This week's double portion, Matot-Masei, finishes the book of Numbers. And as the Israelites are gathered on the east side of the Jordan Rier, with only Moshe's final speech, Deuteronomy, between them and their entry into the last of Israel, they receive a final instruction about the society that they should set up when they enter the new land: Numbers Chapter 35, verses 9-34, describes the cities of refuge that should be set up, three on each side of the Jordan River.

When they are first mentioned in verse 11, they are described as a place that " וְנָס שָׁמָּה רֹצֵחַ מַכֵּה־נֶפֶשׁ בִּשְׁגָגָה" "a murderer – one who has accidentally killed someone – shall flee there." This phrasing is potentially very confusing, because we don't usually think of someone who kills accidentally as a murderer, nor would we define a murderer as someone who had killed accidentally.

Turns out as we continue reading in the text, the ambiguity is perhaps intentional: the cities are revealed to function as holding places for people awaiting murder trial, and as the exile destination for those found guilty of manslaughter (those found guilty of murder being put to death.)

Why are they sent away? The first reading that the text gives, in verse 12, is that these cities serve as places of sanctuary from what is referred to as the גואל הדם – literally, the "blood redeemer" but often translated as the "blood avenger." Rashi and other commentators all agree that this refers to a close blood relative who would see it as their moral duty to avenge the killing of their kin, whether accidental or deliberate. The cities of refuge are a place where the killer can be safe from this vigilante justice until due process is played out and they are either found guilty of murder and killed, or found guilty of accidental manslaughter and restored to the city of refuge where the blood redeemer may not lay hands on them.

In this way, we see Torah negotiating between two cultural pulls. One, more comfortable for us, is the idea of due process: a fixed set of laws that apply to everyone equally, of justice that can be served only by an impartial court. The other, more archaic, but still taken for granted by the medieval commentators, is the culture of honor, of vigilante vengeance when one's family has been harms. Torah acknowledges that culture, but clearly seeks to limit it, and uses these cities of refuge as the vehicle to move more towards a culture of due process.

As Rabbi Aviva Richman points out, it may not be coincidental that this is the final mitzvah established by Moshe before he and the people part ways. Quoting Devarim Rabbah 2:29, which teaches: Then Moshe designated... R. Levi said: One who ate the dish knows its taste. How so? When Moshe killed the Egyptian… And Moshe fled from before Pharoah (Shemot 2:15),

Rabbi Richman writes, "Moshe ran from Pharaoh after he spontaneously killed the Egyptian who was striking an Israelite. He knows what it is like to be a killer on the run. He may not be an "accidental murderer" (as described in our parashah ) in a strict sense because he seems to know exactly what he is doing when he kills the Egyptian, but he's not quite a murderer either because he acted out of a righteous desire for defense. Either way, he ends up running to save his own life as a result, abandoning his home and seeking out a place of refuge. And he remembers what it was like to reach safety in Midian."

Rabbi Richman reminds us that when we consider the cities of refuge, we should not just picture an anonymous, hypothetical unfortunate person who has struck an accidental blow in the wrong place and at the wrong time. We should remind that our greatest leader, moshe himself, was a manslayer, not even entirely accidentally, and he too had to go into exile and remake himself – and that very trajectory was part of the salvation of the Jewish people.

And that is the second function of the cities of refuge: Masechet Sanhedrin page 37b teaches, “Exile atones for all things.” Andi n Maimonides laws of teshuvah, he lists exile as one means of effectuating *teshuvah.* The text reminds us that the question of intention only gets us so far: even accidental acts have severe consequences.

As verses 31-34 teach: You may not accept a ransom for the life of a murderer who is guilty of a capital crime; [a murderer] must be put to death. Nor may you accept ransom in lieu of flight to a city of refuge, enabling a man to return to live on his land before the death of the priest. You shall not pollute the land in which you live; for blood pollutes the land, and the land can have no expiation for blood that is shed on it, except by the blood of the one who shed it. You shall not defile the land in which you live, in which I Myself abide, for I יהוה abide among the Israelite people.

In other words, the cities of refuge are not just about mercy for the manslayer, protecting them from vigilante vengeance, but about justice – not only for the slain, but for the land itself, which has in some way been corrupted by the blood that has been shed upon it, even accidentally. Torah could have taught that manslayers are restored to their community, and that the blood redeemer cannot touch them there. But Torah recognized that some experiences are transformative, even ift hey are accidental It might be impossible for the family of the deceased to hold back from vengeance if they had to encounter their beloved killer in the street unexpectedly. As Midrash Tanchuma on Metzora teaches: One who shows excessive compassion to the cruel will ultimately become cruel to the compassionate. And in fact, it might be too much for the slayer to resume their old life without going through some transformative ordeal.

Too often, we think of intention as either the only relevant issue, or as entirely irrelevant, but of course it's not that simple. As I tell my daughter when she exuberantly whacks me and then tells me she didn't mean to hurt me – an occurrence that happens at least weekly – I am not angry at her, but I am in physical pain. The pain in my lip from being punched in the face is the same pain whether the punch was delivered in anger or by an excitedly flailing hand. I might need some space from her body in order to feel ready to get close to her again. I might ask that she work harder to pay attention to where she is putting her hands. And this is a relatively trivial issue, healed within hours if not moments.

Intentions matter, but so do outcomes. No matter how benign our intentions, sometimes the consequences are real, and sometimes we need to figure out how to transform. I imagine we will all have different opinions about how Torah strikes the balance between justice and mercy for all of the concerned parties, but I appreciate the challenge of the question.