

Parshat Vaetchanan (Shabbat Nachamu) 5782

In the fourth perek of Devorim, Moshe Rabbeinu once again urges the Bnei Yisrael to observe the mitzvot. He speaks to them about their unique greatness and how Hashem revealed Himself to them at Mount Sinai. The Torah then interrupts this speech to relate that Moshe designated three cities of refuge on the east of the Yarden. As the pasuk says ' *Then Moshe set aside three cities on the side of the Yarden, on the east*' (4:41). These cities of refuge (arei miklot) were designated so that someone who had accidentally killed another person could remain safe from the hands of their victim's avenging relatives. After this, the Torah returns to Moshe's own narrative where he repeats the ten commandments in front of Bnei Yisrael. Why does the Torah interrupt Moshe Rabbeinu's description of Mount Sinai, the place which created the foundation of emunah, with a description of the arei miklot?

One might think there was an immediate need for these cities of refuge due to the growing number of murderers among the people. After all the mitzvah of saving someone's life, which can be achieved through the arei miklot, overrides all other mitzvot, as Chazal teaches us (Yuma 82a). However, in this case there was no such urgency. Even if there were murders among the camps of Beni Yisrael, Moshe's act of creating the arei miklot would not have helped them as these three cities would not have gained the status of real arei miklot until Yehoshua had conquered the Eretz Yisrael and established all 6 arei miklot. So the question still stands, why interrupt Moshe's speech to insert this particular mitzvah?

The Navi in Yechezkel teaches us that Hashem has no interest in punishing people for their sins. *"Have I any desire for the wicked person's death?"*, asks Hashem, *"Rather I desire that he repents for his ways and remain alive"* (Yechezkel 18:23). So too when the Torah demands that the murderer be exiled to the arei miklot it is not in punishment, but a means by which he can return to the ways of Hashem. Although caused by an accident, there is a level of negligence involved where the laws of the arei miklot apply.

The Torah teaches us that the 48 cities given to shevet Levi also served as cities of refuge (Bamidbar 35:6). The tribe of Levi were expected to use all their time and resources (including their land) to serve Hashem in the Beit Hamikdash. When not in service they were required to learn Torah and to teach others. This, therefore, is

an ideal place for accidental murderers to be exiled. These exalted cities would surround the sinner by holy people serving Hashem.

So the Torah relates the designation of the cities of refuge in the midst of Moshe Rabbeinu's recounting of the revelation of Mount Sinai and the Ten Commandments to teach Bnei Yisrael the importance of spreading the spiritual influence and the lessons of these events to those who flee to the arei miklot. Indeed, someone who has fallen prey to such sin should be able to come to the arei miklot to gain a spiritual uplift.

In the following pasuk (4:43) Moshe designates the three cities of refuge on the other side of the Yarden, one in each of the three tribes who were to dwell there. Reuben was designated the city of Betzer, Gad the city of Ramoth and Menashe the Golan in the Bashan. The Gemarah in Masekhet Makot (10a) takes note of the fact that when listing the three arei miklot designated by Moshe, the Torah first mentions the city of Betzer, which was in the area settled by the tribe of Reuben, even though Gad was the first to ask for the land on the East side of the Yarden. The Gemara comments on why Reuben earned the privilege of having his mentioned first? The Gemarah answers that Reuben was so honoured because of the merit of the Tribes founder. When Yaakov's sons plotted to kill Yosef, it was Reuben who intervened in his rescue. He advised the brothers to throw Yosef in the pit rather than kill him. It was due to this heroic act that Reuben is credited with saving his brother's life. The Torah pays tribute to his efforts by listing his first, which serves to rescue the killer from the victims' relatives.

Lastly, although Moshe knew he couldn't fulfil the entire mitzvah of setting up arei miklot in his lifetime, he still took it upon himself to establish the first three cities. Why did Moshe not leave the entire project to Yehoshua?

Moshe, through his own personal experiences had tasted the bitterness of being a refugee. He remembered being hunted down by Pharaoh in Egypt and knew what it was like to be a convict and the importance of refuge. Therefore it was Moshe's own experience that led him to eagerly speed up the process of establishing the arei miklot. This can be seen clearly with the opening words of the pasukim (relating to the arei miklot) which start, *אֵן יִבְדִּיל מִשָּׁה* (4:41). This is a reminder of *אֵן יִשִּׁיר מִשָּׁה*, which describes Moshe's rejoicing at being miraculously spared by Hashem.