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PREFACE

In this monograph the meaning of the phrase "by man shall his blood be shed," in Genesis 9:6, is examined. The study has been pursued in a two-fold division, styled as major problems:

1. The meaning of TY (by man).
2. The force of the verb (shall it be shed).

It is only fitting that words of appreciation be voiced at this juncture. I am especially grateful to Dr. S. Herbert Bess, my faculty adviser, for his able assistance and wise counsel in matters of exegesis and over-all perspective. The ministry of the entire Grace Theological Seminary faculty, both generally and when specifically directed my way, has been greatly appreciated by me. My wife, Marjorie, has been particularly responsible, not only for the accomplishment of this task, but for the creation of a home atmosphere which has made it possible for me to profitably pursue these years of study at the seminary. It is to her that I dedicate this work.

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INTRODUCTION

My interest in the subject at hand was first strongly aroused while taking the course in Pentateuch from Dr. John C. Whitcomb. For this class I wrote, as a term project, a paper entitled "An Examination of the Biblically Oriented Case for Capital Punishment." In this paper the examination of the case was pursued in what I considered its three areas of greatest strength. They were:

- 1. The argument from Genesis 9:6.
- 2. The argument from the Law of Moses.
- 3. The argument from Romans 13:4.

In such a work the treatment was necessarily brief and lacking in depth. To assuage my frustration at that time, I promised myself to pursue this subject at greater length when opportunity should permit. Such an opportunity is now at hand, and I have chosen to restrict my investigation to that part of Genesis 9:6 which is most relevant to the subject of capital punishment.

There are several reasons for a lively interest in this specific verse. One of these is that it is the <u>foundation</u> of that Christian view of capital punishment which I have chosen to call the "traditional view." Among other tenets, this view strongly contends that the Christian citizen of any country in any era must <u>actively</u> favor capital punishment by civil authority in order to be in the will of God. The reason for this is clearly based on Genesis 9:6 as foundational. Examples of how, from this passage, the urging of the execution of the murderer is made

binding upon the Christian conscience is seen in statements by Pink and Conant. Pink states:

... but now, after the flood, capital punishment as the penalty of murder is ordained, ordained by God Himself, ordained centuries before the giving of the law, and therefore, universally binding until the end of time. (emphasis mine)

Conant, as quoted by Butler, is even more emphatic in saying:

This was not a requirement of the Jewish law to be abolished with it. It was made binding on all the races of men, descendants of Noah, and has never been revoked.²

If Pink and Conant have found a bulwark of <u>binding</u> responsibility stretching from Genesis 9:6 into this Age of Grace, Rice wants us to be sure to understand that it comes to rest squarely on the shoulders of the Christian. Several excerpts will amply demonstrate this:

Let no Christian, then, ever talk against the death penalty for murder, for kidnapping, for rape, or for treason in time of war. . . . A man might be a most devout Christian and be a paid executioner for the government. . . . a Christian ought to be glad for God's will to be done and for sin to be punished for the benefit of mankind. . . . The death penalty for certain crimes is assessed by Almighty God and must be enforced by governments and their agents if we are to please God. 3

It has occurred to me more than once, while reflecting on these statements, that if Genesis 9:6 is a command to earthly governments and if this includes and is binding upon the Christian conscience, then Rice is consistent, and consistency on this point is a virtue not possessed by some who have espoused the same two basic propositions, but have

larthur W. Pink, Gleanings in Genesis (Chicago: The Bible Institute Colportage Ass'n., 1922), I, p. 115.

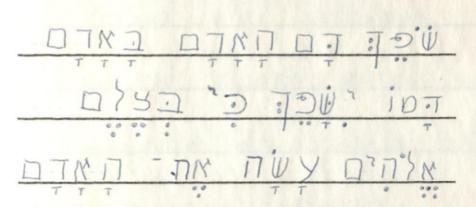
²J. Glentworth Butler, <u>Butler's Bible-Work</u> (New York: Funk and Wagnalls, 1877), I, p. 253.

³John R. Rice, World Wide War and the Bible (Wheaton: Sword of the Lord Publishers, 1940), p. 43.

shrinked back from their full implications. However, a consistent conclusion is only as valid as the premises from which it stems. The two major premises upon which this view stands must be validated before it can be established. That the proposed teaching of Genesis 9:6 should be binding upon the Christian conscience is a matter which raises grave questions. However, here I have limited myself to the interpretation of the verse. What does Genesis 9:6 say about the execution of the murderer? Is it a command to secular government? If not, what is its import?

HEBREW TEXT

According to Biblia Hebraica edited by Rudolph Kittel



editor notes no variations of significance within the text with alter or influence the interpretation of this text.

GREEK TEXT

According to The Old Testament in Greek According To the Septuagint edited by Henry B. Swete

ό ἐκχέων αίμα ἀνθρώπου

ἀντὶ τοῦ αίματος αὐτοῦ

ἐκχυθήσεται, ὅτι ἐν εἰκόνι Θεοῦ

ἐποίησα του ἀνθρωπον.

There are no variations of significance within the text according to the editor. A discussion of its variance with the Hebrew text is given in footnote number 96.

Tyndale Version, 1530

So he which shedeth mannes bloude, shall have hys bloud shed by man agayne: for God made man after hys awne lyckness.

Douay Version, 1609

Whosoever shall shed man's blood, his blood shall be shed: for man was made to the image of God.

King James Version, 1611

Whoso sheddeth man's blood, by man shall his blood be shed; for in the image of God made he man.

English Revised Version, 1881

Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man.

American Standard Version, 1901

Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man.

Rotherham's Emphasized Bible, 1903

He that sheddeth man's blood by man shall his blood be shed, For in the image of God made he man.

The Old Testament, Charles F. Kent, 1934

Whoever sheds man's blood, by man shall his blood be shed; for God made man in his own image.

A New Translation of the Bible, James Moffat, 1934

Whoever sheds human blood, by human hands shall his own blood be shed - for God made man in his own likeness.

The Old Testament, J.M.P. Smith, 1935

Whoever sheds the blood of man, by man shall his blood (be) shed; for God made man in his own image.

Revised Standard Version, 1952

Whoever sheds the blood of man, by man shall his blood be shed; for God made man in his own image.

The Berkeley Version, Gerrit Verkuyl, 1959

Whoever sheds a person's blood, by man shall his blood be shed; because God made man in his likeness.

ESSENTIAL BACKGROUND

The Biblical and historical background essential to a study of this passage is found in Genesis, chapters six through nine. Knowledge of the events of these chapters is widespread, at least in the English speaking world. Therefore it has not been deemed necessary to give a detailed description of the events leading up to, those occurring during, and those taking place immediately after the flood recorded in the Genesis account. Rather, two basic assumptions will be stated. Firstly, this account is taken as historically accurate in its entirety. No allowance has been made for allegorizing, mythical and documentary interpretations of its content and meaning. The general method of interpretation which has been followed is that known as the historicogrammatical method.

Secondly, the flood represented in these chapters is taken to be world-wide. It is therefore assumed that throughout the whole earth, only those people and land animals survived which were in the ark with Noah. This flood is viewed as a judgement of God upon a sinful and judgement-deserving populace. Though the above is said to be assumed, this writer is convinced that it is more than assumption; that it is basic truth. However, it would not be appropriate to make a full scale investigation of the subject of the flood and its extent in this paper. This writer is in essential agreement with that view which is set forth

and supported by Whitcomb and Morris. 4 The passage under consideration comes, then, shortly after the earth-encompassing, judgement-intended flood from which only eight people (one family) escaped via Divine provision.

⁴John C. Whitcomb & Henry M. Morris, The Genesis Flood (Phil.: The Presbyterian & Reformed Pub. Co., 1961).

STATEMENT OF PROBLEMS

First Major Problem

The Meaning of DTN = in Genesis 9:6a

Second Major Problem

The Force of the Verb Town in Genesis 9:6a

First Major Problem: What is the meaning of DTRT in Genesis 9:6a?

Because of the very nature of the problem, the various interpretive views are not mutually exclusive. However, for the sake of clarity, a fourfold classification will be observed.

The By Human Government View

This view finds in 9:6 the Divine Charter for human government.

The primary reason for such government is to protect human life by executing the murderer. The phrase "by man" means, more specifically, after the establishment of guilt through the agency of human government.

Leupold states this very well in saying:

This verse attaches itself directly to the preceding, particularly to the part which says: "from man will I demand the soul of man." This verse now shows how God does this demanding. He lets man be the avenger. As Luther already very clearly saw, by this word government is instituted, this basic institution for the welfare of man. For if man receives power over other men's lives under certain circumstances, then by virtue of having received power over the highest good that man has, power over the lesser things is naturally included.

