

CONFUSING CAUSATION

by Rabbi Yissocher Frand

Parshas Masei

Confusing Causation

This Dvar Torah is reprinted with permission from Mesorah Publications / ArtScroll, from "Rabbi Frand on the Parsha 2". Order "Rabbi Frand on the Parsha 2" direct from the publisher at a 10 percent discount, and ArtScroll will donate a portion of your purchase to Torah.org. Please visit artscroll.com. Good Shabbos!

"The assembly shall rescue the killer from the hand of the avenger of the blood, and the assembly shall return him to the city of refuge where he had fled; he shall dwell in it until the death of the Kohen Gadol whom he had anointed with the sacred oil." (35:25)

A person who kills someone unintentionally is required to flee to an ir miklat (city of refuge), and remain there until the Kohen Gadol dies. If he leaves the ir miklat, a relative of the victim can avenge the death by taking the life of the murderer.

The pasuk tells us that the killer must remain within the ir miklat until the death of the Kohen Gadol *"asher mashach oso b'shemem hakodesh — whom he had anointed with the sacred oil."*

Who is "he"? Contextually understood, the pronoun "he" in this pasuk is referring to the killer. Did the killer anoint the Kohen Gadol?

The Talmud explains that the pasuk was worded this way to teach us a halachah.

Not every killer is worthy of refuge in the arei miklat. Beis din is required to judge whether or not the killer is a candidate for the arei miklat.

What happens if the killing occurred while the Kohen Gadol was alive, but Beis Din only decided the case after that Kohen Gadol died and another Kohen Gadol was anointed? Does the killer go free immediately?

The Talmud tells us that the killer does not go free until the demise of the second Kohen Gadol.

This is written implicitly in the pasuk we are discussing, explains the Talmud. This pasuk is referring to Beis Din sending a person whom they deemed worthy of refuge to the arei miklat. When does he go free? Upon the death of the Kohen Gadol "*asher mashach oso*" — i.e., the Kohen Gadol who was anointed at the time that the Beis Din determined the killer worthy of refuge, not the one who was serving when the actual killing took place.

In Meshech Chochmah, Rav Meir Simchah of Dvinsk elaborates on this point to enable us to read the pasuk more literally.

Torah justice differs significantly from today's legal systems. Modern justice attempts to go beyond the actual crime, into the mind of the criminal, to determine why he committed the crime. Was he abused as a youngster? Perhaps the discrimination suffered by people of his race caused him to commit the crime? Was he fully coherent when he committed the crime? Maybe he was insane at the time Hundreds of criminals are freed each year because the jury or judge trying their case felt that they were able to evaluate the motives of the criminal, and based on their evaluation, the criminal should not be punished for his crime.

Truthfully, however, we mortals have no way of determining most people's motives. In the Torah justice system, the dayanim (judges) are required to rule cases based on cool, calculated examination of the evidence, with absolutely no leniency for what they might consider to be extenuating circumstances.

In cases of unintentional manslaughter, there are specific parameters by which Beis Din is required to send a person to an ir miklat. For how long? Beis Din does not set the killer's sentence. The killer must stay there until the Kohen Gadol dies. A modern justice system would set standard sentences, depending on the perceived motive of the crime and the level of recklessness displayed by the killer. That seems very logical. Is the Torah system fair? Is it fair to punish killers equally no matter what their motives were?

Actually, the Torah system is the fairest system of all, says the Meshech Chochmah, because it is literally Divine. In the Torah's system, a person will remain in the ir miklat for the precise amount of time that it takes for him to atone for his actions. HaKadosh Baruch Hu evaluates the motives of each killer sent to the arei miklat, and determines the term of the Kohen Gadol based on how long each killer is supposed to remain there.

For instance, Reuven inadvertently kills someone, and based on the level of his negligence and other extenuating conditions, he should be in the ir miklat for 20 years. Now, if ten years before the killing, two candidates were being considered for Kohen Gadol, one of whom is destined to live another 15 years and one of whom is destined to live for 30, Hashem will arrange for the Kohen destined to live for 30 years to be anointed, to ensure that Reuven serves out his sentence.

If Shimon also killed someone, but based on his motives and actions he should only have to take refuge for 10 days, Hashem will make sure that the Kohen Gadol serving in Shimon's days is one

who is meant to die ten days after Shimon walks into the ir miklat.

This is why the pasuk states, "asher mashach oso," says the Meshech Chochmah. Since Hashem chooses the Kohen Gadol based on the terms of penance needed by the various killers in the arei miklat, it is as if the killers anoint the Kohen Gadol of their generation!

Considering the number of people in the arei miklat at any given time, the combinations and permutations necessary to determine who should be the Kohen Gadol are obviously beyond the scope of human calculation. Hashem, however, is a Keil emunah ve'ein avel — a God of faith without iniquity (Devarim 32:4). Hashem will not allow a person who is only supposed to serve a ten-day sentence to remain in the ir miklat for eleven days, and he will not allow a person who requires 20 years of penance to leave one day earlier.

This insight leads us to a startling conclusion.

We view the world through human logic, and explain everything we see based on our understanding of the circumstances.

If we heard that an 83-year-old Kohen Gadol died, we would understand his death. No one lives forever, right? Human logic dictates that old people die.

If a 40-year-old Kohen Gadol dies suddenly, however, we would wonder why he died. And if we heard that he had a heart attack, we might think, "Was there any family history of heart disease? Did he smoke?"

The Meshech Chochmah teaches us something amazing. What we view as causation is not the actual causation. The Kohen Gadol's death is not based on old age, heart disease, or any other illness. The Kohen Gadol's death is determined by the need of the killers in the arei miklat to go free.

The same concept applies to all other events in life. What we consider to be the reasons for our health, wealth, success, or lack thereof, are usually not the real reasons. Causation is very confusing. Only Hashem, the God of faith without iniquity, knows the true reasons for the events in our lives.

RavFrاند, Copyright © 2007 by Rabbi Yissocher Frand and Torah.org.