



D'var Torah – Parshiyot Ma'asei/Matot July 15, 2023

By James Tulsky

In 1981, I spent a year in Israel on Sherut La'am, a program akin to VISTA or Peace Corps – in which Jewish volunteers live in development towns and serve the local communities. For most of the year, I lived in Beit Shemesh providing health education to the surrounding moshavim. However, during the first month, our group gathered for absorption and training in Kiryat Shemonah, a few kilometers south of the Lebanese border. We had been there for less than two weeks when Katyusha rockets began raining down on our town.

I'll never forget the sounds of the explosions, and the panic, as we ran quickly as possible down to the underground shelter, the Miklat. This particular shelter hadn't been used for a while and was forsaken, dirty, poorly ventilated, pocketed with standing water, and totally dark except for the few single bulbs hanging from the low ceiling. It was not a place we wanted to stay very long and yet, in the moment, it was better than the alternative.

Running down to the bomb shelter became a recurring event for several days and, each time, when we finally came out, we did so sheepishly, looking up at the sky with trepidation, and not straying too far from the entrance, at least for a while. Outside of this refuge, we feared that something terrible could happen at any moment. And, yet, we equally dreaded having to go back down into the dungeon. The place that offered us safety also felt like a punishment.

This week, toward the end of a very long Torah reading, we learned about the Arei Miklat, the cities of refuge.

וְהִקְרִיתֶם לָכֶם עָרִים, עָרֵי מִקְלָט תִּהְיֶינָה לָכֶם

“You shall provide yourselves with places to serve you as cities of refuge to which a manslayer who has killed a person unintentionally may flee. The cities shall serve you as a refuge from the avenger (Go’el), so that the manslayer may not die unless he has stood trial before the assembly.”

The scenario played out as follows. If the manslayer was found guilty at trial of intentional murder, then he was handed over to the Go’el, the avenger, who executed him. In contrast, if the court determined that the death was entirely accidental with no way the killer could have prevented it, then he was set free. However, if the killing was deemed unintentional, but may have been due to a careless action – for example, the person threw a rock and didn’t check if someone might be coming around the corner of a building – then the manslayer was returned to the City of Refuge, where the Go’el was unable to reach him.

How long does he stay there?

“He must remain inside his city of refuge until the death of the high priest (the Kohen Gadol); after the death of the high priest, the manslayer may return to his land holding.”

So, is the Ir Miklat a punishment or a refuge?

The text is not clear. At first glance, it appears that it is meant to be a refuge. Someone is seeking vengeance and the city walls provide the manslayer with protection against his or her own death.

On the other hand, that one is confined to this place until the high priest dies, potentially for the remainder of the manslayer’s life, sounds much more like prison and suggests it’s a punishment. It is an extraordinary idea

that someone can be deemed innocent enough to merit protection, but it's open season if they leave the city. While they should not have been careless in a way that led to someone's death, how could the Torah justify a penalty so great for causing an accidental death? Does the crime merit the punishment?

The answer to this question – punishment or refuge - appears to be bound up in the Rabbis' understanding of why the Torah chose this very strange, and highly indefinite, sentencing period.

One popular answer, mentioned in the Talmud (Makkot) and elaborated by Rashi, is that all killing is terrible, and poisons the land with its blood. In this view, even accidental killers bear responsibility because their carelessness has led to the worst possible outcome. In fact, fault also falls on the high priest, because his prayers were insufficient from preventing this accidental murder from occurring in the Land of Israel during his lifetime. Because he is partially responsible for the victim's death, the High Priest's death brings about atonement or forgiveness from God. It is only after that atonement has been achieved that the manslayer, the person who committed the accidental murder, can then be freed.

The rabbis told a story about the mother of the high priest. They imagined that she knit clothes for the refugees in the city so that they would think kindly of her and not pray for the death of her son. This could only be the case if the killers experienced their time in the city as a punishment and wanted out!

So, there is a strong argument to be made that the Ir Miklat served as a punishment for a careless killer.

Yet, another interpretation supports the Ir Miklat as a sanctuary. Rambam wrote that a person who killed another person unknowingly must go into exile because "the anger of the avenger cools down while the cause of the mischief is out of sight." In other words, the purpose truly was protection.

Abarbanel observed that the high priest was the most admired person in the community. His death would shake people up, inspire self-reflection about how short life is, and this would make people give up the idea of taking revenge for a family member's blood. He wrote that after the avenger heard of the high priest's death, "His heart and anger will be placated, and he will be consoled and forget his troubles and his zealousness will subside." According to Rambam, "It is a natural phenomenon that we find consolation in our misfortune when the same misfortune or a greater one has befallen another person."

And, the Shadal (Rabbi Shmuel David Luzzatto, Italy, 1800-1865) wrote: "in a case of intentional murder it was possible to mollify the avenger by telling him to leave it to the judges to investigate and to execute the killer if found guilty of murder. However, when the killing was unintentional, it was impossible to mollify the avenger and oblige him to watch he who killed his father or brother remain unpunished." Therefore, the only protection from an unmollified avenger was city of refuge.

So, taking it all into account, I believe the evidence urges us to view the Arei Miklat as refuge, not punishment.

But, refuge from what?

The real problem for which this entire construct was created is the management of emotion and, in particular, extreme anger. Because the avenger's emotion cannot be addressed, the unintentional manslayer is stuck, maybe even for life, locked up in the city of refuge.

Human emotion is treated here as immutable. Once angry, always angry. Except, perhaps, when interrupted by the generational event like the death of the high priest. This is an incredibly pessimistic view of humanity. And, potentially, a destructive one.

I think back to those many hours I spent in the Miklat (the refuge) in the far north of Israel, as Katyusha rockets fell overhead. The purpose of those

missiles was to terrorize us. And, the natural response to that terror could be anger and the desire to strike back. Not surprisingly, many people do have that response. But, as we well know, the most common result from such rage is an endless cycle of retaliation - whether in Israel-Palestine, Northern Ireland, Rwanda, India-Pakistan, or countless other places where neighbors can't seem to stop killing each other. Was this foreseen in the Torah? And, was the vehicle of the death of the high priest created as an extraordinary measure to stop such bloodshed?

Perhaps. But, we no longer live in a society where we can rely on such a tool, and we are in desperate need of a post-biblical approach to responding to emotion. Whether it's dialogue, or counseling, or reconciliation hearings – it must start by rejecting the notion that anger is immutable.

Perhaps the Ir Miklat was a good idea to allow some cooling time. However, it's also only a first step. We can only truly find refuge if we recognize that anger need not be permanent, and we find a way to assuage our most difficult and destructive emotions so that everyone can live in peace.

Shabbat shalom.