations 1:10	Jeremiah	Jerusalem	Heathen entered the sanctuary
Lamentations 2:7, 20	Jeremiah	Jerusalem	Lord taken away the tabernacle; abhorred the sanctuary; priest and prophet to be slain in the temple
Daniel 8:11	Daniel	Babylon	Vision of the little horn casting place of his sanctuary down
Daniel 9:17	Daniel	Babylon	Asks the Lord to cause his face to shine on the desolate sanctuary

SCRIPTURE REF	WHO	WHERE	WHY
Daniel 11:31	Daniel	Babylon	Last days: sanctuary polluted
Nehemiah 10:40	Nehemiah	Israel	Return to temple worship
1 Chronicles 22:19	David	To Solomon in Jerusalem	Build the temple
1 Chronicles 28:10	David	To Solomon in Jerusalem	Lord has chosen Solomon to build the temple
2 Chronicles 20:8	Jehoshaphat	Judah	God has built a sanctuary
2 Chronicles 26:18	Uzziah	Jerusalem	Not authorized to burn incense in the temple (is struck with leprosy)
2 Chronicles 29:21	Hezekiah	Jerusalem	Sons of Aaron again offer sacrifices in the temple
2 Chronicles 30:8	Hezekiah	Jerusalem	Yield unto the Lord and enter the sanctuary
2 Chronicles 36:17	Zedekiah	Jerusalem	Chaldees slew young men of Judah in the temple

Hechal as temple

| 1 Samuel 1:9 | Eli | Jerusalem | Hannah came to him |

1 Samuel 3:3	Samuel	Jerusalem	Lord calls Samuel
2 Samuel 22:7	David	Jerusalem	Psalm of David
1 Kings 6:3,5 17, 33	Solomon	Jerusalem	Builds the temple
1 Kings 7:21, 50	Solomon	Jerusalem	Builds the temple
2 Kings 18:16	Hezekiah	Jerusalem	Gives temple gold to Assyria
2 Kings 23:4	Josiah	Jerusalem	Cleanses the temple
2 Kings 24:13	Jehoiachin/king of Babylon	Jerusalem	Gives the treasures of the temple to Babylon
Isaiah 6:1	Isaiah	Judah	Sees heavenly temple
Isaiah 44:28	Isaiah	Judah	Prophecy that Cyrus will allow temple to be rebuilt
Isaiah 66:6	Isaiah	Judah	Prophecy regarding millennial temple
Jeremiah 7:4	Jeremiah	Jerusalem	Temple has been desecrated
Jeremiah 24:1	Jeremiah	Jerusalem	Vision regarding baskets of figs before the temple
Jeremiah 50:28; 51:11	Jeremiah	Jerusalem	Vision regarding Babylon and the vengeance of the temple
Ezekiel 8:16	Ezekiel	Judah	Vision of 20 men in the inner court
Ezekiel 41:1, 4, 15, 20,	Ezekiel	Judah	Vision of inner temple

23, 25; 42:8			
Amos 8:3	Amos	Tekoa	Vision of downfall of Israel, song of the temple shall be howlings
Jonah 2:5 (4), 8	Jonah	In the fish's belly	Prayer for deliverance
Micah 1:2	Micah	Morast?	Prophecy: voice of the Lord from his temple
Habakkuk 2:20	Habakkuk	Israel	Lord is in his temple
Haggai 2:15, 18	Haggai	Judah	People to build the temple
Zechariah 6:12–15	Zechariah	Judah	Christ will build the temple
Zechariah 8:9	Zechariah	Judah	Prophecy in the day the foundation was laid
Malachi 3:1	Malachi	Judah	Lord will suddenly come to his temple
Psalms 5:8 (7)	David	Jerusalem	Come to worship in the temple
Psalms 11:4	David	Jerusalem	Lord is in his temple
Psalms 18:7 (6)	David	Jerusalem	Heard my voice from his temple
Psalms 27:4	David	Jerusalem	Wishes to enquire in his temple
Psalms 29:9	David	Jerusalem	In his temple doth everyone speak of his

