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## Cities of Refuge

(Extract from the Tractate Makkoth 10a)

These cities (of refuge) are to be made neither into small forts nor large walled cities, but medium-sized boroughs; they are to be established only in the vicinity of a water supply and where there is no water at hand it is to be brought thither; they are to be established only in marketing districts; they are to be established only in populous districts, and if the population has fallen off others are to be brought into the neighbourhood, and if the residents (of any one place) have fallen off, others are brought thither, priests [*cohanim*], Levites and Israelites. There should be traffic neither in arms nor in trap-gear there: these are the words of R. Nehemiah; but the Sages permit. They, however, agree that no traps may be set there nor may ropes be left dangling about in the place so that the blood avenger may have no occasion to come visiting there.

R. Isaac asked: What is the Scriptural authority (for all these provisions)? – The verse: *and that fleeing unto one of these cities he might live* (Deuteronomy 4: 42) which means – provide him with whatever he needs so that he may [truly] live.

A Tanna taught [a *baraita*]: A disciple who goes into banishment is joined in exile by his master, in accordance with the text, *and that fleeing ... he might live*, which means – provide him with whatever he needs to [truly] live. R. Ze'ira remarked that this is the basis of the dictum, 'Let no one teach Mishnah [the Torah] to a disciple that is unworthy'.

R. Johanan said: A master who goes into banishment is joined in exile by his College [his *yeshivah*]. But that cannot be correct, seeing that R. Johanan said: Whence can it be shown (Scripturally) that the study of the

Torah affords asylum? From the verse: *Bezer in the wilderness* (Deuteronomy 4: 43) [that Moses chose], which is followed by: *This is the law which Moses set before the children of Israel* (Deuteronomy 4: 44). This (discrepancy) is not difficult (to explain). One (of his sayings) is applicable to the scholar who maintains his learning in practice, while the other saying is applicable to him who does not maintain it in practice. Or, if you will, I might say that 'asylum' means refuge from the Angel of Death, as told of R. Hisda who was sitting and rehearsing his studies in the school-house and the Angel of Death could not approach him, as his mouth would not cease rehearsing. He (thereupon) perched upon a cedar of the school-house and, as the cedar cracked under him, R. Hisda paused and the Angel overpowered him.

R. Tanhum b. Hanilai observed: Why was Reuben given precedence to be named first in the appointment of (the cities of) deliverance? Because it was he who spoke first in delivering (Joseph from death), as it is said: *And Reuben heard it and he delivered him out of their hand* (Genesis 37: 21).

R. Simlai gave the following exposition: What is the meaning of the text, *Then Moses separated three cities beyond the Jordan, toward the sun-rising* (Deuteronomy 4: 41)? It means that the Holy One, blessed be He, said to Moses: 'Make the sun rise for (innocent) manslaughterers!' Some say (he explained it so): The Holy One, blessed be He, said to Moses (approvingly), 'You did make the sun rise for (innocent) manslaughterers!'

R. Simlai (also) gave the following exposition: What is the meaning of the verse: *He that loveth silver shall not be satisfied with silver, and who delighteth in multitude, [has] increase* (Ecclesiastes 5: 10)?<sup>1</sup> *He that loveth silver shall not be satisfied with silver*, might be applied to our Master Moses, who, while knowing that the three cities beyond the Jordan [which he had selected] would not harbour refugees so long as the (other) three in the land of Canaan had not been selected, nevertheless said: The charge having come within my reach, I shall give (partial) effect to it, now! (The second part.) *And who delighteth in multitude, [has] increase* (means): Who is fit to teach a 'multitude'? – He who has all increase [of knowledge] of his own. This is similar to the interpretation given by R. Eleazar (b. Pedath) of, *Who can utter the mighty acts of the Lord, (who can) show forth all His praise?* (Psalms 106: 2) as, Who is fit to utter the mighty acts of the Lord? He (only) who is able to show forth all His praise! But the Rabbis, or some say Rabbah b. Mari, interpreted the same, *who delighteth in multitude has increase*, as, Whoever [that is, the master] delighteth in the multitude (of scholars) has increase (of scholars), and the eyes of the schoolmen turned on Rabbah the son of Raba.

R. Ashi said it meant that whoever loves *studying* amidst a *multitude* of (fellow) students has increase, which is to the same effect as what R. Jose b. Hanina said: What is the import, (he asked), of the words, *a sword upon the boasters [the solitary] and they shall become fools* (Jeremiah 50: 36)? May a sword fall upon the neck of the foes of Israel [that is, upon the neck of the 'scholars of the Law', designated thus ironically], that sit and engage in the study of the Torah, *solitary* and *apart*! Nay, furthermore, such wax foolish! Holy Writ has here, *and they shall become fools* [veno'alu] – and elsewhere it says, *wherein we have done foolishly* [no'alnu] (Numbers 12: 11); nay, furthermore, they also become sinners, as it is added there, *and wherein we have sinned*! If you prefer, (it is derived) from this verse, *The Princes of Zoan have become fools* [no'alu] (Isaiah 19: 13). Rabina explained (that former passage) thus, Whoever delighteth in teaching a multitude (of scholars) has increase, which is to the same effect as what Rabbi said: Much Torah have I learnt from my Masters, more from my fellow-students and from my disciples most of all!

