

## "And the assembly shall return him to his city of refuge where he fled, he shall dwell in it until the death of the Kohen Gadol ... (35:25,28)

In the *Talmud Makos 11b Chazal* rule that the unintentional murderer may not leave his city of refuge under any circumstance, even if he is a witness who is to testify in a case of capital punishment. They go so far as to say that even if all of *Klal Yisrael* were in dire need of his leadership, such as Yoav *ben* Tzruyah, he still may not leave. There he shall live, there he shall die, and there he is to be buried. This *halachah* is enigmatic! Is it not true that *pikuach nefesh*, a case which involves life and death -- or even a doubt regarding life or death -- prevails over any negative commandment? Life is sacrosanct and, therefore, anything which even remotely threatens life is to be eliminated. Why, then, if *Klal Yisrael* needs this person, is he not permitted to leave? Is the obligation to remand him into the custody of the city of refuge so stringent that we are prepared to place *Klal Yisrael's* future at risk?

The *Ohr Sameach* explains that the reason the unintentional murderer is not to leave the city is not a lack of sensitivity to the plight of *Klal Yisrael*, but rather an attempt to protect his own safety. One is not mandated to risk his own life for the welfare of others. *Pikuach nefesh* stretches just so far. If so, however, why does the 'halachah' change with the death of the *Kohen Gadol*? Has the attitude of the victim's family changed due to the *Kohen Gadol's* death?

In his *Moreh Nevuchim* the **Rambam** suggests that with the death of the *Kohen Gadol*, all of *Klal Yisrael* is thrown into such an emotional turmoil, such an outpouring of grief, that the individual's personal tragedy pales in comparison. We no longer fear the relative's demand for vengeance, for he now is involved in a more significant state of mourning.

**Horav Shmuel Truvitz, Shlita**, examines the *Rambam's* novel response. On the one hand, the danger of the relative's vengeance still exists even after countless years. The instant the murderer leaves the city of refuge, the relative is prepared to kill him. On the other hand, the instant the *Kohen Gadol* dies, regardless of his age or how soon after the murder, the individual's emotional distress is so intense that he forgets entirely his prior concern for vengeance. For such a total transformation of one's emotions to take place is absolutely remarkable. What is there about the death of the *Kohen Gadol* that engenders such feelings of grief within the Jew? What causes the entire Jewish community to be captivated by such extreme feelings of anguish that nothing else seems to matter?

*Horav* Truvitz attributes this phenomenon to the *Kohen Gadol's* function as "*me'chaper*," the one who stimulates atonement for the Jewish people. Indeed, the reverence accorded to the *Kohen Gadol* is greater than that accorded to the king or *Rosh Bais Din*. When the *Kohen Gadol* is sitting *shiva*, the people who come to comfort him say, "We shall be your penance. We will take your place. We will accept upon ourselves whatever decree has been issued against you." These are

not mere words. These are the pure sentiments that are expressed by the people as a result of the *Kohen Gadol's* distinguished position as the absolver of sin, the one who achieves *Bnei Yisrael's* pardon and expiates their sins. The *Kohen Gadol* held a unique position, one that earned him the recognition, gratitude and respect of every Jew.