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The Rationale Behind the Homicide Law in Numbers 35:30–34

Slaviša Janković

This study will analyze the texts on the homicide law that is embedded in the law of the cities of refuge found in Numbers 35:6-34. Based on this law, a murderer¹ is to be put to death by the hand of the blood avenger after proven liable for the crime through the testimony of at least two witnesses in a legal process (35:16-21, 30-31). If proven in the legal process that the killing took place inadvertently, the manslayer² is to stay in a city of refuge until the high priest's death (35:9-15, 22-28, 32).

This study proposes that the concluding remarks of the homicide law in Numbers 35:30-34 augment the rationale behind the law against homicide by stating that the murderer, through the shedding of blood, pollutes the land due to its misuse. In addition, it explains how the death of the high priest is a substitutionary redemption of a manslayer's life.³

Even though this law was essential for dealing with very complex and complicated cases of murder in Ancient Israel, it has not received much attention in

1. "This term will stand for a human being who deliberately kills another human being. This is not the only case of capital punishment since there are at least sixteen crimes that called for the death penalty in the Old Testament: kidnapping, adultery, homosexuality, incest, bestiality, incorrigible delinquency in a child, striking or cursing parents, offering a human sacrifice, false prophecy, blasphemy, profaning the Sabbath, sacrificing to false gods, magic and divination, unchastity, the rape of a betrothed virgin, and premeditated murder. In each case, where the evidence was clear and beyond a reasonable doubt, the death penalty was demanded." Raymond Westbrook, "Punishments and Crimes (OT and NT)," *ABD* 5:546-556; "Numbers: 35:21 No Ransom for a Murderer?," in *Hard Sayings of the Bible*, eds. Walter C. Kaiser Jr., et al., (Downers Grove, IL: InterVarsity Press, 1996), 170. Hobson, however, suggested an even longer list of twenty crimes punishable by capital punishment. G. Thomas Hobson, "Cut off (One's) People: Punitive Expulsion in the Torah and in the Ancient Near East" (paper presented at the Annual Meeting of the Biblical Law of the SBL. San Francisco, CA, 24 November 2011).

2. This term will stand for a human being who unintentionally kills another human being.

3. Jacob Milgrom, *Leviticus 1-16*, 3 vols., AB 3-3B (New York: Doubleday, 1991), 1:1082; Roy Gane, *Leviticus, Numbers*, NIVAC 3 (Grand Rapids, MI: Zondervan, 2004), 798-799.

scholarly circles. Scholars have studied it mainly within the context of and in relation to other laws and the binary concept of purity/impurity.⁴

This study will not address questions concerning the textual variations of Numbers 35:32, where the BHS uses the noun *kohēn* to refer to an ordinary priest, instead of the nominal phrase **הַכֹּהֵן הַגָּדֹל**, which is used three times in the same chapter to designate the high priest (vv. 25, 28).⁵

In order to grasp the meaning of this law properly, one needs to have an understanding of certain concepts and theological and literal elements embedded in it, since these form the working context for this study. The following theological concepts/elements will be discussed throughout the three parts of this study: (1) the structure of the passage and identification of the main elements of the law, (2) reasons for the death penalty of a murderer, (3) the nature and function of blood in the Old Testament, (4) the definition of *kop_er* and its prohibition, (5) pollution of the land by a murderer or a run-away manslayer, and (6) the function of the priesthood/high priesthood in the Pentateuch and the law of homicide.

The Structure of the Passage and Identification of the Main Elements of the Law

Numbers 35:9-34 contains stipulations on who can and cannot stay inside the cities of refuge after killing a human being. This passage is rooted in the previous homicide Pentateuchal texts, which also demand the death penalty for a murderer.⁶ However, Numbers 35:26-28 broadens this law with additional regulations for manslaughter⁷ and provides the rationale for it, which is found in the concluding verses 30-34.⁸

The structure of the passage clearly delineates its main components. Scholars have suggested several structures for this passage,⁹ but the most detailed and defensible one has been suggested by Rolf P. Knierim and George W. Coats, which is as follows:

(4) Additional qualifications	30-34
(a) Ordinance for death sentences	30
a. Witnesses required	30a
b. Number	30b

4. Jacob Milgrom, *Numbers*, JPS (Philadelphia: Jewish Publication Society, 1990); Timothy R. Ashley, *The Book of Numbers*, NICOT 4 (Grand Rapids, MI: Eerdmans, 1993); R. Dennis Cole, *Numbers*, NAC 3B (Nashville, TN: Broadman & Holman, 2000); R. K. Harrison, *Numbers*, WEC (Grand Rapids, MI: Baker, 1992); Baruch A. Levine, *Numbers 21-36, AB 4A* (New York: Doubleday, 2000); Jonathan Klawans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism* (Oxford: Oxford University Press, 2006); Jay Sklar, *Sin, Impurity, Sacrifice, Atonement: the Priestly Conceptions*, HBM 2 (Sheffield: Sheffield Phoenix Press, 2005).

5. For further research on the variants, see Milgrom, *Numbers*, 295, 331.

6. The references are Exod 21:12-13 and Deut 19:1-13. Levine, *Numbers*, 599.

7. An unintentional killer must remain in the city of refuge until the high priest's death or the redeemer has the right to kill him/her in case he finds him/her out of the cities of refuge. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 54.

8. Levine, *Numbers*, 548; Ashley, *Numbers*, 655; Rolf P. Knierim and George W. Coats, *Numbers*, FOTL 4 (Grand Rapids, MI: Eerdmans, 2005), 327; W. H. Bellinger, *Leviticus and Numbers*, NIB-COTS 3 (Peabody, MA: Hendrickson, 2001), 316.

9. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 54; Gane, *Leviticus, Numbers*, 797-798; Levine, *Numbers*, 548; Cole, *Numbers*, 36-43; Ashley, *Numbers*, 2-3.

(b) Prohibition against ransom	31-34
a. Against ransom for murderer	31
b. Against ransom for manslayer	32-34
aa. Prohibition	32
bb. Reason	33-34
a. Prohibition against pollution	33-34a
b. Reason	34b ¹⁰

The structure properly reflects the main postulates of the law, which are (1) death penalty for a murderer based on the testimony of at least two witnesses (v. 30), (2) ransom prohibited for both murderer's life (v. 31) and manslayer who leaves the city of refuge before the high priest's death (v. 32), and (3) breach of these laws will result in the pollution of the land (vs. 33-34). The ways to expiate (*kāp_ar*) the land include shedding the blood of a murderer/run-away manslayer or the natural death of the high priest in the case of manslaughter.

The manslayer is safe in the city of refuge and even though alive, he does not pollute the land.¹¹ However, if the manslayer leaves the place of refuge, this regulation will be abrogated and the pollution of the land will take place. This state of affairs would be unacceptable because the land of Israel is the dwelling place of God. Thus, its inhabitants must preserve its holiness and refrain from allowing the land to be polluted.¹²

Reasons for the Death Penalty as Punishment for A Murderer (v.30)

The premeditated killing of a human being is prohibited in the Decalogue and variations of the same prohibition are repeatedly found throughout the OT legal corpus (Exod 20:13, 21:12-13; Lev 24:17; and Deut 19:11-13). Based on Num 35:30-34 and Exod 21:14, a murderer was even deprived of the chance to seek protection by grasping the horns of the sacrificial altar or by escaping to the cities of refuge after the trial proved that they were liable for the act of murder.¹³ This confirms that blood is equal to life in biblical texts. First, the repetition of the prohibition itself speaks for its importance based on the scholarly consensus that in biblical literature, repetition is used to emphasize important ideas.¹⁴ Murder puts one in opposition to God's standards of living. Second, scholars have correctly

10. Knierim and Coats, *Numbers*, 324-327.

11. In the case of the manslayer, once he leaves the city of refuge his blood will expiate the land. He is safe and even though alive, he does not pollute the land if he is in the city of refuge.

12. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 54; Gane, *Leviticus, Numbers*, 795-796.

13. Dónal P. O'Mathúna, "Bodily Injuries, Murder, Manslaughter," DOTP 90; Westbrook, "Punishments and Crimes (OT and NT)," 5:550-556.

14. Repetition is a structural element in historical narratives. John Sailhamer, *The Pentateuch as Narrative: A Biblical-Theological Commentary* (Grand Rapids, MI: Zondervan, 1992), 25. It is considered to be the most powerful means in biblical texts. J. P. Fokkelman, "Genesis," in *The Literary Guide to the Bible*, eds. Robert Alter and Frank Kermode, (Cambridge, MA: Belknap Press, 1987), 46. Its task is to emphasize what is important, remind the listener of the previous steps or actions, or sometimes, simply to impress. Laurence A. Turner, *Genesis*, RNBC (Sheffield: Sheffield Academic Press, 2000), 16.

postulated that, based on the Creation account in Gen 1:26-27, the importance of this prohibition emanates from the fact that humans are created in the image of God. This idea is also stated in another prohibition against killing found in Gen 9:6.¹⁵ The number of witnesses necessary to warrant the legitimacy of a legal decision is also discussed in Deut 17:6.¹⁶ Besides these two significant reasons for capital punishment for the murderer, there is another key insight presented in this law. In order to grasp why a murderer must be put to death, one must understand the concept of blood¹⁷ in the Pentateuch because the shedding of blood seems inseparable from the act of murder.

