

MESHECH CHOCHMAH

Parshas Matos Masei

Cities of Refuge

One of the topics discussed toward the end of Parshas Masei is that of *arei miklat* – the cities of refuge, to which an accidental killer must flee. In his classic and unique manner, the Meshech Chochmah has an illuminating way of looking at the relevant pesukim.

A LONG-TERM ANOINTMENT

וַיֵּשֶׁב בָּהּ עַד מוֹת הַכֹּהֵן הַגָּדוֹל אֲשֶׁר מָשַׁח אֹתוֹ בְּשֶׁמֶן הַקֹּדֶשׁ

He shall dwell there until the death of the Kohen Gadol whom (he) anointed with the sacred oil. (35:25)

In this pasuk, we are told that the killer must stay in the city of refuge until the Kohen Gadol dies. The Gemara¹ raises a basic question regarding the syntax of the pasuk, for the words “אשר משח אותו” – whom he anointed – are written without a subject, almost implying that the killer anointed the Kohen Gadol – which, of course, he did not! Rather, the Gemara explains that it refers to the Kohen Gadol who was “anointed in his (the killer’s) days,” referring to case where the Kohen Gadol who was alive when the killing happened died, with the new Kohen Gadol being anointed prior to the killer being sentenced to exile. In this case, he needs to wait until the second Kohen Gadol dies before being allowed to leave the city of refuge.

However, the Meshech Chochmah suggests that, in a way, it is actually feasible that the killer will “anoint” the Kohen Gadol – as the simple *pshat* reading of the words implies. The basis of this suggestion is one of the most fascinating details about the punishment of exile, namely, that is that it has no set time – it depends entirely how long before the death of the Kohen Gadol the killer arrives. This means that one person may be in exile for twenty years while another may be there for twenty days – or less. Part of the reason for this elasticity is that the level of culpability within an accidental killing itself can waver, with one person’s situation having a greater level of negligence than another’s, resulting in him having to stay longer.

¹ Makkos 11b.

In light of this, if a person should kill by accident in a way which requires him to stay in exile for a prolonged period of time and the post of Kohen Gadol opens up prior to his sentencing, it is entirely possible that his situation will have some influence on the appointment of the next Kohen Gadol. For if there are two potential candidates for the position, one of whom has much greater life-expectancy than the other, this may lead heaven to direct things toward the appointment of the first candidate. Looked at in this way, the killer did in fact “appoint” the Kohen Gadol to the extent that his situation exerted influence on his appointment! *Ki’pshuto!*

EXILE AND EXPECTATION

To date, there have been six cities of refuge set up: three on the east side of the River Jordan and three on the Land of Canaan proper. The Gemara² states that although the three on the east side were set up some years prior to those of the west side, they did not function as cities of refuge until all six cities had been set up. This did not take place until the land was both conquered and its territories apportioned to the various tribes.

The Meshech Chochmah suggests a possible reason for this delay. As we have mentioned, the accidental killer’s punishment requires that he stay in exile until the Kohen Gadol dies, which is something that can happen at any time. This means that the punishment of exile contains the caveat that the person can hope to be set free at any time. However, if he were to know for a fact that the Kohen Gadol would not die for a number of years, he would then be in exile without hope – something which is beyond the mandate of what the Torah prescribes. This was the situation which pertained to Elazar, concerning whom we are told, in this week’s parsha,³ that he would be the one to preside over the apportioning of the land of Canaan. This means that were a killer to go into exile prior to that point, he have no hope of going free for all those intervening years. Hence, the Torah stipulated that no city of refuge operate until the land had been apportioned, at which point anyone who was exiled to a city of refuge would be there with hope.

THE PURIFICATION OF IR MIKLAT

וְלֹא תִקְחוּ כֹפֶר לְנַפְשׁ רֹצֵחַ אֲשֶׁר הוּא רָשָׁע לְמוֹת כִּי מוֹת יוֹמָת
וְלֹא תִקְחוּ כֹפֶר לְנוֹם אֶל עִיר מִקְלָטוֹ...
וְלֹאֲרִיז לֹא יִכְפֹּר לְדָם אֲשֶׁר שִׁפַּךְ בָּהּ כִּי אִם בְּדָם שִׁפְכוּ...
וְלֹא תִטְמֵא אֶת הָאָרֶץ אֲשֶׁר אַתֶּם יֹשְׁבִים בָּהּ...

You shall not accept ransom for the life of a killer who is deserving of death, for he shall surely be put to death

You shall not accept ransom for one who fled to his city of refuge

...The land will not have atonement for the blood that was spilled in it, except through the blood of the one who spilled it.

You shall not contaminate the land in which you dwell... (35:31-34)

These concluding four pesukim actually form two sets of two, with the first two pesukim forbidding taking “ransom money” in lieu of punishment for intentional killing and accidental killing respectively, and the third and fourth pesukim providing further elaboration upon the first two. Thus:

² Makkos 9b.

³ 34:17.

- ▶ The third pasuk, which states that “the land will only be atoned for with the blood of the one who spilled it”, clearly explains why ransom money cannot be taken for an intentional act of murder.
- ▶ The fourth pasuk, “and do not contaminate the land,” is therefore an explanation of the prohibition against taking ransom money for an accidental killer that he will not need to be exiled.

This last point emphasizes that an act of accidental killing serves to *contaminate* the person who perpetrated it.⁴ This will give us new insight into the punishment of exile. In the same way that one who becomes impure needs to purify himself by immersing in a mikveh, so, too, one who has contaminated himself through accidentally killing another needs to purify himself by immersing himself in a city of refuge! This purification, which relates to the soul of the person, is manifest on the halachah which states that if the killer died before going into exile, his body is taken to the city of refuge, where it is buried until the death of the Kohen Gadol.⁵

Moreover, this will further explain how the death of the Kohen Gadol works together with exile in the city of refuge to atone for the killer. In the same way as when one becomes ritually impure, even after he has immersed in a mikveh, his purification is not complete until the sun sets; so, too, the full purification of the accidental killer has two stage to it. Even after he has immersed himself in the city of refuge, his purification is only complete when the Kohen Gadol dies which, as the Meshech Chochmah states, is most aptly analogous to the setting of the sun for that generation.⁶

4 The Meshech Chochmah refers to the Gemara in Shavuos 7b-8a which explicitly identifies accidental killing as a form of *tumah* impurity.

5 Makkos 11b.

6 In his Commentary, Rav Copperman refers to the Gemara in Kiddushin 72b which adduces the pasuk “וַיִּרָח הַשֶּׁמֶשׁ וַיָּבֵא הַשָּׁמַיִם” – *The sun rises and the sun sets*” (*Koheles 1:5*) with reference to the passing of the tzaddikim of the generation.