The same author also says:

It is true that the fundamental ordinance does not specify details as to how it is to be carried out, except that the work is to be done "by man" (be 'adham the preposition being a beth instrumentalis, K.S. 106). In other words, the ordinance is made elastic enough to cover all conditions. When

⁵H. C. Leupold, Exposition of Genesis (Columbus: The Wartburg Press, 1942), p. 333.

at first no formally constituted government is at hand to be the agent, then individuals will be authorized to act. . . . Later on when government came into being, they were the logical agency to act. O

Benson also equates man with magistrate. In this connection he says:

- . . . That is, by the magistrate, or whoever is appointed to be the avenger of blood. Before the flood, as it should seem by the story of Cain, God took the punishment of murder into his own hands; but now he committed this judgement to men, to masters of families at first, and afterward to the heads of countries.
- R. P. Smith emphasizes that "by man" eliminates natural law and indicates civil law as the agency for fulfilling what he considers to be a command:

By man . . . -This penalty for life is not to be left to natural law, but man himself, in such a manner and under such safeguards as the civil law in each country shall order, is to execute the Divine command. 8

Gill, traces this interpretation to what must surely be its earliest extant formulation in quoting the Targum of Jonathan:

That is, he that is guilty of willful murder shall surely be put to death by the order of the civil magistrate; so the Targum of Jonathan, "by witnesses the judges shall condemn him to death," that is, the fact being clearly proved by witnesses, the judges shall pass the sentence of death upon him, and execute it; for this is but the law of retailation, a just and equitable one, blood for blood, or life for life; though it seems to be the first law of its kind that empowered the civil magistrate to take away life . . . 9

⁶Ibid., p. 334.

⁷Joseph Benson, Benson's Commentary (New York: Carlton and Porter, 1815), I, p. 43.

⁸Ellicot's Commentary on the Whole Bible, R. Payne Smith, Genesis - Numbers, (Grand Rapids, Zondervan Publishing House, 1954), I, p. 45.

⁹John Gill, An Exposition of the Old Testament (London: William Hill Collinridge, City Press, 1852), I, p. 52.

After discussing God's dealings with Cain, Gill sharply contrasts this teaching with it:

. . . but now enacts a law, requiring judges to punish murder with death; and which according to this law, ought never to go unpunished, or have a lesser punishment inflicted for it. 10

By those holding this view a variety of reasons for the teaching are given. One is that this judicial act, the sentencing and executing of the murderer, is for the safety and well-being of society, 11 another that it fulfills the law of retaliation, 12 and yet another that it is just punishment for defacing the image of God in man. 13 But whatever the reasons given, all agree that "by man" means by and through the agency of civil law and that this sounds the keynote, indeed is the charter, for the establishment of human government.

Among the many others holding this view are T. J. Conant, 14 G. C. Barth, 15 G. Bush, 16 J. G. Butler, 17 Adam Clarke, 18 H. Cowles, 19

¹⁰ Ibid.

^{11&}lt;sub>H. C. Leupold, op. cit., p. 333.</sub>

¹² John Gill, op. cit., p. 52.

^{13&}lt;u>Ibid.</u>; H. C. Leupold, <u>op. cit.</u>, p. 334.

¹⁴J. Glentworth Butler, Butler's Bible - Work (New York: Funk and Wagnalls, 1877), I, p. 253.

¹⁵Ibid., p. 254.

¹⁶ Ibid.

^{17&}lt;sub>Ibid.</sub>, pp. 252-255.

¹⁸ Adam Clarke, Clarke's Commentary, (New York: Carlton and Phillips, 1954), I, p. 78.

¹⁹Henry Cowles, The Pentateuch (New York: D. Appleton and Company, 1890), pp. 107-108.

Matthew Henry, 20 R. Jamieson, 21 S. Patrick, 22 Whitelaw, 23 T. Scott, 24 William Newell, 25 Arthur Pink, 26 and Marcus Dods. 27

Keil's interpretation of this phrase, depending upon the point of emphasis, may be placed either here or in a later category (The By Man In General View). He takes cognizance of the fact that literally means "by man" (generally and universally). However, by a series of inferences, he narrows this down to the view that is here under consideration. Quoting Luther's statement approvingly, he says:

"Whoso sheddeth man's blood by man shall his blood be shed,"
and thus placing in the hand of man His own judicial power.

"This was the first command," says Luther, "having reference
to the temporal sword. By these words temporal government
was established, and the sword placed in its hand by God."

It is true the punishment of the murderer is enjoined upon
"man" universally; but as all the judicial relations and
ordinances of the increasing race were rooted in those of
the family, and grew by a natural process out of that, the
family relations furnished of themselves the norm for the

^{20&}lt;sub>Matthew Henry</sub>, Matthew Henry's Commentary (New York: Fleming H. Revell Company, 1935), I, p. 71.

²¹ Jamieson, Fausset, and Brown, Commentary on the Old and New Testaments, (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1945), I, pp. 105-106.

²²Patrick et al, Critical Commentary and Paraphrase on the Old and New Testament (Philadelphia: Frederick Scofield Co., 1878), I, p. 41.

²³The Pulpit Commentary, Thomas Whitelaw, Genesis, (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1950), p. 141.

The Holy Bible, (Boston: Samuel T. Armstrong and Crocker and Brewster, 1830), p. 59.

William R. Newell, Old Testament Studies (Toronto: Evangelical Publishers, 1923), p. 26.

²⁶ Arthur W. Pink, Gleanings in Genesis (Chicago: The Bible Institute Colportage Ass n., 1922), I, p. 115.

²⁷Handbooks for Bible Classes, Marcus Dods, The Book of Genesis (Edinburgh: T. and T. Clark, n.d.), p. 41.

closer definition of the expression "man." Hence the command does not sanction revenge, but lays the foundation for the judicial rights of the divinely appointed "powers that be" (Rom. xiii.1). If murder was to be punished with death because it destroyed the image of God in man, it is evident that the infliction of the punishment was not to be left to the caprice of individuals, but belonged to those alone who represent the authority and majesty of God, i.e. the divinely appointed rulers, who for that very reason are called Elohim in Ps. lxxxii.6.28

A refutation of this view will be given in the substantiation of the writer's view. However, two things are here worthy of mention. Firstly, the basic assumption of this view and, secondly, its sources. This view assumes that human government did not exist prior to the Noachin flood. It is a short step from this assumption to the assertion that "by man" means by legally constituted authorities and that this is tantamount to chartering human government. Knowing God to be a God of order, one is inclined to think that He would not place the execution of the murderer into the hands of men without some safeguards and an orderly and regularized method of carrying it out. If, then, there was no prior human government, this must surely sound the keynote for its establishment. However, this argument is, in its totality, one from silence. It cannot be demonstrated from the Word of God, nor from secular history, that there was no human government prior to the Noachin Deluge. The excesses of wickedness can hardly serve as proof positive of lack of human government. What about Sodom? And what about present world conditions? Poor and inefficient government is one thing, but it seems incredible that there was the pre-flood advancement in urban society recorded in Genesis 4:16-22, without a trace of human government! That God had not, to this time, sanctioned or decreed the establishment

²⁸ Biblical Commentary on the Old Testament, C. F. Keil, The Pentateuch (Grand Rapids: Wm. B. Eerdmans, 1951), I, p. 153.

of human government is likewise an argument from silence. If it were true that an explicit Scriptural statement were necessary for its sanction, then one would also look in vain for it in God's dealings with Noah.

There appear to be two primary sources for this most popular view. One of these might be called the official Hebrew view. Dillman says:

"The official reading is explained by the Targums: Before witnesses, therefore with (summons of) men."²⁹ The above rendering, which this writer considers to be an interpretation rather than a translation, was encountered repeatedly. Another example of this is the preceding citation from Gill.³⁰ The other primary source might be called, if one employs the language somewhat more loosely, the official protestant view. The statement of Luther, the father of the protestant reformation, as quoted by Leupold³¹ and Keil³² above obviously has permeated the thinking of the many who have taken this view. Many have explicitly cited Luther's statement, while others have quoted or paraphrased it without crediting its author. A majority of those who take this view owe the tenor of their thought, in many instances even their wording, to Luther's pronouncement.

The By the Blood Avenger View

Though some have found in the phrase \Box \uparrow \nwarrow \uparrow the basis for this and the preceding view, Lange is most outspoken in stating that the

²⁹A. Dillman, Genesis (Edinburgh: T. and T. Clark, 1897), I, p. 295.

^{30&}lt;sub>Gill</sub>, op. cit., p. 52.

³¹ Leupold, op. cit., p. 333.

