

Being Reckless or Unintentional in our walk before God

This weeks reading is from *Parsahat Massei (Bamidbar / Numbers 33:1-36:13)*, Moshe recounts the various places that Israel had traveled during the wilderness journey. Following these things, the Lord speaks to Joshua to be sure that Israel gives to the Levites cities and land for their cattle. The Scriptures go on to describe the cities of refuge where one may flee to if one accidentally kills another person. In Parashat Shoftim (*Devarim / Deuteronomy 16:18-21:9*) we read of the cities of refuge by which a man who accidentally killed someone could flee and find sanctuary. Here we read that the one who accidentally kills may flee to the city of refuge for sanctuary and a fair trial. According to Parashat Massei, we are told the person who accidentally killed someone is required to remain in the city of refuge until the death of the high priest who was anointed with the holy oil. Based upon today's society, if a person accidentally kills someone, he is tried in a court of law, and is released if he is found to be innocent, he is free to go about his business as a regular member of society. But according to the Torah, the one who accidentally kills is forced to remain in the city of refuge until the death of the high priest, this could be a very long time and depending upon one's age, could be a lifetime. Does this seem fair?

ספר במדבר פרק לה *Bamidbar / Numbers 35:22-28*

כב ואם-בַּפֶּתַע בְּלֹא-אִיבָה הִדְפוּ או-הַשְׁלִיךְ עָלָיו כֹּל-כְּלִי בְּלֹא צְדִיקָה: כג או בְּכֹל-אֶבֶן אֲשֶׁר-יָמוּת בָּהּ בְּלֹא רְאוּת וַיִּפֹּל עָלָיו וַיָּמָת וְהוּא לֹא-אוֹיֵב לוֹ וְלֹא מִבְּקֶשׁ רָעָתוֹ: כד וְשֹׁפְטוֹ הָעֵדָה בֵּין הַמָּכֶה וּבֵין גֹּאֵל הַדָּם עַל הַמְּשֻׁפָּטִים הָאֵלֶּה: כה וְהִצִּילוּ הָעֵדָה אֶת-הַרֹצֵחַ מִיַּד גֹּאֵל הַדָּם וְהָשִׁיבוּ אֹתוֹ הָעֵדָה אֶל-עִיר מְקֻלָּטוֹ אֲשֶׁר-נָס שָׁמָּה וַיֵּשֶׁב בָּהּ עַד-מוֹת הַכֹּהֵן הַגָּדֹל אֲשֶׁר-מָשַׁח אֹתוֹ בְּשֵׁמֶן הַקֹּדֶשׁ: כו וְאִם-יֵצֵא יֵצֵא הַרֹצֵחַ אֶת-גְּבוּל עִיר מְקֻלָּטוֹ אֲשֶׁר יָנוּס שָׁמָּה: כז וּמָצָא אֹתוֹ גֹּאֵל הַדָּם מִחוּץ לְגְבוּל עִיר מְקֻלָּטוֹ וַרְצַח גֹּאֵל הַדָּם אֶת-הַרֹצֵחַ אִין לוֹ דָּם: כח כִּי בְעִיר מְקֻלָּטוֹ יֵשֶׁב עַד-מוֹת הַכֹּהֵן הַגָּדֹל וְאַחֲרֵי-מוֹת הַכֹּהֵן הַגָּדֹל יָשׁוּב הַרֹצֵחַ אֶל-אֶרֶץ אֲחֻזָּתוֹ:

35:22 'But if he pushed him suddenly without enmity, or threw something at him without lying in wait, 35:23 or with any deadly object of stone, and without seeing it dropped on him so that he died, while he was not his enemy nor seeking his injury, 35:24 then the congregation shall judge between the slayer and the blood avenger according to these ordinances. 35:25 'The congregation shall deliver the manslayer from the hand of the blood avenger, and the congregation shall restore him to his city of refuge to which he fled; and he shall live in it until the death of the high priest who was anointed with the holy oil. 35:26 'But if the manslayer at any time goes beyond the border of his city of refuge to which he may flee, 35:27 and the blood avenger finds him outside the border of his city of refuge, and the blood avenger kills the manslayer, he will not be guilty of blood 35:28 because he should have remained in his city of refuge until the death of the high priest. But after the death of the high priest the manslayer shall return to the land of his possession. (NASB)

