

YESHIVAT HAR ETZION  
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

Introduction to the Prophets:

Sefer Yehoshua – Chapters 20 and 21  
The Cities of Refuge and the Cities of the Leviim  
By Rav Michael Hattin

This shiur is dedicated in memory of Lieut. Daniel Mandel, 24, of Alon Shevut, son of David and Cheryl Mandel, who was killed in Shechem this morning, defending his land and his people. May the family be comforted among the mourners in Tzion and Yerushalayim. May his memory be blessed.

## INTRODUCTION

Last time, we completed the study of the tribal territories allotted in the new land. After spelling out the borders of Yehuda, Yosef (Efraim/Menashe), and Binyamin in much detail, the text described the remaining portions assigned to Shimon, Zevulun, Yissachar, Asher, Naftali, and Dan in somewhat more concise terms. The matter was concluded with the assignment of a tract of land to Yehoshua himself, namely the town of Timnat Serach in the hill country of Efraim.

The remainder of the book addresses some outstanding issues that relate to the Cities of Refuge and those of the Levites, followed by the report of the return of the Transjordanian militias to their homes east of the Jordan and finally by Yehoshua's concluding exhortations to the people. In sum, the last five chapters of the book constitute its final section and broadly deal with the topic of successfully settling the land while grappling with the new challenge that such a reality introduces – to remain loyal to God and to His Torah even after hardship overcome or difficulty defeated no longer necessitates it.

## FULFILLING A COMMAND

God spoke to Yehoshua saying: speak to the people of Israel and say: set aside the cities of refuge of which I told you by Moshe. This is in order that a killer who took a life through negligence and without premeditation may find refuge from the avenger of the blood...(20:1-3).

The commandment concerning the designation of special cities of refuge was comprehensively presented in the Torah at the very end of Sefer BeMidbar, as the people of Israel expectantly encamped east of the Jordan River, at the Plains of Moav opposite Yericho (BeMidbar 35:9-34). At that time, God told Moshe to command the people concerning these six cities, so that they might fulfill the injunction after they had secured their place in Canaan. The mention of the matter in Sefer Yehoshua now, towards the very end of the book, emphasizes that in fact Israel succeeded in realizing God's promise of possessing the land while Yehoshua himself accomplished the daunting task of filling the leadership void created by Moshe's demise.

Concerning the cities themselves, their function was clear. While the case of intentional homicide on the one hand and accidental manslaughter on the other typically presented the courts with straightforward evidence either way, the situation of gross criminal negligence causing death was potentially more complex. While such a case provided no express evidence of premeditation, the circumstances could be suspicious enough to warrant a more thorough investigation. At the same time, the family of the victim might be emotionally swept up by the death so as to take matters into their own hands, without awaiting the judicial exercise of due process.

#### ACKNOWLEDGING CULTURAL NORMS AND REFINING THEM

Like a proverbial game of cat-and-mouse, then, the so-called "avenger of the blood" could execute vengeance upon the killer as long as he had not secured his safety by entering the confines of a city of refuge, six of which were to be located roughly equidistant from each other along the length of the land, three in Canaan proper and three in Transjordan. But having entered one of the enclaves, he was assured of its protection, until such time as he would stand for trial in the town or city in which the crime had taken place. If the judges in fact subsequently found him guilty of murder, then he would be sentenced to death. If he was acquitted of all wrongdoing, then he was free to return to his home and the courts would hold all who attempted to harm him accountable. If, however, the killer was convicted of criminal negligence causing death, then he would be returned to the city of refuge where he would live his life in exile until the death of the High Priest. If he willfully chose to leave the city's protective custody before the death of the High Priest, then the avenger of the blood could kill him with impunity (Yehoshua 20:1-6. See also Devarim 19:1-13; Shemot 21:12-14).

There is no question that the Torah's legislation was aimed at acknowledging existing ancient cultural norms while at the same time attempting to moderate and to eventually supersede them with more advanced models of morality and justice. It may be instructive to note that the practice of avenging the blood, by taking the life of the killer (innocent though he may be of intent to murder) before law enforcement authorities can intervene, is still an accepted part of the primitive tribal vocabulary that characterizes certain strata of Middle Eastern societies until this very day! Blood feuds, tribal warfare and clan infighting are not uncommon in this part of the world, though incidents occur with less frequency than in the past. The cities of refuge represent the Torah's response to these phenomena, a conscious attempt over three thousand years ago to replace cruel frontier justice with a functioning and impartial judiciary.

