

ESSAYS FROM THE RASHI WEBSITE

Volume 1, Number 2 Jul 2026

© 2026, Dr. Russell Jay Hendel, DSJS

THE REFUGE CITIES: UNITY OF EXEGETICAL, LEGAL, and LITERARY RUSSELL JAY HENDEL

ABSTRACT: Numbers 35 offers a unique opportunity to see identity in six approaches: (i) the straightforward meaning of the biblical text (*peshat*), (ii) the exegetical meaning of the text (*derash*), (iii) the commentary of Rashi on the Torah, (iv) the citation of verses by Rambam in his legal code, (v) the commentary of the Sifray, an exegetical-legal commentary on the bible, (vi) actual Jewish law. Thus, this biblical text, offers a unique opportunity to fully understand methods of literary reading yielding Jewish law. Throughout the review of the chapter, we emphasize (i) parallelism, (ii) paragraph classification, and (iii) paragraph identification technique, important literary principles for understanding both the *peshat* and *derash* and for seeing them as saying the same thing.

GOALS AND OVERVIEW

The commentary of Rashi on Numbers 35 is almost identical to the citation of verses found in Rambam's legal code. This points to an underlying unity and commonality in literary methods producing the *peshat*, the straightforward meaning of the biblical text, and the understanding of the laws in a legal text.

Accordingly, this essay is organized according to the various sections of Numbers 35. We go through each section, cite the laws, and show they follow from literary techniques indicating *peshat*.

Throughout our tour of the chapter, three techniques in particular are emphasized, (i) Parallelism, which is comparison of almost identical verses whose minor differences point to Author-intended nuances and differences, (ii) Paragraph classification, that is, how to identify where each paragraph section of a biblical narrative occurs, and (iii) Paragraph identification, which is how to identify a biblical narrative as a paragraph unit and the consequences for interpretation.

Throughout this essay we indicate Rashi comments by for example Nu35-12a indicating the first Rashi comment (Rashi "a") on verse 12 of chapter 35 of the book of Numbers; and we indicate citations of Rambam by for example, M7:2, indicating the 2nd paragraph in chapter 7 of Rambam, Laws of Murder.

CREATION OF REFUGE CITIES

The biblical text authorizing the creation of the cities is found in Nu35-09:14 and displayed in Figure 1.

God spoke to Moses to say over. Cite to the Jewish people and explain to them:
When you go over the Jordan towards Canaan.
Prepare (Nu35-11a) for yourselves cities,
They shall be refuge cities for yourselves,
so that a negligent murderer (his act of murder was done through negligence rather than premeditation) can flee there.
Thereby the cities will be a refuge from the **avenger (Nu35-12a)** preventing death of the murderer until he stands trial
The cities which you will designate: **they shall be 6 refuge cities for yourselves** (Nu35-13a) (with)
Three cities placed on the other side of the Jordan and three cities placed in Canaan (Nu35-14a)
They shall be refuge cities

Figure 1: Text of Nu35-09:14 with repeating phrases bold-italicized-underlined and Rashi comments bolded.

We next explain the Rashi comments. Three of them are straightforward and are explained first.

Nu35-11a: Rashi explains that the biblical word *ve-hiq-ri-them* means *to prepare*. Rashi cites several verses where this word has that meaning. Interestingly, the Ibn Ezra brings an alternate derivation: *ve-hiq-ri-them* comes from the word *qir-yah*, a city, and hence as a verb-form would mean to create cities. The Shadal cautions that Rashi is correct, not the Ibn Ezra.

We defend Rashi using the underlying root, **Quph-Resh-Hey** which roughly speaking means *accident*. *Ve-hiq-ri-them* is conjugated in the *causative tense* (**hifil**) and therefore would mean *to cause someone to stumble by accident* on

something (which in effect means to *prepare* them for it albeit with certain nuances). There is a subtle nuance here: A person who just killed someone negligently does not have time to seek out the refuge city since the blood avenger may already be pursuing him. Therefore, the Torah commandment to *prepare* cities is really a commandment to *arrange the cities so that he can stumble into them by accident*.