R. Joshua b. Levi said: What is the meaning of the (Psalmist's) words, *Our feet stood within thy gates, O Jerusalem!* (Psalms 122: 2)? (It is this.) What helped us to maintain our firm foothold in war? The gates of Jerusalem – the place where students engaged in the study of Torah! R. Joshua b. Levi said also the following: What is the meaning of the (Psalmist's) words, *A Song of Ascents unto David. I was rejoiced when they said unto me: 'Let us go unto the house of the Lord'* (Psalms 122: 1)? David, addressing himself to the Holy One, blessed be He, said: Lord of the Universe! I heard men saying, 'When will this old man die and let his son Solomon come and build us the Chosen Shrine and we shall go up there (as pilgrims)?' and I rejoiced at that. Said the Holy One, blessed be He, to him, *A day in thy courts is better than a thousand!* (Psalms 84: 10). Better to Me one day spent by you in study of Torah than a thousand sacrifices that your son Solomon will (some day) offer before Me, on the altar!

### 1 City Compact Together with the Heavenly Jerusalem

In the text that I will comment upon, the name of Jerusalem does not appear until towards the end. This end mentions the first two verses of Psalm 122. The Psalmist here sings the joy of finding himself before the gates of Jerusalem. He exalts this place of pilgrimage and tribunals of justice. He wishes, as do we all, peace and prosperity on to the city. 'Peace be within your walls, and security within your towers!' It is the Psalm

whose third verse, which is not quoted in our text, translated word for word, resounds so mysteriously: 'Jerusalem, built as a city which is bound firmly together'. This is an enigmatic verse whose translation from the French Rabbinate gives us the plain meaning as: 'Jerusalem which is built as a city of harmonious unity'.<sup>2</sup>

The *Gemara* of Ta'anith 5a comments on this by seeking the secret meaning. All of this is outside the text which has been handed out to you, but the digression here is an indispensable one. Let us devote a few minutes to it. R. Nahman says to R. Isaac: 'What is the meaning of the scriptural verse, *I will not execute the fierceness of mine anger, I will not return to destroy Ephraim: for I am God, and not man; the Holy One in the midst of thee: and I will not come ba'ir*? (Hosea 11: 9)'. According to Rashi, this last word would mean 'in hatred': 'I will not come in hatred'. According to the free translation of the Talmudic scholars, based on the similarity of the spelling, it would mean 'into the city': 'I will not come into the city'. And according to these scholars, the end of the verse: 'the Holy One in the midst of thee: and I will not come into the city' is separated from the beginning of the verse. But do the translation and the separation of 'the Holy One in the midst of thee: and I will not come into the city' retain a meaning? What city does it concern? This is what R. Johanan says about it: 'The Holy One, blessed be He, said, "I will not enter the heavenly Jerusalem until I can enter the earthly Jerusalem"'. Is there, then, a heavenly Jerusalem? Yes, for it is written – and our verse from Psalms 122: 3 is quoted by translating it as: 'Jerusalem, thou art builded as a city that is compact together'.

We have here one of the origins of the notion of a heavenly Jerusalem which was mentioned last night. The whole of this complex hermeneutic makes of the earthly Jerusalem the unavoidable antechamber of the heavenly Jerusalem. And that is what counts. In what sense? First, in the sense that we were concerned with last night: God followed Israel into exile, He will return unto Himself only by crossing, with Israel returning from exile, the earthly Jerusalem. This in its turn would mean, notably, that there is no spiritual plenitude for Israel without the return to the earthly Jerusalem. A rigorously Zionist reading of the Talmudic saying.

But it can also be read in other ways. If the Talmudic saying is so strange, it is not because it would take pleasure in stating in a complicated way what can be expressed in a simple way. On the contrary, it is because it leaves a multiplicity of meanings to its saying, because it calls for several readings of it. Our role, precisely, consists in looking for them. Here is a

second reading: Jerusalem, an exceptional, unique city, twinned with the city of God, a city of all religions, a city twinned with its ideal, a city twinned with its model. The awareness of a Judaism that is essential to the world. The affirmation of the religious essence of the Jewish city.

There is a third meaning which brings us close to what will be the theme of the rest of our commentary: the impossibility for Israel – or according to Israel – of religious salvation without justice in the earthly city. No vertical dimension without a horizontal dimension. An unavoidable stage-of-justice for all elevation. An earthly Jerusalem must be accomplished – which in Talmudic terms means studying and practising the Torah or the justice of the Torah, and in a way moving, thanks to study, on to another level of practical conscience and attention through which the science called Torah is defined – so that the heavenly Jerusalem is filled with divine presence. There is no other access to salvation than that which passes through the dwelling place of men. That is the fundamental symbolism attached to this city.

