

# Zera Shimshon

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Published Mantua 1778\*

## Chapter XLV: Va'etchanan (Deut. 3:23–7:11)

Essay 5. Why three cities of refuge on the east side of the Jordan?

**גמרא** דמכות (דף ט') תנו רבנן שלש ערים הכדיל משה בעבר הירדן, וכנגדן הכדיל יהושע בארץ. ופריד בגמרא בעבר הירדן תלת, בארץ ישראל? אמר אבני: בגלעד שכחי רוצחים. וכתבו התוספות פירוש ולהכי הוצרכו לערי מקלט שאם היו הורגים מזיד בלא עדים הקב"ה מזמנם לפונדק אחד. ונדחקו רבים בהבנת פירוש התוספות, דמה ענין מזידים עם שוגגים נאפילו אם בעבר הירדן שכחי רוצחים במזיד כדמשני אבני, הדרא קושנין לדוכתא! בעבר הירדן תלת, בארץ ישראל תלת?

**The Gemara for tractate Makkot (page 9b) says: “The Sages taught in a Baraita: Moses designated three cities of refuge in the opposite side of the Jordan river, i.e., the east side,<sup>1</sup> and corresponding to them, Joshua designated three cities of refuge in the land of Israel<sup>2</sup>.”** Someone who killed another unintentionally would be sentenced to go live in one of these cities. **The Gemara questions:** “[Why were there] three [cities designated] on [the east side] of the Jordan [where two and a half tribes resided], [and] three [cities designated] in the Land of Israel [where more than nine tribes resided]? **Abaye said: In Gilead [which is located on the east side of the Jordan], murderers are common.”** **The Tosafists wrote an explanation, for this purpose, the cities of refuge were required, for if there were intentional killers, i.e., murderers, without witnesses, “the Holy One, Blessed be He, would summon them to one inn. This [person] who killed intentionally [without witnesses] sits beneath a ladder, and that [person] who killed unintentionally [without witnesses] descends the ladder, and he falls upon [the intentional killer] and kills him. [There were witnesses to that incident in the inn, and therefore, it is proper], that [the person] who killed intentionally is killed, and that [person] who killed unintentionally is exiled [each receiving what he deserved].”<sup>3</sup> Many have been deterred from understanding the explanation of the Tosafists, for what does an intentional killer, i.e., a murderer, have to do with an unintentional killer, even if we’re talking about [the east side] of the Jordan, where it’s**

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<sup>1</sup> Deut. 4:41-43: “Then Moses separated three cities beyond the Jordan toward the sunrise; that the manslayer might flee thither, that slayed his neighbor unintentionally, and had not hated him in the past; and that fleeing unto one of these cities he might live: Bezer in the wilderness, in the table-land, for the Reubenites; and Ramot in Gilead, for the Gadites; and Golan in Bashan, for the Manassites.”

<sup>2</sup> Joshua 20:7: “So they set aside Kedesh in the hill country of Naphtali in Galilee, Shechem in the hill country of Ephraim, and Kiryay arba—that is, Hebron—in the hill country of Judah.”

<sup>3</sup> In other words, the court would be powerless to act, but G-d would ensure that the guilty parties were punished appropriately. This is not in the Tosafot, but rather appears in Makkot 10b as a teaching of Reish Lakish.

common to have intentional murderers, according to the teaching by Abaye. So “our difficulty is restored to its original place!”<sup>4</sup> “[Why were there] three [cities designated] on [the east side] of the Jordan [where two and a half tribes resided], [and] three [cities designated] in Eretz Yisrael [where more than nine tribes resided]? That is, even if there were many murderers on the east side of the Jordan, intentional murderers can’t flee to a city of refuge. So how does saying that there were many intentional murderers there answer the question as to why an equal number of cities of refuge were needed for a much smaller population?

וְנִרְאָה לומר שיש שני מינים של הורגים. יש מי שהורג בשוגג לפני עדים וזה גולה מיד שבית דין מגלין אותו. ויש מין אחר שהורג בלא עדים, ואי אפשר לו לגלות, אלא אם כן יהיו כנגדם כל כך מזידיים שיהרגו בלא עדים שהקב"ה מזמנם לפונדק אחד. ונמצא שבעבר הירדן דאיכא הרבה רוצחים במזיד כל ההורגים בשוגג בנדאי שיגלו, שהקב"ה מזמנם לפונדק אחד. אבל בארץ ישראל, דליכא כל כך הורגים במזיד, אם כן לא יגלו כל ההורגים בשוגג, ומשום הכי בעבר הירדן היוצרכו ערי מקלט הרבה.

**It appears to say that there are two types of unintentional killers. There is one who kills accidentally in front of witnesses, who is exiled immediately to a city of refuge, in that a court exiles him. There is another type that kills unintentionally without witnesses, and it is impossible for [the court] to exile [these unwitnessed accidental killers] to a city of refuge, unless there are so many intentional murderers there that killed without witnesses, that the Holy One, Blessed be He, would summon [both the unwitnessed accidental killers and the unwitnessed murderers] to one inn.** In other words, to punish the intentional murderers, G-d arranges for the intentional murderer to be killed by the unintentional killer, with witnesses present so that the unintentional killer can be exiled to a city of refuge by a court.

**It's found that on [the east side] of the Jordan, where there are many intentional murderers, all those who kill accidentally will certainly be exiled, that the Holy One, Blessed be He, will summon them to one inn,** as explained above. That is, there is at least one unwitnessed murderer for each unwitnessed accidental killer, so that all the unwitnessed accidental killers will be steered by Heaven into a situation where they unintentionally kill a murderer in front of witnesses. With this second unintentional killing being in front of witnesses, they will be sent by a court to a city of refuge. **But in the land of Israel, where there are not so many intentional killers, if so, all those who kill accidentally are not exiled,** because there is not one unwitnessed murderer for each unwitnessed intentional killer. **Because of this, [the east side] of the Jordan needed many cities of refuge** in proportion to its population, compared to what was required in the Land of Israel.

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<sup>4</sup> Yoma 13a.