

פרשות מטות-מסעי

Although it is very timely for this particular date, that is not the reason that the death of Aharon HaKohen HaGodol is mentioned in the second of this week's Parshos, Parshas Mas'ei.

That Parsha begins with the listing of the travels of our ancestors, their 42 journeys in their four decades in the wilderness until they were about to enter Eretz Yisroel.

In almost all cases, the Torah is succinct. It tells us they went from one place to another and then from that place to the next. These verses are an example of the style that is prevalent in the opening section (B'midbar Perek 33/P'sukim 10-11):

וַיִּסְעוּ מֵאֵילִם וַיַּחֲנוּ עַל יַם סוּף: וַיִּסְעוּ מִיַּם סוּף וַיַּחֲנוּ בְּמִדְבַר סִין:

They travelled from *Eilim* and they encamped by the Red Sea. They travelled from the Red Sea and they encamped in the *Sin* Wilderness.

There are a few exceptions to these brief verses and one that deals with the death of Aharon is one of those exceptions.

We already read of Aharon's death at length in Parshas Chukkas. There the Torah tells us (B'midbar Perek 20/P'sukim 22-29):

וַיִּסְעוּ מִקַּדֵּשׁ וַיָּבֹאוּ בְּנֵי יִשְׂרָאֵל כָּל הָעֵדָה הַר הָהָר: וַיֹּאמֶר ה' אֶל מֹשֶׁה וְאֶל אַהֲרֹן
בְּהַר הָהָר עַל גְּבוּל אֶרֶץ אֱדוֹם לֵאמֹר: יֵאָסֹף אַהֲרֹן אֶל עַמּוּי כִּי לֹא יָבֹא אֶל הָאָרֶץ
אֲשֶׁר נָתַתִּי לְבְנֵי יִשְׂרָאֵל עַל אֲשֶׁר מָרִיתֶם אֶת פִּי לִמִּי מְרִיבָה: קַח אֶת אַהֲרֹן וְאֶת
אֶלְעָזָר בְּנֵו וְהַעַל אֹתָם הַר הָהָר: וְהִפְשַׁט אֶת אַהֲרֹן אֶת בְּגָדָיו וְהִלְבַּשְׁתֶּם אֶת אֶלְעָזָר
בְּנֵו וְאַהֲרֹן יֵאָסֹף וַיָּמָת שָׁם: וַיַּעַשׂ מֹשֶׁה כְּאֲשֶׁר צִוָּה ה' וַיַּעֲלוּ אֶל הַר הָהָר לְעֵינָיו כָּל
הָעֵדָה: וַיִּפְשַׁט מֹשֶׁה אֶת אַהֲרֹן אֶת בְּגָדָיו וַיִּלְבַּשׂ אֹתָם אֶת אֶלְעָזָר בְּנֵו וַיָּמָת אַהֲרֹן שָׁם
כְּרָאשׁ הָהָר וַיֵּרֵד מֹשֶׁה וְאֶלְעָזָר מִן הָהָר: וַיֵּרְאוּ כָּל הָעֵדָה כִּי גִוַע אַהֲרֹן וַיִּבְכוּ אֶת
אַהֲרֹן שְׁלֹשִׁים יוֹם כָּל בֵּית יִשְׂרָאֵל:

They travelled from *Kadesh* and B'nei Yisroel, all of the congregation, came to *Hor HaHor*. Hashem said to Moshe and to Aharon at *Hor HaHor* on the border of the Land of Edom saying. Aharon shall be gathered to his people

because he will not come to the Land that I Hashem gave to B'nei Yisroel because you both rebelled against My word at *Mei Meriva*. Take Aharon and Elazar his son and take them up on *Hor Hahor*. Remove Aharon's clothes and dress them upon his son Elazar and Aharon will be gathered and will die there. Moshe did as Hashem commanded and they went up to *Hor HaHor* before the eyes of the whole congregation. Moshe removed Aharon's clothes and he dressed them upon Elazar his son and Aharon died there at the top of the mountain and Moshe and Elazar descended from the mountain. The entire congregation saw that Aharon had died and they cried for Aharon for thirty days, all of the House of Israel.

In our Parsha we read (Perek 33/P'sukim 38-39):

וַיַּעַל אַהֲרֹן הַכֹּהֵן אֶל הַר הַהָרִי עַל פִּי ה' וַיָּמָת שָׁם בַּשָּׁנָה הָאַרְבָּעִים לְצֵאת בְּנֵי יִשְׂרָאֵל מֵאֶרֶץ מִצְרַיִם בַּחֹדֶשׁ הַחֲמִישִׁי בְּאַחַד לַחֹדֶשׁ: וְאַהֲרֹן בֶּן שָׁלֹשׁ וְעֶשְׂרִים וּמָאתַיִם שָׁנָה בָּמָתוֹ בְּהַר הַהָרִי:

Aharon the Kohen went up to *Hor HaHor* according to the Word of Hashem and he died there in the fortieth year of the Exodus of B'nei Yisroel from the Land of Egypt in the fifth month on the first of the month. Aharon was 123 years old at his death on *Hor HaHor*¹.

The death of Aharon was a traumatic event for all of Israel and that is a reason, perhaps, why it is mentioned exceptionally during the otherwise standard narrative of travels.

The trauma was noted in the verse quoted above regarding the mourning for Aharon when the Torah writes:

וַיִּבְכוּ אֶת אַהֲרֹן שְׁלֹשִׁים יוֹם כָּל בֵּית יִשְׂרָאֵל:

They cried for Aharon for thirty days, all of the House of Israel.