³²Keil, op. cit., p. 153.

blood avenger is explicitly referred to here. He says:

By man shall his blood be shed: namely, by the next of kin to the murdered, whose right and duty both it was to pursue the murderer, and to slay him. He is called Dill > N'A, the demander of blood, or the blood avenger. The Hebrew law imposed the penalty of death upon the homicide (Exod. xxi. 12; Lev. xxiv. 17), which the blood avenger carried out (Numb. xxxv. 19, 21); to him was the murderer delivered up by the congregation to be put to death (Deut. xix. 12). Among the old Hebrews, the blood vengeance was the usual mode of punishing murder, and was also practiced by many other nations. . . . It is not to be misapprehended, 1. that here, in a wider sense, humanity itself, seeing it is always next of kin to the murdered, is appointed to be the avenger; and 2. that the appointment extends beyond the blood vengeance, and becomes the root of the magisterial right of punishment. . . . This primitive, divinely-sanctioned custom, became, in its ideal and theocratic direction, the law of punishment as magisterially regulated in the Mosaic institutions (but which still kept in mind the blood-vengeance) whereas, in the direction of crude heathenism, which avenged the murder even upon the relations of the murderer, it became itself a murderous impulse.33

The notion that there is reference here to the avenger of blood, which, at first, was the family head but, later, the civil head is stated in the previous citation from Benson. 34 Matthew Henry also says, "by man shall his blood be shed, that is by the magistrate, or whoever is appointed or allowed to be the avenger of blood." 35 Both of these men agree with Lange that "by man" means by the blood avenger but they hold a broader view as to who the "blood avenger" may be.

One step further removed from the strict interpretation of Lange is that of Whitelaw. He views this phrase as providing the basis for both the magisterial office and the law of the go el, making no attempt to relate, directly, the former to the latter. Concerning the phrase

³³ John P. Lange, Commentary on the Holy Scriptures, (New York: Charles Scribner's Sons, 1915), I, p. 327.

³⁴Benson, op. cit., p. 43.

^{35&}lt;sub>Henry</sub>, op. cit., p. 71.

DING he says:

By man. Not openly and directly by God, but by man himself, acting of course as God's instrument and agent - an instruction which involved the setting up of the magisterial office, by whom the sword might be borne (. . . Cf. Num. xxxv. 29-31; Rom. xiii. 4) and equally laid a basis for the law of the go el subsequently established in Israel (Deut. xix. 6; Josh. xx. 3).36

The two strongest arguments for this view would appear to be that verse five could be construed to refer to the blood avenger (the brother of the slain man), and that in the Mosaic law (which was, in fact, God's law) the murderer was dealt with by the blood avenger. Lange, the most explicit proponent of this view, refutes the former:

By the words ITK WN is not to be understood the next of kin to the murdered man, whose duty it was to execute the blood vengeance (Van Bohlen, Tuch, Baumgarten), as the one from whom God required the blood that was shed, but the murderer himself. "In order to indicate the unnaturalness of murder, and its deep desert of penalty, God denotes him (the murderer) as in a special sense the brother of the murdered." Knobel. 37

while showing the revelance of the latter:

This primitive, divinely-sanctioned custom, became, in its ideal and theocratic direction, the law of punishment as magisterially regulated in the Mosaic institutions . . . 38

On the other hand, Dillman argues that such a connection between Genesis 9:6 and the Mosaic regulation is forced. He says:

Those appointed to be the executors of retribution are men in general. A civil authority is not yet expressly assigned the duty, but neither are the nearest of kin, so that one cannot say that blood revenge by the nearest of kin, which the Mosaic law presupposes and regulates, is carried back to the time of Noah.³⁹

³⁶Whitelaw, op. cit., p. 141.

^{37&}lt;sub>Lange</sub>, op. cit., p. 71.

³⁸ Thid.

^{39&}lt;sub>Dillman, op. cit., p. 295</sub>.

This interpretation will be further refuted in a later section, but the point should be made here that it shares the weakness of the former view--it attempts to prove too much.

The For Man - Expiation - View

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This view takes issue with the traditional translation of the verse. It is felt that $\Box \uparrow \nearrow \uparrow$ ought to be translated "for man" rather than "by man." Taylor Lewis is the most able exponent of this view and he goes to considerable lengths to prove his point. He argues against the understanding of \Box to denote instrumentality as follows:

The preposition 1, in this place, he says, is equivalent to preposition 1, in this place, he says, is equivalent to place of) his brother, "Exodus xx. 2, In 122 2011, "and he shall be sold for his theft."

Lewis points to Aramaic expansions, which have inserted the idea of judicial sentence, as the basis for the traditional interpretation. The following gives appropriate quotations (in translation) of some of these:

Arabs Erpenianus . . . by the word, or command, of man, indicating a judicial sentence. So the Targum of Onkelos, by the witnesses according to the word of judgement, and also Rashi and Aben Ezra . . . by man, that is, by the witnesses41

⁴⁰Lange's Commentary on the Holy Scriptures, Taylor Lewis translator, Genesis (New York: Charles Scribner's Sons, 1915), p. 324.

⁴¹ Ibid.

To make absolutely certain that no one should miss his point, he again emphasizes the idea of <u>sacrifice</u> and <u>expiation</u>, in referring to the execution of the murderer as follows:

In no other way can the community itself escape the awful responsibility. Blood rests upon it. . . The judicial execution of the murderer is truly a sacrifice, an expiation, whatever may be objected to such an idea by false humanitarianism . . .42

Pool hints at this view as an alternative. After giving the majority view he says, "Or, for that man, i.e. for that man's sake, whose blood he has shed, which cries for vengeance."43

Calthrop, as quoted by Exell, expresses this view without going into a proper rendering of the \Im :

God demands his life in return for the life he has taken; God affirms that the offence committed will not be expiated except by the murders death, that the land in which such a thing is done will remain under the curse of pollution, and that "it cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it."

Yoder accepts this view and uses it as the basis for a powerful argument against the <u>direct</u> applicability, since the Cross of Christ, of Genesis 9:6:

The ultimate basis of the death penalty in Gen. 9 was not civil, that is, in the narrow modern sense of serving the maintenance of order in society or the punishment of the guilty. It was expiatory. Killing men and consuming the blood of animals are forbidden in the same sentence, for the creaturely life belongs in the realm of the "holy" (in the original cultic sense of the term). Life is God's peculiar possession which man may not profane with impugnity. Thus the function of capital punishment in

⁴² Ibid., pp. 332, 334.

⁴³Matthew Pool, Annotations upon the Bible, (New York: Robert Carter and Brothers, 1853), I, p. 24.

Joseph Exell, The Biblical Illustrator, (New York: Fleming H. Revell Company, n.d.), I, p. 475.

Genesis 9 is not the defense of society but the expiation of an offense against the image of God. . . . The sacrifice of Christ is the end of expiatory killing. 45

It is obvious that the only thing Lewis and Yoder have in common concerning Genesis 9:6 and its import (ancient and modern) is that both interpret it to refer to expiation through the sacrificial killing of the murderer. It is just this sort of thing, similarity accompanied by marked dissimilarity, which renders any handling of the subject (including the one here pursued) inadequate in the area of classifying viewpoints.

There is a sense in which this viewpoint merges with that discussed immediately previous to it. However two points of difference may be observed. Firstly, this view emphasizes the sacrificial aspect (ritual, etc.) and the other does not. Secondly this view emphasizes that, in murder, God is the wronged party whereas the other emphasizes that the victim is the wronged party. There is also a sense in which this view would seem capable of overlapping all of the other views. If, indeed, capital punishment is to be meted out "by man" could it not also be expiational? Or, conversely, how else could a sacrificial killing be accomplished except by man? Here the difference is one of primary emphasis, indeed of basic meaning. The pivotal point is the meaning of \(\textstyle{\texts

Two arguments in favor of this view have been cited: that of

¹⁴⁵ John H. Yoder, "Capital Punishment and the Bible," Christianity Today, Vol. IV, No. 9 (February 1, 1960) pp. 348, 349.

usage (Lewis)46 and that of context (Yoder).47 A third supportive argument is found in the fact that elsewhere in Scripture the death of the murderer is termed expiation. Numbers 35:33 states:

So ye shall not pollute the land wherein ye are: for blood, it polluteth the land; and no expiation can be made for the land for the blood that is shed therein, but by the blood of him that shed it. 48

Deuteronomy 21:1-9 presents the situation in which the murderer of a slain man is unknown. The ritual stipulated here is for the purpose as described in 21:8:

Forgive, O Jehovah, thy people Israel, whom thou hast redeemed, and suffer not innocent blood to remain in the midst of thy people Israel. And the blood shall be forgiven them.

It is obvious here that the prescribed ritual must accomplish the cleansing, indeed the expiation, that the execution of the murder would normally have accomplished.

The evaluation of this view will be pursued in a later section.