Significantly, the six cities of refuge were also associated with the Levites, for their own forty-eight designated cities included these six. Thus, the exile of the killer to the city of refuge was not simply an act of justice and compassion, but one of absolution as well. In other words, the killer (who was, after all, guilty of criminal negligence) had to not only experience the anguish of exile and banishment from his own town, but also make the acquaintance of the Levites, those whose special role it was to provide spiritual instruction and guidance in ancient Israel. In this way the killer could achieve pardon by serving his "sentence" of expulsion until, appropriately enough, the death of the High Priest, for that landmark event would necessarily usher in a new era of religious leadership.

At the same time, the Torah makes it very clear that in cases of premeditated homicide, there can be sanctuary from justice. In the bold language of Parashat Mishpatim,

"If a man schemes against his fellow and kills him intentionally, then even from My altar you shall take him to die!" (Shemot 21:14). The institution of the cities of refuge, then, was a sensible middle ground, preserving from harm those undeserving of death while at the same time brooking no compromise with murderers.

#### LINKING THE LEVIIM TO THE CITIES OF REFUGE

Chapter 21 naturally follows the account of the six cities of refuge, for it describes the forty-eight Levitical cities among which those six were counted. According to the God's command to Moshe in BeMidbar 35:1-8, he was to tell the people of Israel to:

...give cities to the Levites from their landed inheritance for dwelling, as well as open areas outside of those cities. The cities will be for the Levites to live, while the open areas will be for their animals and for their possessions...the cities that you shall give to the Levites shall comprise the six cities of refuge for the escape of killers, as well as forty-two additional cities...

Modern day readers of these provisions, only too familiar with urban sprawl and environmental degradation, have noted with satisfaction this early example of concern for built-up areas, for the Levitical cities were to be ringed by a "green lung" that could not be developed. At the same time, though, we note that the primary thrust of the legislation was social rather than environmental in nature. By scattering the tribe of Levi among all of the other tribes and effectively rendering them landless, the possible rise of a rapacious priesthood controlling vast tracts of real estate while amassing corrupting political power was thereby inhibited. At the same time, though, the arrangement effectively freed the Levites from servitude to the land, to the all-consuming toil of the farmer who devoted the majority of his time and powers to the cultivation of the soil. Instead, the Levites could be dedicated other pursuits, to the service of God and to the teaching of His laws. As the passage in Parashat Korach relates concerning the priests, in the aftermath of the failed revolt of the firebrand and self-styled social reformer known as Korach:

God said to Aharon: in their land you shall not inherit, neither shall you have a portion among them. I am your portion and your inheritance in the midst of the people of Israel (BeMidbar 18:20).

#### OTHER RESPONSIBILITIES

Aharon the Kohen and his descendents, though denied the gift of land like the tribe of Levi their kin, were instead charged with the dual responsibility of serving God at the Mishkan as well as serving the people of Israel as teachers, judges and guides. Throughout the Biblical period there is textual evidence that it was the latter that in fact constituted their primary role. Thus, they often appear as mentor figures (such as Shemuel from the tribe of Levi) or else as inspired religious leaders (such as Ezra or even Eliyahu, who is identified in some Rabbinic traditions with the family of the Kohanim). Conversely, when the later prophets criticize the Kohanim or Leviim, it is for the neglect of precisely these functions, for failing to teach and to exhort, rather than for the disregard of their ceremonial or ritual obligations (see Yirmiyahu 2:8; Malachi Chapter 2). Moshe himself, in his farewell blessing of the people of Israel, spelled out this binary responsibility of the Leviim, while placing special emphasis on the need for them to demonstrate loyalty to God as well as impartiality towards the people:

Concerning Levi he said: Your perfect lights belong to Your pious ones, those whom You tested at Massah and with whom You contended at Mei Meriva. He (the tribe of Levi) said of his father and mother "I do not see them," of his brothers "I recognize them not" and of his children "I do not know them," for they instead observed Your words and safeguarded Your covenant. THEY SHALL TEACH YOUR LAW TO YA'ACOV AND YOUR TORAH TO ISRAEL; THEY WILL PLACE INCENSE BEFORE YOU AND WHOLLY BURNT OFFERINGS UPON YOUR ALTAR. May God bless his efforts and favor the work of his hands, may He crush his foes so that his enemies rise no more (Devarim 33:8-11).

