

Deuteronomy 19:14-21

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In our current section on case laws (Deut 19:1—26:19), we are considering how the nation of ancient Israel was to practice righteous living after they entered the land of Canaan (Deut 16:20), and how righteousness was measured by conformity to God’s laws (Deut 6:24-25). In our current pericope on righteous living, Moses discusses property theft as well as the importance of legitimate witnesses in legal trials. In Deuteronomy 19:14, Moses expands on the eighth commandment, “You shall not steal” (Deut 5:19), and the tenth commandment, “You shall not covet” (Deut 5:21). And in Deuteronomy 19:15-21, Moses expands on the ninth commandment, “You shall not bear false witness against your neighbor” (Deut 5:20). If Israel would obey these laws, it would reflect God’s righteous expectations for them.

Having discussed the need for cities of refuge in the previous pericope (Deut 19:1-13), Moses briefly turns to property rights and the need to protect boundaries. His mention of cities and roads refer to land (Deut 19:2-3), which might suggest why Moses inserts a comment about personal property. Moses said, “You shall not move your neighbor’s boundary mark, which the ancestors have set, in your inheritance which you will inherit in the land that the LORD your God gives you to possess” (Deut 19:14). Solomon twice repeated this directive, saying, “Do not move the ancient boundary which your fathers have set” (Prov 22:28), and “Do not move the ancient boundary or go into the fields of the fatherless, ¹¹ for their redeemer [גאל *gaal*] is strong; he will plead their case against you” (Prov 23:10-11). This latter verse shows how the fatherless—or anyone who is weak—were vulnerable to exploitation and how God cared about their rights.

To move a boundary mark was to steal land from one’s neighbor (Deut 5:19), which theft was predicated on coveting your neighbor’s property (Deut 5:21). There was also a curse pronounced on one who moved a boundary mark (Deut 27:17). Under the Mosaic Law, property that was sold could be redeemed by a near kinsmen (*gô’ēl*), and if the person was too poor to redeem it, then it would automatically be restored at the year of Jubilee (Lev 25:23-28). This assumes the individual’s right to own land and to manage that property as God expected. God would allocate the land to tribes based on their size (Num 26:52-56; cf., Num 34:13-29). Such a command not to move a boundary mark would be superfluous under socialistic or communistic ideologies. Karl Marx, in his Communist Manifesto, said, “The theory of the Communists may be summed up in the single sentence: Abolition of private

property.”¹ This is contrary to the righteousness God expects of His people concerning the protection of other people’s property, whether land or otherwise. God’s directives are, “You shall not covet” (Deut 5:21), and “You shall not steal” (Deut 5:19).

Moses then shifts from discussing righteousness regarding property to righteousness regarding honesty about accusations against others in judicial proceedings. Moses said, “A single witness shall not rise up against a man on account of any iniquity or any sin which he has committed; on the evidence of two or three witnesses a matter shall be confirmed” (Deut 19:15). A single witness was insufficient to convict a person of any crime committed against another. The law demanded two or more witnesses before a case could advance. As mentioned previously, there was always the possibility that a wicked person would present a false charge against another, thus corrupting and weaponizing the judicial system for evil ends. Solomon wrote, “A false witness will not go unpunished, and he who tells lies will not escape” (Prov 19:5). The Lord had clearly forbidden this, saying, “You shall not bear false witness against your neighbor” (Deut 5:20). The two or three witness policy would mitigate against this sort of corruption.

Concerning judicial matters and the possibility of false charges, Moses said, “If a malicious witness rises up against a man to accuse him of wrongdoing,¹⁷ then both the men who have the dispute shall stand before the LORD, before the priests and the judges who will be in office in those days” (Deut 19:16-17). The word *malicious* translates the Hebrew noun *חָמָס* *chamas*, which denotes *violence* or *wrongdoing*. Here, it refers to one who practices verbal violence toward another by falsely accusing him/her with the intent of causing harm by means of the judiciary. Such an accusation would first damage a person’s reputation within the community—a form of cancel culture—and then before the courts. To “stand before the LORD” meant standing before His representatives, “the priests and the judges who will be in office in those days” (Deut 19:17b). The location of the priests and judges might be the central sanctuary—the tabernacle or temple—or perhaps one of the cities assigned to the Levites. Standing before the Lord’s representatives was intended to help the accuser and the accused be mindful of God’s presence which, in this case, pertained to legal matters. Interestingly, the reference to priests and judges showed no separation between religious and judicial matters. Furthermore, if the priests and judges were properly trained, they would know God’s Word thoroughly and be qualified to administer it. Lastly, if they were themselves men of integrity, then God’s laws would be upheld and righteousness would pursue. For this reason, a