The By Man In General View

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This view takes $\Box_{\tau} \overset{\sim}{\uparrow} \overset{\sim}{\downarrow}$ to refer to man generally. Though there are differences of opinion, as to what this may or may not include, the interpretations of those taking this view have one thing in common.

Legish Lexicon consulted, included and gave examples of the usage of for which he here contends. These include Brown, Driver and Briggs, Hebrew and English Lexicon of the Old Testament, (New York: Houghton, Mifflin and Company, 1906); Samuel Tregelles, Gesenius' Hebrew and Chaldee Lexicon, (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1949), and Alexander Harkavy, Students' Hebrew and Chaldee Dictionary, (New York: Hebrew Publishing Company, 1914).

⁴⁷Yoder's contextual argument is strengthened by observing that the concept of sacrifice is in the context both explicitly in 8:20 and implicitly in 9:4.

⁴⁸ American Standard Version, 1901. Subsequent Biblical quotations are also from this version, unless otherwise indicated.

They all see no specific reference to any particular group of executioners. Calvin, although he finds here a legitimate charter for human government, holds this broader view. He states:

On the whole, they are deceived (in my judgement) who think that a political law, for the punishment of homicides, is here simply intended. Truly I do not deny that the punishment which the laws ordain, and which the judges execute, are founded on this divine sentence; but I say the words are more comprehensive. It is written, 'Men of blood shall not live out half their days,' (Ps. lv. 25). And we see some die in highways, some in stews, and many in wars. Therefore, however magistrates may connive at the crime, God sends executioners from other quarters, who shall render unto sanguinary men their reward. 49

In discussing Genesis 9:6 and the punishment for murder Buck, as quoted by Gray, presents even a broader view of the "executioners" and their methods than does Calvin:

It is remarkable that God often gives up murderers to the terrors of a guilty conscience (Ge. iv. 13, 15, 23, 24). Such are followed with many instances of Divine vengeance (2 S. xii. 9, 10); their lives are often shortened (Ps. lv. 23); and judgement of their sins is oftentimes transmitted to posterity (Ge. xlix. 7; 2 S. xxi. 1).50

Dillman emphasizes that, on the basis of this passage <u>alone</u>, one can only conclude that man, generally, is the executioner. He does feel, however, that further historical developments are to spell out the <u>how</u> and the <u>who</u>:

. . . only the fundamental maxim is enunciated, that retribution is to be exacted by the hands of men. How this shall be done is left to further social and civil development.51

⁴⁹ John Calvin, Commentaries on the First Book of Moses Called Genesis, (Grand Rapids: Wm. B. Eerdman's Publishing Company, 1948), I, p. 295.

⁵⁰ James Comper Gray, The Biblical Encyclopedia and Museum, (Hartford: The S. S. Scranton Co., 1900), I, p. 43.

⁵¹Dillman, op. cit., p. 295.

Delitzsch also takes this view although he injects the idea of political authority:

... the attributes of political authority appear in the first place as the attributes of mankind; ITRT (found non-Hebraic by over-hasty criticism) means through men, as elsewhere also the personal causa efficiens is expressed by the passive with I. Num. xxxvi. 2; ... Hos. xiv. 4 . . . The form in which the punishment is to be carried out is as yet undefined . . .52

Another, who is in essential agreement, is Skinner.53

This view is the one which is supported by this writer. Such support will be developed in the section on the author's view. However, let it be observed in passing that, though this is a minority view, it is the only one which takes the text at face value and does not try to read more into it than is immediately obvious.

⁵² Franz Delitzsch, A New Commentary on Genesis, (New York: Scribner and Welford, 1889), pp. 286, 287.

⁵³The International Critical Commentary, John Skinner, Genesis (New York: Charles Scribner's Sons, 1917), p. 171.

Second Major Problem: The Force of the Verb in Genesis 9:6a

The principle problem in dealing with the phrase "shall his blood be shed," is the force of the verb Tow. Does it represent permission, warning, prediction, precept, or command? Here, again, the views are necessarily overlapping and, again one of the views (the last) claims the vast majority of proponents. Other matters in this phrase vie for attention, but they will only be considered incidentally.

DI, translated "his blood," unquestionably refers to that of the murderer. A question might well be raised as to the meaning of TDW as here employed. The basic meaning is "to pour, to pour out, to shed, to spill" and in the niphal stem, "to be poured out, shed." In 9:6 it has generally been understood to refer to the taking of life, equating this with the pouring out, or shedding of the blood. This view is assumed by the author and further discussion of definition will not be pursued.

The Command View:

This view takes the verb to carry the force of a command. Whoever is being addressed (as settled by one's view of the first problem) is commanded to take the life of the murderer. This is obligatory upon him, and he sins by breaking God's command if he does not do it. Leupold very articulately expresses this view as follows:

There is a just retaliation about having life paid for life.

No man can question the justice of the price demanded.

Besides, we surely would not catch the purpose of the word if we were to take the imperfect yishshaphek as merely permissive or suggestive; it must be rendered as a strict imperative. Consequently, capital punishment is divinely

⁵⁴Alexander Harkavy, Students' Hebrew and Chaldee Dictionary, (New York, Hebrew Publishing Co., 1914), p. 745.

ordained. . . . When lawgivers attempt to tamper with this regulation, they are trying to be wiser than the Divine Lawgiver and overthrow the pillars of safety that He Himself provided for the welfare of mankind.

In this connection, Whitelaw makes a curious statement. He argues for the force of a command on the basis of the English auxiliary verb "shall." He says, "Shall. Not merely a permissive legalising, but an imperative command enjoining capital punishment, the reason for which follows." Though others holding this view do not make such a statement, it seems to be implied in their reasoning.

The fact is that the verb form 750% is not in the imperative mood, but rather in the imperfect or jussive. If it is taken as the imperfect, the idea of command is remote. If it be taken as the jussive, then the force of a command may or may not be intended. Harris says, "The jussive is the short, sharp form of semi-command," 77 and he translates it by prefacing the English imperative with please. Davidson emphasizes the aspect of command in saying, "The Jussive (as the name implies) expresses a command as 700% let him kill; or, less strongly, an entreaty, request . . . - may he kill." 58 Cowley indicates the various possible meanings of the jussive as follows:

⁵⁵ Leupold, op. cit., p. 334.

⁵⁶ Whitelaw, op. cit., p. 141.

⁵⁷R. Laird Harris, Introductory Hebrew Grammar, (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1950), p. 65.

⁵⁸A. B. Davidson, An Introductory Hebrew Grammar, (Edinburgh: T. and T. Clark, 1882), p. 59.

⁵⁹A. E. Cowley, Gesenius' Hebrew Grammar, (Oxford: The Clarendon Press, 1910), p. 321.

Although this writer did not encounter a single direct reference to the jussive, and its applicability and meaning, with respect to the verb form of the policy, it must be that this is implied in the statements of Leupold, Whitelaw, and others who take this view.

Among the many others expressing this view are R. P. Smith, 60

John Gill, 61 T. Scott, 62 C. Wordsworth, 63 Arthur Pink, 64 C. F. Keil, 65

Adam Clarke, 66 Matthew Henry, 67 Tayler Lewis, 68 Matthew Pool, 69 A.

Dillman, 70 and Franz Delitzsch. 71

The Precept (Principle) View:

This view is but a slight variation upon, and overlaps to a large extent with, the command view. The difference is one of emphasis. Here the establishment of a governing principle, the enunciation of a basic precept, is emphasized.

⁶⁰ Smith, op. cit., p. 45.

⁶¹Gill, op. cit., p. 52.

⁶² Scott, op. cit., p. 59.

⁶³C. Wordsworth, Commentary on the Holy Bible, (London: Rivingtons, Waterloo Place, 1865), I, p. 51.

⁶⁴Pink, op. cit., p. 115. ... the execution of the marde

⁶⁵Keil, op. cit., p. 153.

⁶⁶ Clarke, op. cit., p. 78.

^{67&}lt;sub>Henry</sub>, op. cit., p. 71.

^{68&}lt;sub>Lewis, op. cit., p. 334.</sub>

⁶⁹Pool, op. cit., p. 24.

^{70&}lt;sub>Dillman</sub>, op. cit., pp. 295, 296.

^{71&}lt;sub>Delitzsch</sub>, op. cit., pp. 286, 287.

The Warning View:

Calvin, who understands DTN T to mean "by man, generally" takes the force of the verb to be that of warning. He says:

It is written, 'Men of blood shall not live out half their days,' (Ps. lv. 25). And we see some die in highways, some in stews, and many in wars. Therefore, however magistrates may connive at the crime, God sends executioners from other quarters who shall render unto sanguinary men their reward.75

Skinner feels that this may be the quotation with approval of "an ancient judicial formula which had become proverbial." This would serve as a warning to Noah and his descendants. Thomas 77 subscribes to the warning view, while Jamieson 8 gives it as an alternative but does not endorse it.

