

Kindly take a moment to study MISHNAS CHAYIM in the merit of
Zev ben Menachem Mendel a”h
a fellow Jew who passed away with no relatives to arrange Torah study on behalf of his *neshamah*

Staying Put

PARSHAS SHOFTIM 5778

This week’s *parshah* devotes a substantial section to the laws pertaining to a *rotzei’ach b’shogeg*, an accidental murderer.

City of Refuge

Someone who accidentally murders his fellow is mandated to enter and remain with the confines of an *ir miklat*, a designated city of refuge. There is some discussion as to the underlying nature of this obligation. Does it carry a quality of punishment, as the murderer is sentenced to spend his life confined to this location; or are the laws intended more to benefit the accidental murderer – to protect him from the ire of the *go’el hadam*, the avenger of the victim? From this week’s *parshah* it would seem that the latter is the case, as the *passuk* appears to emphasize the protection aspect. As it states: **הוּא יָנוּס אֶל־אֶחַת הָעָרִים־הָאֵלֶּה וַחֲיֵה, פְּרִי־רֹדֶף גֹּאֵל הַדָּם אַחֲרַי הָרֹצֵחַ כִּי יַחַם לְבָבוֹ... וְהִכְהוּ נַפְשׁוֹ וְלוֹ אֵין מִשְׁפָּט־מָוֶת... עַל־כֵּן אֶנְכִי מִצְוֶה לֵאמֹר שְׁלֹשׁ עָרִים תִּבְדֹּל לָךְ** – “He shall flee to one of these cities, and live; lest the *go’el ha’dam* chase after the (accidental) murderer – for his heart is inflamed – ...and kill him, while (the murderer) is not liable for execution... Therefore, I am commanding you, saying: You shall designate three cities (of refuge)” (*Devarim 19:5-7*).

From this we see that the law of *ir miklat* appears to be rooted in the attribute of mercy, as the Torah seeks the welfare of the accidental murderer. But there is another facet to this subject that almost seems to convey the opposite sentiment. If the murderer so much as steps out of the city, his blood is forfeit. As the *passuk* states: **וְאִם־יֵצֵא יֵצֵא הָרֹצֵחַ אֶת־גְּבוּל עִיר מִקְלָטוֹ... וּמָצָא – אֹתוֹ גֹּאֵל הַדָּם... וְרֹצֵחַ גֹּאֵל הַדָּם אֶת־הָרֹצֵחַ אֵין לוֹ דָם** – “And if the murderer shall venture outside the border of his city of refuge... and the *go’el ha’dam* shall find him... the *go’el hadam* shall kill the murderer; he has no blood” (*Bamidbar 35:26,27*).

The “cheapness” of the accidental murderer’s blood (on the occasion of his exit) is underscored by the Mishnah (*Makkos 2:7*), which states:

רוֹצֵחַ שֶׁיֵּצֵא חוּץ לְתַחוּם... רַבִּי יוֹסֵי הַגְּלִילִי אוֹמֵר, מִצְוָה בְּנֵד גּוֹאֵל הַדָּם, וְרִשּׁוּת בְּנֵד כָּל אָדָם. רַבִּי עֲקִיבָא אוֹמֵר, רִשּׁוּת בְּנֵד גּוֹאֵל הַדָּם, וְכָל אָדָם אֵין חַיִּבִּין עָלָיו.

“(Regarding) an (accidental) murderer who ventures outside the border... R’ Yose Haglili says: The *go’el ha’dam* has a mitzvah (to kill him), while anyone else is merely permitted to do so. R’ Akiva says: The *go’el ha’dam* is merely permitted to kill him, while anyone else (is forbidden; but if they do kill him, they) will not be held liable.”

What seems to emerge is somewhat of an ironic picture here. On the one hand, the Torah is greatly invested in the accidental murderer’s welfare; on the other hand, his blood is so cheap, to the extent that he is “fair game” if he takes a step outside of the *ir miklat*. Which one is it, then? Is the commandment of the *ir miklat* an act of mercy or a manifestation of strict justice?

Incentivizing Behavior

The Steipler Gaon (*Birkas Peretz, parshas Masei*) clarifies that there really is no contradiction here; both aspects, in fact, are intertwined. Indeed, the Torah is clearly invested in the welfare of the accidental murderer; and it is precisely for this reason that the Torah is so particular

about the accidental murderer's adherence to confinement. In other words, it was specifically because the Torah was so concerned for him that it declared his blood forfeit on the occasion of his departure from the city's confines. The knowledge that the *go'el hadam* could very well be lurking out there – and is sanctioned (and perhaps even bidden) to kill him – should serve as a strong deterrent to the accidental murderer.

The Steipler draws an important lesson from this situation, which has significant ramifications for our daily lives. When the topic of *yiras Shamayim* (fear of Heaven) is raised by the *Sefarim Hakeddoshim* (sacred tomes), the discussion often centers on the ideal form, known as “*yiras HaRomemus* – fear of (His) exaltedness.” This entails a pristine sense of awe emanating from a simple recognition of the greatness of Hashem; as such, it is a considerably higher level than the standard “*yiras ha'onesh* – fear of (Divine) retribution.” Nonetheless, the Steipler notes that this latter form should not be neglected either. Actually, from the above we see just how effective a motivator it can be. As with the case of the accidental murderer confined to the *ir miklat*, the clear knowledge of impending detrimental consequences can go a long way in keeping a person in line – and preserving his spiritual welfare.

To this end, R' Avigdor Miller would often quote a striking statement of R' Yeruchem Levovitz, venerated *mashgiach* (spiritual guide) of the pre-war Mirrer Yeshivah. The latter was alive as the accursed Nazis rose to power and prominence and began to implement their program of horror.

This occurred at the same time as a certain catastrophic development emerged which affected a substantial segment of Klal Yisrael. In the time period between World War I and World War II, the Jewish world witnessed a certain unprecedented phenomenon – namely, the mass-defection of religious practitioners. A movement of decadence and assimilation took hold, to the extent that people were abandoning their Yiddishkeit in droves. Whole communities that had previously been observant turned their backs on Hashem and His Torah.

Witnessing this spiritual tragedy, R' Yeruchem Levovitz perceived the rise of Nazism as a correlating event. With his finely-tuned spiritual sensitivities, he detected the Hand of Hashem behind their ascendancy; and he pointed to the horrific concentration camps as a model. How could it be that for the first time in history, people were leaving the Jewish religion in such vast numbers? Weren't they concerned for the consequences that would eventually be visited upon their souls – consequences that would last for eternity? It was the simple faith of even the common folk that helped keep Jews loyal over the centuries under even the most trying circumstances.

It must be, he concluded, that people were forgetting about such entities as *Gehinnom*. That is why, he explained, Hashem allowed the rise of such institutions as concentration camps, which in so many ways served as a semblance of what *Gehinnom* is like. In this way, people were reminded of what they had apparently forgotten.

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