Nu35-12a: The Hebrew word used, *go-el* literally means *to redeem*. However, the idiom *go-el ha-dam*, *the redeemer of blood*, is translated as the *avenger*. At Nu35-12a, the word *redeem* occurs without the full phrase *go-el-ha-dam*. Rashi therefore explains the single word *re-deem* (*go-el*) as meaning *the blood avenger* (*go-el ha-dam*) based on the five occurrences of this phrase throughout Nu35 (v. 19,21,24,25,27).

Nu35-14a: While Rashi gives a *derash*, that is not the straightforward meaning of the text, nevertheless, his comment states a true valid inference based on external facts. As I show in my doctoral thesis, [1] there are seven types of *derash* one of which is true inferences from outside the text. Rashi notes that the three refuge cities in Canaan service 9 tribes while the 3 refuge cities in trans-Jordan service only 2.5 tribes. Rashi explains that the equal number of refuge cities for an unequal number of tribes reflects the higher murder rate in trans-Jordan. Ramban comments on Rashi's observation bringing in the 42 Levite cities that could also provide refuge but ultimately points out that they are primarily for the Levites not for negligent murderers.

Nu35-13a: To understand the Rashi comment, we must first give some background on biblical paragraphs. In English, paragraphs are indicated by indentation and surrounding white space. Malbim points out that breaking a biblical narrative into paragraphs is facilitated by what we call today *semantic markers* words that function to indicate paragraphs beginnings.[2] Nu35 has several subparagraphs beginning with the word *and if* (*ve-im*). This word simply marks off a new paragraph. We will analyze this below in Table. 1. Modern scholarship agrees with the Malbim. Additionally, I have suggested that the *inclusio* pattern where a biblical narrative is sandwiched between similar opening and closing phrases indicates a paragraph structure. Modern scholarship has not yet accepted this view of mine as of my writing today.

In the biblical text presented in Figure 1 we can see the repeating phrase *they shall be refuge cities* repeated 3 times. This creates a paragraph unit in which the *main* point is to create a unit of 6 cities while details of the paragraph are that 3 cities are in trans-Jordan and three are in Canaan proper. Hence, I have translated *create a unit of 6 refuge cities with 3 in Transjordan and 3 in Canaan*.

According to this reading, the actual commandment is to create a unit of 6 cities; the individual cities did not provide refuge until all 6 were created. (This makes sense since if we allowed each city to provide refuge upon being built before the others were built, we would create a situation encouraging migration of murderers to certain locations where refuge cities were available).

UNITY OF RASHI AND RAMBAM

Rambam lists all these laws cited by Rashi and some additional ones found in Rashi comments in Dt19.

Rambam, lists the following laws similar to Rashi:

- Commandment to create a unit of 6 refuge cities which don't provide refuge until all have been built (M7:1,2)
- Rambam illustrates with Moses who created 3 of the 6 cities (Dt04-41:43) because even though they wouldn't provide refuge, Moses was eager for the opportunity to participate in the commandment. (Rashi makes an identical reference to Moses at **Nu35-13a**)
- Rambam points out that when the Messiah comes 3 more refuge cities will be added (M7:3), a comment identical to the Rashi comments at **Dt19:08a, Dt19:09a**
- Dt19-03 says *prepare the roads (to the refuge cities)*. Rambam and Rashi both reference this but list different details:
 - M7:4 & Rashi **Dt19-03a:** Both Rambam and Rashi mention the law requiring posted road signs which should say *refuge, refuge* (twice, so that if one word gets erased because of the elements the other remains)
 - M7:4 lists several other requirements not mentioned by Rashi: (i) removal of obstacles from the roads, (ii) absence of valleys, hills, and rivers through them, (iii) bridges where needed, and (iv) they should be 8-lane highways so that they can be travelled without traffic jams.

- Based on the verse *make three-some the borders (Dt19-03b)*:
 - Rambam simply says *they should be divided equally in three* (M7:6)
 - Rashi explains: The distance from the border to city 1 = Distance from city 1 to city 2 = Distance from city 2 to city 3=distance from city 3 to border.
 - The gist of both explanations is that the border is divided into fourths with the cities occurring at quarter marks 1,2,3 (so all distances are equal).