It is perhaps surprising to begin with the end of the text, and even with a passage which lies beyond this end, and to speak straight away of Jerusalem as the gate of heaven (*sha'ar hashamayim*). It is to take Jerusalem straight away for a theological symbol, whereas our entire purpose consists precisely, as we have just seen, in remembering that this is a question of a real city, where men dwell, and where they are faced with concrete questions relating to their relations with their neighbours, with other men.

At least the beginning of the Talmudic extract that we have chosen gives us the sense of the problems faced in the cities in which men like ourselves live. It concerns, as you will see, cities which bear witness to a very high level of civilization, and to a humanism which is certainly authentic. But it is a completely different mode or potential of spirituality, a new attention to the human, and placed, as it were, above humanism which will enlighten us in the Jerusalem of the Torah, which is perhaps defined as a consciousness more conscious than consciousness. That the Jerusalem of the Torah on which our 'chosen piece' ends should appear in the context of this humanist urbanism of the cities of refuge will be revealed as extremely significant for the very notion of the Torah.

## 2 The Cities of Refuge

Our extract, indeed, concerns cities of refuge, a biblical institution discussed in Numbers 35. Permit me to present it to you.

When a murder is committed as an unwitting act of homicide; when, for example – a biblical example – an axe-head comes away from its handle during the work of the woodcutter and deals a mortal blow to a passer-by, this murder cannot be pursued before the court of judgement. This 'objective' murder is committed without intent to harm. However, a close relation of the victim, called an 'avenger of blood' – or, more exactly, a *go'el hadam*, a 'redeemer of spilt blood', whose 'heart is heated' by the murder committed (*ki yicham levavo*) – has the right to carry out an act of vengeance. A certain right, beyond the public right of the court, is thus recognized for the 'heat of the heart'. A certain right is granted to a simple state of mind! But only a certain right. Against this marginal right, there is the right proper to protect the manslayer. The law of Moses designates cities of refuge where the manslayer takes refuge or is exiled. Takes refuge or is exiled: there are the two. The 'avenger of blood' can no longer pursue the murderer who has taken refuge in a city of refuge; but for the manslayer, who is also a murderer through negligence, the city of refuge is also an exile: a punishment. The exile lasts – it is not eternal for those who are lucky enough to live a long time – until the end of the pontificate of the high priest contemporaneous with the murder; at the death of the high priest, the manslayer returns to his land of origin.

In the city of refuge, then, there is the protection of the innocent which is also a punishment for the objectively guilty party. Both at the same time. This already follows from the right to vengeance of the avenger of blood; but also from the affirmation – appearing in the lines which follow the Talmudic extract we are commenting upon, to which an allusion is made in this very extract – that there would be no absolute solution of continuity between the race of manslayers and that of murderers proper. Is our responsibility limited by negligence and lack of care? Are we conscious enough, awake enough, men already men enough? Be that as it may, there must be cities of refuge where these half-guilty parties, where these half-innocent parties, can stay shielded from vengeance.

## 3 The Cities of Refuge and Ourselves

Before reading the text through which I would have had the unusual idea, or the unusual audacity, to present Jerusalem in the context of these cities of refuge, or in contrast with these cities, I would like to mention what topical significance the institution of these cities and the recognition



of the 'avenger of blood' might have for us, beyond the reminder of picturesque and outdated customs.

Do not these murders, committed without the murderers' volition, occur in other ways than by the axe-head leaving the handle and coming to strike the passer-by? In Western society – free and civilized, but without social equality and a rigorous social justice – is it absurd to wonder whether the advantages available to the rich in relation to the poor – and everyone is rich in relation to someone in the West – whether these advantages, one thing leading to another, are not the cause, somewhere, of someone's agony? Are there not, somewhere in the world, wars and carnage which result from these advantages? Without us others, inhabitants of our capitals – capitals certainly without equality, but protected and plentiful – without us others having wanted to harm anyone? Does not the avenger or the redeemer of blood 'with heated heart' lurk around us, in the form of people's anger, of the spirit of revolt or even of delinquency in our suburbs, the result of the social imbalance in which we are placed?

The cities in which we live and the protection that, legitimately, because of our subjective innocence, we find in our liberal society (even if we find it a little less than before) against so many threats of vengeance fearing neither God nor man, against so many heated forces; is not such protection, in fact, the protection of a half-innocence or a half-guilt, which is innocence but nevertheless also guilt – does not all this make our cities cities of refuge or cities of exiles? And while it is a necessary defence against the barbarity of heated blood, dangerous states of mind, and threatening disorder, is not civilization – our brilliant and humanist Graeco-Roman civilization, our wise civilization – a tiny bit hypocritical, too insensitive to the irrational anger of the avenger of blood, and incapable of restoring the balance? One may wonder whether spirituality is still wide awake, the spirituality expressed in the way we live, in our right intentions, in our acts of goodwill, and in the attention we pay to the real.

