

Parashah One Hundred and Twenty-Five
Numbers 35:9–36:13; Joshua 20:1–6; Romans 8:1–8

notes by Tim Hegg

In this final *parashah* of B^emidbar (Numbers), we are given instruction regarding the Cities of Refuge, which likewise entails legal descriptions to distinguish murder from manslaughter, for the Cities of Refuge were given as a haven for the innocent person who, through no malice or premeditation, took the life of another person accidentally.

We should first consider the overarching significance of the fact that the Cities of Refuge form the closing *parashah* of Numbers. As Israel readied herself to enter the Promised Land, we are confronted with the fact that life in the fallen world would still include situations of sorrow and pain. There would be the criminal who would commit murder against his fellow man, but there would also be situations in which a life was taken accidentally. In setting up the Cities of Refuge, the high value of life is once again reinforced, as is the need for justice to prevail among the people of God. The murderer was to be executed when it was determined through valid witnesses that he had acted with premeditation against his neighbor. In the case of accidental death, however, the manslayer's life was preserved, though it was so only within the confines of one of the Cities of Refuge. Even in the case of manslaughter, the loss of life was considered of paramount importance. The innocent manslayer did not merely return to life as usual. He would have to flee to a City of Refuge, and live there until the death of the Cohen Gadol. Thus, the over arching message we learn from the opening of our *parashah* is that God puts a very high value on life, and that the establishment of justice undergirds this high value. The murderer must be executed, not only in payment for the life he took, but also because he presents a constant threat to the lives of others. The innocent manslayer, on the other hand, is granted refuge in order to preserve his life. And such refuge was afforded to the manslayer regardless of whether he was a native born Israelite or a foreigner who dwelt within Israel. The value of life was not determined on the basis of one's lineage. All who lived within the covenant God had established with Israel were afforded both the responsibilities and privileges of the Torah.

Another important point made in our *parashah* is that the innocent manslayer must remain in the City of Refuge to which he flees until the death of the anointed Cohen Gadol (high priest). If for any reason he is found outside of the city by the avenger of blood (the next of kin of the one who had been killed), his life could be taken. But, once the death of the appointed Cohen Gadol had occurred, the innocent manslayer was set free. Thus, we have an excellent example of how the death of one person could affect the legal situation of another. Though modern Judaism maintains that no such teaching ever obtained among the ancient rabbis, our *parashah*, along with historical data, speak otherwise. In the same way that the death of the Cohen Gadol effected a change in the legal status of the manslayer, so the ancient rabbis taught that the sacrifice of Isaac (as found in the *Akedah*) atones for the sins of Israel.

We see this in the Targum Pseudo-Jonathan on Gen 22. The emphasis is upon the fact that Isaac willingly gave himself to be offered:

And Abraham stretched out his hand, and took the knife to slay Izhak his son. Izhak answered and said to Abraham his father, My father, bind my hands rightly, lest in the hour of my affliction I tremble and confuse you, and your offering be found profane, and I be cast into the pit of destruction in the world to come. (Now) the eyes of Abraham reached unto the eyes of Izhak; but the eyes of Izhak reached to the angels on high. And Izhak beheld them, but Abraham saw them not. In that hour came forth the angels on high, and said to each other, "Come, behold two righteous ones alone in the midst of the world: the one slays, the other is slain. He who slays defers not, and he who is to

be slain stretches out his neck.”

It was reckoned by the Sages that though Isaac was actually not sacrificed (the ram being given in his place), his willingness to be sacrificed was accredited by God as though he had been.

Indeed, the midrash takes the position that all subsequent sacrifices in the Tabernacle and Temple were done in order to recall the willingness of Isaac and subsequently the merits of his sacrifice:

Concerning the ram, it is said: And he shall slaughter it on the side of the altar northward (צפונה) before the Lord. It is taught: When Abraham our father bound Isaac his son, the Holy One, blessed be He, instituted (the sacrifice of) two lambs, one in the morning, and the other in the evening. What is the purpose of this? It is in order that when Israel offers the perpetual sacrifice upon the altar, and reads this scriptural text, Northward (צפונה) before the Lord, the Holy One, blessed be He, may remember the Binding of Isaac. (Mid. Rab. *Leviticus* 2.11, commenting on Lev 1:5, 11)

This motif, of the merit of Abraham’s obedience and of Isaac’s sacrifice to atone for the sins of Israel, was so central in the teaching of the Sages that it became part of the Rosh HaShanah liturgy:

O our God, God of our fathers, remember us with a remembrance for good. Visit us with a visitation for salvation and mercy from the everlasting heavens. Remember on our behalf, Lord our God, the Covenant, the lovingkindness, and the oath which You swore to Abraham our father on Mount Moriah. May the binding with which Abraham our father bound Isaac his son upon the altar be seen before You, and the manner in which he overcame his love in order to do Your will with a perfect heart. Thus may Your love overcome Your wrath against us. Through Your great goodness may Your anger turn away from Your people, Your city, and Your inheritance... Remember today the Binding of Isaac with mercy to his descendants. (*The Authorized Daily Prayer Book*, London, 1956, pp. 251-2)

And Rashi (quoting Mid. Rab. *Gen* 56:9) writes in his commentary on Gen 22:14,

The Lord will see this binding to forgive Israel every year and to save them from retribution, in order that it will be said, “on this day” in all future generations: “On the mountain of the Lord, Isaac’s ashes shall be seen, heaped up and standing for atonement.”

It was with this idea in mind (the meritorious nature of the Binding of Isaac) that the Sages taught regarding the blowing of the shofar on Rosh HaShanah: “Why do they blow the ram’s horn? So that I should remember the Binding of Isaac son of Abraham” (b.*Rosh Hashanah* 16a). Note also the words of *Mechilta* on Ex 12:13, “‘And when I see the blood, I will pass over you’ – I see the blood of the Binding of Isaac” (*Mechilta*, 1.57, 88). While the majority of Sages teach that not one drop of Isaac’s blood was shed, a few taught that one-fourth of a *log* (רביעית) was actually offered on the altar (cf. *Tanchuma* Vayera §23).

It is seen, then, that the ancient Sages did indeed hold to the idea that the sacrifice of an innocent victim could be the basis upon which God grants forgiveness of sins for Israel. What is more, they likewise interpreted the perpetual sacrifices of the Temple to be reminders of that one, perfect sacrifice which effected God’s mercy toward Israel. That this teaching was extant in the 1st Century CE is clear (note the words of Caiphas, the High Priest, as recorded in John 11:49–53), and there is little doubt that it had some part to play in the Apostolic understanding of the efficacy of Yeshua’s death. Contrary

to the rabbinic teaching that God reckoned the sacrifice of Isaac as atonement for Israel, the Apostles came to see that Isaac was himself a foreshadowing of the ultimate and eternal sacrifice of Messiah Yeshua. Thus Paul, most likely alluding to the *Akedah* writes: “He who did not spare His own Son, but delivered Him over for us all, how will He not also with Him freely give us all things?” (Rom 8:32).

This same basic tenet of sacrificial theology is thus hinted at in our *parashah* as well, for the death of the Cohen Gadol effects the release of the manslayer. The midrashic application to the death of Yeshua on behalf of those who would receive Him is obvious. Our High Priest has likewise died, and as a result, we are set free. But there is also a significant difference: we actually had no right to be “in the city of refuge” because we were guilty, not innocent. This presents a *kal v’chomer* argument: if the death of the high priest had the ability to set free the innocent manslayer, how much more worthy is the death of Yeshua, our High Priest, for by it those who are guilty are made innocent!

Our *parashah* likewise established the foundation upon which our own jurisprudence developed the laws pertaining to murder and manslaughter. The Sages reasoned from this *parashah* that there were four possibilities regarding the taking of a life: (1) if the act was accidental to a degree that the perpetrator was blameless, he is absolved of responsibility; (2) if the act was unintentional, but with a clearly defined degree of carelessness, the perpetrator is exiled to a city of refuge; (3) if the circumstances of an intentional killing were such that the court cannot carry out the death penalty, or if there was a high degree of negligence—what the Sages call “unintentional, but close to intentional”—the sin is too grave to be absolved by exile; (4) if killing was intentional, i.e., the killer was properly warned and his act was witnessed, he is liable to execution by the court.

However, only a constituted court of appointed judges is able to make the determination into which category a particular instance may fall. Indeed, in our *parashah*, the meaning of “congregation” (עֵדָה, *eidah*) is that of the “assembly of judges.” Until the court makes such a determination, the avenger of blood, the near relative whose job it is to protect the family member, has the right to execute the perpetrator. To prevent him from doing so in the event that the killer does not deserve capital punishment, the provision was made for the perpetrator to flee to one of the six cities of refuge to await the ruling of the court.