INTRODUCTION TO BIBLICAL PARAGRAPH STRUCTURE

As indicated above, paragraph structure in the bible can be indicated by special words like *ve-im*, *ki*, *hayah*. These words don't have meanings relevant to the text per se but serve to mark off sub-paragraph beginnings and ends. This important principle was discovered by the Malbim and is accepted by modern scholars who seek, besides the traditional grammar of the sentence, a more general grammar for paragraph relationship in entire biblical narratives. The paragraph structure of Nu35 is presented in Table 1. The structure itself suggests meaning and interpretation. As we shall see both Rashi and Rambam make these comments.

Paragraph ID	Verses	Opening text with marker	Content of paragraph	Contrast of this paragraph with others
A	Nu35-09:15	<i>When (ki) you go over the Jordan...</i>	Create a unit of 6 refuge cities	
B	Nu35-16:16	<i>If (ve im) (the murderer) he smites him with an iron utensil...</i>	Premeditated murder with a felonious weapon	Iron weapons are always assumed to kill unlike other weapons which need estimation
C	Nu35-17:19	<i>If (ve im) (the murderer) he smites him with hand stone utensil...</i>	Premeditated murder with a substance (wood, stone) which may or may not kill	Estimation must be done to see if the substance and weapon could kill
D	Nu35-20:21	<i>If (ve im) he (the murderer) shoves him with hatred...</i>	Premeditated murder where a contributing force causes death	The shove does not kill per se; but the shove off the cliff invites gravity to finish the job
E	Nu35-22:28	<i>If (ve im) he (the murderer) shoved him by accident without hatred..</i>	Negligent murder. There was no intention, no premeditation, and no previous hatred. He is eligible (after a trial) for refuge in the refuge cities.	Paragraphs B,C,D speak about premeditated murder while paragraph E speaks about negligent murder.
F	Nu35-29:34	<i>These laws will be for you (ve-ha-yu) for statutory justice...</i>	General laws applicable to all cases: Murderers must first stand trial; prohibition of monetary atonement etc.	Paragraph F gives general laws applicable to Paragraphs B-E.

Table 1: Paragraph structure of Nu35. Rashi and Rambam infers laws from this paragraph structure.

INFERENCES FROM THE BIBLICAL PARAGRAPH STRUCTURE PRESENTED IN TABLE 1

In this section we discuss inferences of Rashi and Rambam on paragraphs B,C, and D.

Rashi: Dt35-16a: Paragraph B, C, D are about premeditated murder while paragraph E is about negligent murder.

From the parallelism of paragraphs B and C shown in Table 2, Rashi and Rambam make several inferences found at **Rashi Dt35-16a, Dt35-17a, Dt35-17b, Dt35-18a M3,1-4**. We have summarized certain inferences in the two columns with headers “Talks about” and “Can it cause death.”

Verse	Talks about	Can it cause death	Did the smitten die	Consequences
Dt35-15	If he smote him with an <u>iron</u> utensil		And the smitten dies	Then the smiter is a murderer and will receive a death penalty
Dt35-16	If he smote him with a <u>hand-stone</u> utensil	That is capable of causing death	And the smitten dies	Then the smiter is a murderer and will receive a death penalty
Dt35-17	If he smote him with a hand-wooden utensil	That is capable of causing death	And the smitten dies	Then the smiter is a murderer and will receive a death penalty
Rashi Rambam	Nu35-17a, Nu35-17b, Nu35-18a	M3:4, Nu35-16a		

Table 2: Parallelism of Dt35-16,17,18

Dt35-17a, Nu35-17b, Nu35-18a: Rashi explains *hand-stone* utensil as an idiom referring to a stone utensil that requires grasping with the entire hand. Rashi (but not Rambam) explains why *wood* and *stone* are singled out. (i) Ex21-18 speaks about hitting someone with a stone and only paying torts. Contrastively, Nu35-16 speaks about hitting someone with a stone utensil *that is capable of causing death* in which case the person is classified as a murderer and receives the death penalty after an appropriate trial. (ii) Similarly, Ex21-20 speaks about civil penalty consequences for hitting with a rod while contrastively Nu35-16 speaks about hitting someone with a wooden utensil *that is capable of causing death*.