The Permission View:

The difference between the command view and this view (regardless of the form in which it appears) is that according to the former there is a universal command of God for the execution of the murderer and

^{72&}lt;sub>Cowles</sub>, op. cit., pp. 107, 108.

⁷³ Newell, op. cit., p. 26.

⁷⁴The Abingdon Bible Commentary, Theodore Robinson, Genesis, (New York: Abingdon - Cokesbury Press, 1929), p. 226.

⁷⁵ Calvin, op. cit., p. 295.

^{76&}lt;sub>Skinner</sub>, op. cit., p. 171.

⁷⁷ Thomas, op. cit., p. 107.

⁷⁸ Jamieson, op. cit., p. 331.

legally constituted authorities who bypass such actions are in violation of God's command and thereby committing sin; whereas, according to the latter, laws allowing for capital punishment are in line with Gen. 9:6, but no inviolable command of God is broken if such authorities, at their own discretion (through legislation, etc.) do not exact the death penalty upon every murderer.

In support of this Lange says:

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principal princip

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.Ji serobre Jon

The fundamental principle for all time is this, that the murderer, through his own act and deed, has forfeited his right in human society, and incurred the doom of death. In Cain this principle was first realized, in that by the curse of God, he was excommunicated, and driven, in self-banishment, to the land of Nod. This is proof that in the Christian humanitarian development, the principle may be realized in another form than through the literal corporeal shedding of blood. 79

Clark, in spite of his terminology, indicates that he means permission or authority rather than command when he says:

More to the point, capital punishment is commanded by God to Noah . . . When we say that God commanded capital punishment, the meaning is that this penalty was established as the general rule. It does not mean that there could not rightly be exceptions. 80

Others expressing this view are Sutcliffe, 81 Parker, 82 and Patrick. 83

⁷⁹Lange, op. cit., p. 331.

⁸⁰Gordon H. Clark, "Capital Punishment and the Bible," Christianity Today, Vol. IV, No. 9 (February 1, 1960), p. 353.

⁸¹ Edmund Sutcliffe, A Catholic Commentary on Holy Scripture (New York: Thomas Nelson and Sons, 1953), p. 191.

⁸² Joseph Parker, The People's Bible, (New York: Funk and Wagnalls Company, n.d.), p. 170.

⁸³patrick, op. cit., p. 41.

The Prophecy (Prediction) View:

Though no supporters of this view were encountered, various detractors were. It envisions God as here speaking prophetically of the fate of murderers. The primary argument against it is that as prophecy it has (apparently) failed. Not every murderer has been executed. Conant, as quoted by Butler, thus criticizes the view:

If he intended by these words (as they are sometimes evasively interpreted) merely to predict that men would . . . put the murderer to death . . . he follows them here with a reason for the act . . . that has no force or pertinence. 84

Butler also says:

Fair interpretation can make nothing of this but the authorizing the judicial punishment of death . . . The only plausible way of escaping from this meaning is to assume that the sixth verse is not a law, but a prediction . . . Again if it is a prediction it is a false and failing one 85

As was previously noted, this form may well be the imperfect aspect of the indicative mood. Of this Green states: "In future time: the common usage, incompleteness belonging especially to futurity."86 Hence, at least an element of prediction (present, for instance in the warning view) cannot, without evidence, be rejected. However, it is obvious that this is not purely and totally a prophecy - for God does not make false prophetic utterances.

⁸⁴Butler, op. cit., p. 253.

^{85&}lt;sub>Ibid.</sub>, p. 255.

⁸⁶ Samuel Green, A Handbook to Old Testament Hebrew, (London: The Religious Tract Society, 1901), p. 94.

In attempting to establish his own view of the meaning of the phrase in Gen. 9:6, "by man shall his blood be shed," the writer has carefully examined and analyzed those views which have been proposed by various exegetes and students of God's Word. For the sake of clarity this has been pursued under two headings styled as major problems:

(1) The meaning of "by man," and (2) The meaning of "shall his blood be shed" (with special reference to the <u>force</u> of the verb).

It was discovered that in each of these areas a single view dominates the field. In fact, these views so dominate the interpretive writing on this verse that the composite of the two is worthy of being entitled the traditional view. This traditional view says concerning the text under consideration: this statement has reference to civil authority, at once authorized by God and commanded by Him to execute the murderer. That all national governments since this pronouncement have derived their authority from this charter and are obliged to feret out, convict, and execute the murderer or else stand in direct disobedience to God's command and repudiate their very cause for existence.

It is the writer's conviction that this traditional view finds too much in the passage; indeed is guilty of reading back into it later historical developments and later revelatory statements (for example, Rom. 13:4). Since the field is so dominated by this view and since the writer is opposed to it as being untrue to the passage under consideration, considerable space will be allotted here to its refutation (in

both of its parts). Other views will be refuted, and, finally, the writer's view established. However, it is felt that when a certain interpretation has gained the prestige of tradition and the acclaim of the vast majority, it cannot be dealt with lightly, but must be examined very carefully. Furthermore, once the field is cleared of this monolithic structure, then, and only then, will the way be prepared for further considerations. It is the writer's contention that his view is, in large part, substantiated in the negation of erroneous views. Therefore, much of this section will be given over to negation.

It is also this writer's contention that the simplest and most obvious interpretation of the passage is the correct one: that man generally is the agent referred to here and that God is stating His permissive will in the matter and, in so doing, sounding forth a warning to potential murderers.

The First Major Problem: The Meaning of "By Man."

Refutation of the By Human Government View:

It is interpretation, of basic meaning, that is under consideration here. That human government is compatible with the teaching of this verse is not being contested. It is further admitted the basic teaching here enunciated finds some applicability in the functioning of civil authorities. But application and demonstration of lack of conflict are not synonymous with interpretation. The refutation of this view will proceed as outlined below:

1. Argument from Exegesis

a. The generic force of "man."

b. The total lack of mention of anything equatable to civil authority.

- 2. Argument from Context
 - a. God, the prime mover against the murderer.
 - b. God spoken of as the active party throughout this interview.
 - 3. Argument from History
 - a. Human government prior to this time a likelihood.
 - b. Human government after this time a certainty.
 - c. No human government, as such, at this time.

1. Argument from Exegesis:

a. The generic force of "man." cal science, penerally. It is, taken

There are two reasons for believing that $\bigcap_{\tau} \bigcap_{\tau} \bigcap_{\tau}$

Among the various uses of the article, Cowley includes the following:

The use of the article to determine the class is more extensive in Hebrew than in most languages . . . (a) The employment of general names as collectives in the singular, to denote the sum total of individuals belonging to the class.

⁸⁷Cowley, op. cit., p. 406.

⁸⁸ Tregelles, op. cit., p. 13.

singular. This, then, is a very close parallel to the point in question. In Genesis 6:1 the usage is definitely generic, meaning man generally. It is reasonable to assume a similar usage in 9:6.

b. The total lack of mention of anything equatable to civil authority.

At this point a definition of exegesis is in order. Though the following quotation from Kent concerns Greek exegesis, specifically, it is a good definition of the biblical science, generally. It is, therefore, equally applicable to Hebrew Exegesis. The warning that follows is also of special import here:

Greek Exegesis: A careful study of the meaning on the basis of its grammar and vocabulary. . . . Danger: Eisegesis. We must not read into the text what we would like to see there, but must by applying our knowledge of the language lead out what the Holy Spirit by the human writer has put there.

Sound exegesis, then, demands that one not import extraneous material into the passage. Here there is no direct mention of "civil authorities" and no conclusive evidence that such are being referred to. Therefore, such a concept is foreign to the passage in so far as exegesis and interpretation are concerned.

Of course, when one passage of Scripture is explained in another, either by way of fulfilled prophecy or interpretive comment, such is of exegetical import. In this connection Romans 13:4 is often quoted:

for he is a minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain; for he is a minister of God, an avenger for wrath to him that doeth evil.

But the point is, what is the relation of this to Genesis 9:6? Does this New Testament passage represent a fulfillment of a prophecy in the

⁸⁹Homer Kent, Jr., "A Syllabus for Greek Exegesis of First Peter," (Unpublished class notes, Dept. of New Testament, Grace Theological Seminary, Winona Lake, Ind., 1963), p. 4.

Noachin dialogue? Or can it be conclusively demonstrated to bear the relation of an interpretive comment? For lack of positive evidence, the writer considers the answers to both of these questions to be in the negative. Other New Testament passages are sometimes cited, but the connections they sustain to the subject at hand are equally remote.

It is concluded, therefore, that the by human government view is exegetically insupportable.

