

# Parsha Ponders

Shoftim | Sep 6, 2024 | 3 Elul 5784

## *Noble pursuits*<sup>1</sup>

פן ירדוף גאל הדם אחרי הרצח כי-יחם לבבו והשיגו וגו'

Lest the “Blood Avenger” chase after the killer, for his heart is furious, and he’ll catch him<sup>2</sup>

The Torah has mercy upon an accidental killer, albeit in a limited way. The concern is due to his negligence, the family of the deceased will want to take revenge. The Torah has compassion on them, and grants permit for such actions. However, to give the murderer a fighting chance, he is granted a place of safe haven. These are known as the “Cities of Refuge”, where the murderer lives and the family of the deceased, known as the “Blood Avengers”, cannot enter.

When describing the cities of refuge, we are told that the blood avenger’s heart is furious. Now, seemingly this is superfluous information. Obviously, he is upset, and obviously that is why he is chasing after the accidental murderer. The main point is to tell us that the Cities of Refuge are for the murderer to flee. What difference then does it make that the Blood Avenger is furious?

There’s another problem with our verse. It starts by writing “Lest the Blood Avenger chase after the killer and catch him”. There are two words in Hebrew that seemingly mean the same thing, but the connotations are different<sup>3</sup>. פן, like in our verse, is something undesirable. This is contrast to אוּלַי, often translated as “perhaps”. This word indicates something desired which might happen.

It would seem then that the Torah doesn’t want the Blood Avenger to catch the accidental murderer. However, this is in direct contradiction to the opinion of Rabbi Yossi HaGelili<sup>4</sup>. All agree that the Torah gives a permit for the Blood Avenger to take revenge, but Rabbi Yossi HaGelili holds it’s actually a *mitzvah*. If it’s a *mitzvah*, how can it be undesired that the Blood Avenger catch up to the accidental murderer?

There’s another case where permit, or even a *mitzvah*, is given to kill someone else. That’s the case known as a *Rodef*, a pursuer. If Reuven is pursuing Shimon to kill him, it’s a *mitzvah* for the onlooker to kill Reuven. However, some authorities hold<sup>5</sup> that this permit is only given if the intent is to save the one being pursued. If the onlooker happens to illegitimately hate Reuven, then killing him would be considered murder.

The same can be said of the Blood Avenger<sup>6</sup>. Even Rabbi Yossi HaGelili would agree, it’s only a *mitzvah* to take revenge if it’s done for the sake of heaven. Our verse is talking about a different case. In the case where the Blood Avenger pursues the accidental killer, “because his heart is furious”, then it’s not being done for the sake of heaven. In that case it’s not a *mitzvah*, and his catching the accidental killer would be considered undesirable.

Good Shabbos

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<sup>1</sup> Based on Divrei Shaul to Deuteronomy 19:6 by the Shoel U’Meishiv

<sup>2</sup> Deuteronomy *loc. cit.*

<sup>3</sup> The Divrei Shaul cites this rule from Rav Emmanuel, brought in Afikei Yehuda I p. 309

<sup>4</sup> Makkos 11b

<sup>5</sup> Sema to Shulchan Aruch Choshen Mishpat 421:28

<sup>6</sup> This is a huge novelty, and I don’t know if anyone else agrees with the Divrei Shaul. It creates a whole new understanding of the idea of Goel HaDam. There’s some sort of *mitzvah* to avenge the deceased, specifically when the family doesn’t do it for the sake of vengeance