¹ Karl Marx, *The Communist Manifesto*, (New Delhi, India, Digital Fire Publications, 2020), p 25.

single witness was not regarded as sufficient for a trial to advance. Daniel Block states:

The demand for a plurality of witnesses is both reasonable and necessary. It is reasonable because it reduces the chance of mistaken verdicts, especially where verbal testimony is the only means by which to adjudicate a case. It is necessary because without it the judge is left to decide between two opinions—the voice of the accused or the voice of the witness—which raises the specter of prejudice and favoritism.²

When a charge is brought against someone concerning a particular crime, it was incumbent upon the judges to launch a full investigation into the matter. Moses said, “The judges shall investigate thoroughly, and if the witness is a false witness and he has accused his brother falsely,¹⁹ then you shall do to him just as he had intended to do to his brother. Thus, you shall purge the evil from among you” (Deut 19:18-19). Judgment must always be suspended until evidence is found to prosecute. In this way, a person’s innocence is maintained until evidence proves otherwise. In this scenario, if the investigation yields evidence that a false witness has falsely accused another, the judges were then required to administer punishment on the accuser as he intended to bring upon the innocent.

If the case were made public, it would have an impact on the community, as “The rest will hear and be afraid, and will never again do such an evil thing among you” (Deut 19:20). Here, punishment served as a deterrent for others who might be tempted to bring false charges and weaponize the courts for sinful purposes. It should be remembered that most criminals think in terms of risk versus reward, and if the risk of punishment exceeds the payoff, it lowers the risk of criminal behavior.

Moses then instructs, “Thus, you shall not show pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot” (Deut 19:21). Here, Moses warns against showing pity toward criminals, as sentimentality must never override justice. Furthermore, in any society there may be a temptation to overreact at violations of the law and punish a wrongdoer more severely than his crime warranted. One can think of Lamech, who told his wives, “I have killed a man for wounding me; and a boy for striking me” (Gen 4:23). This was clearly an overreaction. Moses limits the punishment to fit the crime, saying, “life for life, eye for eye, tooth for tooth, hand for hand, foot for foot” (Deut 19:21b). This law has been called *lex talionis*, or *the*

² Daniel I. Block, *The NIV Application Commentary: Deuteronomy*, (Grand Rapids, MI: Zondervan, 2012), 461.

law of retaliation, which meant the punishment did not exceed the crime (cf., Ex 21:23-25; Lev 24:19-20). Warren Wiersbe states:

The sentence must be neither too strict nor too easy but must be suited to what the law demands and what the convicted criminal deserves. Honest judges don't give a murderer the same sentence they give the man who poisoned his neighbor's cat, nor is a shoplifter given the same punishment as a kidnapper. This judicial principle emphasized fairness and humane treatment at a time in history when punishments were terribly brutal.³

Justice should prevail, but in a constrained manner as the crime warrants. If Israel would obey this law, it would reflect God's righteous expectations for them (Deut 16:20), be for their good, and He would bless them for their obedience (Deut 6:24-25).