¹ There are many apparent differences between how the death of Aharon is described here and how it is described in Parshas Chukkas. We will not deal with those differences in this present essay.

See Rashi to our Parsha regarding what the repetition of the death of Aharon in our Parsha teaches us.

That the trauma was all encompassing is emphasized by Rashi's words at the very end of the Torah. We read there about the death of Moshe Rabbenu (D'vorim Perek 34/Posuk 5 and Posuk 8):

וַיָּמָת שָׁם מֹשֶׁה עֶבֶד ה' בְּאַרְץ מוֹאָב עַל פִּי ה':

וַיִּבְכּוּ בְנֵי יִשְׂרָאֵל אֶת מֹשֶׁה בְּעַרְבַת מוֹאָב שְׁלֹשִׁים יוֹם וַיִּתְּמוּ יָמָיו בְּכִי אֶבְל מֹשֶׁה:

Moshe, the servant of Hashem died there in the Land of Moav by the mouth of Hashem.

B'nei Yisroel cried for Moshe in *Arvos Moav* for thirty days; the days of the crying of mourning for Moshe were completed.

Rashi writes there:

בני ישראל - הזכרים, אבל באהרן מתוך שהיה רודף שלום ונותן שלום בין איש לרעהו ובין אשה לבעלה נאמר כל בית ישראל, זכרים ונקבות:

B'nei Yisroel – the males [only]. However, regarding Aharon, because he pursued peace and made peace between people and between husband and wife it says 'the entire House of Israel'- men and women.

These unique traits of Aharon are mentioned in the Mishnah in Masseches Ovos where we read (Perek 1/Mishnah 12):

הלל אומר הוי מתלמידיו של אהרן אוהב שלום ורודף שלום אוהב את הבריות ומקרבן לתורה:

Hillel says, 'Be among the disciples of Aharon: Loving peace, pursuing peace, loving people and drawing them close to Torah.

This universal love for Aharon helps us understand the Rashi in Parshas Chukkas who tells us to understand this verse literally:

וַיֵּרְאוּ כָּל הָעֵדָה כִּי גִוַע אַהֲרֹן

The entire congregation saw that Aharon had died:

How did they 'see' that Aharon had died? Rashi explains there:

ויראו כל העדה וגו' - כשראו משה ואלעזר יורדים ואהרן לא ירד, אמרו היכן הוא אהרן. אמר להם מת. אמרו לו אפשר מי שעמד כנגד המלאך ועצר את המגפה ישלוט בו מלאך המות. מיד בקש משה רחמים והראוהו מלאכי השרת להם מוטל במטה, ראו והאמינו:

*The entire congregation saw etc. – when they saw Moshe and Elazar descending, but not Aharon, they said, ‘Where is Aharon?’ Moshe said to them, ‘He died’. They said to Moshe, ‘Is it possible that the one who stood up against the angel [of death] and stopped the plague, that the angel of death should have rule over him?’ Moshe sought mercy from Hashem and the *Malachei haSha’res*² showed Aharon placed on a bed. B’nei Yisroel saw, and they believed [that he indeed had died].*

The very fact that Moshe had to ask Hashem for mercy demonstrates the trauma and confusion that the people felt.

And now with the death of Aharon, his son Elazar is succeeding him, fitting perfectly into the role that his father created.

So much did Elazar fit into the role that his father created that we read that Moshe sought such a transition for himself.

That is what Rashi writes in Parshas Chukkas (Posuk 26):

חמד משה לאותה מיתה

Moshe desired such a death:

What did Moshe desire? Rashi makes it quite clear at the end of Sefer D’vorim. There we read (Perek 32/Posuk 50):

וַיִּמָּת בְּהָר אֲשֶׁר אָתָּה עֹלָה שָׁמָּה וְהֶאֱסֹף אֶל עַמִּיךָ כְּאֲשֶׁר יָמַת אֶהְרֹן אָחִיךָ בְּהָר הַהוּא
וַיֶּאֱסֹף אֶל עַמִּיּוֹ:

² That is, in fact, the Angel of Death did not take the life of Aharon. As we read in Posuk 38 in our Parsha, Aharon died 'על פי ה'. Rashi explains: –בנשיקה with a Divine kiss.

You shall die on the mountain that you will ascend there and you will be gathered to your people like Aharon your brother died on *Hor HoHor* and he was gathered to his people.

Rashi writes there:

כאשר מת אהרן אחיך - באותה מיתה שראית וחמדת אותה, שהפשיט משה את אהרן בגד ראשון והלבישו לאלעזר וכן שני וכן שלישי וראה בנו בכבודו...

Like your brother Aharon died – with the same type of death that you saw and desired. Moshe removed the first article of clothing from Aharon and he dressed Elazar and so with the second and third articles of clothing and Aharon saw his son in *his* honor.

With this extensive background, it would seem inconceivable that people would ever pray for the early death of the Kohen Godol. But the facts are, as we will now see in the continuation of Parshas Mas'ei, that such was the case and the mother of the Kohen Godol had to 'bribe' some people to withhold such prayers.

What were the circumstances in which such prayers would occur?

In the continuation of our Parsha we read regarding the laws of unintentional murder and premeditated murder.

Regarding unintentional murder, the Torah writes (Perek 35/Posuk 11):

וְהִקְרִיתֶם לָכֶם עָרִים עָרֵי מִקְלָט תִּהְיֶינָה לָכֶם וְנָס שָׂמָה רֹצֵחַ מִכָּה נָפֶשׁ בְּשִׁגְגָה:

Prepare for yourselves cities, Cities of Refuge they shall be for you; a murderer shall flee to there, one who kills unintentionally.

