

LIFE WITHOUT PAROLE

by Rabbi Yissocher Frand

Rabbi Frand on Parshas Shoftim

*These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape #426, The Mitzvah of Escorting Guests.
Good Shabbos!*

'Life Without Parole' For Unintentional Murder Would Be Inhumane

If a person killed someone unintentionally, the Torah stipulates that he is exiled to a city of refuge and he must remain there until the death of the Kohen Gadol [High Priest] [Bamidbar 35:38]. The Talmud discusses the connection between the Kohen Gadol and the unintentional murderer. The Kohen Gadol should have prayed that such tragic accidents not occur in the Land of Israel.

The Talmud mentions that there were 6 cities of refuge, 3 on the eastern side of the Jordan River and 3 on the western side. The 3 cities on the eastern side were set aside even before the Jews entered the Land of Israel proper (the western side). Nevertheless, they were not "effective" as cities of refuge until the corresponding cities on the western side were conquered and set aside as cities of refuge as well.

The Meshech Chochmah [Rav Meir Simcha HaKohen of Dvinsk 1843-1926] offers an interesting insight into this phenomenon. As we stated previously, a person exiled to a city of refuge had to remain there until the death of the Kohen Gadol. When the Jews entered the Land of Israel, the Kohen Gadol was Elazar, who succeeded his father Aharon in that position. Elazar was guaranteed to remain in that role throughout the period of conquest and division of the land (a period consisting of 14 years) [Bamidbar 34:17]. It follows that anyone who would kill unintentionally before the Jews entered and conquered the main part of the Land of Israel would have no chance of getting out of his confinement for many years.

Under normal circumstances, any person in a city of refuge could think to himself on any day of the year "today I may get out" (i.e. - perhaps the Kohen Gadol will die today). But if we were to put a person in a city of refuge before the process of conquering the Land of Israel began, this fellow would have no hope of immediate release. The Torah guaranteed that the Kohen Gadol would remain alive throughout the period of conquest and division. The Meshech Chochmah suggests that to place a person in a city of refuge with no hope of getting out any time soon would have been inhumane. "Life without parole" for an unintentional murderer would be a punishment that did not fit the crime. For this reason, the cities of refuge did not function in TransJordan until the land was divided and the role that the Torah guaranteed to Elazar was complete. At that point, the possibility of an early release from confinement was realistic.

"When They Gossip In Vilna, They Desecrate The Sabbath In Paris"

The Talmud [Eruchin 16a] teaches that there are two forbidden actions, for which there is no atonement achievable via regular sacrifices; atonement is only achievable via other means. Those two forbidden actions are murder and tale bearing (lashon hara). The example given of the atonement for murder is the 'Eglah Arufah' [Decapitated Calf]. The pasuk [verse] at the end of the section of Eglah Arufah [Devorim 21:9] in fact states, "And you shall eradicate the innocent blood from your midst by doing that which is upright in the eyes of G-d."

The simple meaning of this pasuk is that by performing the mitzvah of Eglah Arufah one is "doing what is upright in the eyes of G-d" and thereby that atones for the sin of the innocent blood being spilled.

The Ibn Ezra (1089-1164) offers a novel alternate interpretation of this pasuk. The Ibn Ezra reads the pasuk as an admonition -- You should do that which is upright in the eyes of G-d -- meaning fulfill the mitzvos in general -- and thereby G-d will see to it that no innocent blood is spilled in your midst. The Ibn Ezra quotes this as an application of the principle "the reward for one mitzvah is another mitzvah". The pasuk thus means "You, the Jewish Court, keep your commandments in order to prevent the spilling of innocent blood in your midst. (For example, fulfill the command of escorting wayfarers and seeing that the needs of itinerant travelers are met.)"

If the righteous people, the scholars, and the elders do what they are supposed to do, then all levels of society will behave properly and innocent blood will not be spilled in the land.

This is akin to the famous teaching repeated in the name of Rav Yisroel Salanter (1809-1883): "When Lashon Hara [gossip] is spoken in Vilna, the consequence is Chillul Shabbos [desecration of the Sabbath] in Paris". Vilna was the "Jerusalem of Lithuania" and Lithuania was the "Land of Israel of Europe". Vilna had a reputation for being the home of great scholars and Torah leaders. Obviously people there maintained a high level of observance. What were their sins? They lapsed into the virtually unavoidable sin of talking improperly about their neighbors. But spiritual laxity of any sort in Vilna had a "snowball effect" throughout the Jewish world. Therefore, in a city like Paris (which was

already then known for looser behavior) the consequence will be sins of much greater magnitude such as Sabbath desecration.

This is exactly how Ibn Ezra interprets the last pasuk of our parsha: "If you want to ensure that there will be no innocent blood spilled in your land, then you must elevate society by doing even the "regular" commands such as escorting one's guests, acts of kindness, and fulfilling that which is upright in the eyes of G-d."

People complain that "The country is morally declining; morality is terrible; society is amoral, etc. etc.". We sometimes have the attitude that "What can I do about it? I'm sitting here in Yeshiva doing what I am supposed to be doing. I pray. I learn. What do you want from me? I'm good!"

However, the lesson is that if we truly do what we are supposed to be doing then, metaphysically, that has an effect on the planet. But if we speak Lashon Hara in Vilna... or in Baltimore or in Boro Park or in Monsey or where ever we live, then that can have a detrimental effect and enable the worst type of sins committed everywhere else.

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