Interestingly, Rambam and Rashi both comment on the column with header *Can it cause death* that the phrase *that is capable of causing death* a phrase is absent for iron utensils but present for wooden and stone utensils. They both explain the reason for this difference with Rambam offering more detail:

Iron utensils do not need estimation since they are always capable of murder. Contrastively, wooden, and stone utensils, need estimation as to whether they can kill. Rambam M:3:1,2,3,4,6,7,8,9 lists up to six things to estimate when considering whether to convict someone of murder:

- The strength of the murderer (is he strong or weak? Big or small? Healthy or sick?)
- The strength of the person attacked: (is he strong or weak? Big or small? Healthy or sick?)
- The organ used by the murderer (hand, finger, ...)
- The target organ of the person attacked (hand, finger, chest,...)
- The projectile (stone, wood, iron)
- The force imparted to the projectile.

The Rambam learns this from the repeated phrase *that is capable of causing death* as shown in Table 2. Rambam interprets this repetition broadly: *look at all aspects of the attack and see if each one could cause death*.

Rambam, but not Rashi, adds some comments about physics. Physically, a projectile hits an attacked person with a certain momentum and it is this momentum which is estimated to kill or not. Momentum is a product of weight and velocity. Rambam adds, “Weight is used to determine capability of lethality independently of whether the substance was wood, stone, or even a collection of dates (Thrown with sufficient force against a person).”

We might add the physics explanation of why pointed objects kill, found in neither the Rambam nor Rashi.. If I press my thumb on your person I may be exerting only $\frac{3}{4}$ of a pound of force. But if I press my thumb on a needle on your skin that $\frac{3}{4}$ pound is distributed on the area of the pinpoint (say 1 ten-thousandth of a square inch) so that the power of the blow (momentum divided by area) would be $\frac{3}{4} * 10000 = 7500$. This explanation based on power clarifies why pointed objects are always capable of killing. Rambam is quick to the contrast with say an iron slab thrown against a victim (so the force is not distributed over a ten-thousandth of an inch); in this case, the iron needs estimation *of capable of causing death* the same way it is done for stones and wood (M3:4).

A COMMENT ON RASHI'S EXPLANATIONS OF MEANING

Rashi wrote for very simple people who were uneducated. Hence, he may give the *general category* of a meaning rather than its particular nuance. This doesn't mean that Rashi was unaware of it, but rather that Rashi was catering to his audience.

Thus, Rashi explains *bitz-di-yah* and *be-pe-thah* as meaning *ambush* and *accident* (Nu35-20a, Nu35-22a). Actually, the root **Tzade-Daleth-Hey** primarily means *to hunt* and similarly the root **Pay-Tauv-Ayin** primarily means *suddenly*. Hence, the Aramaic translation of **Tzade-Daleth-Hey** is *ambush*. However, for purposes of communicating with his (simple) audience it suffices for Rashi to use the concepts *ambush* and *accident*. Here, Rashi takes the root **Tzade-Daleth-Hey** which means *to hunt*, translates it as *to ambush*, and conveys the idea of *premeditation*; Rashi similarly, takes the root **Pay-Tauv-Ayin** which means *suddenly* and translates it as *accident*, since accidents are frequently caused by sudden actions. In this case, Rashi simply focused on the contrast of *premeditated* vs. *accidental* without going into the technical meanings of the two roots. He did this because his audience was simple and this enabled him to get the main point across.

We also point out that the technical translation of *sho-geg* is not *accident* (as indeed, people have no legal responsibility for an accident which they could not have reasonably prevented). Rather *sho-geg* means *negligent*; had the person exercised more case (s)he could have avoided the murder. That explains why we have translated throughout this essay *negligent murder*.

In a similar vein, Rashi translates *ta-cha-ni-fu* as *being wicked* (Nu35-33a). Technically, wickedness is the general parent category (hypernym); the particular meaning of the hyponym *ta-cha-ni-fu* is hypocrisy a particular form of wickedness in which you say one thing and do the exact opposite. Therefore, when the verse says, *do not hypocrite the land* it is referring to acting like there are no murders (since the deceased can't talk) when in fact there are. The Torah urges us, despite the silence about things, to bring murderers to justice.

Two other Rashis where meaning is simplified for the audience both deal with verbs. Rashi translates *without it being seen* as meaning *within he (the murderer) seeing it* (Nu35-33b). This simplifies for the reader. But the actual text is more nuanced and applies when someone else sees it and warns the murderer.