Then the Torah writes (Posuk 25):

וְהִצִּילוּ הָעֵדָה אֶת הָרֹצֵחַ מִיַּד גֹּאֵל הַדָּם וְהָשִׁיבוּ אֹתוֹ הָעֵדָה אֶל עִיר מִקְלָטוֹ אֲשֶׁר נָס שָׂמָה וַיֵּשֶׁב בָּהּ עַד מוֹת הַכֹּהֵן הַגָּדֹל אֲשֶׁר מָשַׁח אֹתוֹ בְּשֶׁמֶן הַקֹּדֶשׁ:

The congregation shall save the [unintentional murderer] from the hand of the 'blood redeemer' and the congregation shall restore the unintentional murderer to his City of Refuge to which he fled; he

shall dwell in it until the death of the Kohen Godol who was anointed with the sacred oil.

The Torah continues (Posuk 28):

כִּי בָעִיר מִקְלָטוֹ יֵשֵׁב עַד מוֹת הַכֹּהֵן הַגָּדֹל וְאַחֲרֵי מוֹת הַכֹּהֵן הַגָּדֹל יָשׁוּב הָרֵצִחַ אֶל אֶרֶץ אֲחֻזָּתוֹ:

The unintentional murderer shall dwell in his City of Refuge until the death of the Kohen Godol and after the death of the Kohen Godol, the unintentional murderer shall return to the land of his inheritance.

We read in the Mishnah in Masseches Makkos (11 b):

לפיכך אמותיהן של כהנים מספקות להן מחיה וכסות כדי שלא יתפללו על בניהם שימותו:

Therefore the mothers of Kohanim [Gedolim] supply [the unintentional murderers in the Cities of Refuge] with food and clothing so that the exiles will not pray that the sons [of those mothers] will die.

After reading the verses regarding Aharon, I think it is fair to say that he was universally admired, exceptionally so. No one could accept the fact that he was dead until they were presented with evidence that left no room for doubt.

And, his heirs, his children, grandchildren and descendants for all generations have this threat hanging over their heads. If there will be an unintentional murder while the Kohen Godol is serving in his position, he becomes the target for prayers for his life to be shortened.

If we are not familiar with this Halachah and have not learned it before, we are puzzled, to say the least, as to why the death of the Kohen Godol should be the prerequisite for the release of the unintentional murderer from his מקלט, his City of Refuge.

Rashi writes in our Parsha (Posuk 25):

עד מות הכהן הגדול - שהוא בא להשרות שכונה בישראל ולהאריך ימיהם, והרוצח בא לסלק את השכינה מישראל ומקצר את ימי החיים. אינו כדאי שיהא לפני כהן גדול. דבר אחר לפי שהיה לו לכהן גדול להתפלל שלא תארע תקלה זו לישראל בחייו:

Until the death of the Kohen Godol – The Kohen Godol comes to bring the Shechinah to reside within Israel and to lengthen their days and the murderer comes to remove the Shechinah from Israel and shortens their days. This murderer does not deserve to [appear] before the Kohen Godol [and therefore he is sequestered].

Another explanation – The Kohen Godol should have prayed that this downfall should not have occurred within Israel during his lifetime.

In his explanation of the Mishnah brought above, *Bartenura* adopts the second explanation of Rashi and writes:

שלא יתפללו על בניהם שימותו - והם פשעו, שהיה להם לבקש רחמים על דורם
שלא יארע בהן תקלה ולא בקשו:

So that they will not pray regarding their sons that they will die – the Kohanim Gedolim were negligent. They should have sought mercy on their generations so that there would not be a downfall; and they did not so seek.

If we consider this explanation, we understand that the succession from one Kohen Godol to another included far more than leading the *Avodah* in the Beis HaMikdosh. The Kohen Godol was more than the Chief Executive Officer of Divine Service, the one who was responsible to oversee that the service in this most holy of places was complete.

The Kohen Godol was to be an heir to Aharon; he who was chosen to inaugurate that position. When we praise the uniqueness of Aharon the Kohen Godol we are not only discussing his extraordinary traits. When we praise Aharon we are reminding ourselves of the expected profile of all succeeding Kohanim Gedolim.

The role of the Beis HaMikdosh as being far more than a place of *Bein Odom LaMakom* but also being a place of *Bein Odom LaChaveiro* is emphasized throughout the Torah.

We read immediately following the *Aseres HaDibros* (Sh'mos Perek 20/Posuk):

וְאִם מִזְבֵּחַ אֲבָנִים תַּעֲשֶׂה לִּי לֹא תִבְנֶה אֹתוֹן גִּזִּית כִּי חֶרֶבְךָ הַנִּפְתָּ עָלֶיהָ וַתְּחַלְלֶהּ:

When you will make for Me an altar of stone, do not make it off cut stone because when you raise your sword upon it you will profane it

Rashi writes there:

ותחללה - הא למדת, שאם הנפת עליה ברזל חללת, שהמזבח נברא להאריך ימיו של אדם, והברזל נברא לקצר ימיו של אדם, אין זה בדין, שיונף המקצר על המאריך. ועוד, שהמזבח מטיל שלום בין ישראל לאביהם שבשמים, לפיכך לא יבא עליו כורת ומחבל. והרי דברים קל וחומר ומה אבנים שאינם רואות ולא שומעות ולא מדברות על ידי שמטילות שלום אמרה תורה לא תניף עליהם ברזל, המטיל שלום בין איש לאשתו, בין משפחה למשפחה, בין אדם לחבירו, על אחת כמה וכמה שלא תבואהו פורענות:

You will profane it – from this you learn that if you raise metal upon it you are profaning. This is because the altar was created to prolong the life of man and metal shortens the days of man. It is not proper that that which shortens should be raised upon that which lengthens.