			glory
Psalms 48:10 (9)	David (for the sons of Korah)	Jerusalem	God's lovingkindness in the midst of his temple.
Psalms 65:5 (4)	David	Jerusalem	We shall be satisfied with the goodness of thy temple
Psalms 68:30 (29)	David	Jerusalem	Kings bring presents because of the temple at Jerusalem
Psalms 79:1	Asaph	Jerusalem	Heathens have defiled the temple
Psalms 138:2	David	Jerusalem	David will worship toward the temple
Ezra 3:6, 10	Ezra	Jerusalem	Offered burnt offerings; laid foundations of the temple
Ezra 4:1	Ezra	Jerusalem	Samaritans wish to hinder rebuilding
Nehemiah 6:10, 11	Nehemiah	Jerusalem	Rebuilding of the temple
2 Chronicles 3:17	Solomon	Jerusalem	Calls pillars Jachin and Boaz
2 Chronicles 4:7–8, 22	Solomon	Jerusalem	Furnishes the temple
2 Chronicles 5: chapter heading	Solomon	Jerusalem	Temple finished
2 Chronicles 26:16	Uzziah	Jerusalem	Offers unauthorized

			offerings, leprosy
2 Chronicles 27:2	Jotham	Jerusalem	Does not enter the temple
2 Chronicles 29:16	Hezekiah	Jerusalem	Priests cleanse the temple
2 Chronicles 36:7	Nebuchad-nezzar	Jerusalem	Takes vessels of the Lord to the temple at Babylon

4. Beth-el as the House of the Lord

SCRIPTURE REF	WHO	WHERE	WHY
Exodus 22:7	Moses	Sinai	Stealing from the house of the master?
Leviticus 14:38	Moses	Wilderness	Cleansing a house of plague
Judges 9:46	Abimelech	Schechem	House of god Berith
Judges 20:18, 26, 31; 21:2	House of Israel	Beth-el?	Went to house of God to counsel
1 Kings 8:6	Solomon	Jerusalem	Ark brought to the temple
Amos 3:14	Amos	Israel	Testify in the house of the Lord
Zechariah 7:2, 3	Zechariah	Judah	Sherezer and Regemmelech sent to the house of the Lord to speak to the priests
2 Chronicles 5:7	Solomon	Jerusalem	Priests bring ark to the

SCRIPTURE REF	WHO	WHERE	WHY
			temple

Annotated Bibliography of
The Cities of Refuge and Biblical Asylum

Albright, W. F. *Archaeology and the Religion of Israel.* Baltimore, 1942, 124f. This is a general survey of Israel's religion using archaeological sources. The section of the book that is relevant to the cities of refuge dates them to the United Monarchy. Albright uses textual criticism to make this determination.

Arav, Rami. "Golan," in *Anchor Bible Dictionary,* ed. David Noel Freedman. New York: Doubleday, 1992, 2:1057–58.

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Atallah, W. "Le droit d'asile chez les Arabes: Analyse de quelques vestiges linguistiques," 262–78. Atallah uses linguistic studies to survey the history of asylum in Islam. He traces the right of asylum from pagan Arab traditions and looks at commentators on the Prophet and Islamic law. He examines the use of the tent as an asylum.

Auld, A. Graham. "Cities of Refuge in Israelite Tradition." *JSOT* 10 (1978): 26–40. Auld reexamines the relationships of the biblical texts dealing with refuge for the accidental killer, with special reference to Joshua 20. He discusses the meaning of the noun mqlt.

Beegle, Dewey M. *Moses, The Servant of Yahweh.* Grand Rapids, Mich.: Eerdmans, 1972.

Budd, Philip J. *Numbers.* Dallas: Word, 1987.

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flüchtiger Verbrecher. Dorpat: Karow, 1853. In the first part of this volume, Bulmerincq examines the pre-Christian right of asylum among the Israelites, Greeks, and Romans. He looks at asylum from the point of view of common law. His emphasis is on criminals fleeing justice.

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——— "Error and Accident in the Bible," *Revue internationale des droits de l'Antiquité* 2/2 (1949): 189–213. This article looks at homicide in the Bible. Daube makes the interesting point that reflections on human fate and responsibility are almost exclusively concerned with acts performed by error rather than accident. The specific points of interest are those that deal with homicide in error.