In 1 Kings 21:1-16 we have an example of property theft by means of false witnesses. The wicked King Ahab coveted the property of an Israelite named Naboth and offered to purchase it from him (1 Ki 21:1-2). However, Naboth refused Ahab's offer, citing God's Law as the reason, saying, "The LORD forbid me that I should give you the inheritance of my fathers" (1 Ki 21:3). Naboth was right to refuse King Ahab's offer, for the Mosaic Law revealed the land really belonged to God (Lev 25:23), and He forbid the permanent sale or transfer of land from one tribe to another (Num 36:7). This upset Ahab and he went home and pouted over the matter (1 Ki 21:4). But Jezebel, Ahab's wicked wife, conspired to get the land for him, and this by corrupt means (1 Ki 21:5-9), which included "two worthless men" who would "testify against him, saying, 'You cursed God and the king'" (1 Ki 21:10a). The conspiracy included the leaders of the city who, after hearing the charges, were to take Naboth "and stone him to death" (1 Ki 21:10b). After the leaders of the city executed Jezebel's directives and killed Naboth (1 Ki 21:11-14), she advised her husband to go and take possession of the land, which he did (1 Ki 21:15-16). Afterwards, God called His prophet, Elijah, to confront Ahab for his murder and theft, and to pronounce judgment upon him for his crime against Naboth (1 Ki 21:17-22), which punishment included Ahab's death by means of military defeat in battle (1 Ki 22:34-38). Elijah also pronounced judgment upon Jezebel (1 Ki 21:23), and she died an ignoble death (2 Ki 9:30-37). Another example of *lex talionis* is seen in Haman, who was hanged on the gallows he intended for innocent Israelites (Est 7:9-10).

³ Warren W. Wiersbe, *Be Equipped*, "Be" Commentary Series (Colorado Springs, CO: Chariot Victor Pub., 1999), 132-133.

Present Application

Christians should have a strong sense of justice derived from God and His Word. This means we should be honest toward others and speak truthfully, especially in a court of law. If attacked by another, it is valid to defend our rights under the law, just as the apostle Paul defended himself in Jerusalem when in a situation where he was about to be flogged by a Roman soldier, which might have killed him or crippled him for life. In that situation, Paul stood up for himself and exercised his legal rights as a Roman citizen, thus deterring unwarranted punishment (Acts 22:25-29).

However, on a personal level, there may be times when we voluntarily surrender our rights for the sake of peace (Rom 12:18). In Jesus' Sermon on the Mount, He told His disciples, "I say to you, do not resist an evil person; but whoever slaps you on your right cheek, turn the other to him also" (Matt 5:39). And Solomon wrote, "A man's discretion makes him slow to anger, and it is his glory to overlook an offense" (Prov 19:11). In these situations, a believer may voluntarily surrender his/her rights in order to maintain peace. Warren Wiersbe states:

When our Lord referred to the *lex talionis* in the Sermon on the Mount (Matt. 5:38–42), He wasn't talking about the official judicial system but how believers should deal with personal offenses and injuries. He didn't rescind the Old Testament Law, because He came to fulfill it (vv. 17–20); rather, He prohibited His followers from "paying back in kind" those who offend them or take advantage of them... Jesus exhorted us not to practice personal revenge but to leave such matters in the hand of God (Rom. 12:17–21). We're to imitate the Master and return good for evil, love for hatred, and sacrifice for selfishness (1 Peter 2:11–25).⁴

Lastly, there may be times when human courts are unable or unwilling to execute justice in defense of innocent victims. In those moments, we must be careful not to act in a revengeful manner. Paul stated, "Never pay back evil for evil to anyone. Respect what is right in the sight of all men. If possible, so far as it depends on you, be at peace with all men. Never take your own revenge, beloved, but leave room for the wrath of God, for it is written, 'Vengeance is mine, I will repay,' says the Lord." (Rom 12:17-19). In such situations, God calls us to bring our concerns before the supreme court of heaven, trusting "the Judge of all the earth" will judge our case (Gen 18:25), for He "is a righteous judge, and a God who has indignation every day" (Psa 7:11). Jesus Himself is our example of One who brought His case before the Lord, as Peter wrote, "For you have been called for this purpose, since Christ also

⁴ Ibid., 133.

suffered for you, leaving you an example for you to follow in His steps, ²² who committed no sin, nor was any deceit found in His mouth; ²³ and while being reviled, He did not revile in return; while suffering, He uttered no threats, but kept entrusting Himself to Him who judges righteously” (1 Pet 2:21-23). Where human courts may fail, God will take up the case and handle the matter in His time and way. It is our responsibility to conduct ourselves honorably in the face of unjust suffering and leave justice to the Lord.