The Torah mandates the establishment of “cities of refuge” to which manslayers (those who kill unintentionally) may flee and settle. The narrative in Numbers (repeated in Deuteronomy 4 and 19) provides us with a spare but interesting description of these places, to be established after the Israelite wandering in the desert ends. This description laid the groundwork for subsequent generations of rabbis to reflect upon the nature of sites in which those who committed a serious crime would spend time. Through studying these texts, we can grapple with age-old issues related to criminal justice and communal responsibility that still have resonance for us today.

Questions to Consider Throughout

1. What are the characteristics of the cities of refuge? How do these evolve over time?

2. What obligations does the entire Israelite community have regarding cities of refuge and their inhabitants? What messages do these obligations send to those who live in the cities of refuge?

3. How might the cities of refuge inform our own thinking about how prisons are used, and what prisons look like?
Instruct the Israelite people to assign, out of the holdings apportioned to them, towns for the Levites to dwell in; you shall also assign to the Levites pasture land around their towns... The towns that you assign to the Levites shall comprise the six cities of refuge that you are to designate for a manslayer to flee to, to which you shall add forty-two towns...

Speak to the Israelite people and say to them: When you cross the Jordan into the land of Canaan, provide yourselves with places to serve you as cities of refuge to which a manslayer who has killed a person unintentionally may flee. The cities shall serve you as a refuge from the avenger, so that the manslayer may not die unless he has stood trial before the assembly.

The towns that you thus assign shall be six cities of refuge in all. Three cities shall be designated beyond the Jordan, and the other three shall be designated in the land of Canaan: they shall serve as cities of refuge. These six cities shall serve the Israelites and the resident aliens among them for refuge, so that anyone who kills a person unintentionally may flee there.

Anyone, however, who strikes another with an iron object so that death results is a murderer; the murderer must be put to death.

Discussion Questions

1. Why do you think the cities of refuge are all located in the territories designated for the priests?

2. Whom are the cities of refuge designed to protect?
Mishnah (codified c. 200 CE)

Mishnah Makkot Chapter 2

4 To where are [manslayers] banished? To the Cities of Refuge--three on the far side of the Jordan River and three in the land of Canaan, as it says, “Three cities shall be designated beyond the Jordan, and the other three shall be designated in the land of Canaan...” Until the three in the land of Israel are selected, the three on the far side of the Jordan are not in effect, as it says, “be six cities of refuge in all”--until all six are in effect as one.

5 There were paths leading from one to the other, as it says, “You shall prepare the way and divide into three” (Deut. 19:3). [The manslayer] would be accompanied by two students of the sages, so they would speak to the [blood-avenger] lest he kill [the manslayer] on the way. Rabbi Meir says he speaks on his own behalf, as it says, “This is the matter/word of the manslayer.” (19:4)

Discussion Question

What do you think is the impact of the second half of mishnah 4?
Talmud (codified c. 600 CE)

Talmud Makkot 10a

These cities—we do not make them either tiny hamlets or large metropolises but medium-sized cities. We only situate them in a place where there is water, and if there is no water, we bring water there. We only situate them in a place of markets.

We only situate them in a place that has workers. If the population of workers diminishes, we add to them. If the number of residents diminishes, we bring there priests, Levites, and Israelites.

We do not sell there weapons or hunting equipment, according to Rabbi Nehemia. The Sages permit this, but they agree that we do not set traps in them, nor spread out ropes in them, so that the blood avenger will not have reason to be there.

Rabbi Yitzchak asks: what is the scriptural basis for this? “He shall flee to one of these cities and live” (Deut. 4:42)—we do for him something/anything so that he can live there. We have a teaching: A student who is banished—his rabbi is exiled with him, as it says, “And he shall live”—we do for him something/anything so that he can live there.

1 Ambiguous in original Aramaic.

Talmud Makkot 10a (cont’d)

Rabbi Simlai interpreted: why does the Torah say, “Then Moses separated out three cities on the far side of the Jordan, towards sunrise” (Deut. 4:41)? The Holy Blessed One said to Moses: Make the sun shine upon manslayers.

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Talmud Makkot 10b (cont’d)

“Paths leading” and so on—Rabbi Eliezer ben Yaakov says: at the crossroads was written “Refuge” [on signs], so that the manslayer would know [the way] and turn there.

Discussion Questions

1. Based on these texts, what are society’s goals for the manslayer who gets resettled in a city of refuge?

2. The Aramaic word *midi* can mean ‘something’ or ‘anything.’ How does its meaning in this text shape your understanding of society’s responsibility to the manslayer?

In modern Hebrew, *Miklat* (Refuge) means “bomb shelter.” Signs like this, indicating the direction to the nearest shelter, are common. In this photo, a graffiti artist has added directions to *Emet* (Truth) and *Ahavah* (Love). Photo by Truah.
Maimonides (12th century)

Maimonides’ Laws of Manslayers, Chapter 8

Halacha 5

The courts must direct the roads to the Cities of Refuge and repair them and widen them. They must remove all obstacles and obstructions from them. They do not leave any mountain or valley or river [in their way]—rather, they build a bridge over them so as not to delay the one who is fleeing there, as it says (Deut. 19:3), “You shall prepare the way.” The width of a road to a City of Refuge shall not be less than 32 cubits, and “Refuge Refuge” shall be written at the crossroads so that manslayers may know [the way] and turn there.

Halacha 6

On the 15th of Adar each year, the court sends out messengers to repair the roads, and every pace that they find damage they repair. A court that is negligent in this matter is considered to have spilled blood.

Discussion Question

The 15th of Adar is the day after Purim. Why might Maimonides have selected this day?

Looking back at all these texts...

1. What do the cities of refuge teach us about the relationship between incarcerated people and the rest of society?

2. How does this view of prisons differ from our modern, American view?

3. The cities of refuge only protected manslayers—murderers were subject to capital punishment. The rabbis then went on to make capital punishment nearly impossible to carry out. Why do you think the Torah makes this distinction? What does this distinction suggest to you about how different crimes should be treated today?