2. Argument from Context:

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Too much weight ought not be given the following arguments, for they are not capable of supporting any "proof positive." However, in the writer's mind they do tend to lead away from a dogmatic "establishment of civil authority and its basic ordinance" view.

a. God, the prime mover against the murderer.

Against the background of heavy claims to the effect that the responsibility for pursuing and executing the murderer is now placed in the hand of civil authorities, one hears the voice of God in 9:5:

And surely your blood, the blood of your lives, will I require; at the hand of every beast will I require it: and at the hand of man, even at the hand of every man's brother will I require the life of man, (emphasis mine).

Certainly man, as brought into view in verse 6, is an accessory to this Divine action, but he seems to be only that. The emphasis is not upon human responsibility, but upon the Divine prerogative.

b. God spoken of as the active party throughout this interview.

From 8:21b through 9:17 God speaks almost continuously, first to Himself (8:21b, 22) and then to Noah and his sons (9:1-17). Three times, using a total of eight verbs, God addresses them in the imperative mood or its indisputable equivalent. Seven of the verbs, and two

of the instances, occur in 9:1 and 9:7 where a single theme is under consideration. Here they are told, with a variety of imperatives, to repopulate the earth. The other occurence of a command is found at the end of verse 4, where a negative command is given. Here the words are translated, "shall ye not eat." This is indisputably a negative command, being the negative with the imperfect aspect of the verb.90

Throughout the remainder of this passage God continually speaks in the first person, proclaiming what He has done and will do. God's unequivocal statements of His actions and His intentions constitute the dominant theme. Sixteen times the verb is in the first person singular. One other time an emphatic "I" is used. That "God made" and "God blessed" is stated once each. Many are the passages throughout Holy Writ that speak primarily of man's responsibilities, and such an emphasis is not totally lacking here, but the spotlight of Revelatory Truth in this passage is <u>focused</u> upon God and His doings. This, it would seem, ought to have some bearing on the emphasis placed upon man, human government, and human responsibility in 9:6.

3. Argument from History:

a. Human government prior to this time a likelihood.

A two-pronged thrust is made in this area by those holding the bygovernment view. Firstly, that God had not, prior to this time,
sanctioned or ordained human government, and secondly, that no previous
human government existed.

^{90&}lt;sub>Harris, op. cit., p. 43.</sub>

Pink makes both of these assertions as follows:

The Sword of magisterial authority is for the first time committed into the hands of man. Before the flood, there does not seem to have been any recognized form of human government designed for the suppression of crime and the punishment of evil doers. Cain murdered his brother but his own life was spared. 91

Both statements are weakened at the outset by the fact that they are, at best, arguments from silence. If the inauguration of human government is not to be found prior to an explicit, recorded sanction by God, then one must look elsewhere than Genesis 9:6 for its beginning. However, if a more reasonable approach is taken, one may well allow that the earliest beginnings of human government was one of the many beginnings in human affairs which God did not see fit to include in His Book. Dillman states what seems to this writer to be virtually a self-evident truth, before making a partial reversal to the logic of Luther. He says:

Inasmuch as no society is conceivable unless human life be regarded as sacred, it may be said that the foundation is here laid for the social organization of man (Luther).92

But the question is, what about the human society prior to the flood?

It is certainly conceivable, for the Word of God says that it existed.

Must it not also have had some foundation for its social organization?

We are not left to reason entirely in a vacuum on this point.

Venables, as quoted by Exell, reminds his readers that there is

Scriptural evidence for punishment of the murderer prior to the flood:

. . . I assert that the punishment of death for murder is a Divine decree. . . Death for murder is recognized from the beginning of the world. . . . Observe, in order to save Cain,

^{91&}lt;sub>Pink</sub>, op. cit., p. 115.

^{92&}lt;sub>Dillman</sub>, op. cit., p. 295.

"God set a mark upon" the man. Why? Because without this he was liable to death. The exception clearly proves the rule!93

Whether or not the above author is correct in saying that this was a Divine decree (and implying that it was explicitly stated by God), his statements, concerning the predicament of Cain and the prevailing custom of his day, are surely correct. But it is this very practice, that of taking the life of the murderer, which Dillman⁹⁴ implies and Leupold⁹⁵ boldly states to be the very cornerstone of human government! But aside from the statements of these men, can one conceive of the type of urban society that evidently existed prior to the flood without some form of human government.⁹⁶ I for one, cannot accept the idea that there was complete anarchy. There might well have been no one left to drown in the deluge had that been the case.

This, of course, is not conclusive proof that human government, with God's sanction, existed prior to the flood. However, the arguments from human reason and Scriptural statement tend to indicate that it did. And if it did, one of the basic tenets of the by government view is deleted.

b. Human Government after this time a certainty.

It is a historical fact that, from some unknown starting point in the ancient past, human government has existed. Whether or not it existed prior to the flood, the historical record and daily human

⁹³ Exell, op. cit., pp. 472, 473.

⁹⁴Dillman, op. cit., p. 295.

⁹⁵Leupold, op. cit., p. 333.

^{96&}lt;sub>Genesis</sub> 4:17, 20-22.

experience prove that it has existed, for some while, since that event.

c. No human government as such at this time.

Just prior to God's voicing the statement under consideration, eight people had emerged from the ark. These were Noah, his wife, his three sons and their wives. This was a family, of which Noah was the head-being the father and husband; but it certainly did not represent a fully developed society headed by civil authorities.

If, then, this statement has reference to the judicial taking of life it may refer to the past (point <u>a</u> above) or to the future (point <u>b</u> above), but it can hardly refer to the present. In other words, if the by human government view be correct this statement conveyed <u>no</u> message to its immediate hearers. Such is sometimes true of prophetic utterances but seldom true of "strict commands."

As was previously stated the actions of subsequent human governments may well represent an application of the statement in Gen. 9:6

(their actions certainly are "by man"), but they can hardly become the fulfillment of a "strict command" and thus become a part of the basic interpretation. At this juncture one is reminded of those who would "have their cake and eat it too." Both commands and prophecies have future relevance, but commands also must have a present relevance, else in what sense are they commands?

As to the possibility of reference to the past, it may be that this is an ancient, axiomatic saying which is quoted here by God, with approval, as a warning to the murderer. On this point Skinner says:

6a is remarkable for its assonance and the perfect symmetry of its two members:

It is possibly an ancient judicial formula that had become proverbial. 97

This does not necessarily imply anything less than plenary, verbal inspiration, but it takes cognizance of the fact that this is a very poetic passage in the midst of an extremely prosaic section. Might this not indicate a quotation of the type to which Skinner refers?

This writer considers the argument from exegesis as the most conclusive argument against the view under consideration. The other arguments presented add an additional weight of negation. The overall effect is that the by human government view is rendered untenable.

Refutation of the By the Blood Avenger View:

There can be little argument with the idea that the practice of blood vengeance was an application or an illustration of the statement of 9:6. Certainly blood vengeance was by man. However, it is the basic interpretation which is being considered here. The statement of Dillman is pertinent:

By man, in which case men are looked upon as merely the instruments of the (divine) execution of punishment. Those appointed to be the executors of retribution are men in general. A civil authority is not yet expressly assigned the duty, but neither are the nearest of kin, so that one cannot say that blood avenge by the nearest of kin, which the Mosaic law presupposes and regulates, is carried back to the time of Noah.

In other words, as Dillman has correctly pointed out, this view has the same general weakness as the by government view.

There is a sense in which the connection between blood vengeance (the <u>lex talionis</u>) and 9:6 is closer than that between secular human

^{97&}lt;sub>Skinner</sub>, op. cit., p. 171.

^{98&}lt;sub>Dillman</sub>, op. cit., p. 295.

government and this passage. Later, not here however, God explicitly and directly sanctions and regulates the blood vengeance method for dealing with the murder (Num. 35:18 ff., Deut. 19:12) within His own nation, the Theocracy of Israel. This seems to have been part of the more comprehensive law of retaliation as set forth in Exodus 21:23-25. On the human level this was a matter of justice and equity. This represented God's express will for His people. It seems doubtful that God's purposive will has been active among the pagan governments of history as it was in His dealing with Israel.99 God's dealings with other governments has been in the area of His permissive will. God can make the wrath of men to praise Him and, for example, He can use Nebuchadnezzar as His servant, though all the while the human agents involved are sinning and will ultimately be punished for it. No other human government can claim the relationship to God and His purposive will that the Nation of Israel enjoyed. Therefore, though the blood avenger view cannot explain this passage, it does lie more directly in the path of God's purposive will than does the subsequent actions of secular government.

