

CITIES OF REFUGE AND HUMAN RIGHTS

A commentary on *Parashat Masei*
By Rabbi Roni Tabick

The Torah was not given to angels, but to human beings, and human beings sometimes make mistakes, sometimes the worst mistakes you can imagine.

So what do you do if you kill someone by mistake? When their family swears to take bloody revenge upon you? When it looks like they will take justice into their own hands?

For this reason the Torah instructs us about the six 'Cities of Refuge':

"You shall provide yourselves with places to serve you as cities of refuge to which a manslayer who has killed a person unintentionally may flee. The cities shall serve you as a refuge from the avenger, so that the manslayer may not die unless he has stood trial before the assembly." (Numbers 35)

The law recognises that people do not always act logically but that powerful emotions, like fear, anger and hate, can override our intellect and cause us to lash out to those who hurt us, even if they had no intention to do so. Accidental killers need to be protected, so that true justice can be done.

The rabbis of the Talmud emphasised the importance of these Cities of Refuge, stressing both their accessibility and their use:

"It is taught: Rabbi Eliezer ben Yaakov says that the word Refuge was inscribed at the crossroads so that the manslayer might notice and turn in that direction." (Babylonian Talmud, Makkot 10a-b)

"Rabbi Yossi ben Yehudah says, that to begin with, every slayer, be it in error or with intent, was first sent forward to the cities of refuge. The Court then sent for him from there." (Ibid. 10b)

It is not enough to merely have Cities of Refuge, to have paths to safety and security for those who need them, but those paths must be clear and well signposted. In your moment of need, when the vengeful are following you, you need every sign to point the way. And it isn't enough to protect just the innocent - because how can you tell who is innocent until you've had a trial? Until they have stood before the court of law, all killers deserve the same chance at sanctuary, the same opportunity for justice.

A number of years ago, I watched Louis Theroux's documentary, 'Miami Mega Jail', and saw the state of the Pre-Trial Detention Centre. The inmates of the PTDC have not yet stood trial, and are technically innocent, yet the culture of violence and abuse that the documentary revealed was truly shocking. A 2014 study revealed that worldwide three million people were being held in pre-trial detention and other forms of remand. Unable to get on with their lives, these people should be innocent until proven guilty, yet many may spend a long time treated as guilty before coming to court.

In this way the Cities of Refuge were aiming to be better, to be places that manslaughterers could actually live, albeit with reduced freedom of movement. Based on Deuteronomy 4:2, the rabbis of the Talmud deduce that the manslaughterer needs to be provided with the basic needs of civilisation - a town with a market, with easy access to water, and even, if the manslaughterer is a scholar, access to his teacher (Makkot 10a).

It is a sad reality that it takes a while for courts to bring everyone to trial, and a necessity that those awaiting trial cannot flee beyond the reach of justice, but *Parashat Masei*, and the rabbis of the Talmud, come to teach us that killers never cease to be human.

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