

Adam Clarke:

Introduction

Three cities of refuge to be appointed in the midst of the promised land; the land being divided into three parts, a city is to be placed in each, a proper way to which is to be prepared, Deuteronomy 19:1-3. In what cases of manslaughter the benefit of those cities may be claimed, Deuteronomy 19:4-6. Three cities more to be added should the Lord enlarge their coasts, and the reasons why, Deuteronomy 19:7-10. The intentional murderer shall have no benefit from these cities, Deuteronomy 19:11-13. The landmark is not to be shifted, Deuteronomy 19:14. One witness shall not be deemed sufficient to convict a man, Deuteronomy 19:15. How a false witness shall be dealt with - he shall bear the punishment which he designed should have been inflicted on his neighbor, Deuteronomy 19:16-20. Another command to establish the *lex talionis*, Deuteronomy 19:21.

Verse 2

Thou shalt separate three cities - See on Numbers 35:11 (note), etc.

Verse 3

Thou shalt prepare thee a way - The Jews inform us that the roads to the cities of refuge were made very broad, thirty-two cubits; and even, so that there should be no impediments in the way; and were constantly kept in good repair.

Verse 9

Shalt thou add three cities more - This was afterwards found necessary, and accordingly six cities were appointed, three on either side Jordan. See Joshua 21:1-3, etc. In imitation of these cities of refuge the heathens had their *asyla*, and the Catholics their privileged altars. See Exodus 21:13 (note), Exodus 21:14 (note), and Numbers 35:11 (note), etc.

Verse 11

If any man hate his neighbor - See on Exodus 21:13 (note).

Verse 14

Thou shalt not remove thy neighbor's landmark - Before the extensive use of fences, landed property was marked out by stones or posts, set up so as to ascertain the divisions of family estates. It was easy to remove one of these landmarks, and set it in a different place; and thus the dishonest man enlarged his own estate by contracting that of his neighbor. The *termini* or landmarks among the Romans were held very sacred, and were at last deified.

To these *termini* Numa Pompilius commanded offerings of broth, cakes, and firstfruits, to be made. And Ovid informs us that it was customary to sacrifice a lamb to them, and sprinkle them with its blood: -

Spargitur et caeso communis terminus agno.

Fast. lib. ii., ver. 655.

And from Tibullus it appears that they sometimes adorned them with flowers and garlands: -

Nam veneror, seu stipes habet desertus in agris,

Seu vetus in trivio florida sarta lap is.

Eleg. lib. i., E. i., ver. 11.

Revere each antique stone bedeck'd with flowers,

That bounds the field, or points the doubtful way.

Grainger.

It appears from Juvenal that annual oblations were made to them: -

- *Convallem ruris aviti*

Improbis, aut campum mihi si vicinus ademit,

Aut sacrum effodit medio de limite saxum,

Quod mea cum vetulo colunt puls annua libo.

Sat. xvi., ver. 36.

If any rogue vexatious suits advance

Against me for my known inheritance,

Enter by violence my fruitful grounds,

Or take the sacred landmark from my bounds,

Those bounds which, with procession and with prayer

And offer'd cakes, have been my annual care.

Dryden.

In the digests there is a vague law, *de termino moto*, Digestor. lib. xlvii., Titus 21, on which Calmet remarks that though the Romans had no determined punishment for those who removed the ancient landmarks; yet if slaves were found to have done it with an evil design, they were put to death; that persons of quality were sometimes exiled when found guilty; and that others were sentenced to pecuniary fines, or corporal punishment.

Verse 15

One witness shall not rise up, etc. - See Numbers 35:30 (note).

Verse 19

Then shall ye do unto him as he had thought to have done unto his brother - Nothing can be more equitable or proper than this, that if a man endeavor to do any injury to or take away the life of another, on detection he shall be caused to undergo the same evil which he intended for his innocent neighbor.

Some of our excellent English laws have been made on this very ground. In the 37th of Edw. III., chap. 18, it is ordained that all those who make suggestion shall incur the same pain which the other should have had, if he were attainted, in case his suggestions be found evil. A similar law was made in the 38th of the same reign, chap. 9. By a law of the twelve Tables, a false witness was thrown down the Tarpeian rock. In short, false witnesses have been execrated by all nations.

Verse 21

Life - for life, eye for eye, etc. - The operation of such a law as this must have been very salutary: if a man prized his own members, he would naturally avoid injuring those of others. It is a pity that this law were not still in force: it would certainly prevent many of those savage acts which now both disgrace and injure society. I speak this in reference to law generally, and the provision that should be made to prevent and punish ferocious and malevolent offenses. A Christian may always act on the plan of forgiving injuries; and where the public peace and safety may not be affected, he should do so; but if law did not make a provision for the safety of the community by enactment against the profligate, civil society would soon be destroyed.