The “avenger of blood” is actually in the Hebrew, גֹּאֵל הַדָּם, “redeemer of blood.” The use of the verb גָּאֵל (*ga'al*, “to redeem”) in this case gives us further insights into the meaning of “redemption.” It is the same verb used of the “kinsman redeemer” (Ruth 3:13) who also received the reparations due the deceased (5:8), and the one responsible to bring the debtor out of slavery (Lev 25:48) and to buy back his inherited land (25:25, 48; cf. Jer 32:7–12). Thus, we see that a basic sense of this verb is “to restore the status quo.” In the case of the kinsman redeemer and the redeemer of the slave, the status quo of rightly inherited property is the result. In the case of the “redeemer of blood,” the next of kin (brother, father’s brother, son of the father’s brother) acts as the state’s executioner, and thus restores the equilibrium to the Land, for the shedding of blood pollutes the Land (Num 35:33), and only the meting out of justice (life for life) restores the Land to its proper status.

It is interesting that the same number of cities were appointed on the east of the Jordan as were apportioned for the whole Land on the west. This seems disproportionate, for the same number of cities is given to the two and a half tribes on the east of the Jordan as for the nine and a half tribes in the Land! Rashi suggests that killing was more common in the Trans-Jordan so that, despite its smaller population, it required more places of refuge. Rambam suggests that the geographic area was as large as the Land, and thus required the same number of cities. I would suggest that this apparent disproportion of allotment is not really disproportionate in view of the value of one innocent life. In HaShem’s eyes, the preservation of life and the enactment of justice is the important thing. And justice is just as much

served in the preservation of one innocent life as it is in the punishment of the murderer.

As often in the Torah, the resident alien (v. 15, וְלִגֵּר וְלִתּוֹשֵׁב, where the two terms may act as a kind of hendiadys, the *vav* being pleonistic) is afforded the same rights as the native born. The Sages, however, interpret the “resident alien” as someone who is obligated only to the Noachide Laws (cf. b.*Sanhedrin* 56b). Such an interpretation was prompted by the later belief (in the Roman-Greco period) that only Jews and proselytes (those who had undergone a ritual in order to be awarded the status of an Israelite) were obligated to follow the Torah. Of course, such a position required the Sages to interpret the term *ger* (“foreigner”) inconsistently to fit their theology. In fact, the Torah considered the resident alien as a member of Israel, not on the basis of his bloodline, but because he had confessed the God of Israel to be the One true God, and had therefore, on the basis of his or her faith in God, become a member of the covenant by which Israel was bound to God. Covenant members, whether native born or foreigner, were obligated to the same covenant standards and given the same covenant privileges.

The manner in which our *parashah* goes into the various implements that caused the death became the basis for judging the intent of the perpetrator, and underlies much of the case law established in the Mishnah and later Talmuds. An iron implement is, by its very nature, assumed to be dangerous and lethal. Anyone who would take it up against his fellow man would be considered a murderer because to strike someone with iron would almost always result in death. The stone is called (v. 17) אֶבֶן יָד, “a hand stone,” thus giving a sense of its size. It is a stone that “fills the hand.” Its size is significant, for even though it may have caused death, it is not in itself necessarily lethal, and thus the court must take into account other factors to determine if the death occurred with intent to kill, or was manslaughter (i.e., not premeditated) or even accidental. Thus the text adds “by which one could die.” Likewise, the wooden implement is hand-size (בְּכֵלֵי עֵץ-יָד, “with an implement of hand-size wood”). Again, the court must determine if the act was premeditated or otherwise. In all cases, if the intent was to inflict lethal injury, the perpetrator is to be executed. This is the conclusion of vv. 20-21. If the death occurred out of hatred as by premeditation (ambush) or by other means (hand-to-hand attack) the perpetrator is to be executed. This highlights the obvious fact that God is the God of life and that He holds life as having supreme value.