David. M. "Die Bestimmungen über die Asylstädte in Josua XX." *Oudtestamentische Studiën* 9 (1951): 31–48. David deals with the seeming incongruity of assuaging the blood guilt of the inadvertent manslayer and the connection with the death of the high priest. He discusses the link between asylum in the cities of refuge and the sacred temple asylum.

Devauchelle, Didier. "Notes et documents pour servir à l'histoire du Séreapéum de Memphis." *Revue d'Egyptologie* (1994): 75–86. Devauchelle publishes the Stele at the

Memphis Serapeum and gives and explanation and a history of the Egyptian sanctuary.

DeVries, Lamoine F. "Machpelah," in *Anchor Bible Dictionary,* ed. David Noel Freedman. New York: Doubleday, 1992, 4:460–61.

Ehud Ben Zvi. "The List of Levitical Cities," *JSOT* 54 (1992): 77–106. Ben Zvi details the Levitical cities and debates the exact number. He questions the dating of the cities to the United Monarchy period and makes a case for the postmonarchic, Josiah, period.

Eliash, Ben Zion. "Negligent Homicide in Jewish Criminal Law: Old Wine in a New Bottle," *National Jewish Law Review* 8 (1988): 65–98. Using a halachic approach to criminal justice, Eliash examines the negligent manslayer. He raises questions regarding unintentional manslaughter that he believes are still open. He postulates that perhaps the sole purpose for the cities of refuge was to protect the unintentional manslayer from the blood avenger, and that they did not protect the premeditated murderer.

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Hebrew Bible reflecting the topics of the preceeding text. On p. 443–46 he looks at the law of asylum in Joshua 20.

Frymer-Kensky, Tikva. "Tit for Tat." *Biblical Archaeologist* 43/4 (1980): 230–34. Apart from equating the talionic laws with the Mikado's famous song, Frymer-Kensky ties them into the law of false witnesses and propounds the theory of Western Semitic practices influencing Mesopotamian.

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— — — "Bloodguilt." *Interpreter's Dictionary of the Bible.* New York: Abingdon, 1962, 1:449–50.

— — — "The Biblical Conception of Asylum." JBL 78 (1959): 125–32. Greenberg looks at the right of asylum in the laws of the Bible. He reviews the traditions concerning asylum at the altar and the cities of refuge. He maintains that the laws concerning the cities of refuge reflect the conceptions and perhaps the customs of the earliest age of Israel.

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Jones, Michael. "The Temple of Apis in Memphis." Jones surveys the monuments uncovered in the "Embalming House of the Apis Bulls" in the Serapeum at Memphis.

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Klein, S. "The Cities of Priests and Levites," in *A. M. Mazieh Volume,* Jerusalem, 1935, (Heb), 81ff. Klein attempts to show that that Joshua 21 and 1 Chronicles 6 were written at different times.

Koch, Klaus. Der Spruch 'Sein Blut bleibe auf seinem Haupt' und die Israelitische Auffassung vom vergossenen Blut." *VT* 12 (1962): 396–416. Koch deals with this passage with regard to blood vengeance.

Krüger, Nelson. "'Du sollst nicht töten! 'Ehrfurcht vor dem Leben' in Ethik und Recht des Alten Testaments,'" Zeitschrift für Evangelische Ethik 38 (1994): 17–30. Krüger hypothesizes that the prohibition of killing in the Decalogue is at odds with the toleration of inadvertent homicide and the killing of animals in other passages in the Old Testament. He discusses the blood vengeance on behalf of the family and concludes that the ethical commandment not to kill, arising from the Decalogue, seems to be instrumental in the development of the law to limit bloodshed.

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the tradition of asylum may have existed in the Canaanite cities that became the cities of refuge, because of the presence of statues of gods in their walls.

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Mazar, Benjamin. "The Cities of the Priests and Levites" in *Biblical Israel: State and People,* Jerusalem: Magnes, 1992, 134–45. Mazar examines the cities of refuge from the Levitical point of view. The Levites were to live there and in 48 other cities but not own them. Thus the cities of refuge were "some kind of extra-territorial zone." He makes a case for the narrative of the cities being based on a historic episode in the time of the United Monarchy. He reviews archaeological data from excavations of the sites of some Levitic cities.

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