#### 4 The Urbanism of the Cities of Refuge

Let us now read our text. The beginning tells of the way these cities of refuge are laid out so that the men who are 'subjectively innocent' may escape the illegal but understandable punishment of the avenger of blood. Let us admire first of all – I am not going to read it all – the evidently elevated level of this urbanism, and recognize in it the genius,

or the source of genius, of the builders of Israel, of these Europeans who convert deserts into gardens, and are so open on this point to all the teachings of the West. They have learnt this in the West: they have had books which had opened their minds.

'These cities (of refuge) are to be made neither into small forts', because the avenger of blood might enter small forts and be tempted, without encountering any resistance, to succeed; nor are they to be made into 'large walled cities', for in large walled cities the avenger of blood may slip into the crowds and go unnoticed. They are to be made into 'medium-sized boroughs; they are to be established only in the vicinity of a water supply and where there is no water at hand it is to be brought thither; they are to be established only in marketing districts', so that murderers through negligence lack nothing. And they are to be established 'only in populous districts', again to protect the manslayer: so that, against the avenger of blood who would like to risk it, the person being attacked can call for help (one supposes in our text that the people in the streets of populous districts will defend you against aggression!). 'And if the population has fallen off others are to be brought into the neighbourhood, and if the residents (of anyone place) have fallen off, others are brought thither, priests [*cohanim*], Levites and Israelites', in order to ensure the man who has taken refuge a society preserving the structure of a normal Jewish society. 'There should be traffic neither in arms nor in trap-gear there', so that the avenger of blood does not come and buy his arms in the city of refuge, nor can he bring any without attracting attention. 'These are the words of R. Nehemiah', our text goes on to say: R. Nehemiah is extremely prudent! 'But the Sages permit ...' the sale of arms and trap-gear, probably because a city must have arms against wild beasts which can appear there, and against attackers other than the avenger of blood. 'They, however, agree that no traps may be set there nor may ropes be left dangling about in the place', so that the avenger of blood seeking the man who has taken refuge does not have the possibility of catching him with the help of traps that have been permanently installed. All of this 'so that the blood avenger may have no occasion to come visiting' in the city of refuge.

#### 5 Humanitarian Urbanism

So much for the description of the cities of refuge. On what Scriptural facts is it founded? A question which is often asked in the *Gemara*: what

verse is to be quoted? It is not only so as not to affirm without foundation, but also so that the verse throws light for us on the spirit of the institutions attached to it.

R. Isaac asked: What is the Scriptural authority (for all these provisions)? – The verse: *and that fleeing unto one of these cities he might live* (Deuteronomy 4: 42) which means – provide him with whatever he needs so that he may [truly] live.

Life can thus mean only life worthy of the name; life in the full sense of the term: exile, of course, but no prison, no hard labour, and no concentration camp. Life which is life. The humanism or humanitarianism of the cities of refuge! A principle also found a little further on in the text of our *Gemara*: 'R. Simlai gave the following exposition: What is the meaning of the text, *Then Moses separated three cities beyond the Jordan, toward the sun-rising* (Deuteronomy 4: 41)?'

Nothing, apparently, is clearer than the meaning of this verse, but this is what R. Simlai draws from it: 'It means that the Holy One, blessed be He, said to Moses: "Make the sun rise for (innocent) manslayers!"'

The word sun would not figure in this verse in order to locate the place of the city or to indicate the direction it faces. It is mentioned in order to affirm that a life must have some sun. 'Some say (he explained it so): The Holy One, blessed be He, said to Moses (approvingly), "You did make the sun rise for (innocent) manslayers!"'

'You have done well.' According to the first version, an order from God was needed to think of the sun necessary to those in exile; according to the second, Moses thought of it all by himself and was approved. But perhaps the second version agrees with the first: is not the spontaneous movement of the prophetic soul the very path that the divine word follows?

Life as life to the full. Needs satisfied, clarity of the sun, but also Torah:

A Tanna taught [*a baraita*]: A disciple who goes into banishment is joined in exile by his master, in accordance with the text, *and that fleeing ... he might live*, which means – provide him with whatever he needs to [truly] live.

Can one live without culture? Can one truly live without Torah? And so the Torah makes its appearance in the city of refuge. The Torah for cultural needs, perhaps, and the Torah which is not its ultimate essence,

that which it will have in Jerusalem. 'R. Ze'ira remarked that this is the basis of the dictum, "Let no one teach Mishnah [the Torah] to a disciple that is unworthy"'. .