Additionally, the altar places peace between Israel and their Father in heaven; therefore that which excises and wounds should not come upon it.

And all the more so we can derive – if stones that do not see and do not hear and do not speak, since they make peace the Torah said 'do not raise metal upon it, one who makes peace between a man and his wife, between families and between individuals, all the more so no harm will come to him³.

³ See also Rashi to Sh'mos 29/22 and Vayikro 4/1.

It is not difficult to hear the name of Aharon the Kohen Godol being echoed by these last words!

We are also reminded of the unique potential that a Kohen Godol has. Evidently, had the Kohen Godol prayed as he should have, had he properly sought the mercy that was expected of him, his prayers would have been answered and the Divine mercy would have come to Israel and the tragedy of the unintentional murder would have been averted.

Thus, we can understand the nature of the prayers for the early demise of the Kohen Godol on two levels, based on the two explanations proffered by Rashi. If the explanation of the connection between the death of the Kohen Godol and the release of the murderer from the *Ir Miklat* is because of the murderer himself, because he does not deserve to be in the presence of the Kohen Godol, then we can understand his prayers as being an extension of his less-than honorable personage. Not only has he killed, he now wants to shorten someone else's life as well. He is dishonorable and his prayers are dishonorable as well.

On the other hand, according to the second explanation that Rashi gives which is the one that Bartenura adopts for his commentary on the Mishnah, this individual confined to the *Ir Miklat* has a valid claim upon the Kohen Godol. That does not mean that we can justify his prayers for the Kohen Godol's premature death, but we can justify the enmity that this murderer has towards the Kohen Godol.

He can claim that had the Kohen Godol done his job properly, fulfilled the tasks that were placed upon him properly, the loss of life caused by this murderer would have been averted and the murderer would have continued to pursue a life that was totally normal, like the other citizens of Eretz Yisroel. Thus there is a place to put blame upon the Kohen Godol.

Before proceeding to understand more of this Halachah, let us first examine what 'unintentional murder' means.

In the second Perek of Masseches Makkos there are many discussions regarding the parameters of unintentional murder, based on the verses in our Parsha and similar verses in Parshas Shoftim in Sefer D'vorim. For our purposes, we will focus

on the Halachic decisions of Rambam as we read a number of selections from the Hilchos Rotze'ach and Sh'miras HaNefesh. The first selection is from Perek 5 and the rest are from Perek 6. We read:

כל ההורג בשגגה גולה ממדינה שהרג בה לערי מקלט ומצות עשה להגלותו
שנאמר וישב בה עד מות הכהן הגדול...

One who kills unintentionally is exiled from the city where he killed to the Cities of Refuge. It is a positive commandment to exile him as it says, 'He shall dwell in it until the death of the Kohen Godol.

שלשה הם ההורגים בלא כוונה, יש הורג בשגגה...ודינו שיגלה לערי מקלט וינצל...

There are three categories of those who kill without intent.

There is one who kills unintentionally and his Halachah is to go to the City of Refuge and be saved.

יש הורג בשגגה ותהיה השגגה קרובה לאונס והוא שיארע במיתת זה מאורע פלא
שאינו מצוי ברוב מאורעות בני אדם ודינו שהוא פטור מן הגלות...

There is one who kills unintentionally and his lack of intention is very close to being accidental and that is when the event of the person's death is wondrous⁴ – it would not happen in most cases and the law is that he is exempt from [punishment completely including] exile to the *Ir Miklat*.

יש הורג בשגגה ותהיה השגגה קרובה לזדון והוא שיהיה בדבר כמו פשיעה או
שהיה לו להזהר ולא נזהר, ודינו שאינו גולה, מפני שעונו חמור אין גלות מכפרת
לו...

There is one who kills unintentionally but his lack of intention is close to being intentional like negligence, or he should have been careful and he wasn't. In this case the person is not exiled to the *Ir Miklat* because his sin is too severe. Exile will not atone for him.

כיצד, הזורק אבן לרשות הרבים והרג...הרי זה קרוב למזיד ואינו נקלט מפני שזו
פשיעות היא שהרי היה לו לעיין ואחר כך יזרוק...

⁴ That which is 'wondrous' is not 'natural'.

For example, if one throws a stone into a public area and kills someone that is close to being intentional and he cannot be accepted by the *Ir Miklat* because this is negligence because he should have looked and then thrown.

...הזורק את האבן ואחר שיצאת מידו הוציא הלה את ראשו וקבלה פטור מן הגלות...

[But] if someone threw a stone and after the stone left his hand someone stuck out his head and he was hit [and died], the one who threw is exempt from exile.

מי שהיה דולה את החבית להעלותה לגג ונפסק החבל ונפלה על חבירו והרגתה או שהיה עולה בסולם ונפל על חבירו והרגו פטור מן הגלות, שזה כמו אנוס הוא שאין זה דבר הקרוב להיות ברוב העתים אלא כמו פלא הוא.

Someone was raising a barrel to the top of his roof and the rope snapped and it fell on someone and killed him or he was climbing a ladder and fell on someone and killed him he is exempt from exile. This is similar to an accident because such an event is not likely to occur in most instances and therefore it is wondrous.

אבל אם היה משלשל את החבית ונפלה על חבירו והרגתה, היה יורד בסולם ונפל על חבירו והרגו...גולה...שהרי דרך נפילה מצוי ברוב העתים להזיק ודבר קרוב הוא להיות שהרי טבע הכבד לירד למטה במהרה והואיל ולא זירז עצמו ותיקן מעשיו יפה בשעת ירידה יגלה, וכן כל כיוצא בזה.

