THE LAW OF ASYLUM IN ISRAEL HISTORICALLY AND CRITICALLY EXAMINED

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BY

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LEIPZIG,
THEODOR STAUFFER.
1884.

TO

REV. C. V. A. VAN DYCK, D. D.

OF BEIRUT, SYRIA,

AND

PROF. FRANZ DELITZSCH, D. D.

OF LEIPZIG

IN GRATEFUL ACKNOWLEDGMENT

OF THEIR

GUIDANCE IN MY SEMITIC STUDIES.

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I.

INTRODUCTION.

The poetry, the law and the history of the Greeks and Romans abound in allusions to the power of altars, temples and other sacred places to protect from violence or molestation the persons who fled to them for refuge. In the Israelitic literature,[1] however, we find a thoroughly elaborated law of asylum so complete and minute as to challenge immediate attention. This law appoints the place of asylum, decides who shall have a right to its protection, and prescribes the method of its administration. In its completeness and in the wisdom of its provisions, the Israelitic law of asylum is unique. This peculiarity suggests a comparative historical study.

Of this comparison I find very little in any treatise on the subject. This is not surprising, considering the circumstances of time and aim under which the discussions of this topic have been written. The treatment of Greek or Jewish antiquities is independent of such comparison, demanding only a presentation of the facts in each case as they stand by themselves. The Jewish writers, and earlier Christian authors following in their steps, confined themselves to the arrangement and elaboration of the Biblical material, or added to it from the stores of the Talmud, or based their discussion upon allegorical and mystical interpretations. At

[1] Num. xxxv. Deut. xix. 1–13. Josh. xx.

the same time, as was to be expected, most of these writers wrought in the interest of apologetics. Jurists treating the Mosaic legislation naturally regard it simply as *law*, and are interested in comparing it with other systems only in its legal aspects. The general Bible commentator can not enter upon an elaborate discussion of such a relatively minor matter, while a comparative historical treatment of it is entirely foreign to his work.

The recent course of Old Testament criticism has awakened a new interest in this asylum of the Israelites, an interest far deeper than that of mere historical comparison, inasmuch as investigation of the Israelitic asylum now enters into the discussion concerning the literary origin and date of the Pentateuch, to-day one of the foremost questions in Old Testament study. Here we find ourselves upon ground as yet almost entirely unbroken. It is only very recently that anything in this direction could be expected. The Old Testament question, as it now lies before the world, dates only from the early part of the present century and first took tangible shape for the public in Graf's work[1] published in 1866. Since that time it has been more and more urged upon the attention, and has elicited discussion to a greater or less extent at the hands of all investigators in this department. But none of these, so far as their work has come to my notice, make more than incidental references to the Israelitic asylum. An investigation of this subject as a Pentateuch study will not, then, be a thankless task.

The historical comparison forms a natural foundation for a critical examination. It will be my aim in the following treatise to institute a comparison between the asylum of the Israelites and that of other nations, especially of the Greeks, and to deduce the critical conclusions of such comparison.

There are not lacking authorities who consider that the privilege of asylum was common to all the nations of antiq-

[1] C. H. Graf, *Die geschichtlichen Bücher des A. T.* The book bears the date 1866, although it made its first appearance towards the end of 1865.