A similar application of simplification to verbs occurs at Nu35-32a, Nu35-32b, Nu35-32c which prohibits taking money to allow to flee to a refuge city. Rashi simplifies and says *don't take money from a person fleeing to a refuge city*. Thus, Rashi's simplification leaves out the important case when a person wishes to flee and seeks to pay someone beforehand which is indicated in the verse by *do not take money in order to flee to a refuge city*.

PARALLELISM OF INTENTIONAL vs. NEGLIGENT

The law, brought by both Rashi (Nu35-23c) and Rambam (M6:11) explains the contrast about say a pail dropping and killing someone:

- If the person was coming down a ladder with the pail, it is negligent murder (he should have watched himself more carefully since accidents are more likely when going down). After a trial he can flee to the refuge city.
- If the person was going up a ladder with the pail, it is considered an accident, not negligent, He is not considered a negligent murderer and need not seek refuge.

This contrast is learned from the parallelism of the premeditated and negligent texts presented in Table 3

Verse	Case 1	Case 2	Case 3
Nu35-20:21	With hatred he pushes him	He throws on him with ambush	He hits him with hatred with his hand
Nu35-22:23c	Without hatred he pushes him	He throws on him a utensil without ambush	He hits him with a stone, which was not seen but <u>fell on him</u>
Rashi/Rambam			The stone hit has to occur while he is going down (it fell) rather than while going up.

Table 3: Comparison of premeditated and negligent cases.

A few comments should be noted on this parallelism

- As noted in Table 1, *shoving a person off a height* is different than hitting him with a stone or iron since the lethality and death come from the contribution of gravity; nevertheless, it is still premeditated murder. Rambam explains that we estimate whatever we can such as the relative strength and health of the murderer and attacked person as well as the height from which he was shoved.
- Looking at case 2, we see that Nu35-22:23 has an extra word *throws on him a utensil*. I have neither seen in Rashi, Rambam, nor anyone else a reason for this extra word
- Literally, the biblical text in going from from case 2 to case 3 in Nu35-22:23 uses the following text: *or he throws on him any utensil without ambush, or, _____, with any stone, capable of killing, without it being seen, but it fell on him and he died*. The blank line refers to a missing verb. Rashi explains that this missing verb is the same verb used in the previous sentence so that the verses read: *or he throws on him any utensil without ambush, or, he throws on him any stone, capable of killing, without it being seen, but it fell on him and he died*. The grammar folks call this *apposition*.
- Rather remarkably, case 3 differs in the two chapters, one dealing with a fist fight and one dealing with a falling stone. I know of no explanation for this
- Finally, Rambam explains that the repeated words indicating *hatred*, (e.g., *he hit him with his hand with hatred*) indicate a requirement to estimate the force of impact (besides the weapon (iron, wood, stone, fist). We have included that in the Rambam's checklist above. Rashi, however, does not make a comparable comment.

GENERAL REQUIREMENTS

Returning to Table 1, Paragraph E deals with general requirements in any murder case. Although ultimately the blood avenger will kill the murderer (if he is found guilty), he must first stand trial (Nu35-30a, Nu35-30b, M1:5) . After the trial, if convicted, the blood avenger can kill him even if he does flee and is found in a refuge city (Nu35-19a), a law not explicitly mentioned in the Rambam. Additionally, while the Torah in other cases allows monetary ransom (Ex21-29:30), no monetary ransom is allowed (Nu35-31a, Nu35-32a, Nu35-32b, Nu35-32c, M1,4). both for liability to a death penalty and liability to go to a refuge city, The Torah goes out of its way to emphasize that not killing murderers or not exiling negligent murderers to refuge cities (e.g. by taking monetary ransom) creates a hypocritical atmosphere in the land (Nu35-33a, M1,4).

SIX MISCELLANEOUS RASHI COMMENTS

In this essay we have covered the entire set of Rashi comments on Nu35-11:34 except for six; we have also showed comparable biblical exegesis in the Rambam. For purposes of completeness, we explain these six Rashi.