To teach an unworthy disciple is to risk finding oneself in exile one day because of the murder that this disciple will have committed. A very important point. It teaches us the following: the person who commits a murder through negligence is certainly not a criminal, but he is nevertheless not a worthy man. This is the relationship about which I was speaking at the beginning, between the race of manslayers and the race of murderers proper. The murderers through negligence are recruited from among the young who are a little suspect. The continuity in the scale of murderers is affirmed from now on by this detail. As I was saying earlier, this idea will be expressed in a more direct manner: there would be only one race of murderers, whether the murder is committed unwittingly or intentionally. Our conscience is not yet wholly conscience. It is a twilight. The transition from the non-intentional to the intentional is noticeable. We are not awake enough.

The master is thus exiled when the disciple needs Torah. What happens if a master is exiled? 'R. Johanan said: A master who goes into banishment is joined in exile by his College [his *yeshivah*].'

The relationship between master and pupil is a strict social structure. The disciple has the right to demand that the master join him in the city of refuge, and the master, that the disciples follow him. The spiritual relationship between master and pupil is as strong as the conjugal relationship.

## 6 The Torah and Death

There now comes an objection: how is it possible that a master of the Torah should need to exile himself in order to be protected against the avenger of blood? Is not protection provided by the Torah itself which he practises? Is the Torah not a city of refuge? Is this not known by the following 'questionable' hermeneutic:

But that cannot be correct, seeing that R. Johanan said: Whence can it be shown (Scripturally) that the study of the Torah affords asylum? From the verse: *Bezer in the wilderness* (Deuteronomy 4: 43) [that Moses chose], which is followed by: *This is the law which Moses set before the children of Israel* (Deuteronomy 4: 44).

Because these two verses from Deuteronomy 4: 43 and 44 follow on from each other and begin in an analogous way, and because the former indicates the first city that Moses has chosen as a city of refuge, the latter should indicate another city of refuge. Now the plain meaning of verse 4: 44 consists in naming the Torah of Moses; the hermeneutic of the *Gemara* wants the Torah of Moses to be a city of refuge. But if the Torah is a refuge, how is it that the person who practises it and has committed manslaughter must be exiled? Has he not taken refuge in the Torah itself? That is the question. Of course it has a meaning independently of the succession of verses from which a specious hermeneutic seems to be drawing it. Is the Torah being treated in the cities of refuge as answering only to cultural needs, like the sun and water necessary to our physical condition? Is it not also eternal life itself, a pure act of the intellect and consequently indifference to death, and thus a Torah that is stronger than death? A complete awakening of the soul! A life which is never in phase with the world's acts of violence. And, subsequently, perhaps beyond the protection against the avenger, a life which is already the origin of all 'incapacity' to murder? But is this awakening without interruption?

This (discrepancy) is not difficult (to explain). One (of his sayings) is applicable to the scholar who maintains his learning in practice, while the other saying is applicable to him who does not maintain it in practice.

One is protected, one is above death and murder, during the lesson, or when asking questions and listening to replies. But there are interruptions. Who can be pure mind? Ah, the Torah of the diaspora, the Torah of the dispersion, taught even on our days off! Dispersion from all points of view: the thousand thoughts which interrupt the lesson while rehearsing it. The Torah of exile, the Torah of the solitary. Is it still stronger than death? And if one broadens the notion, if one understands by Torah a thought which precisely goes beyond 'cultural activity', an occupation among others, if one understands by this a thought which gets to the truth and demands a flawless conscience in its pupils, it must be said that it is in fact always interrupted. We are vulnerable. Instead of expecting our devalued Torah to protect him against death, the manslayer, while still being a student in Torah, would do better to come into a city of refuge!

## 7 Stronger than Death, Weaker than the Just Avenger

But there is another reply to the question as to why the man of the Torah seeks the protection of a city of refuge when the Torah is stronger than death. 'Or, if you will, I might say that "asylum" means refuge from the Angel of Death ...' and not from the avenger of blood. As if the scandal of murder, even if it is committed in innocence, were stronger than the power of death itself. Anyone who wishes to take refuge in the Torah in order to forget this involuntary yet objective sin remains exposed to the avenger of blood. He must seek protection – and expiation – in the city of refuge. It is as if nothing could silence the demand for justice. The iron of the intellect, the pure act of reason, offer no passivity to death. But do not hope to take refuge in spiritual life in order to forget a murder, even if it were manslaughter. The avenger of blood is stronger than the Angel of Death.

## 8 The Pure Act

The iron of the intellect, the pure act of the mind stronger than death. We have been jumping ahead. Let us read the following text: 'As told of R. Hisda who was sitting and rehearsing his studies in the school-house and the Angel of Death could not approach him, as his mouth would not cease rehearsing'.

The Angel of Death resorts to deception: 'He (thereupon) perched upon a cedar of the school-house and, as the cedar cracked under him, R. Hisda paused and the Angel overpowered him'.