But, if he was lowering a barrel and it fell on someone and killed him or he was going down the ladder and fell on someone and killed him...he is exiled... because such an event happens many times and it is likely since it is the nature of something heavy to descend rapidly and since the person did not act with keenness and prepare his actions well when he was descending, he is exiled, and so it is with similar cases.

Thus, while there are three cases that could be defined broadly as *shogeg*, unintentional, only one of those three types meets the definition of the Torah's unintentional murderer who is sent to exile and who has to reside in the *Ir Miklat* until the death of the reigning Kohen Godol.

Let us now think of what we learned. Besides the fact that the one who has killed unintentionally has put himself fully in contrast with the Kohen Godol – the Kohen Godol prolongs life and adds to its quality and this killer has shortened life and removed its quality, there is an additional aspect.

The Kohen Godol was not doing his job properly.

Isn't this difficult to understand? If the fate of an intentional murderer or one who was קרוב למזיד, whose actions approximated intent, was tied to the life of the Kohen Godol I would be more likely to understand the fact that the Kohen Godol failed in instilling sufficient respect for life among the populace and for that reason he has a certain level of culpability.

But, here the killer fell down on his poor victim because one of the rungs of the ladder gave out – is that the responsibility of the Kohen Godol?

We are not troubled regarding the banishment of the unintentional killer to the *Ir Miklat*. Sefer HaChinuch (Mitzvah 410) explains:

לפי שעון הרציחה חמור עד מאד שבה השחתת העולם, עד שאמרו זכרונם לברכה שההורג נפש מזיד אפילו עשה כל המצוות אינו ניצול מן הדין, שנאמר [משלי כח/ז⁵], אדם עשוק בדם נפש עד בור ינוס, ולא ימלט⁶, ולכן ראוי למי שהרג אפילו שוגג מכיון שבאת תקלה גדולה כזו על ידו, שיצטער עליה צער גלות ששקול כמעט כצער מיתה שנפרד האדם מאוהביו ומארץ מולדתו ושוכן כל ימיו עם זרים. ועוד יש תיקון העולם במצוה, כמו שביאר הכתוב שינצל עם זה מיד גואל הדם לבל יהרגנו על לא חמס בכפיו שהרי שוגג היה. ועוד תועלת בדבר לבלי יראו קרובי המוכה הרוצח לעיניהם תמיד במקום שנעשתה הרעה, וכל דרכי התורה נועם.

Because the sin of murder is very, very severe because it has in it the destruction of the world to such an extent that Chazal said, 'that even if

⁵ The entire verse reads:

אָדָם עֲשׂוּק בְּדָם נֶפֶשׁ עַד בּוֹר יִנוֹס אֶל יַתְמָכוֹ בּוֹ:

One who is cheated with the blood of a person shall flee to the pit; they will not give him support.

⁶ These words are not part of this Posuk. Sefer HaChinuch 'borrowed' them from Koheles Perek 8/Posuk 8 or, perhaps, from Amos Perek 9/Posuk 1.

one has fulfilled all of the Mitzvos, he is not saved from punishment (if he has killed) as it says, One who is burdened with the blood of another soul, he shall flee to the pit and not escape.’

Therefore it is appropriate for one who has killed, even unintentionally, that since such a great downfall has come because of him, that he should suffer the pain of exile that is almost equivalent to the pain of death. This is because he is separated from his loved ones and from the land of his birth and all of his days he will dwell with strangers.

Additionally, there is a positive aspect for the entire world in this Mitzvah as the verse explains that he will be saved from the *Go’el Ha’dam*⁷ so that the *Go’el Ha’dam* will not kill the unintentional killer who in fact did not commit a crime of violence, since it was unintentional.

An additional advantage of the Mitzvah is to save the relatives of the murdered individual from seeing the murderer all of the time in the place where the evil occurred – all of the ways of the Torah are pleasantness⁸.

⁷ Regarding the unintentional murderer who has been tried in *Beis Din* and sent to the *Ir Miklat*, the Torah writes in our section (Perek 35/P’sukim 26-27):

וְאִם יֵצֵא יֵצֵא הַרְצִיחַ אֶת גְּבוּל עִיר מִקְלָטוֹ אֲשֶׁר יָנוֹס שָׁמָּה: וּמָצָא אֹתוֹ גֹּאֵל הַדָּם מִחוּץ לְגְבוּל עִיר מִקְלָטוֹ וַרְצַח גֹּאֵל הַדָּם אֶת הַרְצִיחַ אִין לוֹ דָּם:

If the murderer will go out from the borders of his city of refuge that he would flee to there and the *Go’el Hadam* finds him outside the border of his city of refuge and the *Go’el Hadam* kills the murderer, it as if the murderer had no blood.

That is, the relative of the victim is allowed to kill the unintentional murderer under certain circumstances and when those circumstances exist it as if the murderer was already dead, having ‘no blood’.

⁸ *Sefer HaChinuch* is referring to the verse in Mishlei (Perek 3/Posuk 17) which reads:

דְּרָכֶיהָ דְרָכֵי נְעָם וְכֹל נְתִיבֹתֶיהָ שְׁלוֹם:

The Torah’s ways are ways of pleasantness and all of its paths are peace.

Sefer HaChinuch uses this verse in explanation of other Mitzvos as well. See, for example, Mitzvah 330.

However, how can we expect the Kohen Godol to be responsible for accidents?