The conceptual link between blood and v. 30 is also confirmed by the fact that the phrase *הַפֶּה-נֹפֵשׁ* “one who strikes fatally,”¹⁸ also used in this verse, is synonymous with the phrase *לֹא נִפְנוּ נֶפֶשׁ* “shed no blood,” used elsewhere in the OT to describe death (Gen 9:4-6).¹⁹ Also, Jacob Milgrom also noted that the same syntactical construction, the verb *šāpāk* accompanied with the noun *dām*, refers to the act of killing a person elsewhere in the OT.²⁰

These synonymous terms occur in Gen 37:21-22²¹ and depict the account of Joseph’s brothers’ attempt to kill him, or at least get rid of him. When Reuben understood that his brothers planned to kill Joseph, he said to them: “*לֹא נִפְנוּ נֶפֶשׁ*” - “Let us not take his life.” He further appealed to them and said: “*אֵל-הַשָּׁמַיִם*” - “Shed no blood.”

Even inappropriately shedding an animal’s blood brings guilt upon the perpetrator, as stated in Lev 17:4.²² It seems that OT writers considered these two syntactical combinations as synonyms and both of them refer to the act of murder since the act of murder inevitably involved the shedding of blood. Thus, the death penalty for the murderer may be justified by the two points presented above, but it seems this conclusion regarding the homicide law points to an additional reason, namely that the land is polluted by blood (vs. 33-34). Therefore, the next step of the present study will address this idea.

15. O’Mathúna, “Bodily Injuries, Murder, Manslaughter,” 90.

16. Levine, *Numbers*, 559. All of the laws of the Ancient Near East require more than one witness in order to sentence one to death. James B. Pritchard, *Ancient Near Eastern Texts Relating to the Old Testament* (Princeton, NJ: Princeton University Press, 1955), 16; Ashley, *Numbers*, 655.

17. “This important word appears 360 times in the OT, most often in Lev (88 times) and Ezek (55 times), followed by Exo (29 times), Deut (23 times), and Psa (21 times).” S. David Sperling, “Blood,” ABD 1:761-763; Paul Trebilco, “דָּם,” *NIDOTTE* 1:963-966.

18. The idiomatic expression is a general term that refers to homicide, whether it is intentional or unintentional. This results from the fact that the same term is used in Num 35:15.30; these are the texts for both kinds of homicide. Levine, *Numbers*, 554.

19. Sperling, “Blood,” 1:761-763.

20. 1 Sam 25:31; 1 King 2:31; 2 King 21:16, 24:4; Deut 19:10, 21:7; Prov 1:16, 6:17; Isa 59:7; Jer 22:3.17; Ezek 16:38; 18:10; 22:3. 4. 6. 9. 12. Milgrom, *Leviticus 1-16*, 1:710.

21. Sperling, “Blood,” 1:761-763.

22. Jacob Milgrom, *Leviticus 17-22*, 3 vols., AB 3-3B (New York: Doubleday, 2000), 2:1456-1457.

The Nature and Function of Blood in the Old Testament²³

Blood is related to both life and death in the OT; therefore, its meaning can be equivocal.²⁴ Shedding or spilling blood results in bloodguilt in the OT (Gen 4:10-11, 1 King 2:31, Hos 4:2).²⁵

The intensity of the association between blood and life is prominent not just in the Hebrew Bible, but also in other Ancient Near Eastern texts, such as Ugaritic and Akkadian. This is especially true in poetic works where they are lexical pairs.²⁶ In the OT, Gen 9:4-6 validates this observation because in his conversation with Noah after the flood, God equated blood and life by prohibiting the eating of flesh with blood in it because the life of the flesh is in its blood. The Hebrew adverbial particle *'ak* emphasizes and intensifies this prohibition.²⁷ It should be rendered, "Indeed, you shall not eat flesh with its blood."

The same prohibition is repeated in Deut 12:23 with an even stronger emphatic construction. The Hebrew adverbial particle *raq* implies an emphatic meaning - "only,"²⁸ and should be translated as "only be sure that you do not eat blood." The reason for the prohibition is the same as in the previous text: blood is equal to life.²⁹ The purpose of repetitions in the Bible mentioned above is also valid in this case. These multiple repetitions of this prohibition also point to its importance within biblical material. The significance of blood, which embodies life, is the reason why it has been allotted to God by biblical legislation.³⁰ In addition, this fact is demonstrated by the use of emphatic and intensive lexical particles to forbid its consumption by humans.

Baruch Levine's definition of blood as a "vital fluid that empowers life" is well supported in the OT.³¹ As long as it flows inside of living beings, they are

23. Only those features concerning blood in the Pentateuch relevant to the present study are analyzed under this subheading.

24. Gerhard Hasel, "Studies in Biblical Atonement-I: Continual Sacrifice, Defilement/Cleansing, and Sanctuary," in *The Sanctuary and the Atonement*, ed. Frank B. Holbrook (Silver Springs, MD: Biblical Research Institute, 1989), 90-92, 99; Sklar, *Sin, Impurity, Sacrifice, Atonement*, 103.

25. Trebilco, *NIDOTTE* 1:963-966. "The shedding of animal blood is allowed in OT law, but only through ritual slaughter. This blood is treated with great respect. It may not be consumed (Lev 17:10), and it plays an essential element in the sacrificial cult. The blood of the animal is not only shed, but it is also brought into contact with the holy that is symbolized, for example, by the altar or the mercy seat in the Holy of Holies." "Blood," *DBI* 99-101. An animal would be brought to the tent of meeting for slaughter and as a well-being offering, after the blood was dashed against the altar, the fat was burned, thus turning into smoke, the priest and the owner would take their part and they were permitted to eat the meat of the animal. Profane slaughtering was permitted only for clean wild animals (deer, clean wild birds), but in such cases, their blood was to be covered with earth (Lev 17:13). On the other hand, Deuteronomy 12 permits the profane slaughter of clean animals, wild and domestic, but requires that the animal's blood should be poured on to the ground like water. The background for this procedure regarding wild animals was that what offends God should be hidden from His sight. Gen 37:26; Deut 23:14; 1 Sam 26:20; Isa 26:21; Ezek 24:7-8; Job 16:18). Sperling, "Blood," 1:761-763.

26. Sperling, "Blood," 1:761-763.

27. "אֶל," *HALOT* 2:45; "אֶל," *BDB* 36.

28. "אֶל," *HALOT* 2:1286; "אֶל," *BDB* 956.

29. For more reasons for this conclusion see Milgrom, *Leviticus 1-16*, 1:706-707.

30. (Lev 3:2-4, 8-10, 13-15). Along with the blood, the fat also is considered an element that embodied life, but blood had primacy over fat because any nonfood use of the fat of dead and torn animals was permissible (Lev 7:24) while, in contrast, the blood of a slaughtered animal that had not been sacrificed had to be discarded (Deut 12:24). Sperling, "Blood," 1:761-763.

31. Levine, *Numbers*, 561-562.

alive, but as soon as they lose it, death immediately takes place.³² These claims are confirmed even more so by the research of Charles Owiredu, whose doctoral dissertation centers around the idea that blood is strongly associated with both life and death.³³

The preceding discussion is indicative of the multifaceted and complex character of blood in the biblical text. Blood is apparently related to two very opposite experiences, namely life and death. This paradoxical aspect of blood found in the OT will be addressed later in a subsequent part of the present study.

The Role of Blood in the Cultic Sphere

Blood is one of the essential elements in the OT sacrificial system. Its use is fundamental in many sacrifices. Thus, the person healed from a skin disease was anointed with blood and oil in order to be ritually clean (Lev 14:6-20). The consecration of the priest and altar was performed with blood (Lev 8:14-15, 23-30). In the process of the covenant-making ritual between Yahweh and the Israelites, the people were sprinkled with the “blood of the covenant (Exod 24:6-8; Zech 9:11).³⁴

Blood was used to cleanse both the sacrificial altar (Lev 8:15, 16:18, Ezek 43:20) and the incense altar (Exod 30:10). It was also used during the ritual of the Day of Atonement. The blood of the sin offering purged sin from the Tent of Meeting, later from the temple (Ezek 45:18-20), and consecrated the sacrificial altar from the uncleanness of the people of Israel (Lev 16:18).³⁵

It is difficult to say which of the above-mentioned functions of blood is the most important, but atonement for sin is certainly significant and probably the most prominent one. The importance and prominence of blood in the OT sacrificial system has consequently caused many researchers to extensively study this multifaceted element in the biblical text. Most notable is Baruch J. Schwartz’ well-researched essay “The Prohibitions Concerning the ‘Eating’ of the Blood in Leviticus 17,”³⁶ in which he proposes that blood is assigned and designated by God for sin atonement and as such, is forbidden for human consumption. He even limited the rationale for this prohibition only to this reason.³⁷

In addition, helpful research in the field of defilement/purification/atonement has been done by Roy E. Gane in his book *Cult and Character Purification Offering: Day of Atonement and Theodicy*.³⁸ An especially relevant chapter for the present study is “Blood or Ash Water: Detergent, Metaphorical Carrier Agent, or

32. Levine, *Numbers*, 561; V. P. Hamilton, “**דָּם**,” *TWOT* 1:190-191.

33. Charles Owiredu, “Blood and Life in the Old Testament” (PhD diss., Durham University, 2004).

34. Trebilco, *NIDOTTE* 1:963-966.

35. Sperling, “Blood,” 1:761-763; Trebilco, *NIDOTTE* 1:963-966.

36. Baruch J. Schwartz, “The Prohibitions Concerning the ‘Eating’ of the Blood in Leviticus 17,” in *Priesthood and Cult in Ancient Israel*, eds. Gary A. Anderson and Saul M. Olyan, JSOTSup 125 (Sheffield: JSOT Press, 1991), 34-66.

