

## Mattot-Masei 5786

### Abarbanel on Deuteronomy 19:1

He [Moses] came to inform [us] that He did not command the exile of the unwitting manslayer to punish him, because he is not subject to punishment, given that he did not commit this evil by his own free will.

And the Philosopher [Aristotle] wrote that it is improper to punish one who sins inadvertently, because punishment is only intended either to warn the sinner not to sin again, or to warn other people not to act like this.

And it is well known that despite all punishments, inadvertent errors will not be eliminated, because it is not within human power to prevent them..."

### Sefer HaChinuch 408

The commandment on Israel to give cities within which the Levites may dwell, and they shelter: That Israel was commanded to give cities to the Tribe of Levi to dwell therein, since they do not have a portion in the Land, as it is stated (Numbers 35:2), "Command the Children of Israel, and they shall give to the Levites from the inheritance of their holding, cities to dwell." And it is stated at the end of the section (Numbers 35:7). "All of the cities that you shall give to the Levites are forty-eight cities." And from these forty-eight cities of the Levites, there were cities that were specified to be a refuge for the killer. However, all of them would shelter him. And with God's help, we will write in the Order of *Shoftim* in the commandment of the cities of refuge (Sefer HaChinuch 520), what is [the difference] between those specified for this and the others. And they would shelter him in well-known ways, as is explained in Scripture. And it is elucidated in Tractate Makkot 10a.

### Shadal on Numbers 35:12

A refuge from the avenger: Initially, they called a '*Goel*' [redeemer] one who redeems the ancestral land of his relative who sold it due to poverty. Afterward, they called a '*Goel HaDam*' [blood-avenger] one who avenges the death of his slain relative, and later they also called him simply a '*Goel*'.

And behold, in early generations—before nations were organized under a king and ministers, and judges and officers—every family would avenge its own grievance against another family, and the closest relative to the slain person was obligated to avenge his death.

The Torah, however, established judges and officers, removing vengeance from the hands of individuals and handing it over to the entire community.

Now, when the murder was intentional, it was possible to pacify the avenger, for they would say to him: *'Leave it to the judges; they will investigate the matter, and if he is liable to death, they will execute him.'* But when the killing was accidental, it was impossible to pacify the avenger and force him to watch the person who killed his father or brother remain unpunished. For it would appear to him, and to all who knew him, as if he did not love his father or his brother, since he was not avenging their blood.

This deeply ingrained mindset could not be uprooted all at once. Divine Wisdom saw that if the blood-avenger were to face the death penalty for avenging his relative who was killed accidentally, it still would not prevent all—or even most—avengers from taking vengeance for their relatives. Through this, the number of casualties would increase to no benefit.

Furthermore (as my student Rabbi Eliezer Eliyah Igel of Lviv pointed out to me), the grief and damage within a single family would multiply: after suffering the terrible misfortune of having one of its members killed accidentally, yet another member would be executed for avenging his brother's death! It is also not far-fetched to assume that at the moment the avenger was taken out to be executed, the public would revolt against the judges, leading to widespread chaos in the nation.

Therefore, what did the Torah do? It left the avenger the legal right to avenge his relative's death, but it established a place of refuge for the killer to flee to, where the avenger could not enter and kill him.

Now, it is well known that among the ancient gentiles, temples and altars served as places of refuge for transgressors. The Torah abolished this practice, stating: *'You shall take him from My altar to die'* (and perhaps this is the meaning behind, *'Lord, who may sojourn in Your tent?'* and likewise, *'Who may ascend the mountain of the Lord?'*). It only preserved a refuge for one who acts accidentally.

Yet, it was impossible for the refuge to be at the Holy Temple, because there was only one Temple in all the Land of Israel, and it would be too difficult for a killer to flee from the distant borders of Israel all the way to the place that God would choose.

Because of this, six cities were chosen, scattered here and there, so that they would be readily accessible to any killer (in accordance with the phrasing *'and you shall provide for yourselves cities,'* matching Rashi's commentary and not Ibn Ezra's). And they were chosen specifically from among the cities of the Levites, because that entire tribe was holy, and it was fitting that their cities should serve as a refuge."

## Sforno on Numbers 35:25

**"Until the death of the High Priest:** [The Torah] has already explained that exile applies to one who kills inadvertently (*B'Shgaga*).

However, because the various categories of inadvertent acts are not all equal—since some are very close to being an unavoidable accident (*Ones*), while others are closer to being willful negligence (*Mezid*)—the Torah did not set a fixed, identical timeframe for every inadvertent killer.

Rather, some will have a tiny amount of inadvertence [i.e., a minor mistake] and the High Priest will die shortly thereafter, while others will see the killer himself die in exile before the High Priest dies.

And all of this is governed by the judgment of God, may He be blessed, who is 'He Who Knows and is Witness,' punishing each inadvertent killer precisely according to the true degree of his carelessness, as it says: *'But God caused it to happen to his hand'* (Exodus 21:13)."

## Rambam, Guide for the Perplexed III:40

A person who kills inadvertently must be exiled... **because the punishment of exile is next in severity to the punishment of execution.** For it uproots a person from his homeland, forces him away from his house, his property, and his friends, and compels him to live as a stranger for the rest of his life..."