The assiduous study of the Torah will find its reward. This is the edifying meaning of this text. But it can also be understood as we have been trying to do: the Torah is an act in the full sense of the term, its study is not some state of consciousness. There is no passivity in it, and the person who unites with it in study cannot receive death. In the world of violence which is our own, intellectual life is a mode of being such that it never puts itself in phase with the causality of the world. The violence of death has no hold over it.

Perhaps in all of this there is yet another thought: the spirituality of the true study of the Torah excludes oversight and absent-mindedness. A meaning which has importance for the rest of the commentary and for this whole theme of manslaughter, city of refuge and Jerusalem which we are approaching in the final passage, and which we shall enter after we have reflected on the good study of the Torah. The Torah is justice, a



complete justice which goes beyond the ambiguous situations of the cities of refuge. A complete justice because, in its expressions and contents, it is a call for absolute vigilance. The great awakening from which all oversight, even that of manslaughter, is excluded. Jerusalem will be defined by this Torah, a city consequently of extreme consciousness. As if the consciousness of our habitual life were still sleep, as if we had not yet got a foothold in reality.

We are approaching the gates of Jerusalem. The text is already speaking of the true study of the Torah, and of the new attentiveness to the other.

### 9 The City of Refuge and Human Fraternity

An incidental question (but is it a problem?): why, in designating the cities of refuge in Deuteronomy 4: 43, does Moses name in the first place a town situated in the patrimony of the tribe of Reuben:

R. Tanhum b. Hanilai observed: Why was Reuben given precedence to be named first in the appointment of (the cities of) deliverance? Because it was he who spoke first in delivering (Joseph from death), as it is said: *And Reuben heard it and he delivered him out of their hand* (Genesis 37: 21).

This return to Genesis 37: 21 – to Reuben, the son of Jacob, who took pity on Joseph threatened with death by his brothers – is a connection which naturally goes further than its literal signification. The ancient status of the city of refuge – the ambiguity of a crime which is not a crime, punished by a punishment which is not a punishment – is related to the ambiguity of human fraternity which is the source of hatred and pity.

Is it not so that another humanity can be better gauged, one which is sketched out on the horizon of our passage through which Jerusalem and the Torah which fills it are defined? The Torah of Moses, a book which contains, precisely, everything, including the noble lesson of the city of refuge, its indulgence and its forgiveness.

### 10 The True Torah

Jerusalem is very near. The text which follows indicates, in its fashion, the true way to study the Torah. A study which is not limited to the acquiring of knowledge. According to the Jewish tradition – and without

being confused with another mystical practice – this study is the highest level of life where knowledge is no longer distinguished from imperatives and practical impulses, where science and conscience meet, where reality and justice no longer belong to two distinct orders. It is as if the human were to rise to it by attaining a new condition, a new mode of the spirituality of the spirit.

R. Simlai (also) gave the following exposition: What is the meaning of the verse: *He that loveth silver shall not be satisfied with silver, and who delighteth in multitude [has] increase* (Ecclesiastes 5: 10)? *He that loveth silver shall not be satisfied with silver*, might be applied to our Master Moses, who, while knowing that the three cities beyond the Jordan [which he had selected] would not harbour refugees so long as the (other) three in the land of Canaan had not been selected, nevertheless said: The charge having come within my reach, I shall give (partial) effect to it, now!

Once more, we have an unusual interpretation of a biblical verse that has been 'incorrectly' translated! The parallelism of the two hemistiches is destroyed. The correct translation, the plain translation, should say: 'He that loveth silver shall not be satisfied with silver, nor he that loveth wealth with increase (or gain)'. Now, in the second hemistich, the negation expressed in the Hebrew word *lo* written with *aleph* is read as if it were written with *vav* and meant 'to him'. The *Midrash* allows itself to be guided, when it wishes, by the physical form of the words. A way of reading which resembles the processes of 'dissemination' in use today in certain avant-garde circles. The *Midrash*, on the other hand, thus obtains two hemistiches which no longer echo each other. 'He that loveth silver shall not be satisfied with silver' would mean that obedience to the commandments of the Torah, instead of being experienced as a subjected yoke of the Law, becomes desire, the desire to accomplish more than it commands. This noble desire is compared to passion, to the insatiable greed of the miser, with the infinite that vice opens for itself beyond natural inclinations. A gratuitous fervour suggested deliberately, as it were, by the image of money. It is not out of keeping to underline the fecundity of the *mitzvah*: Moses creates the cities of refuge before they can be used. He would have said to himself: as soon as a divine commandment 'comes within reach', it must be grasped and given effect.

The second part of the verse from Ecclesiastes which has been

transformed, 'he that loveth wealth has increase', would announce a methodology of true study. We shall quickly list a few of its features.

(The second part.) *And who delighteth in multitude, [has] increase* (means): Who is fit to teach a 'multitude'? – He who has all increase [of knowledge] of his own. This is similar to the interpretation given by R. Eleazar (b. Pedath) of, *Who can utter the mighty acts of the Lord, (who can) show forth all His praise?* (Psalms 106: 2) as, Who is fit to utter the mighty acts of the Lord? He (only) who is able to show forth all His praise!