37. Schwartz, *The Prohibitions Concerning the ‘Eating’ of the Blood in Leviticus 17*, 47-48. The same position with more a comprehensive survey on the use in Lev 17:11 might be found in Sklar, *Sin, Impurity, Sacrifice, Atonement*, 166-174; Sperling, “Blood,” 1:761-763.

38. Roy Gane, *Cult and Character: Purification Offerings, Day of Atonement, and Theodicy* (Winona Lake, IN: Eisenbrauns, 2005).

Means of Passage?”³⁹ Gane answered this question by comparing the positions of Milgrom and Noam Zohar and examined the possibility of whether blood can be defiled by absorbing impurity from the sanctuary. One of his conclusions is that Lev 17:11 is not just a prohibition against eating the blood of the well-being offering, but is also a prohibition against eating blood in general.⁴⁰ These two studies confirm that ingesting blood is forbidden in the biblical texts in both cultic and non-cultic settings. An exclusive reason for the prohibition is the fact that God has strictly prescribed blood for the atonement of sin. In conclusion, textual references to blood in the cultic texts emphasize its cleansing or purifying feature. This feature of blood was used to change the status of various impure human conditions into pure ones, and mundane, common inanimate objects into holy, sacred ones.

Blood—The Cause of Pollution

Even though blood can save an individual from his/her sins through various expiating rituals and reverse the impure state of an individual into a pure one by various cleansing procedures, as proposed above, blood can also pollute or “make an individual” ritually unclean. The following is stated in Num 35:33: “You shall not pollute the land in which you are, for bloodshed pollutes the land, and the land cannot be atoned for on which blood has been shed, except by shedding the blood of the one who shed it.” Actually, Milgrom claimed that this is the only way blood defiles, specifically, when it is spilled illicitly.⁴¹ The same idea is found in Ps 106:38 and Lam 4:13-14. Besides these examples, which are related to moral impurity,⁴² blood can also cause ritual defilement, as many examples in the biblical text show.

A woman is unclean after she gives birth to a child because of the flow of her blood (Lev 12:4-7) and she is also unclean during her menstrual period (Lev 15:19-24). Therefore, blood can also pollute in some cases, especially human blood (Ps 106:38; Isa 59:3; Lam 4:14).⁴³ The following quotation seems to be very accurate: “blood, whether due to violence or other ills, destroyed the cleanness of creation.”⁴⁴

In summary, there are various aspects of blood in the biblical text. As a result of the previous discussion, the following facts can be ascertained: (1) blood is a life-bearer, (2) blood is assigned by God to be used for crucial cultic reasons (cleansing from sin, consecration and atonement for sin), and (3) blood can pollute in some cases.

The first and the second features articulate the vital importance of blood, not only at the existential and biological level, but also at the religious level. The third feature expresses at first glance a negative connotation of blood. However, if one looks closer, especially in the context of Num 35:30-34, it becomes obvious

39. Gane, *Cult and Character*, 163-197.

40. For the method of reaching this conclusion see William K. Gilders, *Blood Ritual in the Hebrew Bible: Meaning and Power* (Baltimore, MD: Johns Hopkins University Press, 2004), 21-22. 168.

41. Milgrom, *Leviticus 1-16*, 1:749.

42. Moral and ritual impurity will be discussed later in this chapter.

43. Sperling, “Blood,” 1:761-763; Trebilco, *NIDOTTE* 1:963-966.

44. “Blood,” 100.

that the third feature confirms the previous two. Thus, besides the two reasons behind the homicide prohibition known from previous biblical texts, namely that blood is equated with life and the prohibition of shedding blood is included in the Decalogue, this law highlights the fact that blood, if unlawfully shed, pollutes the land. In the homicide law, it is the illicit use of blood that causes the defilement of the land.

The Definition of the *Koper* and Its Prohibition (vs. 31-32)

This section will address the questions of why *koper* is forbidden for the murderer and the run-away manslayer and what the definition of *koper* is in this text?

Theologians propose several definitions for this term. Jay Sklar has done the most recent and up to date study on this topic. He collected the opinions of important theologians, compared them, addressed their weak and strong points, and suggested his own understanding of this concept. Therefore, his work will be heavily consulted here.

The verb *kāpar* has been traditionally translated as “atone/expiate,” but scholars have understood the nature of the act of atonement/expiation differently. Actually, there are four major positions on how the verb should be understood.

The first group of scholars appeal to the Arabic term *kafara*, which led them to understand atonement/expiation as a covering, i.e., the priest covers the sin or the sinner in order to save him from God’s wrath. The second group suggests that the emphasis of the atonement/expiation is on the act of the worshiper’s symbolic dedication of his life to holy things through the atonement process. The third group sees atonement as cleansing in at least some sin contexts (Lev 4, 5). The fourth group states that atonement should be understood as “ransom.” The fourth view is the most accepted understanding. It is accepted by prominent scholars such as Johannes Herrmann, Herbert Brichto, Levine,⁴⁵ Adrian Schenker, Bernd Janowski, and Milgrom. All of these theologians claim that *kāpar* occurs as the denominative of *koper* in at least some passages. Milgrom illustrates the clearest example of this:⁴⁶

There are other cases in which the ransom (כִּפָּר) principle is clearly operative. (1.) The function of the census money (Exod. 30:12-16) is *lekapper alnapšotekem* “to ransom your lives” (Exod. 30:16; cf Num. 31:50): here the verb *kipper* must be related to the expression found in the same periscope *koper napšo* “ransom for his life” (Exod. 30:12). (2.) The same combination of the idiom *koper nepeš* and the verb *kipper* is found in the law of homicide (Num. 35:31-33). Thus in these two cases, *kipper* is a denominative from *koper*, whose meaning is undisputed: “ransom” (cf. Exod. 21:30). Therefore, there exists a strong possibility that all texts than assign to *kipper* the function of averting God’s wrath have *koper* in mind: guilty life spared by substituting for it the innocent parties or their ransom.⁴⁷

45. Baruch A. Levine, *In the Presence of the Lord: a Study of Cult and Some Cultic Terms in Ancient Israel* (Leiden: Brill, 1974), 61, 67.

46. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 47.

47. Milgrom, *Leviticus 1-16*, 1:1082; *Ibid.*, *Studies in Cultic Theology and Terminology* (Leiden: E.J. Brill, 1983), 29-30.

Sklar used two steps to define *koper*. The first step is to search for the meaning by an exegetical analysis of the texts where *koper* is found⁴⁸ and the second is to compare *koper* with other terms in its semantic field.⁴⁹

Concept-Oriented Approach. In the first step, Sklar exegeted eight passages (Exod 21:28-32; 30:11-16; Num 35:30-34; Ps 49:8-9; Prov 6:20-35; 1 Sam 12:1-5 and Amos 5:12; Isa 43:3-4; Job 33:24). Through this step, Sklar was able to develop criteria to formulate the definition of the *koper*.

Sklar's exegesis⁵⁰ disclosed the following pattern in the *koper* texts: (1) There is a guilty party, (2) There is an injured party, (3) The guilty party is being rescued, (4) Peace is being established to the damaged relationship between the guilty and injured party, and (5) The guilty party is totally dependent on the reaction of the injured party and on the acceptance or rejection of the *koper*.⁵¹

Exod 21:28 clearly follows the above-mentioned pattern. The regulation given in the main case⁵² of the law does not obligate the owner of a goring ox to do anything, but the variation⁵³ does. The variation of this law states that the owner of the ox is responsible for the death of the person whom his ox gored and he along with his ox are sentenced to death unless someone provides a *koper* on the owner's behalf.⁵⁴ All elements of Sklar's exegesis are present in this case.⁵⁵ The injured party accepts *koper*, which would imply a lesser punishment and would prevent the owner from receiving the death penalty.

In Exod 30:11-16, the guilty party is any person who does not pay a ransom for his life. The injured party is God himself. The *koper* rescues the people of Israel (a life) from certain plague and also brings peace between God and the Israelites.⁵⁶ It is guaranteed that the *koper* will be accepted in this case and will presumably lessen the punishment.