It is instructive indeed to consider the true nature of their "choseness." In many ways its heavy emphasis on responsibility and obligation, service and selflessness, rather than upon privilege and indulgence, was meant to parallel the election of the people of Israel at large, for they too had been destined by Divine determination to be a not only God's "treasured people" but also a "kingdom of priests and a holy nation" (Shemot 19:5-6)

#### PRIESTLY DUES AND THE MEANING OF LANDLESSNESS

Of course, the landlessness of the Levites and Kohanim did necessitate other arrangements. Both the Kohanim as well as the Leviim, since they were not able to own their own parcel of land, were supported by public funds. The Kohen was the recipient of the "Teruma" or Priestly due (see BeMidbar 18:11-13), consisting of a small percentage of the produce. The Leviim, on the other hand, received the tithe (see BeMidbar 18:21-24), and were themselves duty-bound to extend a part of it in turn (consisting of 1/10) to their priestly cohorts (see BeMidbar 18:25-32). Additionally, both the Kohanim as well as the Leviim that ministered at any given time at the Mishkan, partook of certain elements of the various sacrifices (see VaYikra 7:6-10, 32-36; BeMidbar 18:8-10, 14-19; Devarim 18:1-8) and were thus provided with a steady source of immediate sustenance. Nevertheless, in light of the Torah's recurring association of the Leviim with society's weaker and more vulnerable members such as the widow, orphan and convert (see Devarim 12:12-19; 14:27, 29; 16:11; 26:11), it would seem that the Torah never intended for the tribe to wax fat from the people's offerings. Rather, the Leviim were to maintain their focus on their more exalted calling by being DENIED access to property and the wealth that it typically conferred in ancient (and many modern) societies.

It is perhaps the Rambam (12<sup>th</sup> century, Egypt) who best captured the special role and responsibilities of these clans, as well as the universal implications of those responsibilities for Israel and for humanity at large, in his famous conclusion to his codification of the agricultural laws, found at the end of Sefer Zera'im (Hilkhot Shemitta and Yovel 13:12-13):

Why did the tribe of Levi not merit a portion in the land of Israel and in its spoils with his brethren? This is because they were designated to serve God and to minister before Him, to teach His righteous ways and upright laws to the masses, as the verse states: "They shall teach Your law to Ya'acov and Your Torah to Israel...." Therefore, they are separated from the ways of the world. They do not wage war like the rest of Israel, nor do they inherit land or secure sustenance by their own efforts. Rather, they are God's army, as the verse states: "May God bless his efforts" (literally "his forces"), and He, blessed be He, provides for them as it states "I am your portion and your inheritance."

The above is not only true of the tribe of Levi, but of any human being at all whose spirit moves him and whose wisdom inspires him to be separated in order to stand before God, to minister and serve in order to know Him. If such a one walks in sincerity just as God made him, and he casts off from upon himself the heavy yoke of vain pursuits that consume the masses, such a one has become sanctified as the Holy of Holies. God will be his portion and his inheritance forever, and will provide for him in this world with sufficiency, just as He provided for the Kohanim and Leviim. David himself exclaimed: God is my measured portion and share, You shall sustain my destiny" (Tehillim 16:5).

#### THE POTENTIAL OF POWERLESSNESS

While we tend to focus upon the pomp and privilege of the tribe of Levi, the probability for corruption that is often spawned by an alliance of religious and temporal power, (and concerning which the tribe was admittedly often guilty during the Biblical and especially Second Temple period), one cannot but be struck by the contrasting formulation of the Rambam. For him, man's highest calling is not the service of the earth or the pursuit of its bounty, for these are only means to an end. Fortunate is the man who is able to transcend them, casting off in the process the petty concerns that consume the majority of our lives, while distracting us from our truest calling to serve God and to comprehend His ways. According to Rambam's reading, the example of the Leviim is an ideal that ought to inspire every man in every place at every time, even as the practice of the Levitical cities has been dormant for thousands of years!

But the life of a Biblical Levi is often a life of material subsistence, for though God never fails to "provide," He rarely enriches. The Levi's goal, however, and by extension the goal of every thoughtful person, ought not to be material excess and spiritual dearth, but rather sufficiency, contentment and the ultimate meaning that only God awareness can bestow. The designation of the Levitical cities, then, was the first attempt in human history to create the conditions that could foster not the rejection of the world and its abasement but rather a truer appreciation for what ought to be our ideal relationship towards it.

My covenant was with him, the life and the peace, and I gave them to him to revere Me, for before My name he shows deference. True teaching was in his mouth and there was no iniquity upon his lips, he walked with Me in peace and honesty and turned many away from transgression. For the lips of the Kohen preserve knowledge and guidance shall be sought from him, for he is like an angel of God of hosts...(Malakhi 2:5-7).

Next time, we will consider the return of the tribes of Reuven, Gad and half Menashe to their Transjordanian homes. Readers are requested to prepare Chapter 22.

Chag kasher ve-sameach and Shabbat Shalom. May HaKadosh Barukh Hu have mercy upon His land and upon His people.