Manslaughter is defined as unpremeditated (v. 22, “but if with suddenness, without enmity...”). In this case, though the perpetrator is not blameless, he is not a “killer.” This would be in a case where something lethal is used in a careless manner and causes death, or accidental death, such as throwing a stone into a place where a person might be, though the one who threw the stone was unaware that someone was there. The judgment of the matter is in the hands of the “assembly” or “congregation” (הָעֵדָה), which the Sages rightly interpret as “the assembly of judges” or “the judges appointed by the community.” In the case of manslaughter, the perpetrator is put into the City of Refuge where he is allowed to live in safety as long as he does not leave the city. After the death of the high priest, he is free to go out as an innocent man. If, however, the judges rule that the death was entirely accidental, then the perpetrator is not liable even to exile and the avenger of blood has no right to harm him at all. The fact that the Torah requires the assembly of judges to “rescue” (וְהִצִּילוּ הָעֵדָה) the killer is the foundation for our own jurisprudence that considers the perpetrator innocent until proven guilty.

The *parashah* ends with a ruling of the tribal inheritance of the Land. Indeed, even the issue of murder involves the Land, for a failure of God’s people to deal in justice with matters of life and death affects the Land: (v. 34) “You shall not contaminate the Land in which you dwell, in whose midst I rest, for I am HaShem Who rests among the Children of Israel.” Since the God of Life takes up residence with His people (cp. Lev 16:16), the sanctity of life must be held with highest standards. For this reason, the Land is of vital importance: it is the place God has ordained for His people to live out their life of worship to Him. In this sense, all of His children, whether residing in the Land or not, are head-

ing in that direction, and have it in their hearts to be there with Him. As always, our desire to walk in righteousness has as its greatest motivation the knowledge that HaShem Himself dwells in our midst.

The *haftarah* portion chosen for the Torah reading has its obvious connection in that it reiterates the laws for the manslayer who flees to a City of Refuge, and outlines the manner in which the judges are to act in regard to the matter. Note that the manslayer is not admitted into the City of Refuge as his place of residence until it has been determined that his actions constitute manslaughter rather than murder. When he comes to the City of Refuge, he must first “stand at the entrance of the gate of the city and state his case in the hearing of the elders of that city” (v. 4). Once again, the upholding of justice is paramount. The City of Refuge offered no haven to the murderer. It was to be a refuge for the innocent manslayer. Moreover, he must remain in the city until such time as the judges determine his complete innocence (in which case he is free to go and the avenger of blood has no claim upon him) or until the death of the Cohen Gadol.

The Apostolic passage centers on the term “condemnation.” “Therefore there is now no condemnation for those who are in Messiah Yeshua” (Rom 8:1). Paul’s major theme of being “in Messiah Yeshua” may be well illustrated by the manslayer who remained “in the City of Refuge.” It was in this place, and this place only, that life was preserved. The same is true for us: only those who are “in Messiah Yeshua” may be assured that condemnation will not reach them.

But note carefully what characterizes those who are “in Messiah Yeshua” — “who do not walk according to the flesh but according to the Spirit” (v. 4). In other words, like the manslayer who was given asylum in the City of Refuge on the basis of his innocence, so those who are in Messiah Yeshua are characterized by living according to the Spirit. And how does Paul further define what is meant by walking “according to the Spirit?” He speaks (v. 4) of the “requirement of the Torah” being “fulfilled in us.” In other words, the Spirit both encourages and strengthens us in a life of humble Torah observance.

Paul notes that the Torah is weak: “For what the Torah could not do, weak as it was through the flesh, God did: sending His own Son in the likeness of sinful flesh and as an offering for sin, He condemned sin in the flesh.” The weakness of the Torah is not to be found in the Torah itself, but in mankind’s inability to submit to it and live in accordance with its teaching. But that is because the Torah was never given as a means of changing the heart. That must be done by the sovereign work of the Ruach Himself, Who replaces the heart of stone with one of flesh (Ezek 11:19; Jer 31:31–34). But once there is a renewed heart, the Torah may be rightly written upon it, and lived out by the redeemed individual. Paul has already shown in the previous chapter that mankind’s failure to live in accordance with God’s teaching (Torah) is not the fault of the Torah itself, but that of the sinful flesh. Once, however, the work of Yeshua in dying for our sins is made applicable to us through the regenerating work of the Ruach, sin is condemned (put to death) in the flesh, as we are freed to become servants of the Most High.

Here is one of the greatest gifts offered to us by the Almighty—a conscience that is clear before His bar of justice. To know beyond doubt that because of what Yeshua has accomplished on our behalf we need never fear condemnation, brings a deep and lasting shalom that cannot be matched by anything else. Even in the midst of life’s sorrows and pain, we have a place of refuge, a place where the wrath of God against sinners has been entirely dissipated, and where we experience unending fellowship with our Creator. This is the unspeakable gift of His grace to us in Yeshua!