Num 35:30-34 contains all these elements and an additional rule is added in this case, namely, the prohibition or non-acceptance of *koper*. The guilty party has to be put to death.⁵⁷

In the case of Ps 49:8-9, there is no specific sin that results in death, but death simply comes to all people. However, the way the wicked face death (vs. 14) is

48. He called this the concept-oriented approach, which means that a particular term is studied within its own context. He himself was aware of the fact that this approach had major weaknesses: distinguishing the actual lexical sense of the word from concepts that are present in any given context in which a word is used. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 48.

49. Sklar called this the field-oriented approach, which refers to searching two other nominal forms of two verbs, *paḏāh* and *gā'al*. He was aware that many other forms could be considered in doing this, but these two occur in contexts that are the most similar to *koper*. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 61.

50. For some insignificant exceptions to this pattern in some texts which Sklar detected, see Sklar, *Sin, Impurity, Sacrifice, Atonement*, 48-64.

51. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 48-61.

52. Introduced by the particle 'im. Roy Gane (class notes for OTST 625 Biblical Hebrew III, Andrews University, SDA Theological Seminary, Berrien Springs, USA, September 2009).

53. Introduced by the particle *kē*. Gane, (class notes, OTST 625 Biblical Hebrew III).

54. Also for this case see the useful study by Bernard S. Jackson, *Wisdom-Laws: A Study of the Mishpatim of Exodus 21:1-22:16* (Oxford: Oxford University Press, 2006), 255-290.

55. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 50-51.

56. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 52-53

57. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 54-55

contrasted with the way the righteous face it (vs. 15). Therefore, the *koper* operates in the same pattern: there is a guilty party, the wicked one who faces death. The only thing that could save him would be *koper*, which a rich person could easily secure. However, only God himself can decide whether the *koper* will be accepted or not. In this case, no *koper* would suffice (vs.7).⁵⁸

The passage in Prov 6:20-35 addresses a father's instructions to his son against adultery because the woman's husband will not accept any *koper*.⁵⁹ All elements of Sklar's pattern are present in this case, along with the fact that, in this case, *koper* is refused.⁶⁰

The passages in 1 Sam 12:1-5 and Amos 5:12 are unique since the *koper* is used in the sense of the "death penalty of a murderer." Even though these passages offer much less information about the context, they are patterned like the previous and following ones. Samuel mentions a situation that has never actually happened, namely, there is nobody from whom Samuel has received the *koper* in order to judge favorably for him. In addition, in Amos a person tries to find a way to avoid the normal procedures of law in order to avoid punishment by giving *koper*.⁶¹

The cases found in Isa 43:3-4 and Job 33:24 are similar because in both of them, the provider of the *koper* is not the guilty party, but the injured or third party. In Isa 43:3-4, God is the injured party, but also the party which provides *koper* for Israel who is, on the contrary, the guilty party. As a result of the *koper*, there was no material loss or penalty for the guilty party who was in exile and hopeless. Instead, God re-established his relationship with his people. Exile was the ultimate sign of the broken relationship between God and Israel. Therefore, the *koper* provided by God and the subsequent return of the people confirms the fact that *koper* re-establishes peace between two parties and appeases the injured party.⁶²

In the case of the passage in Job, *koper* functions as a deliverer saving an individual from "going down to the pit" (v. 24). This threat is the result of the sin of the one sentenced to death (vs. 27) and, in this case, the *koper* is accepted (vs. 28). Here again, it is not the guilty party who provides the *koper*, but someone else, in this case, an angel (vs. 23).⁶³

By using the concept-oriented approach, Sklar identified four facts⁶⁴ related to *koper*, which helped him to define it in both positive and negative terms. His positive definition also encompasses all the aspects of *koper* in the previous texts. The definition is as follows:

58. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 56.

59. In this chapter, Sklar's debate with Bernard S. Jackson, Anthony Philips, and Henry McKeating will not be included because it is not relevant to the scope of this research, even though it is very relevant for a topic that would treat the methodology of reading the biblical laws.

60. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 57-58.

61. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 58.

62. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 59.

63. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 59.

64. First, *koper* delivers the guilty party from punishment. Second, the offended party decides whether *koper* will be accepted or not. Third, *koper* mitigates the punishment, which is still in force, but mitigated. Fourth, *koper* functions in the sense that it mollifies the offended party and restores peace to the relationship. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 40.

A כֶּפֶר is a legally or ethically legitimate payment that delivers a guilty from a just punishment that is the right of the offended party to execute or to have executed. The acceptance of this payment is entirely dependent upon the choice of the offended party is a lesser punishment than was originally expected, and its acceptance serves both to rescue the life of the guilty and to appease the offended party, thus restoring peace to the relationship.⁶⁵

This conclusion reflects the meaning of the above-mentioned biblical texts. In his negative definition of *koper*,⁶⁶ which is based on some contexts where the term *koper* is found, Sklar suggested the English word “bribe,” since its illegal and unethical implications⁶⁷ justly represents what *koper* represents in these negative contexts.⁶⁸ The present study focuses on the positive aspect of this concept so it will proceed with Sklar’s second approach.

Field-Oriented Approach. In his second step, Sklar identified two more roots that, along with their derivatives, share the same meaning and contexts with the term *koper*. The first root is *pādāh*, along with its four derivatives (*p’duyim*, *p’dut*, *pidyom*, and *pidyon*). Through the study of these terms, Sklar identified three distinct usages. The second root is *gā’al* and its derivatives *g’e’ullāh* and *go’el*. Regardless of the overlap in meaning in some contexts, there are cases in which the meaning of *koper* differs from the meaning of the terms that will be discussed below.

The first usage of the four derivatives of the first root *pādāh*—*p’duyim*, *p’dut*, *pidyom*, and *pidyon*—shows that, contrary to the *koper* contexts, a person being saved by *p’dut* has not necessarily done any wrong, nor is the decision to save or redeem in the power of the party from whom they are being redeemed.⁶⁹ The second use reveals that *pidyon* can share similar contexts with *koper* when wrong is done, while *koper* cannot share context with *pidyon*, for in some instances, it excludes any wrong (the ransom for the first-born).⁷⁰ In the third use, it is hard to

65. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 60.

66. “... legally or ethically questionable payment which delivers a guilty party from a just punishment by the offended party or the forces of law, or which otherwise subverts the normal course of justice. ... acceptance of this payment is dependent upon the one to whom it is given (e.g. judges, elders in the city gate)” Sklar, *Sin, Impurity, Sacrifice, Atonement*, 60-61.

67. This assessment applies to both nominal and verbal forms of the word. See the following English dictionaries for the definition of the word “bribe,” http://www.oxfordlearnersdictionaries.com/us/definition/american_english/bribe_1; Oxford Advanced Learner’s Dictionary of Current English, 2nd ed. (Oxford: Oxford University Press, 1992), s.v. “bribe”; The Oxford Dictionary and Thesaurus, 1st ed. (New York: Oxford University Press, 1996), s.v. “bribe”; Webster’s New World Large Print Dictionary, 1st ed. (New York: Macmillan, 1989), s.v. “bribe”

68. There are at least 2 negative contexts in 1 Sam 12:1-5; Ps 49:8-9.

69. In the first usage is *p’dut*, which is the most general among all the others; it occurs in Ps 111:9 and 130:7 with the broad meaning of rescue or redemption from some type of negative situation. While *koper* refers to a type of payment, *p’dut* is used to refer to the act of redeeming or rescuing someone from trouble (Ps 25:22), enemies (Ps 55:28), or some negative situation (2 Sam 4:9; Job 5:20; 6:23; Pss 26:11; 31:5; Isa 51:11; Jer 15:21). Sklar, *Sin, Impurity, Sacrifice, Atonement*, 62.

70. It includes the nouns *p’duyim* and *andpidyom*. They are found in Num 3:40-51, which talks about ransoming of the first-born. Both terms are very close to כֶּפֶר because they refer to a payment. Actually, the first-born belonged to the Lord and he himself stipulates the ransom (is to be a Levite or five shekels ransom). In this context, the first-born (man or animal) being ransomed belongs to the Lord and the Lord, as controlling party, stipulates what the ransom will be. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 62-63.

differentiate between the meaning of *pidyon* and the meaning of *koper* since their meanings may overlap.⁷¹

There are two derivatives from the root *gā'al*: the nominal form *gē'ullāh*, as well as a nominal use of the participle *go'el*. The first term refers either to the legal right of redemption (Lev 25:29, 32; 24:31, 48; Ruth 4:6; Jer 32:7-8), the action thereof (Ruth 4:7), or the redemption price (Lev 25:26, 51, 52).⁷² Similarities between *gē'ullāh* and *koper* contexts are the following: (1) the release of one party or object from the authority of another and (2) the process of the release by means of payment of some item of value. Differences with *gē'ullāh* and *koper* contexts are the following: (1) the person who is under the authority of another party has not done anything wrong and (2) the permission of the person in charge is not necessary in order for the act of redemption to proceed, since the one who does the redeeming has the right to do so.⁷³

The participle form *go'el* first occurs in a legal context and refers to a near relative of the person who was able to exercise the right of redemption on that person's behalf (Lev 25:25-26; Ruth 2:20; 3:9, 12). In the second usage, also in legal context, it refers to the "avenger of blood," who is usually a near relative (Num 35:19, 21, 24, 25; Deut 19:6,12; Josh 20:3, 5, 9; 2 Sam 14:11). In the third usage, *go'el* is used more broadly to refer to the Lord as the one who rescues someone from a harmful situation (Isa 49:26; Pss 19:14; 78:35; Isa 41:14; 43:14; 44:6, 24; 60:16; Jer 50:34). The first sense of *go'el* is evidently the same as *gē'ullāh* in terms of comparison with *koper*. The second sense involves an unrelated context with *koper*. As in the third sense, *go'el* refers to a context in which one party is being rescued from another.⁷⁴

Thus, *koper* shares some contexts and meanings with certain related terms, i.e. the root *pādāh* and its derivatives, *pēduyim*, *pēdut*, *pidyom*, and *pidyon*, and the root *gā'al* and its derivatives, *gē'ullāh* and *go'el*, while in some cases, *koper* differs from the other contexts.⁷⁵

The final step in understanding the meaning of *koper* is finding the most appropriate English word to reflect its meaning. Three of the most used options—ransom, appeasement, and composition—are presented below.

