

## This Week's Parshah - Parshas Masei

Kindly take a moment to study MISHNAS CHAYIM in the merit of

Eileen *bas* Herman *a''h*

a fellow Jew who passed away with no relatives to arrange Torah study on behalf of her *neshamah*

## Showdown in Gilead

The topic of the *Ir Miklat* (City of Refuge) is dealt with extensively in this week's *parshah*. One who commits accidental murder is sentenced to exile and must flee to and remain within one of these cities. As long as he is not sheltered within an *Ir Miklat*, his blood is forfeit, as he may be dispatched by the *Go'el Hadam* (Blood Avenger) – the victim's surviving relative who seeks to settle the score with the blood of the (accidental) murderer.

### So Many for So Few

One of the verses of this section outlines the apportionment of the designated sites: "Three of the cities you shall place on the other side of the Yarden, and three cities you shall place in the Land of Cana'an" (*Bamidbar 35:14*). The verse seems straightforward enough: of the six Refuge Cities, three are to be found in the Land proper, while the other three are placed within the land retained as Yisrael's inheritance on the Eastern bank of the Yarden River. But this notion actually sparks intense and intriguing Talmudic debate amongst the commentators.

The issue is the equal distribution (or lack thereof) of the *Arei Miklat*. Nine-and-a-half tribes inhabit the Land, while only two-and-a-half reside across the River. Yet the Transjordan is serviced by the *same number* of Refuge Cities as the entire Eretz Yisrael! Why do they require an amount so disproportionate to their population?! The Gemara provides the following answer: "In Gilead (a principal area of the Transjordan), murderers were commonplace" (*Makkos 9b*).

It is this answer that invites so much discussion; at first glance, it doesn't seem to clarify the issue. How does a high murder rate account for the disproportionate number of *Arei Miklat*? After all, the Refuge Cities were intended for perpetrators of *manslaughter* (accidental killing), not regular murderers. Which brings us back to square one: why so many *Arei Miklat*?

### Tosafos' Approach – the "Arrangement"

A relevant Gemara (*ibid. 10b*) reveals the hidden orchestration that takes place in a given incidence of manslaughter and exile, highlighting the precision of the Hand of Divine Justice. What happens is as follows: Reuvein and Shimon both have serious character flaws. Reuvein is quite careless; one day, he accidentally kills someone. Lucky for him, no one sees, so he is spared the obligatory punishment of exile to the *Ir Miklat*. Shimon is even worse off; he willfully kills somebody, taking care – at the same time – that there are no witnesses. Although they may not know each other, this pair of perpetrators share a commonality: they're both guilty (although to differing degrees), and they're both walking around scot-free.

But not for long. Hashem "arranges" that the two of them end up staying in the same roadside inn one day. Reuvein (the manslaughterer) climbs up on a ladder, at the bottom of which Shimon happens to be sitting.

Suddenly, Reuvein slips, careening down to the bottom. At the end of the story, we find Shimon (the willful murderer) dead, and Reuvein – whose exploit was viewed by the other patrons – sentenced to flee to the *Ir Miklat*. In the end, justice is served.

Tosafos (*ibid. 9b*) utilizes this story to clarify the aforementioned issue. The Gemara contends that Transjordan needs more *Arei Miklat* because it has more murderers; but why would that translate into more Refuge Cities, which are designated for accidental – not willful – murderers? As we have just seen, however, the willful murderers necessitate the existence of accidental murderers as well – since the latter are (unknowingly) enlisted to bump off the former. The more willful murderers, then, the more accidental killers will be needed as well. (The Maharam adds that the Almighty solicits accidental killers from all over Eretz Yisrael to stay at the inns in Gilead just to take care of the necessary business.) Hence, the need for more *Arei Miklat*.

The Maharsha points out that according to one Mishnaic opinion, there is no issue in the first place. This view holds that both accidental *and* willful murderers are bidden to flee to the *Ir Miklat* – initially at least – as the Mishnah in Makkos states (2:6):

רבי יוסי בר יהודה אומר, בתחלה, אָסֵד שׁוֹגֵג וְאָסֵד מִזִּיד מְקַדְמִין לְעָרֵי מִקְלָט, וּבֵית דִּין שׁוֹלְחִין וּמְבִיאִין אוֹתוֹ מִשָּׁם. מִי שֶׁנִּתְחַיֵּב מֵיָתֵהּ בְּבֵית דִּין, תְּרַגְוֶהוּ... מִי שֶׁנִּתְחַיֵּב גְּלוּת, מִחֲזִירֵין אוֹתָם לְמִקְוֵמוֹ.

“R’ Yose bar Yehudah says: At first, both accidental and willful murderers are to flee to the *Arei Miklat*. The Court then summons the refugee from there (and proceeds to try him). If sentenced to be executed in Court (for willful murder) – he is killed... If sentenced to exile (for manslaughter) – they return him to his place (of refuge).”

As such, the higher incidence of *Arei Miklat* in Gilead is readily accounted for. Since, in R’ Yose’s view, the *Arei Miklat* must accommodate even willful murders, the higher murder rate of Gilead necessitates more Refuge Cities.

### **Ambush!**

The topic is obviously much vaster than is represented in this forum. One other novel approach we present here differs substantially from the preceding explanations. Up until this point, the working assumption had been that the fact of Gilead’s murderous propensity accounted for increased numbers of perpetrators (who would then need to seek refuge). R’ Yitzchak Volozhiner (*Peh Kadosh, parshas Masei*) sees it otherwise.

He explains that the frequent incidence of murder in this region does not automatically mean that more people will be eligible for exile; as mentioned previously, it is only *accidental* murder (according to the conventional approach) that occasions a trip to the City of Refuge. The problem has more to do with the *Go’el Hadam* (Blood Avenger). Since murder was somewhat commonplace in Gilead, one can assume that the average citizen there was skilled in the craft of weaponry and assault. Hence, a given *Go’el Hadam* in Gilead presented a much greater threat to the welfare of the fleeing manslaughterer than in Eretz Yisrael proper. Although there may not be more accidental murderers in Gilead, the *Go’elei Hadam* had better aim. As such, it was necessary to make more places of refuge available to the pursued.