Refutation of the for Man - Expiation - View:

This is an interesting view, which has certain things to commend itself. The arguments in its favor were presented in the section on

⁹⁹ The full argument for this justification of the use of the terms purposive and permissive, with respect to the Will of God, cannot be given here. However, this writer holds that the God of the Bible is truly the sovereign of the universe. Nothing has transpired nor will transpire which has taken or will take Him by surprise. All is within His control. Therefore all must, in some sense, be within His will. Yet the God of the Bible is not the author of moral evil. The question is, then, how could He have directly willed it without being its author? It is obvious that there is an aspect to God's Will that is other than His direct desire for moral good. This twofold aspect of the Will of God has been designated purposive and permissive. Though other terms

various interpretations. That the execution of the murderer in Israel's Theocracy was, in some sense, sacrificial and was accomplished in order to propitiate God in behalf of the land (Num. 35:33) and the people (Deut. 21:1-9) cannot be denied. Furthermore, as Lewis has pointed out, it is possible to put that construction on the phrase in question. This is a possibility as long as one accepts the Hebrew text as preserved, without indication of variant, in the Kittel text of 1951.

However, when one turns to the Septuagint text of this passage, he is confronted with a considerably different reading. 100 Lewis translates $\alpha VTI TOV \alpha I \mu \alpha TOS \alpha VTOV as "in return for his blood," 101 and certainly little fault can be found with such a translation. Arndt and Gingrich list for as an acceptable translation for <math>\alpha VTI$ with the genetive. 102 This reading, if given any weight, would certainly seem to strengthen the for man - expiation - view.

may be employed, the basic concepts must be recognized. An example of what is here referred to as God's permissive will is seen in passages such as Ps. 76:10; Isa. 10:5-27; and Jer. 27:6.

¹⁰⁰ The Septuagint reading of the passage was given in the section on textual variants. The question of how the Septuagint text came to be what it is cannot be settled with finality. There are at least four possibilities. (1) This is evidence that the Septuagint translator had a different Hebrew text than is extant today. (2) This represents an interpretation on the part of the translator, taking I to have the sense of for. (3) The translator's eye skipped from the a of DIN a over the following &, and the remainder of the word, to the next appearance of 7 in 1007, the result being 1070 with the DTN of the second clause omitted entirely. This would be a sort of haplography. (4) This represents poor transmission of the Septuagint text, resulting in its becoming totally corrupted, and therefore wholly unreliable. Only (4) can be summarily rejected (since there were no variants given for this passage in Swete's text), but (2) would also come under suspicion, since even this does not seem capable of fully accounting for the Septaugint reading.

¹⁰¹ Lewis, op. cit., p. 324.

¹⁰²W. F. Arndt and F. W. Gingrich, A Greek-English Lexicon of the New Testament (Grand Rapids: Zondervan Publishing House, 1963).

Reference might also be made to the Vulgate at this point.

Jamieson says, "The LXX and the Vulgate omit this word ("by man")
entirely." 103 The official Roman Catholic English version of the Vulgate (Douay Version; Douay, Rheims, Challoner Edition) reads, "Whosoever shall shed man's blood, his blood shall be shed," reflecting the indicated omission. Though this cannot be mustered as direct support for Lewis's view, if it is given any weight at all, it would argue against all three of the "by man" views.

Another point which can be construed in favor of this view is the statement which follows, "for in the image of God made he man." By inference one could say that basically it is God that is being attacked and therefore directly sinned against in murder. It is, therefore, God who is propitiated in the execution of the murderer.

Having reviewed the strong points of this argument, one is still obliged to reject it for the following reasons. Again it must be pointed out that it is interpretation, not illustration or application that is being sought. There can be no doubt, on the basis of Num. 35:33 that among God's people, Israel, the death of the murderer had an expiatory aspect. Man's sense of justice was not only satisfied (the lex talionis) but God's righteous demands were also satisfied (expiation). There can be no doubt that both of these aspects were in view in the Theocracy, but the pertinent question is, are they explicitly spelled out in this passage? This writer's conclusion is that they are not.

Any argument concerning the meaning of TT T which is based on the fact that man is made in God's image is only one of inference.

¹⁰³ Jamieson, op. cit., p. 106.

This statement, that man is made in God's image, can be made to harmonize with (and by inference, support) all of the other views that have been discussed. Therefore it is not capable of rendering a conclusive verdict.

The Septuagint and Vulgate renderings of this passage present a problem to those taking any of the "by man" views. However, they also present a problem to those who would take the for man - expiation view. The Hebrew text which the Vulgate would seem to reflect evidently omitted DTN in entirely. However, if it be considered proper to delete TTK I from the text, then all of the views under discussion are at an end. This, then, is a support for no particular view but a challenge to all of them. However, to consider this as the probable original Hebrew reading would be to give far too much weight to a version. In a previous footnote a discussion of the various possible explanations for the current state of the Septuagint reading in 9:6 was given. It would seem to reflect a text where I was present but □ T M was not. As was stated, this might be explained by a variant Hebrew text no longer extant or by an unsteady eye on the part of the translator. If the latter be true then the version, as it stands, merits no consideration in arriving at the correct interpretation. However, if the former be true, then one must weigh an ancient, no longer extant, Hebrew text against that which is preserved today (and which, according to its editors, has no known history of variants). In this sort of consideration, the extant Hebrew text must be vindicated.

Another possibility, the one evidently being argued by Lewis, is that the Septuagint rendering represents the interpretation placed on the text by its translator. If this is true it would merely represent the opinion of an ancient scribe, an opinion which would seem to support the for man - expiation - view of this passage. One further voice would then be added to the view espoused by Lewis, but sound arguments against the view would still be valid, regardless of the additional support.

There is strong evidence, however, that this does not represent an interpretation, but rather a variation from the extant Hebrew text (for one of the two reasons indicated above). An appropriate translation of the Septuagint text would be as follows: "The one shedding man's blood, for his blood it shall be shed, because in the image of God, he made man. "104 Now if this is, in fact, an interpretive effort, and it is intended to point to the for man - expiation - view, then it is very awkwardly handled. In fact, it is so awkwardly handled, if it be such an interpretive effort, that serious doubt is cast upon the idea that an interpretive effort by the translator explains the present state of the text. The phrase "for his blood" (XVTL TOU QUATOS QUTOV must refer to "man's blood" (αίμα ανθρώπου). All of this refers to the one who is murdered. All that is left to refer to the murderer is "the one shedding" (O EKYEWV) . . . "it shall be shed" (εκχυθησεται). If one then supplies "his blood" as the subject of EKY UDNO ET at the picture that Lewis would present is complete. This, however, is so garbled that it tends to make one look elsewhere for the explanation.

The way is then cleared to come to the basic assertion of this view: that \(\frac{1}{2} \) be rendered "for" that is "in return for" or "in place of" rather than "by," indicating instrumentality. It was previously pointed out that the lexicographers admit to such a usage of \(\frac{1}{2} \) as Lewis

¹⁰⁴ Interestingly, the latter part of the verse follows the Hebrew text exactly.

claims for this passage. Furthermore, II Sam. 14:7, Deut. 2:6 and Gen. 29:18 may be cited as examples of such a usage. However, the same lexicographers list the instrumental use of 1.105 Some of the passages which exemplify this usage are Num. 15:23, Gen. 29:18, Hos. 1:7, 12:14, Ps. 18:30 (29), I Sam. 28:6, Isa. 45:17 and Ex. 1:14. Therefore, the argument of Lewis as follows:

the term 7 2 7, by man. This would seem rather to require the term 7 2 7, by the hand of man, the usual Hebrew phrase to denote instrumentality. 100

is rendered invalid. It is true that _ sometimes has the sense of <u>for</u>, it is also true that _ is often used to denote instrumentality, but more importantly, it is true that _ is often used to denote instrumentality. Even Lewis's reference to Gen. 44:5 seems to be in error when he says:

Gen. 44:5 | JUTI WITT MITTING WHERE, instead of "divining by it" as in our English versions and the Vulgate, he (Jona ben Gannach) gives what seems to be a more consistent rendering: "he will surely divine for it" () 7) 7), that is, find out by divination, who has in his possession the cup. 107

This would require taking I in two different senses within the same verse, when obviously the uses parallel one another.

This view cannot be conclusively refuted because of the various possible uses of in TTM . However, several elements of Lewis's argument in its favor have been shown to be false. The fact is that in the instrumental sense appears much more often than in the sense for which Lewis argues. There appears to this writer, therefore, to be no

¹⁰⁵ Refer to footnote No. 46.

^{106&}lt;sub>Lewis, op. cit., p. 323.</sub>

¹⁰⁷Ibid.

good reason for rejecting Leupold's statement that, ". . . the work is to be done 'by man' (be 'adham the preposition being a beth instrumentalis, K.S. 106)."108

The Author's Conclusion - The By Man, Generally, View:

¹⁰⁸ Leupold, op. cit., p. 334.