Ransom. This is the most frequent translation of *koper* and it is accepted by major Hebrew lexicons,⁷⁶ as well as by prominent scholars such as Herrmann, Levine, Milgrom, B. Lang and Janowski. Herman's and Lang's definitions are

71. The third usage includes *pidyon*, which occurs only twice, both times with a close conjunction with *koper*. Exod 21:30. It is hard to distinguish any difference between *koper* and *pidyon* besides the fact that both words are passive subjects of the verb *yushat*, but the phrase ונתן פדיון נפשו is parallel with Exod 30:12, ונתנו איש כפר נפשו. These facts suggest that the terms are basically equivalent and the choice of *pidyon* over *koper* is a matter of stylistic considerations. The second passage is Ps 49:7-8; within the text it will be clear that the terms have overlapping with meanings. "No man can by any means ransom (לא־פדה) his brother, or give God a ransom (*koper*) for him; for the ransom (*pidyon*) of their life is costly, and he should cease forever." Ibid., *Sin, Impurity, Sacrifice, Atonement*, 63.

72. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 64.

73. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 64-65.

74. Payment of an item of value is not involved and the party has not necessarily done anything wrong, nor is it up to the party who controls the item/person being redeemed as to whether or not redemption may take place. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 65-66.

75. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 66-67.

76. "כפר," HALOT 1:495; "כפר," BDB 497; Hamilton, TWOT 1:452-453. HALOT also includes "bribe."

quite similar.⁷⁷ These definitions state that (1) there is a guilty party and an injured party, (2) the guilty party is under obligation to the injured party, and (3) the *koper* functions to reconcile the two parties. Sklar's work also involves a brief analysis of the English word ransom, in which he claims that the ransom fits some aspects of *koper*, such as the establishment of freedom for the guilty party, appeasement, and reconciliation. These aspects of *koper* result from the fact that the *koper* is given by the offended party to the injured one.⁷⁸ However, Sklar also claimed that some elements of *koper* are not contained in the English word ransom, such as the fact that ransom does not signify that the party receiving *koper* has been wronged by the party who gives it, "as when ransom is paid to a kidnapper who has in no way been wronged by their captive. Indeed, in this example it is not the injured party who receives the ransom but the party who is doing wrong."⁷⁹ It should be noted that for this difference, Sklar gave only one example, which weakens his argument. In addition, ransom does not include the most prominent idea, namely appeasement of the injured party.⁸⁰

Appeasement. Schenker claimed that *koper* should be translated as appeasement. His argument is based on Exod 21:28-32, where *koper* occurs in relation to the law of the goring ox and later adds two more passages that are contextually comparable to this one. His criteria are (1) a settlement takes place that negotiates a peaceful solution instead of a violent one and (2) the verb *kāpar* is used in a profane sense, i.e. conflict between men. Passages which fit these criteria are Gen 32:20 and Prov 16:14 and both of them present a rupture in a relationship between the parties, such that the injured party is ready to execute the offending party. In order to achieve peace, the guilty party must *kāpar* the injured party, which led Schenker to conclude that the verb *kāpar* in these contexts is best understood as "mollifying" or "appeasing."⁸¹ Furthermore, he transfers the meaning of the verb *kāpar* into a noun *koper*, claiming that *koper* is appeasement or mollification. Thus, Schenker concluded that the emphasis of *koper* is to restore peace between the guilty and injured party, i.e., appeasement, while it is only indirectly a reference to buying back or ransoming one's life from another.⁸²

Comparing his exegesis with Schenker's work, Sklar concluded that (1) *koper* occurs in some contexts where some wrong has been done, which makes the offending party liable. Therefore, *koper* is never appeasement alone, but appeasement for the sake of avoiding the penalty; thus, (2) the ransoming or rescuing of the guilty party is not simply an indirect objective of *koper*, but is the central

77. Herman: "It denotes a material expiation by which injury is made good and the injured party is reconciled, i.e. by which the hurt is covered and the guilty party is released from obligation." Lang: "The noun *koper* is a legal term. It denotes the material gift that establishes an amicable settlement between an injured party and the offending party." Sklar, *Sin, Impurity, Sacrifice, Atonement*, 68.

78. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 68.

79. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 68.

80. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 68. For the variations on translation for *koper*, see analysis by Jay Sklar on positions of Janowski, Herrmann, Land and Maas on this. *Ibid.*, *Sin, Impurity, Sacrifice, Atonement*, 69-72.

81. Adrian Schenker, "koper et Expiation," *Bib* 63 (1982), 37.

82. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 72-72.

part of what *koper* accomplishes.⁸³ Appeasement does not necessarily appease, as when one person appeases another who is angry with him/her and yet has no power or authority to punish them. It is up to the injured party whether or not he/she accepts appeasement, just as it is up to the injured party to allow or reject *koper*. The difference is that a refusal of appeasement does not mean that the penalty will follow in its stead, whereas the refusal to grant *koper* does imply that penalty will therefore follow.⁸⁴

Composition. Brichto used this term to translate *koper* and his definition follows:

The biblical context of *koper* is most closely approximated by the term “composition” in its legal sense, the settling of differences. An imbalance between two parties (individuals, families, clans or larger social groupings) results from a damage or deprivation inflicted upon one by the other. Equilibrium is restored by a process which consists of a transfer of something of values (a person, an animal, or a commutation of such in the form of commodity or currency) from the injuring party to the injured. The acceptance of this value-item by the latter, itself termed “the composition” (as is the process itself also), serves to “compose” or settle the difference.⁸⁵

Thus, Brichto included both of the main elements of *koper*, ransom and appeasement. Ransom is expressed by the fact that one party is subject to another. The “composition” works in terms of releasing the party for whom it is paid from the party that receives it. Appeasement is included by the fact that one party has wronged another and that the paying of the “composition” is acceptable to the injured party for settling the dispute.

There are two weaknesses with this definition: (1) The term “composition” is used primarily in the context of financial offenses, which means that *koper*, in this context, is a reference to either the breach of criminal law or some offense against the Lord Himself. However, this problem does not completely disqualify this definition since the context of *koper* reveals the type of committed offence. (2) A more serious weakness is that composition is infrequently used in spoken English today and it is difficult to know its precise meaning. Therefore, the best choices for *koper* are “ransom” and “appeasement.” However, neither of these terms covers in its entirety what *koper* embodies as the following quotation states:

In particular, the term ‘ransom’ conveys that one party is under the authority of the another (and most likely with severe consequences imminent) and that the **כֹּפֶר** releases them, but does not necessarily imply that any wrong has been committed by the captive party. The term ‘appeasement’ does not convey that some wrong has been committed and that the **כֹּפֶר** mollifies the injured party, but does not necessarily imply that the guilty party is under the authority of the injured party or that the guilty party will be punished.

83. **כֹּפֶר נַפְשׁוֹ** in Exod 30:12 and the frequently used phrase *koper* + 'al + personal object (Exod 30:15-16; Lev 1:4, 4:20...), which means that rescuing and ransoming is for them, for their lives not in order to mitigate appeasement but to underscore the element of rescuing or ransoming. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 75.

84. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 74-75.

85. H. C. Brichto, “On Slaughter and Sacrifice, Blood and Atonement,” *HUCA* 47 (1976): 27-28.

Therefore, one should decide between the words ransom and appeasement, depending on the context.

Sklar's definition of *koper*, which is cited in this study, reflects his understanding of what the concept means in its relationships to the root *pādāh*, and its derivatives *p^eduyim*, *p^eduṭ*, *pidyom*, and *pidyon*, and also to the root *gā'al* and its derivatives *g^e'ullāh* and *go'el*.⁸⁶ Regarding the Num 35:31-34 context, *kāpar* is best understood in relationship with *koper*. The verb *kāpar* not only means the purging of sin and impurity, but it does so by the means of a *koper* (blood sacrifice), which rescues the impure person or sinner from the judgment of the Lord. Even though Milgrom and Sklar chose different English words to translate *koper*, they agreed that in Num 35:31-32, it must be considered as the means through which the expiation is achieved.⁸⁷

Following Sklar's in-depth analysis, the present study accepts the word ransom as the most accurate translation for *koper*, since it encompasses all of the main elements of the concept *koper*, such as (1) there is a guilty and injured party, (2) the guilty party is under the obligation of the injured one, and (3) *koper* functions to reconcile the two parties. However, it also accepts the word *appeasement* for the contexts for which *ransom* alone would be inadequate.

