

## DARCHAI NOAM

### Its ways are ways of pleasantness - דרכיה דרכי נעם

(Mishlei 3:17)

Parashat Masei  
July 2022 / Av 5782 (originally sent in 2014)

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How can the Parsha help us grow this week?

### Masei – Giving the message indirectly<sup>1</sup>

In this week's Parsha of Masei we learn about the Arei Miklat, the cities of refuge. If someone accidentally kills another person (i.e., manslaughter) they would quickly flee to a city of refuge. As long as they stay in such a city they are safe from the Goel HaDam (the relatives of the deceased, known as the 'blood avenger'). Accidental killers are required to stay in the city of refuge until the Kohen Gadol dies. If they leave the city of refuge before the Kohen Gadol dies, the Goel HaDam is allowed to kill them as punishment for their manslaughter.

This portion about the cities of refuge evokes images of the Wild West. The relatives of the victim take the law into their own hands! There is a desperate race to the city of refuge! The cost of losing the race is death!

But the reality is more civilised than what appears from a superficial reading. If a person kills someone unintentionally, there are actually 3 possibilities:

- **Karov l'ones** – these are cases of accident where there is almost no negligence whatsoever. In such cases the perpetrator cannot be held to blame. For instance, a person drives carefully down a street and a young child unexpectedly runs in front of the car. The driver slams on his brakes as quickly as possible but unfortunately the car does not stop in time.
- **Karov l'maizid** – these are cases where the perpetrator is recklessly indifferent to the consequences of their actions. For instance, a person practices target shooting in a public park without considering the safety of the public and without checking that there are no people nearby. Such cases are close to murder.
- **Shogeg** – these are cases where someone is genuinely negligent and that negligence leads to someone's death. An example could be someone who is in a rush so they break the speed limit or run a red light.

The Torah only permits the blood avenger to kill a perpetrator in the third category. If the blood avenger takes revenge in the first two cases, the blood avenger would himself be guilty of murder. Therefore, the blood avenger is required to wait until the Beit Din judges the case before he can take action. If the Beit Din does find that the person is truly in the third category, the Beit Din would provide an escort to ensure that the perpetrator made it safely to the city of refuge.

So in reality, it was not really a case of the Wild West and it would have been very unusual for the blood avenger to chase after the perpetrator in order to take revenge. Why then does the Torah describe the scenario in this dramatic way?

There are other cases where the Torah seems to convey a particularly harsh punishment for a crime, however the reality is much less harsh. Here are two such cases:

**An eye for an eye:** The famous pasuk (Sh'mot 21:24) states "an eye for an eye, a tooth for a tooth". This seems to imply that if someone injures someone else, their punishment is to receive exactly the same injury. If I poke you in the eye then you get to poke me in the eye! However, according to the

<sup>1</sup> This week's Darchai Noam is inspired by a shiur that I heard from Rabbi Buchwald.

actual halacha, the punishment is purely monetary. The pasuk is referring to the *monetary* value of an eye or the *monetary* value of a tooth.

**A goring ox:** This is the case of a person that owns an animal that is known to be dangerous but does not take appropriate precautions to prevent the animal from causing damage. If the animal kills someone, the pasuk (Sh'mot 21:29) states that the owner of the animal shall be put to death. But the very next pasuk explains that the owner of the animal must pay a ransom (ie a monetary fine) and he is then free from any further punishment.

In each of these cases the actual punishment is much less harsh than the way that the Torah appears to describe it. The commentators suggest the following reason. The person who is guilty of negligence resulting in death really deserves to run for his life to a city of refuge and be killed by a relative of the deceased. Those who deliberately cause a physical injury to their fellow really do deserve to receive the same injury. The owner of a dangerous animal, who does not take appropriate precautions, which leads to someone's death, really does deserve the death penalty. However, Hashem in his mercy reduces the actual punishment, perhaps in recognition of the fact that we are only human and human beings make mistakes. Therefore there is a risk that perpetrators of these behaviours might not appreciate the full severity of their actions. So the Torah states in no uncertain terms what they truly do deserve.

Imagine how these perpetrators would feel when they go to shule for the Torah reading and read about the seriousness of these actions and the severity of the punishment. They would be indirectly reminded of the seriousness of their own behaviour. In addition, all of us who learn the Torah portion are also taught to consider the seriousness of such behaviour and we are encouraged to take suitable precautions to avoid these mistakes.

In each of these cases, the perpetrator is not lectured directly or punished the full measure. Rather, they learn about the severity of their actions by hearing the Torah being read and understanding themselves that the message applies to them.

Similarly, if we want to improve someone's behaviour, sometimes the indirect approach can be much more effective. Instead of telling someone directly that they need to improve, there can be many other ways of getting the message through. For example:

- Instead of directly telling a work colleague that they are not pulling their weight, we could suggest that the team introduce an objective method of calculating everyone's contribution to ensure that everyone does their fair share.
- Instead of directly telling a child that they are not treating adults with respect we can read bedtime stories that explain the importance of such behaviour and the consequences of disrespect.
- Instead of directly telling our friend that he or she was wrong for not giving us more notice when plans had changed, we can discuss with them how some people are less spontaneous than others and prefer more notice.

This indirect method requires patience and may not work in all cases. However, the advantage is that we are less likely to offend or antagonise others and thus more likely to gain cooperation and success in the end. They may not get the message and you might need to be more direct. But it's certainly worth a try.

Let's try something this week:

1. Before you criticise someone, try to think of a more creative, indirect and less confronting way to convey the message.
2. Before jumping to prove our case and punishing others for their wrongs, let's stop and try to be merciful.

Shabbat Shalom, Rabbi Ledder