In order to teach the Torah, it must be possessed in its entirety. Be wary of the teaching given by those who are ignorant and amateurs! But above all and without doubt, in return for personal access to the truth and to Scripture – which is probably the *raison d'être* of the very multiplicity of human beings aroused by the scintillating infinite of the *one* truth – there is the recourse to the tradition which is renewed only when it is received beforehand.

But the Rabbis, or some say Rabbah b. Mari, interpreted the same, *who delighteth in multitude has increase*, as, Whoever [that is, the master] delighteth in the multitude (of scholars) has increase (of scholars), and the eyes of the schoolmen turned on Rabbah the son of Raba.

The master teaching the multitude: the excellence of universal teaching, or of teaching adapted to the many or of teaching capable, before a multitude of pupils, of responding to the uniqueness of every soul. And the excellence of the disciple capable of loving the master of the multitude; capable of a private conversation in a large crowd; or capable of a private conversation with the person of the master – capable of loving him – through the universality of the true. No doubt we have here a universality structured differently from the universality of the general and the abstract.

R. Ashi said it meant that whoever loves *studying* amidst a *multitude* of (fellow) students has increase, which is to the same effect as what R. Jose b. Hanina said: What is the import, (he asked), of the words, *a sword upon the boasters [the solitary] and they shall become fools*

(Jeremiah 50: 36)? May a sword fall upon the neck of the foes of Israel, that sit and engage in the study of the Torah, *solitary* and *apart*! Nay, furthermore, such wax foolish! Holy Writ has here, *and they shall become fools* [*veno'alu*] – and elsewhere it says, *wherein we have done foolishly* [*no'alnu*] (Numbers 12: 11); nay, furthermore, they also become sinners, as it is added there, *and wherein we have sinned*! If you prefer, (it is derived) from this verse, *The Princes of Zoan have become fools* [*no'alu*] (Isaiah 19: 13).

According to R. Ashi, the fecundity of study 'amidst a multitude' would mean study that is not done alone. True thought is not a 'silent dialogue of the soul with itself' but the discussion between thinkers. The verse from Jeremiah 50: 36, whose plain meaning would be: 'A sword (or war) upon those who traffic in lies (upon those who invent), that they may lose their head', is read – according to the method that we have called 'dissemination' – in such a way as to hear in *badim* (traffickers in lies or inventors) the word *bodedim* (the solitary): 'A sword (or war) upon the solitary, that they may become fools' (or lose their head). A remarkable substitution of 'liar' for 'solitary thinker'! The meaning of 'and they shall become fools', in Hebrew *ve-no'alu*, is attained by bringing together various verses. The conjunction *ve* ('and') in *ve-no'alu* would signify a gradation: 'Nay, furthermore, such wax foolish'. Again the pluralism is affirmed of the truth that is, however, *one*, of the truth from out of the personal: 'Be wary of the aberrations of the solitary who do not verify their "inspired ideas" by calling to the other!' Be wary of the mindless state of the solitary person, and of his sin of pride!

Rabina explained (that former passage) thus, Whoever delighteth in teaching a multitude (of scholars) has increase, which is to the same effect as what Rabbi said: Much Torah have I learnt from my Masters, more from my fellow-students and from my disciples most of all!

Pluralism is not only teaching between equals. The disciple is even better at enriching the thought of the master than a fellow-student. Teaching is a method of research. These are the words of Rabbi, who is Rabbi Judah haNasi, Rabenu Hakadosh, our Holy Master, the redactor of the *Mishnah*: 'Much have I learnt from my Masters, more from my fellow-students and from my disciples most of all'.



## 11 We Are Entering Jerusalem

R. Joshua b. Levi said: What is the meaning of the (Psalmist's) words, *Our feet stood within thy gates, O Jerusalem!* (Psalms 122: 2)? (It is this.) What helped us to maintain our firm foothold in war? The gates of Jerusalem – the place where students engaged in the study of Torah!

The Torah, which elsewhere does not even permit the protection against the avenger of blood, has it that here, in Jerusalem, we 'maintain our firm foothold in war'. Is it a war where the Torah would permit victory? Justice will undoubtedly conquer, and the science of justice, in Jerusalem, includes the justice of acts. But in the context of the cities of refuge, this can also be read differently. There are cities of refuge because we have enough conscience to have good intentions, but not enough not to betray them by our acts. Hence the manslaughters. Reality is not transparent to us; we take a confusion of feelings for a conscience and hatreds for fraternity. Before the stream of things, we lose our footing. In Jerusalem, the city of the authentic Torah, it is a more conscious consciousness, completely brought down to earth. It is the great awakening. We have a footing. We are no longer submerged by events, we no longer fear the avenger of blood, there is no longer an avenger of blood. We no longer risk committing the murders which give rise to the blood avengers. We escape the disorder where every person existing is concerned with his existence to enter into an order where the other man is finally visible.