The law states in v. 31 that no form of *koper*, whether a legal payment in a positive sense or a bribe in a negative sense, is allowed for the murderer. God, as the ultimate offended party, not the family of the murdered person, does not allow for it. The murderer has to receive capital punishment.

Based on vss. 25, 28, and 32, no sort of *koper* is allowed for the manslayer, who has fled from the city of refuge. The only way the manslayer could leave the city of refuge and not be in danger of the blood avenger or of causing land pollution is after the death of the high priest. By leaving the limits of the city of refuge, he is causing the pollution of the whole land.

It seems that in both cases, the one involved in the murder is not allowed to walk/live in the land. The murderer is executed while the manslayer is limited to living in the city of refuge until the death of the high priest, whose death is accepted before God instead of that of the manslayer.

There is no opportunity for rescue for the murderer, while the manslayer does have such an opportunity under certain conditions. God is also appeased by the death of the murderer or the treatment of the manslayer outlined in this law. Such a treatment of the murderer and manslayer would restore the relationship between the murderer's family and the offended family, as well as the relationship between the manslayer and his family and the offended family. As for God, as the one who prescribed this law, there would be no barriers to relate to both the murderer's family and the manslayer's family.

There is one more piece in this law that remains unanswered and that is the role of the high priest in the case of the manslayer. Therefore, this study will examine the function and role of the high priest in the Pentateuch as well as in this law.

86. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 76-77, 99.

87. Both of them have payment of silver in mind. Milgrom labeled it as ransom or substitution. Milgrom, *Leviticus 1-16*, 1:1082. Sklar labeled it as purgation. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 155-156.

Pollution of the Land by a Murderer or a Run-away Manslayer (vs. 33-34)

The main aspect of the law regarding the prohibition against the annihilation of human life is found in vss. 33-34. Before the concept of the pollution of the land is explored, there is another issue—function of the priesthood/high priesthood in Israel—that this study needs to address. There is no way of redemption for the murderer as vss. 30-31 state. However, based on the last part of v. 32, the manslayer can freely leave the city with no liability of polluting the land. Thus, the present study proceeds with the analysis of the priestly office and the pollution of the land, respectively.

Function of the Priesthood/High Priesthood in the Pentateuch and the Law of Homicide

The priesthood, including the high priesthood, was an honorable and hereditary office in ancient Israel. God himself reserved it for the tribe of Levi. Individuals eligible for this office were anointed for cultic service (Exod 28; 39:1-31).⁸⁸ Aaron was further set apart by God to occupy the office of high priest, and the privilege of being high priest was hereditary since it devolved upon every high priest's firstborn.⁸⁹ They could perform all cultic activities that regular priests could and, in addition, they, and only they, could perform some cultic activities which regular priests were not fit for, such as ministration of the lampstand (light), table (bread), altar (incense), and the special ritual on the Day of Atonement (Exod 28; 30:6-10; Lev 16; 24:1-9). This group of people occupied the most exalted cultic position in Israel.⁹⁰ Other sons of Aaron were chosen to be priests and they could perform all priestly duties except for those reserved for the high priest's office (Num 3:5-39; 8:6-22). Other members of Levi's descendants were assistants to the priests.⁹¹ This hierarchal order between high priest, priests, and priests' helpers was assigned by God himself and was very strict.⁹²

The priestly office in ancient Israel cannot be fully appreciated unless it is compared with its counterpart in the ancient Near East. The list of functionaries in the Assyrian temple included the high priest, lamentation priest, male/female musicians, exorcist, and four kinds of diviners (extispicist, necromancer/dream interpreter, ecstatic, and observer of birds). The organization of the Babylonian temple was even more complex and included even more priestly sub-groups.⁹³ In contrast, in ancient Israel, there was only one caste of priests. Their functions, based on Deut 33:10 and 1 Sam 2:28, were significantly more limited and simpler.

88. John M. Scholer, *Proleptic Priests: Priesthood in the Epistle of the Hebrews*, JSNTSup 49 (Sheffield: JSOT Press, 1991), 14; Milgrom, *Leviticus 1-16*, 1:53; Wallace B. Nicholson, *The Hebrew Sanctuary: A Study in Typology* (Grand Rapids, MI: Baker Book House, 1951), 48.

89. Nicholson, *The Hebrew Sanctuary*, 47.

90. Menahem Haran, *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School* (Oxford: Clarendon Press, 1978), 59.

91. Sanford Lyle Crossley, "The Levite as a Royal Servants during the Israelite Monarchy" (PhD diss., Southwestern Baptist Theological Seminary, 1989), 68-71.

92. Nicholson, *The Hebrew Sanctuary*, 47; Haran, *Temples and Temple-Service in Ancient Israel*, 59.

93. Milgrom, *Leviticus 1-16*, 1:52.

The priests' duties were to offer sacrifices and incense, declare oracles, and teach God's law (Deut 24:8). Any priest could have performed these roles, while the high priest exclusively performed some of them at particular times. The work of the regular priest will be presented first.

The priests were in charge of offering sacrifices.⁹⁴ This is the main and the most predominant priestly duty that laid the foundation for many other priestly functions. Thus, through offering sacrifices, the priest achieved mediation between a holy God and a sinful people.⁹⁵ A commoner could bring his sacrifice, lay his hand on an animal's head, and slay it, but from that moment on, the priest began the blood ritual and completed the ritual without any further involvement of the offerer. Since only the priests were allowed to perform this ritual, the ancient Israelite could have communion with God only through priestly ministry.⁹⁶ In addition to mediation, reconciliation between a holy God and sinful people in case of sin was also achieved through the blood ritual performed by the priest.⁹⁷ Lev 4, 5, and Num 5:22-29 contain the regulations which, if performed properly, would free an ancient Israelite of his/her sin granting him/her reconciliation with God.

Second, the priests were teachers of God's law (Deut 33:8-10).⁹⁸ This was especially true when the Aaronic priests grew in number and had to be divided into twenty-four courses, each to serve in the sanctuary only twice a year. The rest of the time, they spent teaching the people God's law in their home districts.⁹⁹

Third, the priests were involved in judicial activities as stated in Deut 17:8-13, 21:5.¹⁰⁰ Their advanced knowledge of God's law enabled them to judge difficult cases ancient Israelites were involved in. This ministry was intended to establish God's law as an ethical standard for any given life situation and show what God's will was for any given situation.

There were two additional priestly functions, namely the representation and giving of divine oracles, but these were reserved for the high priest. Both of them will be discussed in the next section, which will focus on the office of the high priest.

As mentioned above in relation to the priestly office, God himself also chose the high priest for the office, with Aaron as the first high priest.¹⁰¹ The clothes for the high priest numbered eight pieces (the coat, the girdle, the turban, the breeches, the ephod, the breastplate which contained the 12 precious stones inscribed with the names of the 12 tribes, a robe made of blue wool, and a gold-plated headband on which were inscribed the words "Holy to the Lord"), in contrast to the clothes for a regular priest, which consisted of four pieces (coat, girdle, turban, breeches). The office of the high priest embodied all of the functions of the priesthood, as if

94. P. Ellingwroth, "Priests," *NDBT* 697.

95. Roland de Vaux, *Ancient Israel: its Life and Institutions* (Grand Rapids, MI: Eerdmans, 1997), 349; Scholer, *Proleptic Priests*, 22.

96. M. L. Andreasen, *The Sanctuary Service* (Washington, DC: Review & Herald, 1947), 45-46; Milgrom, *Leviticus 1-16*, 1:52; Nicholson, *The Hebrew Sanctuary*, 48; Ellingwroth, *NDBT* 698.

97. Andreasen, *The Sanctuary Service*, 47-48.

98. Ellingwroth, *NDBT* 698.

99. Andreasen, *The Sanctuary Service*, 40.

100. Milgrom, *Leviticus 1-16*, 1:54; Andreasen, *The Sanctuary Service*, 41; Ellingwroth, *NDBT* 698.

101. Nicholson, *The Hebrew Sanctuary*, 48; Andreasen, *The Sanctuary Service*, 39.

the high priest were standing for the entire office of priesthood.¹⁰² Milgrom went even further to note correctly that “the high-priest assumes responsibility for all Israel. The twelve tribes are inscribed on the two lazuli stones worn on his shoulders and on the twelve stones ‘before the Lord at all times’ (Exod 28:29).”¹⁰³ Thus, the representative function of the high priest envisioned the entire nation along with the priestly office. Even more, the representational role had another side to it. The high priest was also God’s representative to the people¹⁰⁴ performing all those roles assigned to them specifically.