Nu35-25a: The Bible states that the negligent murderer remains in the refuge cities *until the high priest dies*. Rambam also discusses this (M7:8-13). Rashi adds moral explanations for this not found in the Rambam: (i) The High Priest helps bring God's presence to the people which lengthens their days while the murderer shortens people's days – so as long as the high priest is alive the negligent murder must not go free; (ii) The high priest should have prayed to prevent negligent murder but did not do so (So the negligent murderer lives with him in the city as so to speak a punishment for the high priest for not praying).

Nu35-34a, Nu35-34b: From the parallelism shown in Table 4 we infer that God will remain dwelling in the land even if the Jews contaminate it (showing His love for us)

Do not defile the land	That you dwell in	That I dwell in
		Because I (indeed) dwell in the land

Table 4: Parallelism in Nu35-34 emphasizing that God dwells in the land even if we contaminate it.

Nu35-29a: From the verse *these laws will be statutory justice procedures for all generations for all dwelling places* we infer that Jewish courts (Sanhedrin) exist outside of Israel (*for all dwelling places*) (when they exist in Israel) since they are needed to implement these laws. The reading specialists call this *understanding non-explicit inference*. It is considered the straightforward meaning of the text and is an expected skill of all literate readers.

Nu35-27a: If the negligent murder violates the law, leaves the refuge city and the blood avenger kills him, there is no liability (for murder) to the blood avenger. Rashi explains the biblical phrase for no liability *he has no blood* as an idiom

meaning it is not considered murder (Rashi actually uses the phrase *it is as if he killed a dead person*; but the intent is there is no liability).

Nu35-25b, M7:11: The verse (Nu35-25) states that the negligent murderer must dwell in the refuge city he fled to *until the death of the (i) high priest (ii) that was anointed with sacred oil*. Thus, the verse indicates up to two attributes the high priest must have which are further clarified in Table 5, in fact, a set of laws found in M7:9 but not found in Rashi.

High Priest	Anointed	Example	Does his death allow the negligent murderer to go free?
Yes	No	High priests from the time of King Yoshiyahu were trained in the 8 priestly garments of the high priest but were not anointed	Yes
No	Yes	High Priest A was sick. High Priest B was anointed to replace him. When High Priest A returns, High Priest B retires; he is no longer a high priest, but he was anointed	Yes
Yes	Yes	Typical case from the days of Moses to the reign of King Yoshiyahu	Yes

Table 5: Various cases of High Priests who were either a High Priest *or* were anointed (or both).

Rambam (but not Rashi) points out that (M7:10) that if there was no high priest when the court found the negligent murderer negligent (as could happen if the high priest had just died but not yet replaced), then the negligent murderer must remain in the refuge city forever without the capability of leaving.

Both Rambam and Rashi (M7:11, **Nu35-25b**) mention the case that High Priest A was officiating when the trial for the negligent murderer began but died and was replaced by High Priest B who was officiating when the trial concluded (with a verdict of negligence). Rashi, basing himself on a Talmudic passage in TB, Makkoth, *which derives the law from Nu35-25*, asserts that the negligent murderer must stay in the refuge city until High Priest B dies. But I see this derivation as extremely weak and forced; no commentaries explain it well. Therefore, I offer the opinion that consistent with Table 5, for a High Priest's death to allow the negligent murderer to return he either must be a high priest (served in the 8 garments unique to the high priest) *or* was anointed. Since High Priest B was just anointed (and is in fact currently a high priest) the verse applies to him. In other words, I interpret the law mentioned by Rashi at Nu35-25b, as simply a special case of Table 5.

CONCLUSION

This essay has examined all Rashi comments in Nu35-11:34, showed, in many cases, parallel derivations in the Rambam, and further explained them as emanating from *peshat*, the straightforward meaning of the text based on literary rules common to all languages, especially those dealing with parallelism, paragraph identification, and paragraph sequencing. We believe this essay exposes fundamental skills that will equip the reader with tools enhancing the reading of laws derived from verses that occur throughout the Sifrah, Sifray, and Talmud.

NOTES

[1] Russell Jay Hendel, *The Dynamics of Peshat and Derash in Rashi* (Doctoral thesis, Spertus Institute), 2022, <http://www.rashiyomi.com/Rashibook.htm>

[2] Russell Jay Hendel, *A Semantic Differentiated Approach to Relational Words*, **Jewish Bible Quarterly**, 53(2), 2025.