The end is still quite remarkable.

R. Joshua b. Levi said also the following: What is the meaning of the (Psalmist's) words, *A Song of Ascents unto David. I was rejoiced when they said unto me: 'Let us go unto the house of the Lord'* (Psalms 122: 1)? David, addressing himself to the Holy One, blessed be He, said: Lord of the Universe! I heard men saying, 'When will this old man die and let his son Solomon come and build us the Chosen Shrine and we shall go up there (as pilgrims)?' and I rejoiced at that.

I rejoiced at hearing people wishing me dead, says David, because what 'pushed them to wishing my death, was the joy of coming into the Temple, into the Chosen Shrine, whose builder will be my son'.

Said the Holy One, blessed be He, to him, *A day in thy courts is better than a thousand!* (Psalms 84: 10). Better to Me one day spent by you in study of Torah than a thousand sacrifices that your son Solomon will (some day) offer before Me, on the altar!

The science and the culture of the Torah would thus be more important than the liturgy. The excellence of Jerusalem is its Torah. Ah, the loftiness of these places, the unequalled light and azure of this sky! The lighting. The science.

The study of the Torah. After so many subtle distinctions – and obscurities – have we not ended up with a commonplace? Was a Talmudic reading necessary to define Jerusalem by the values of orthodoxy and tradition? Is this not the Jerusalem of popular imagination, the Jerusalem of folklore? In reality, our text, through all its movements, only makes us rediscover this notion that has become banal through use and through our trials, has become one scholarly subject among others, a knowledge among knowledges. A notion that is capable, possibly, of satisfying an intellectual need, and of conferring sagacity on our logic, but one which responds, satisfaction among satisfactions, like the sun and the air, to vital needs. Remember that in our text the promise of the Torah to the cities of refuge is inserted between that of water and the sun. But it is within the gates of Jerusalem, beyond places of refuge, that the Torah, according to our text, attains its veritable essence. Here in Jerusalem, it resists violence: it permits us 'to maintain our firm foothold in war' in keeping with the image of the Psalmist. It is a question of the salvation of the world; of man's return to his true humanity.

It is precisely in contrast to the cities of refuge that this claim of the Torah through which Jerusalem is defined can be understood. The city of refuge is the city of a civilization or of a humanity which protects subjective innocence and forgives objective guilt and all the denials that acts inflict on intentions. A political civilization, 'better' than that of passions and so-called free desires, which, abandoned to the hazards of their eruptions, end up in a world where, according to an expression from the Pirke Aboth, 'men are ready to swallow each other alive'. A civilization of the law, admittedly, but a political civilization whose justice is hypocritical and where, with an undeniable right, the avenger of blood prowls.

What is promised in Jerusalem, on the other hand, is a humanity of the Torah. It will have been able to surmount the deep contradictions of

the cities of refuge: a new humanity that is better than a Temple. Our text, which began with the cities of refuge, reminds us or teaches us that the longing for Zion, that Zionism, is not one more nationalism or particularism; nor is it a simple search for a place of refuge. It is the hope of a science of society, and of a society, which are wholly human. And this hope is to be found in Jerusalem, in the earthly Jerusalem, and not outside all places, in pious thoughts.

## 4

# Who Plays Last? (Tractate Yoma 10a)

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R. Joshua b. Levi in the name of Rabbi said: Rome is designed to fall into the hand of Persia, as it was said: *Therefore hear ye the counsel of the Lord, that He hath taken against Edam; and His purposes that He hath purposed against the inhabitants of Teman: surely the least of the flock shall drag them away, surely their habitation shall be appalled to them* (Jeremiah 49: 20).

Rabbah b. 'Ullah demurred to this: What intimation is there that *'the least of the flock'* refers to Persia? (Presumably) because Scripture reads: *The ram which thou sawest having two horns, they are the kings of Media and Persia* (Daniel 8: 20). But say (perhaps) it is Greece, for it is written, *And the rough he-goat is the king of Greece?* (Daniel 8: 21). When R. Habiba b. Surmaki came up, he reported this interpretation before a certain scholar. The latter said: One who does not understand the meaning of the passage [from Scripture] asks a question against Rabbi. What does, indeed, *'the least of the flock'* mean? The youngest of his brethren, for R. Joseph learnt that Tiras is Persia.

Rabbah b. Bar Hana in the name of R. Johanan, on the authority of R. Judah b. Illa'i, said: Rome is designed to fall into the hands of Persia, that may be concluded by inference *a minori ad majus*: If in the case of the first Sanctuary, which the sons of Shem (Solomon) built and the Chaldeans destroyed, the Chaldeans fell into the hands of the Persians, then how much more should this be so with the second Sanctuary, which the Persians built and the Romans destroyed, that the Romans should fall into the hands of the Persians.

Rab said: Persia will fall into the hands of Rome. Thereupon R. Kahana