In the United States, the Model Penal Code makes killing a human being murder if the killer purposes to kill or knows he is killing (*Model Penal Code* § 210.2(1)(a)(1962), § 210.2(1)(b). “Recklessly” finds its definition in section 2.02(2)(c): *A person acts recklessly with respect to a material element of an offense when he consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that, considering the nature and purpose of the actor’s conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that a law-abiding person would observe in the actor’s situation.*) Studying Parashat Massei, according to *Bamidbar / Numbers 35:6, 9-15* the text says טו לְבָנֵי יִשְׂרָאֵל וְלִגֵּר וְלְתוֹשֵׁב 15 *These six cities shall be for refuge for the sons of Israel, and for the alien and for the sojourner among them; that anyone who kills a person unintentionally may flee there (NASB)* providing a standard for making a distinction between capital and non-capital punishment by using the word “unaware” (בְּשִׁגְגָה). The meaning of this term is that the person “by mistake” or “in error” rendered as “unintentionally” caused the death of a person. The word is used to reflect the sense that the error resulted in the death of a person. The question is though a person who is unaware, mistaken, in error, or unintentional, whether such a person is still responsible for his actions and accountable before God and therefore required to be under citizen arrest and remain in the city of refuge the rest of his life?

In the midrashic literature, the rabbis have their own commentary on these verses according to *Midrash Rabbah Bamidbar, Parashat 23, Part 13* (מדרש רבה במדבר פרשה):
 כג סימן יג:

Midrash Rabbah Bamidbar, Parashat 23, Part 13

13. Then you shall appoint you cities of refuge that the man-slayer may flee thither (35:2). This bears on the Scriptural texts, Good and upright is the Lord, therefore does He instruct sinners in the way (Tehillim / Psalms 25:8). Remember, O Lord, Sovereign of the Universe. Were it not for Your mercies which came to the timely assistance of Adam, he could not have survived. For it says, In the day that you eat you will surely die (Bereshit / Genesis 2:17). But You did not do so unto him. You did merely exclude him from years, and only then did he die. What did You do to him? You did merely drive him from the Garden of Eden; as it says, So He drove out the man (Bereshit / Genesis 3:24). Why was he driven out? Because he brought death upon future generations, and deserved to die immediately, but You did have compassion upon him and did drive him out, as is the fate of one who commits murder in error, such a man having to be an exile from his own home to the cities of refuge. Consequently, it says, Remember O Lord, Your compassions and Your mercies, for they have been from old (Tehillim / Psalms 25:6). When Moshe came and the Holy One blessed be He, said to him, Then you will appoint cities, moshe replied, Sovereign of the Universe. If a man slays a person unwittingly in the north or in the south, how is he to know where the cities of refuge are,

so as to flee thither? Said He to him, You will prepare (take) you the way (Devarim / Deuteronomy 19:3), implying, You will make for yourself straight (tekawen) roads so that they will not miss the way, and being found by the avenger of the blood, be killed, Whereas he was not deserving of death. Still he asked Him, How? Said He to him, Put up for them resting stations on the direct route to the cities of refuge, so that he may know how to get there, and on every station let there be an inscription saying "The man-slayer to the cities of refuge" as it says, You will prepare you the way. Accordingly, David said, Good and upright is the Lord; therefore, does He instruct sinners in the way. Now, if for man-slayers He prepared a path and a road, by which they might escape and be delivered, how much more so, in the case of the righteous, is it true that He guides the humble in justice; and teaches the humble His way (Tehillim / Psalms 25:9). That the man-slayer that kills any person through error may flee thither (Bamidbar / Numbers 35:2). Through error, but not presumptuously. If he should slay a man presumptuously and say, I have slain him in error and flee to the cities of refuge, the Holy One blessed be He, states, Even if he flees and comes to My altar, slay him; as it says, And if a man come presumptuously upon his neighbor to slay him with guile; you will take him from My altar, that he may die (Shemot / Exodus 21:14).

The midrash describes the cities of refuge and the mercy of God that allows a man to flee to one of these cities so he may receive a fair trial. The idea in the midrash is that God instructs sinners in His ways and Adam is given as an example of God's mercy and instruction, driving him from the Garden of Eden rather than killing him outright for disobeying the command. The mercy of God is brought under the context that Adam by his sin brought death to future generations, because the children of Adam would be given to sin, for this he deserved death, but God showed mercy. The midrash goes on to parallel the one who fled to the city of refuge (man-slayer) to the one who fled to the altar (Joab). The one who fled to the altar that was slain was Joab. The rabbis go on to speak of being presumptuous of one's neighbor to slay him, of those who are slain by a court of law are not laid in their father's graves but in a grave by themselves which might be a reference to an unmarked grave because such a person violated the covenant by taking an innocent life. The midrash continues by drawing a parallel to various descendants of David to describe who was paid back or slain for the death of Uriah. It seems strange that the command of the fathers not being guilty of the sins of their sons, and the sons will not be guilty of the sins of their fathers, is contrasted with the descendants of David receiving punishment for the sin of killing Uriah. How does that reasoning work? It could be that David taught his children murder by his actions. The result of this sin, learning to sin, resulted in wickedness being passed down from generation to generation. This illustrates the importance of being godly parents.