In fact, the intuitiveness of the above question seems to be proven wrong by Chazal.

In Masseches Makkos where we learn the Halachos of ערי מקלט, we read (11 a) that the Gemara asks the very same questions that we are raising. Even after the Gemara gives the explanations as to why the death of Kohen Godol is related to the exile, the Gemara still finds itself hard-pressed to understand the logic.

Then the Gemara tells us an explanation based on a מעשה שהיה, an event that occurred.

We read there: תלמוד בבלי מסכת מכות דף יא עמוד א:

כי הא דההוא גברא דאכליה אריא ברחוק תלתא פרסי מיניה דר' יהושע בן לוי, ולא אישתעי אליהו בהדיה תלתא יומי.

This is like the case when there was person who was eaten by a lion at a distance of three *parsos*⁹ from Rabi Yehoshua ben Levi and Eliyahu HaNovi did not talk with Rabi Yehoshua ben Levi for three days.

We are not surprised to learn that the righteousness of Rabi Yehoshua ben Levi was so great that he had daily גילוי אליהו, that on a regular basis Eliyahu HaNovi would appear before him. If that would not be the case then an absence of three days of conversation would not be remarkable in the least.

And it is equally obvious that Eliyahu HaNovi cast blame upon Rabi Yehoshua ben Levi for this death that took place far from his location.

The Gemara's point is that this case of Eliyahu HaNovi and Rabi Yehoshua ben Levi is quite similar to the Kohen Godol being held responsible for the unintentional murder that took place on 'his watch'.

In fact, this counter-intuitive idea is found in the Gemara's commentary on a Mishnah in Masseches Shabbos. The subject of the Gemara is the extent of the

⁹ One *parsa* is 2000 *amos*. 1000 *amos* is approximately one kilometer.

obligation of שבידת בהמתו on Shabbos. That is, the Torah requires a person to let his animal 'rest' on Shabbos as we read in Parshas Yisro (Sh'mos Perek 20/Posuk 10):

וְיוֹם הַשְּׁבִיעִי שַׁבָּת לַה' אֲלֵי לִקְיָהּ לֹא תַעֲשֶׂה כָּל מְלָאכָה אֶתָּה וּבִנְךָ וּבִתְּךָ עַבְדְּךָ וְאִמְתֶּךָ וּבְהֵמָתְךָ וְגֵרְךָ אֲשֶׁר בְּשַׁעְרֶיךָ:

The seventh day is Shabbos for Hashem your G-d; do not do any *melachah*, you, your son, your daughter, your male servant, your female servant and your animal and the stranger within your gates.

Unlike the prohibition of *melachah* for the Jew, the obligation of שבידת בהמתו, making 'Shabbos' for your animal means that one doesn't bring one's animal to do *melachah* that will benefit the owner. On the other hand there is no problem with the animal grazing naturally – that is for the animal's benefit because it wants to eat.

The obligation of שבידת בהמתו extends to the *melachah* of הוצאה, carrying from the private domain to the public one, and vice-versa and the same rule applies. If it is for the animal's benefit, it is not prohibited and thus a blanket that keeps the animal warm is permitted, even though the animal walks to and fro.

However, some type of decorative ornament on the animal, something that would give some type of prestige to the owner, is forbidden.

The Mishnah (54 a) writes:

פרתו של רבי אלעזר בן עזריה היתה יוצאה ברצועה שבין קרניה שלא ברצון חכמים.

Rabi Eliezer ben Azaria's cow would go out (from the private to the public domain) with a decorative ribbon between its horns and this was against the will of the Chachamim.

Rabi Elazar ben Azaria was the *Nosi* at the time of Rabban Gamliel, and shared the rule with him for many years¹⁰.

Rabi Elazar ben Azaria was the one who became the *Nosi* at the age of 18 (!) and whose hair miraculously turned white so that he would not be looked down upon because of his youthful appearance.

Rabbi Elazar ben Azaria did something which was halachically disapproved?

The Gemara there writes:

פרתו של רבי אלעזר בן עזריה. וחדא פרה הויא ליה? והא אמר רב, ואמרי לה אמר רב יהודה אמר רב: תריסר אלפי עגלי הוה מעשר רבי אלעזר בן עזריה מעדריה כל שתא ושתא! - תנא: לא שלו היתה, אלא של שכינתו היתה, ומתוך שלא מיחה בה - נקראת על שמו.

The *cow* of Rabi Elazar ben Azaria. He had only *one* cow? Rav said and some said it was Rav Yehuda who said in the name of Rav: Every year the *ma'aser beheima*, the tithing of his calves reached the number of 12,000!

The Braisa explained, 'The cow that went out with the ribbon did not belong to Rabi Elazar ben Azaria; it belonged to a woman in his neighborhood. But since he did not object to the fact that her animal was going out improperly – the sin was attributed to him.

The Gemara there concludes:

כל מי שיש בידו למחות ואינו מוחה - נענש עליו.

One who can protest against a sin but doesn't – he is punished for the sin.

There is an obvious objection to raise here. Rabi Elazar ben Azaria was aware of the action taking place. He should have taken action to intervene. His abstention from intervention is what made the improper behavior attributed to him. That is not the case where we are dealing with an action that took place without the awareness of the person who is being blamed!

¹⁰ See Masseches B'rachos 28 a.

However, Meshech Chochmoh to Parshas Noso, in regards to the Nozir who becomes *tomei* because all of a sudden someone dies and contaminates him says that the effect of an 'unrelated' event to Rabi Yehoshua ben Levi has Halachic ramifications.