The Second Major Problem: The Force of the Verb

The reader should be reminded at this point of a basic assumption that has been made. The assumption is that it is the death of the murderer that is here in view. The matter in question is the force of the verb form

The Refutation of the Command View:

At the surface level there are two problems involved in building a case <u>against</u> this view, however neither of the problems are an aid to those making a case <u>for</u> the view. One of these is the lack of development of an exegetical case. Only one of the authors consulted, out of the <u>very</u> many who took this view, based any argument on the form of the Hebrew verb. And this argument is a rather curious one. Leupold says:

... we would surely not catch the purpose of the word if we were to take the imperfect yishshaphek as merely permissive or suggestive; it must be rendered as a strict imperative.

There is much that is very imperative about this statement but the one thing that admittedly is not imperative is the mood of the Hebrew verb! The other surface problem is the lack of a case against this view. Though some commentators took other views, there was nowhere encountered an attempt to refute this one. One is then confronted with the curious problem of making the exegetical case for the view and then refuting it.

If there is any grammatical basis for this view it lies in the fact that the verb form may be in the jussive mood, and the jussive sometimes carries the force of a command. The comment of Harris is pertinent to this consideration. He says:

¹⁰⁹ Leupold, op. cit., p. 334.

The jussive is the short, sharp form of semi-command. It is therefore a somewhat shortened form with accent retracted if possible. There are many places where the jussive and ordinary imperfect will be exactly alike. The jussive of the strong verb will only shorten in the Hiphil.

Since TD is a strong verb and TD is in the niphal stem this verb form may be either the imperfect aspect of the indicative mood or the jussive mood.

Cowley is more expansive than Harris in describing the use of the jussive as follows: "In affirmative sentences to express a command, a wish (or blessing), advice, or a request. . . "Ill In other words, the jussive cannot be strictly equated with the imperative. An example of God using the jussive without imperative force is found in Ps. 81:9

On the basis of contextual usage of verb forms, it would not seem at all clear that $(\mathcal{O}) \oplus (\mathcal{O})$ is the jussive with the force of a command. As was previously stated, there are seven imperatives addressed to man in this section - all having to do with re-populating the earth. There is one instance of (\mathcal{O}) with the imperfect which definitely is the grammatical form of a negative command. If the verb in question represents a command it is the only instance in this entire Divine monologue that such a construction is used. One cannot assume the position of telling God how to word Himself, but consistency of usage would seem to require that this not be a jussive command.

Also bearing on this point is the solution to the first major problem. Since "by man, generally" has been established as being the

^{110&}lt;sub>Harris</sub>, op. cit., p. 65.

lll_Ibid.

meaning of TTR , there is the question of the appropriateness of such a command to "man, generally." One is strongly inclined to agree with Keil at this point even though his conclusion has been rejected:

If murder was to be punished with death because it destroyed the image of God in man, it is evident that the infliction of the punishment was not to be left to the caprice of individuals (emphasis mine). . 112

This reasoning, believed by this writer to be valid, leads him to conclude against a jussive command rather than for the by human government view.

If one forgets for the moment that the by human government view, considered in its own right, has been demolished, let him consider the appropriateness of God, at this time, commanding secular, yea pagan, governments. Firstly, since they did not yet exist, it would seem a little odd to command (with the force of a "strict imperative") something not in existence. Secondly, there arises a theological question as to whether God directs pagan governments by His permissive will (primarily through providence) or by His purposive will (through direct commands, etc.). As was stated previously, though wicked king Nebuchadnezzar is said to have been God's servant (Jer. 27:6), it must surely have been because He was moving in God's permissive will--not in His purposive will. It seems axiomatic that God does not directly lead in the affairs of pagan governments. And why, then, a command to pagan governments? This writer is not aware of one other passage of Scripture where it is argued that God spoke to pagan, secular governments with the force of a "strict imperative."

¹¹² Cowley, op. cit., p. 321.

There is an allusion that some hold. It is that there are Christian magistrates, heading Christian governments in Christian countries. This command (as well as the statement in Rom. 13:4) is said to be directed to them. Wordsworth evidently has this in mind when he writes:

. . . the Christian Magistrate, who is God's Minister, and "beareth not the sword in vain" (see on Rom. xiii. 4), has the duty here to God, as well as society, which is God's institution, to punish willful murder by death. 113

Civil authorities and governments are all God's in that all that goes on within the universe is within His permissive will and He causes it all to glorify Him, but that governments of secular realms may also be godly and Christian has certainly proved to be an allusion.

It is concluded, therefore, that \(\frac{1}{2} \) does not carry the force of a command. On exegetical and contextual grounds the command view has been rendered suspicious. In the light of the meaning of \(\frac{1}{2} \) it becomes even less likely. But for those who would hold on to the by government view of \(\frac{1}{2} \) it is virtually impossible.

The Author's Conclusion - The Verb Looks to the Future Incorporating Elements of Permission and Warning:

The precept view has neither been refuted nor affirmed. In that it is held to be synonymous with the command view, it has already been refuted. Those encountered by this writer who held the precept view considered precept and command to be virtually synonymous. They evidenced this by speaking of government's obligation to always execute the murderer. However, if one were to hold the precept view and delete the words obligation and always, this would become part of the view to be espoused here.

¹¹³ Wordsworth, op. cit., p. 51.

Since the prophecy view was not taken seriously by any of the authors consulted, it has not been accorded a refutation. The thought that this would be pure prophecy, and nothing else, is absurd enough to deserve no attention. However, since the idea of a jussive command has been rejected, there is no reason to assume this verb form to be other than the imperfect. In this connection the statement of Green ought to be called to mind. He says of the imperfect, "In future time: the common usage, incompleteness belonging especially to futurity." This is not only a common usage but fits very well with the context here. There is certainly an aspect of futurity about this statement, although, of course, it is not pure prophecy. This aspect of futurity is simply part and parcel of the imperfect. However, it begins to vanish when the idea of a "strict imperative" is pressed.

As to the elements of permission and warning they are obviously present, regardless of one's view. If it happens even once that man takes the murderer's life it must certainly be within God's permissive will. God indicates here that it will happen though we cannot press His words to the point of making Him say how often and with what consistency. Later Revelation (concerning Israel) and the course of history (up to and including this present moment - concerning the Gentile nations) has determined with what consistency the murderer's execution should be (Israel) and has been (Gentiles) carried out by man. In so saying, it is not being claimed that this is either a command or a prophecy.

And, finally, this certainly is a warning. Whatever view one takes concerning the force of this verb, it constitutes a warning to

¹¹⁴ Green, op. cit., p. 94.

the murderer. Leupold is correct when he says: "There is a just retaliation about having life paid for life. No one can question the justice of the price . . . "115 However, when he adds the word "demanded, "116 he is forgetting, with many others, that God does not always demand just payment for sin in this life; that in fact there is a certain segment of humanity, which will be dealt with throughout eternity primarily on the basis of mercy (though justice has also been satisfied - through Christ's death, not their own). Would it not be ironical if they should be the ones calling most loudly for "just" treatment of other sinners?

There is, however, obviously a warning here. Exodus 21:23-25 remains just in its demands: "...life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe." The murderer can expect nothing better. It is a solemn warning, but its execution does not lie, with the force of a direct command from God, in the hands of secular government as it did once in the hands of Israel's government. Secular governments go willy nilly there own way, kept in bounds only by God's permissive will.

These governments may demand justice, and slay the murderer, or they may propagate a species of mercy, and mete out some other punishment. In the meanwhile the Christian is the only human being who knows anything about true justice. With the sense of justice of all others blighted, ought he to be the one to press home the execution of the murderer? One might say so were it not for the fact that his hands are tied. He too has found mercy, and has been given the injunction of Matt. 5:38-43. In

¹¹⁵ Leupold, op. cit., p. 334.

¹¹⁶ Ibid.

this passage is the following: "Ye have heard that it was said, An eye for an eye, and a tooth for a tooth; but I say unto you, Resist not him that is evil. . . "

The import of this verb is, then, one of warning. If the secular magistrate takes the life of the murderer (and many have) it is all that the murderer can expect. If he meets death at the hand of man in some other way, it is justice. If punishment other than death is meted out to him, Gen. 9:6 has not been violated, but it is evident that God will not allow the murderer to get by without payment. As 9:5 indicates it is God that will see to this matter. The murderer will suffer, if not in this life, then in the one to come, unless, of course, he accepts Christ's sacrifice.

ENTINE PARAPHRASE

ENGLISH PARAPHRASE

ATTENTION WOULD BE MURDERERS: BE FOREWARNED THAT IF YOU COMMIT MURDER MAN IS OPERATING WITHIN MY PERMISSIVE WILL WHEN HE, IN TURN, SLAYS YOU.

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