Thus, in addition to the twelve stones inscribed with the names of the twelve tribes of Israel, the high priest was to carry the Urim and Thummim (instruments of decision-making) over his heart at all times (Exod 28:30),¹⁰⁵ which were also called “sacred lots.” These items were intended to be instruments through which God would reveal his will in regards to various issues Israelites would bring before him. It functioned on the principle of elimination with “yes” or “no” answers as contemporary “heads and tails” on the coin.¹⁰⁶

One more item of the high priest’s clothes is worthy of mention, since it was critically important and significant for the welfare of Israelites, namely the *šiyš*. The *šiyš* was a prophylactic since it was intended to expiate imperfections inadvertently offered by the people. The rabbis went one step further to claim that the *šiyš* had power to expiate all sacrifices (public and private) and all sacrificial blood and bodily impurity.¹⁰⁷

The materials from which the pieces of the high priest’s clothes were made were enormously valuable. The use of gold, blue, and purple, the gold plate worn on his head, and the oil for anointing made the High Priest resemble royalty by sharing these features with the Jewish monarch. Thus, even though distinguished and exalted above the people of Israel, the high priest also stood in a peculiarly close relationship with them. He was chosen from among them, had the same nature as they had, and identified with them in their guilt.

God himself was the initiator of the priestly/high priestly office in Israel, and this office, through the offering of sacrifices, was supposed to achieve mediation between a holy God and a sinful people. A commoner could participate in the ritual of sacrifice offering, but not after the point when blood application began to take place. From that point on, it was only the priest who was allowed to perform the blood-related activities. The members of the priest/high priest office were to teach God’s law, which also enabled them to be involved in judicial processes. In this way, they were to spread the knowledge about God’s law and help establish God’s life standards within the Israelite nation.

Two additional functions of giving oracles and representation were reserved for the high priest. Several facts lead many scholars to claim rightly that the high priest was a representative of the entire priestly office and of the nation as a whole. First, the high priests could perform all priestly functions and also per-

102. Andreasen, *The Sanctuary Service*, 50.

103. Andreasen, *The Sanctuary Service*, 53; Milgrom, *Leviticus 1-16*, 1:54.

104. “Priests,” *DBI* 663; Rodney K. Duke, “Priests, Priesthood,” *DOTP* 653.

105. Andreasen, *The Sanctuary Service*, 53.

106. Vaux, *Ancient Israel: its Life and Institutions*, 352.

107. Milgrom, *Leviticus 1-16*, 1:512.

formed some reserved for them only. Next, the high priest's clothing was more elaborate than that of the regular priests. For example, the high priest's clothing included the breastplate with 12 precious stones inscribed with the names of the 12 tribes, the gold-plated headband on which were inscribed the words "Holy to the Lord," and the *šiyš* intended to expiate imperfections inadvertently offered by the people. Finally, they also wore the Urim and Thummim, which allowed them to communicate with God. Thus, scholars perceive the high priest as being the central figure in all of ancient Israel.

Keeping in mind all these duties related to the priest, and even more so, the additional ones closely associated to the high priestly office, it is obvious that God initiated the priestly/high priestly office to represent him and to act on his behalf in favor of the people of Israel. Thus, there are two potential answers that explain why it was acceptable for the manslayer to leave the city of refuge only after the high priest's death without any potential pollution of the land.

Those who see the two testaments as organically connected think that the high priest's natural death in the case of the manslayer represents his substitutionary atonement for the manslayer's sin because this resembles the work of Christ in the New Testament (Heb 7-10, 7:27; 9:12, 14-15, 26, 28; 10:5-14).¹⁰⁸ Christ, as an innocent priest, died instead of sinful humanity. The sin of the slayer could not be borne by a regular priest. Even the high priest could not bear it. However, it appears that God accepted his natural death to atone for this unintentional sin by which a human life was annihilated. The priests/high priests were assigned by God to bear other sins of the people (Lev 10:17), but the killing of a human being, due to God's respect for human life, was dealt with in different way.

Those who do not see a connection between the two testaments do not offer a rationale for the question of why this law allows such a substitutionary ransom in the case of a manslayer, but they do recognize it.¹⁰⁹ However, there is one more concept that should be explored in order to grasp the entirety of the rationale behind this law, and that is pollution of the land.

Pollution of the Land

Pollution of the land caused by human sin is a common notion in the OT.¹¹⁰ The question raised in the introduction focuses on the reason why and how murder pollutes the land.

It is important to notice that *'ereš* is used instead of *'aḏāmāh*¹¹¹ in this law

108. Gane, *Leviticus, Numbers*, 798-799.

109. Milgrom, *Leviticus 1-16*, 1:1082.

110. Gen 4:2, 8:21; Lev 26:34-35.43; Num 35:33-34; Deut 2:23, 24:4; Isa 24:4-6; Jer 3:2; Ezek 36:17; Ezra 9:11. Milgrom, *Leviticus 1-16*, 512.

111. This term is used in a cosmological sense and also as a specific territorial destination. It is basically a nonpolitical term designating agricultural land owned by individuals or groups. Jong Keun Lee, "The Theological Concept of Divine Ownership of the Land in the Hebrew Bible" (ThD diss., Boston University, 1993), 16.

because it strongly alludes to God as Creator,¹¹² pointing out the fact that God himself is the ultimate owner of the land.¹¹³ Therefore, “the fulfillment of the land ‘promise’ is the crux of the biblical narratives concerning early Israel. The conquest of Canaan and the allotment of the land are regarded as the fulfillment of Yahweh’s promise. Yahweh thus gives the land to the descendants of Israel.”¹¹⁴

Since God owns the land, it is in a special relationship with him¹¹⁵ and it is holy, due to his presence in it as the true source of holiness. Even though the land was regarded as inherently holy in the ancient Near East, the holiness of the land is always derivative in the Bible without any mythological component to it.¹¹⁶

Many texts in the OT state that the land has to keep its holiness and cannot tolerate severe impurity (Lev 18:25-30; Num 5:1-4, 31:19; Deut 23:10-15).¹¹⁷ A review of the current research, in order to rank different kinds of sins in the OT, will help to explain why the sin of murder pollutes the land. Theologians basically recognize two basic groups of sins, even though they label them differently.

David Hoffmann. Hoffman mentioned two types of impurities. The first is in opposition to holiness and contains all the sins that stand in opposition to holy living and comes through sinful behavior. Some scholars¹¹⁸ call this *moral impurity*. This type has power to separate the sinner from God and, in Hoffmann’s view, there is no means of purification for it. The second one is in opposition to purity, as opposed to holiness, and is found in the regulations of Lev 11-15. This type does not come from sinful actions, but originates from dead people, animals, and various emissions. It can be cleansed by the means of purification. While Hoffmann correctly distinguished between impurities that come from moral wrongdoing and those that come from amoral circumstances, he did not differentiate between impurities that come from intentional or unintentional sin.¹¹⁹

Adolph Büchler. Büchler’s understanding of the two types of sin is more detailed, but similar to Hoffmann’s. He distinguished between levitical and moral impurity and he contrasted them in four ways: (1) moral impurities are a result of some moral lapse, while levitical impurities are not, (2) moral impurities are cleansed by punishment while levitical impurities are cleansed ritually, (3) moral impurities are not contagious while levitical impurities can be, and (4) biblical use of impurity language to discuss moral impurity is symbolic and figurative while this is not the case with levitical impurities. Defining sin as either moral wrongdoing or that which arises from amoral conditions is very similar to Hoffmann’s definition, even though the two theologians used different

112. Transcendental reality. Lee, 69-79; Milgrom, *Leviticus 17-22*, 2:1572.

113. Historical, political reality. Lee, 20.

114. Lee, 21.

115. The ancient Israelite idea known as “triple relationship” is the very dynamic and holistic concept that put God, Israel, and people in a strong relationship. Daniel Block pointed out that this was a very common phenomenon in the ancient Near East and called it a triangle relationship. Graphically God, Israel, and the people are on each point of the triangle. Lee, 63.

116. Daniel Isaac Block, *The Gods of the Nations: Studies in Ancient Near Eastern National Theology* (Grand Rapids, MI: Baker Academic, 1988), 4-5.

117. Lee, “The Theological Concept of Divine Ownership of the Land in the Hebrew Bible,” 66-70.

118. Milgrom, *Leviticus 1-16*, 1:724. For a more detailed list of scholars see Klawans, *Purity, Sacrifice, and the Temple*, 53.

119. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 141-142.

terminology. The weakness of Büchler's work is that he also did not distinguish between impurity and intentional and unintentional sin.¹²⁰

Jonathan Klawans. Klawans also identified two basic types of impurity: ritual and moral. Ritual impurity results from direct or indirect contact with a number of natural sources¹²¹ and its characteristics are that (1) the source of ritual impurity is natural and more or less unavoidable, (2) it is not a sin to contact these ritual impurities, and (3) ritual impurity can convey an impermanent contagion to people and things.¹²²

On the other hand, moral impurity results from committing certain acts so heinous that they are considered defiling. Such acts are sexual sins (Lev 18:24-30), idolatry (Lev 19:31; 20:1-3) and bloodshed (Num 35:33-34). These impurities defile a sinner (Lev 18:24), the land of Israel (Lev 18:25; Ezek 36:17), and the sanctuary (Lev 20:3; Ezek 5:11) not ritually, but morally. This defilement leads to the expulsion of the people from the land of Israel (Lev 18:28; Ezek 36:16). The basis for these conclusions is found in the priestly tradition, especially in the Holiness Code.¹²³

Klawans's division fails to address the difference between minor and major ritual impurity. In addition, there is no difference between intentional and unintentional sins.¹²⁴

David P. Wright. Wright also saw two types of impurity, but defined them as tolerated and prohibited ones. Tolerated impurity includes those that the above-mentioned theologians called ritual impurities and the laws that regulate them are mostly in Leviticus 11-16 and Numbers 19. They arise from normal events of everyday life, such as having a baby (Lev 12) or coming into contact with the dead (Num 19), and originate from amoral sources. Wright formed three subcategories of these graded situations according to three factors: (1) the means required for cleansing them (sacrifice is not obligatory for lesser impurity but it is for the higher ones); (2) the extent of pollution, i.e., lesser grade if the pollution did not defile the sanctuary or higher grade if it did extend to the sanctuary; and (3) the communicability of the pollution, i.e., in case it was non-communicable to the profane sphere, it would be allowed within the camp (but not the sanctuary), or in case it was communicable to the profane, it would be prohibited from both the sanctuary and, in some instances, the camp as well.¹²⁵

Prohibited impurities arise from sinful situations and are parallel to what theologians called moral impurities. For this type, Wright also had subcategories formed according to whether the sin was unintentional (column 3) or intentional

120. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 142-144.

121. Childbirth (12:1-8), certain skin diseases (13:1-46; 14:1-32), fungi in clothes (13:47-59) and houses (14:33-53), genital discharges (15:1-33), the carcasses of certain animals (11:1-47), and human corpses (Num 19:10-22). The specific subcategory is ritual impurity that comes as a by-product of some sacrificial procedures (Lev 16:28, Num 19:7-8). Sklar, *Sin, Impurity, Sacrifice, Atonement*, 144-145.

122. Klawans, *Purity, Sacrifice, and the Temple*, 53.

123. Klawans, *Purity, Sacrifice, and the Temple*, 54.

124. Klawans, *Purity, Sacrifice, and the Temple*, 55.

125. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 150.

(column 4). The following table¹²⁶ graphically presents Wright's division and after it follows a brief explanation of prohibited impurities.

Tolerated		Prohibited	
(no distinction between unintentional and intentional)		Unintentional	Intentional
No sacrifice	Individual ad hoc sacrifice	Individual, sometimes communal, ad hoc sacrifice	Day of Atonement sacrifice ¹²⁷
Pollution of person	Pollution of sanctuary (outer altar) and person	Pollution of sanctuary (outer altar or shrine); ritual personal pollution if deriving from tolerated impurity	Pollution of sanctuary (adytum, shrine, outer altar), sometimes land; moral pollution of persons; ritual personal pollution if from tolerated impurity
Non-communicable to profane; hence, restriction only from sanctuary as sacred	Communicable to profane; hence, restriction from the sanctuary and other sacred matters and restriction from or within the (profane) habitation	Potential removal from life; restriction from sanctuary and sacred, and sometimes from habitation (if communicable to profane) if the sin derives from a tolerated impurity	Removal from life; <i>karet</i> or capital penalty; in some cases, exile; restriction from sanctuary and sacred, and sometimes habitation if sin derives from a permitted impurity (unlike the penalty takes effect)

An example of an unintentional prohibited sin that causes impurity is inadvertent delay of purification ritual from tolerated impurity, which causes defilement of the sanctuary (Lev 5:2-3). General inadvertent sins of Lev 4 also pollute the sanctuary. In both cases, the sanctuary is polluted and is cleansed by means of a purification offering. Examples of intentional sin that cause impurities are child-sacrificing to Moloch (Lev 20:2-5); purposely polluting sacred items, such as touching or eating sacred items while impure (7:19-21; 22:3-7); and sexual sins (18:6-23). The consequence of these sins is more severe with respect to a guilty party; he is *karet* (the premature death of the sinner) and no personal sacrifice is allowed because of the sinner's intention to sin. In addition, in regard to the sanctuary, the Most Holy Place is defiled. Milgrom suggested that these rebellious deeds, as well as the unrepentant sins of the Israelites, are stored in the Most Holy Place.¹²⁸

Thus, Wright went one step further by identifying a difference between types of ritual (tolerated) impurity and types of moral (prohibited) impurity, allowing similarities between them to become more evident.¹²⁹ In other words, he made distinctions within each type. Ritual impurities can be of a lesser and higher value and moral offenses can be unintentional and intentional, which makes his

126. David P. Wright, "The Spectrum of Priesly Impurity," in *Priesthood and Cult in Ancient Israel*, eds. Gary A. Anderson and Saul M. Olyan, JSOTSup 125 (Sheffield: JSOT Press, 1991), 153; Sklar, *Sin, Impurity, Sacrifice, Atonement*, 150-152.

127. Wright's position when sins of this category are cleansed is not accepted in this study, but since it is not crucially relevant to this paper, it is not analyzed here.

128. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 151.

129. Sklar, *Sin, Impurity, Sacrifice, Atonement*, 152-153.

division the most complete and accurate among other divisions mentioned in the present study.

The sin of Num 35:30-34 falls into the category located in the fourth column. These sins are of the highest level and most severe. They pollute the sanctuary and, in some cases, the land, which is the case in Num 35:30-34 if it happens that the murderer is not killed or the manslayer leaves the city of refuge. A person who commits these sins is morally polluted with the potential to spread pollution.

In conclusion, the research presented in this chapter forms a satisfactory basis for deriving answers to the questions raised in the introduction. Biblical texts present the blood as life-bearer and God himself has set it apart for unique purposes such as cleansing from ritual impurities, consecration, and sin expiation/atonement. The prohibition against one human killing another human is found throughout the biblical legal corpus and emphasizes the importance of this prohibition (Gen 9:5-6; Exod 20:13; 21:12; Lev 24:17; Deut 19:11-13). The murderer thus transgresses one of the essential aspects of God's commandments. A person involved in any kind of killing misuses blood because it was not meant to be shed prematurely. Therefore, he/she must be put to death¹³⁰ because of terminating the life of another human being. In light of these claims, the prohibition of *koper* in the case of the murderer and manslayer seems to be very logical and right. God protects the sanctity and value of human life.

Accordingly, vss. 32-33 state that *koper* is not acceptable in the event of murder/manslaughter. The meaning of *koper* in this text automatically covers the reasons why the ransom for the murderer and manslayer is not acceptable. As it was pointed out, *koper* refers to legal payment, and human life cannot be subject to any monetary compensation even though the majority of other ancient Near Eastern law collections allowed for such compensation.¹³¹ That is the case even for the manslayer, whose guilt is eliminated by the substitutionary death of the high priest, due to the significance of life. Thus, the life of all humans has the same worth¹³² and no other human being has the right to terminate it.

The last two verses, 33-34, give the theological explanation for previous prohibitions, augmenting the rationale behind this law. As can be seen from Wright's division of sin types, the sin of murder pollutes the land and is in the group of the highest ranked sins. In addition, as it was pointed out, the land is the place of God's presence,¹³³ who is the source of its holiness, and that requires holy living by the people.¹³⁴ If a murderer were allowed to walk unpunished, then the land would be polluted by his presence there.¹³⁵ The prophet Jeremiah also uses this

130. The elliptical phrase used in this verse should be understood as passive cognate-accusative, to murder the murderer, ירצח את-הרצח. It is unique in OT. Levine, *Numbers*, 559; Milgrom, *Leviticus 1-16*, 1:295.

131. David L. Lieber et al., *Etz Hayim: Torah and Commentary* (Philadelphia: Jewish Publication Society, 2001), 965.

132. A. Noordtzi, *Numbers*, BTC (Grand Rapids, MI: Zondervan, 1983), 301-302.

133. Lieber et al., *Etz Hayim: Torah and Commentary*, 965.

134. Bellinger, *Leviticus and Numbers*, 317.

135. Richard Elliott Friedman, *Commentary on the Torah: with a New English Translation* (San Francisco: HarperSanFrancisco, 2001), 544.

concept of *koper* prohibition in reference to adultery (Jer. 3:1), which is also a sin of the same group as murder.¹³⁶

Thus, the purpose of this law, as it builds on the previously mentioned laws against the murderer, seems to be adding guidelines for another probability in the murder event in the context of cities of refuge, namely unintentional killing-manslaughter. In addition, it states that besides the violation of the explicitly mentioned prohibition in the Decalogue and illicit shedding/misuse of blood as a life-carrier, the act of murder brings double pollution of the land through contact between the shed blood by the murderer or run-away manslayer and their own existence in the land. Finally, this law confirms the notion of substitutionary redemption in the Pentateuch.

136. W. Gunther Plaut et al., *The Torah: a Modern Commentary* (New York: Union of American Hebrew Congregations, 1981), 565.