The verse (B'midbar Perek 6/Posuk 9) reads

וְכִי יָמוּת מֵת עָלָיו בְּפֶתַע פְּתָאִם וְטָמֵא רֹאשׁ נִזְרוֹ וְגִלַּח רֹאשׁוֹ בְּיוֹם טְהָרְתּוֹ בְּיוֹם
הַשְּׁבִיעִי יִגְלַחְנוּ:

When someone dies near the *nozir* with suddenness, the *nozir* becomes impure and he must shear his head on the day of his purification – on the seventh day he shall shave it.

The Torah continues in Posuk 12:

וְהִזִּיר לֵה' אֶת יָמֵי נִזְרוֹ וְהֵבִיא כֶּבֶשׂ בֶּן שָׁנָתוֹ לְאָשָׁם וְהֵיָמִים הָרִאשֹׁנִים יִפְלוּ כִּי טָמֵא
נִזְרוֹ:

He shall make himself a *nozir* to Hashem for the days of the *nezirus* [that he vowed] and he shall bring a one-year old sheep for a guilt offering and the original days fall aside (don't count) because he became impure as a *nozir*.

Is it fair? This *nozir* was exemplary in his dedication to fulfil his vow without error or sin. Is it fair because someone happens to die in the building where the *nozir* is at that moment, the *nozir* becomes impure and all of the days in which he kept his vow are discarded?

Meshech Chochmoh (Posuk 8) writes:

אמר (פסוק ט) "וכי ימות מת עליו בפתע" - שלא היה צריך ליזהר מזה, כי הוא אנוס...פירוש, כיון שהוא איש קדוש ורום המעלה צריך להביא כפרה על שאירע שמת איש באהלו. וכמו דאמרו במכות בהא שיושב הרוצח עד מות הכהן הגדול, דהוי להו למיבעי רחמים על דורם ולא ביקשו. והנזיר מעלתו כמעלת הכהן הגדול...וכמו ההוא דאכליה ארי ברחוק תלתא פרסיא מיניה דר' יהושע בן לוי, ולא אישתעי אליהו בהדיה.

The Torah writes, 'When someone dies near him with suddenness'. Why did the nozir have to be careful about this matter – it was an accident for him!

The explanation is that as a holy person and one who was on a very high level – he needs to bring atonement (Posuk 11) because someone died within his tent. This is similar to what we learn in Masseches Makkos that the murderer resides [in the city of refuge] until the Kohen Godol dies since the Kohen Godol should have sought mercy for his generation – but he didn't.

The level of the nozir is like that of the Kohen Godol and this is similar to the person eaten by a lion at a distance of 3 *parsos* from Rabi Yehoshua ben Levi and with whom Eliyahu didn't talk.

It is true that I can see a difference between the two cases, but Meshech Chochmoh teaches us that such a difference is inconsequential. The point is that great people have responsibilities that extend beyond their personal selves. They are to spread their influence.

In fact, *Ibn Ezra* also sees the episode in Masseches Makkos as being indicative of responsibility that extends far beyond what appears to be the individual's or the community's boundaries.

The Torah teaches us at the end of Parshas Shoftim regarding the Mitzvah of עגלה ערופה. When a person is murdered by an unknown assailant outside of a city's boundaries, the closest city must bring a calf and decapitate it. At the time of the Mitzvah, the Torah requires the elders of the city to make a declaration that seems quite strange.

We read there (D'vorim Perek 21/Posuk 7):

וְעָנוּ וְאָמְרוּ יְדֵינוּ לֹא שָׁפְכוּ אֶת הַדָּם הַזֶּה וְעֵינֵינוּ לֹא רָאוּ:

The elders respond and say, 'Our hands did not spill this blood and our eyes did not see.'

Rashi expresses our astonishment and writes:

וכי עלתה על לב שזקני בית דין שופכי דמים הם

Would we have ever thought that the elders of *Beis Din* are murderers [that they would have to proclaim that they did not kill the victim]?

Ibn Ezra explains:

ויתכן, שהשם צוה לעשות כן העיר הקרובה, כי לול[א] שעשו עבירה כדומה לה, לא נזדמן להם שיהרג אדם קרוב מהם. ומחשבות השם עמקו וגבהו לאין קץ אצלנו.

It is possible that Hashem commanded to do so with the closest city because had they not done a similar sin, it would not have happened that someone would have been murdered close to them.

Hashem's thoughts are deep and high, infinite for us.

What does all of this have to do with us? We are neither *Kohanim Gedolim* or *Nezirim*. If *chas v'Shalom* a tragedy occurs in proximity to me, a tragedy in which I was not involved in the least bit, should I feel guilty?

I would like to suggest two responses to this question that should concern us all as we learn this week's Parsha.

The first answer is more modest. It is true I am not a *Kohen Godol* or Rabi Elazar ben Azaria or Rabi Yehoshu ben Levi. I do not assume responsibility for the whole world.

But shouldn't I assume responsibility for myself? Am I not my own 'kohen godol'? If I cannot direct others, shouldn't I at least direct myself?

If I wish to exempt myself from those around me, can I allow myself to do the same for me?

At the very least, let me be in charge of myself!

But there is a second answer to the query of what the Torah wants from me. And that answer may be less 'pleasant' than the first one that was offered because the answer above sought to lighten my responsibilities.

Let us see what Rambam writes in Hilchos Teshuva (Perek 3/Halachah 4):

צריך כל אדם שיראה עצמו כל השנה כולה כאילו חציו זכאי וחציו חייב, וכן כל העולם חציו זכאי וחציו חייב, חטא חטא אחד הרי הכריע את עצמו ואת כל העולם כולו לכף חובה וגרם לו השחתה, עשה מצוה אחת הרי הכריע את עצמו ואת כל העולם כולו לכף זכות וגרם לו ולהם תשועה והצלה

A person should see himself all of the time as being half innocent and half guilty, and to see the world in the same way – half innocent and half guilty.