David said in *Tehillim / Psalms 25:8-9, 25:8 Good and upright is the Lord; Therefore He instructs sinners in the way. 25:9 He leads the humble in justice, And He teaches*

the humble His way. (NASB) The land of Israel is the place in which God is going to place His name, the place He will be worshiped, the location of His house, His dwelling place, and we are told this place is to be sanctified by destroying the graven images, the groves, the high places of pagan worship, etc, and there is one way to approach the Lord God Almighty and to commune with Him. That will be in the way and the place He chooses. Because of these things it is necessary to destroy the places of wickedness that snare people away from the life and righteousness God expects from us. The purpose is to prevent future idolatry and spiritual adultery. We are told to choose to live righteously, to choose truth and justice. Today, the choice to act wickedly and bring darkness into ones heart is very easy. Making choices between right and wrong also can have an effect on our relationship with God. Both the Torah portion and the midrash seem to speak about making choices in this life. If we make the right choices, we will not be found in the situation of the man-slayer who must flee to a city of refuge. If one makes a presumptuous decision and has a disregard for life (being unintentional) and accidentally killing someone, there are consequences that will follow regardless of the reasons why. According to Parashat Vayikra, the Scriptures says that even if one is unaware of their sins, they are still guilty and will bear the punishment.

Vayikra / Leviticus 5:17

5:17 'Now if a person sins and does any of the things which the Lord has commanded not to be done, though he was unaware, still he is guilty and shall bear his punishment. (NASB)

זו ואם-נפֿשׁ כִּי תִּחַטָּא וְעָשְׂתָהּ אַחַת מִכָּל-מִצְוֹת יְהוָה אֲשֶׁר לֹא תַעֲשִׂינָהּ
וְלֹא-יָדַע וְאִשָּׁם וְנִשְׂא עוֹנוֹ:

Here the Torah speaks of the one who “*does not know*” (וְלֹא-יָדַע) whereas the man-slayer is “*mistaken*” or “*unintentional*” (בְּשִׁגָּגָה). In the case of the man-slayer, he knows the difference between right and wrong but yet has a disregard for life.

In Parashat Massei, a stern warning is given *Bamidbar / Numbers 33:51* ‘*Speak to the sons of Israel and say to them, ‘When you cross over the Jordan into the land of Canaan, 33:52 then you shall drive out all the inhabitants of the land from before you, and destroy all their figured stones, and destroy all their molten images and demolish all their high places.’ (NASB)* This warning is for all of us to be careful not to bring the accursed thing into our heart, mind, and soul that will damage our relationship with God. As believers we are still capable of straying into enemy territory and coming under bondage by the evil one. In the book of Joshua, the accursed thing brought immediate failure in battle which marked the Lord’s judgment of sin. If we wink at sin in the lives of others or even in our own lives, the direct evidence may be observed in the repeated failure into habitual sin. The battle for us today is in our hearts, in our imagination, this is one of the reasons why the Lord told us that he will make a new covenant with us and write his Torah on our hearts according to *Jeremiah 31* and *Hebrews 10:16*. Studying the Word of G-d, memorizing scripture, and keeping G-d’s Word hid in our hearts will

help to overcome sin, and identify the practices that lead up to the work of sin in our lives.

2 Peter 1:2-12

May grace and peace be multiplied to you in the knowledge of God and of Jesus our Lord. His divine power has granted to us all things that pertain to life and godliness, through the knowledge of him who called us to his own glory and excellence, by which he has granted to us his precious and very great promises, so that through them you may become partakers of the divine nature, having escaped from the corruption that is in the world because of sinful desire. For this very reason, make every effort to supplement your faith with virtue, and virtue with knowledge, and knowledge with self-control, and self-control with steadfastness, and steadfastness with godliness (ESV)

According to the Apostle Peter, self-control, self-control with steadfastness, and steadfastness with godliness... Parashat Massei suggests that we pay particular attention to others (loving one another), and not be reckless, in error, mistaken, or unintentional in our walk before God.