[He should see it that if] he commits one sin, he has tilted the scale for himself and for the world to guilt and has caused destruction.

If he does one Mitzvah, he has tilted the scale for himself and for the entire world to innocence and he has caused for himself and for them salvation and deliverance.

Rav Kook teaches us that it is not happenstance that we come to exist at the particular time when we are born.

In the *tefilah* that is found in Masseches B'rachos (17 a) and added at the conclusion of each *amida* of Yom HaKippurim we recite:

א...ל'קי עד שלא נוצרתי איני כדאי ועכשיו שנוצרתי כאלו לא נוצרתי,

My G-d, until I was formed I was not worthy and now that I was formed it is as if I was not formed.

Rav Kook explains¹¹ that

¹¹ I have mentioned previously that this explanation of Rav Kook was mentioned annually by my Rebbe Rav Aharon Soloveichik ZTL prior to Musaf on Yom HaKippurim.

'Until I was formed', HaKodosh Boruch deemed that I was not worthy to be formed because I had nothing to contribute to the world.

But now that I was formed, indicating that I have a purpose and the potential to contribute to the world, it is as if I was not formed because I am not meeting my purpose or realizing my potential.

Perhaps a person was brought into the world because during his lifespan he can make a momentous contribution that no one else is capable of making. *He* can be the individual that will protest and whose voice will be heard. *He* can be the individual who will radiate a message that will prevent murder, elongate life and bring peace to the world.

If the reader thinks that such an idea is somewhat fantastic, he should learn the Meshech Chochmoh on our Parsha regarding the connection between the Kohen Godol and the murderer who is sent into exile in the City of Refuge.

The Torah writes here (Posuk 25):

וְהִצִּילוּ הָעֵדָה אֶת הַרֹצֵחַ מִיַּד גֹּאֵל הַדָּם וְהִשִּׁיבוּ אֹתוֹ הָעֵדָה אֶל עִיר מְקוֹלוֹ אֲשֶׁר נָס שָׁמָּה וַיֵּשֶׁב בָּהּ עַד מוֹת הַכֹּהֵן הַגָּדֹל אֲשֶׁר מָשַׁח אֹתוֹ בְּשֶׁמֶן הַקֹּדֶשׁ:

The congregation should save the murderer from the hand of the *go'el ha'dam* and return him to the city of his refuge that he fled there; he should dwell in it until the death of the Kohen Godol *that he anointed him* with the sanctified oil.

He anointed him. The 'him' is the Kohen Godol, obviously. Who is the 'he'?¹²

Meshech Chochmoh provides us with this second answer to our question above – what do we learn from the relationship of the Kohen Godol and the murderer. He writes:

¹² Rashi writes:

לפי פשוטו מן המקראות הקצרים הוא, שלא פירש מי משחו
According to the *p'shat* this is an incomplete verse since the Torah does not tell us who anointed the Kohen Godol.

וישב בה עד מות הכהן הגדול אשר משח אותו בשמן הקודש. וכי הוא מושחו?...ויתכן, דהורה לנו הכתוב אופני הנהגת ההשגחה, שיתכן בחיק הנהגתה אשר בשביל סיבת איש פרטי יועמד זה לכהן גדול, והוא בשביל שצריך הרוצח להמתין על מיתתו של כהן גדול. ואם יועמד אחר, אולי אין לו חיים ארוכים, והועמד זה אשר יחיה חיים ארוכים למען יהיה גולה זה חבוש במקלטו ימים כבירים עד מות כהן גדול זה. וכן איפכא...לזה אמר "אשר משח אותו" - שהוא הסבה למשיחתו.

He shall dwell in it until the death of the Kohen Godol that he anointed him with the sanctified oil –

Did *he* anoint the Kohen Gadol? It is possible that the verse is teaching us regarding the ways of Hashgacha-Divine Providence. It is possible that inside the way of Providence it is because of a single individual this person was appointed as Kohen Godol. And the reason would be that the murderer has to wait until the death of *this* Kohen Godol. If someone else would have been appointed [as the Kohen Godol] perhaps the other would have had a shorter life and thus the one who was chosen as Kohen Godol was appointed because he would have a long life and the murderer would be imprisoned in his exile for a huge number of days until *this* Kohen Godol would die. And the opposite is possible [that the Kohen Godol chosen would have a short life-span and the murderer would be free after a short term of exile].

Therefore it says '*he anointed him*'. He, the murderer' is the reason why '*him*' –the Kohen Godol was anointed.

Each and every one of us is a Kohen Godol in miniature and we have been placed in our world for a purpose.

ועכשיו שנוצרתי אני צריך להיות כדאי

Now that I have been formed I must act as being worthy of my creation!

In this period of *בין המצרים*, the weeks in which we commemorate the destruction of our *Botei Mikdosh* and the prolonged exile in which we find ourselves, let us look inward towards our responsibilities and towards our duties.

May we look forward to striking this following line from our Yom Tov davening:

ומפני חטאתינו גלינו מארצנו

It is because of *our* sins that *we* have been exiled from our land.

May I suggest an emendation for this coming month of Tishre:

ומפני זכויותינו נגאלנו

May *we* celebrate the Redemption because of *our* Mitzvos!

B'vircas Nechemas Tziyon

Shabbat Shalom

Chodesh Tov

Rabbi Pollock