

Devarim Chapter 19 - Transcript

Shiur Overview

Summary of Devarim Chapter 19

The Place of These Laws in Sefer Devarim

The entirety of Parshat Shoftim deals with public mitzvot — the structure of public order, courts, leadership, and justice. Not specific laws per se, but the *structure* of laws and of society as a whole. Chapter 19 turns to a very specific law within this framework: the laws of murder.

Murder as a Foundational Law

Murder is one of the most primary laws — it appears in the Aseret HaDibrot, in Parshat Mishpatim, and repeatedly throughout the Torah. Its significance is twofold:

1. **As a moral law** — the first thing a person shouldn't do
2. **As the basis of civilization** — a city, a state, is fundamentally a place where violence is controlled and murder is addressed through law

The Problem of Accidental Murder (Manslaughter)

Beyond premeditated murder, there are varying levels of intent — mistakes, negligence, accidents. A political or moral system that only addresses deliberate murder and dismisses accidental death as "God's will" is incorrect. Even though the Torah itself says *v'ha'Elokim ina l'yado* (God brought it to his hand), there still needs to be a system to address it. The fact that consequences exist even for unintentional killing makes people more careful. Just as the Hachamim create *mishmeret l'mishmarti* (safeguards around the law), the greatest law needing such safeguards is murder — including literal gates (like rooftop fences) that prevent accidental death.

From Private Vengeance to Regulated Justice

Before formal court systems, there existed a personal, primordial law of vengeance: if someone kills one of my people, my kin will kill him or one of his people. This is the basic law of war. Cities and civilization are about *regulating* even this. The Torah's first step is taking over this privatized justice and beginning to regulate it.

The Law of Ir Miklat (City of Refuge) — Pesukim ~1–10

The Torah establishes cities where an unintentional killer can flee for protection. This is not simply allowing accidental murder — it represents formalized justice taking ownership over what was previously private vengeance. Living in the city functions as a kind of exile, banishment, or imprisonment, though the Torah frames it as *saving* the accidental killer from the Goel HaDam (blood avenger). Chazal read it as punishment as well, and that is likely the goal. The city also involves some organizational apparatus — investigating what happened, determining who qualifies.

Specifics of the Law

Since Sefer Devarim plans for entry into Eretz Yisrael and eventual expansion:

- **Three cities** are to be separated when Hashem cuts off the nations and Israel takes their land
- **The roads** to these cities must be prepared
- **The land is divided into thirds**, with one city in each third — no absolute distance is given; the principle is

accessibility

Who Qualifies for Refuge?

Only someone who kills *bivli da'at* — without intention. The Hebrew *da'at* here means **intention**, not knowledge. The Torah's formulation is telling: "he does not hate him from yesterday" — meaning there was no premeditation, no prior enmity. The example given: a man chopping wood in the forest whose axe-head flies off and strikes his companion. This is clearly accidental — a work accident.

Why Three Cities Are Necessary

The Goel HaDam will chase the killer *ki yecham levavo* — because his heart will burn with anger (and justifiably so). If the way is too far, the avenger may catch and kill someone who does not deserve death, since the death penalty applies only to a *sonei* (a premeditated murderer, one who hated the victim "from yesterday"). Three cities ensure there is always a reachable refuge — one city would be insufficient, as the avenger might still reach the fugitive before arrival.

Expansion Provision

If Hashem expands the land (contingent on keeping the mitzvot and loving God), three more cities must be added (nine total). This demonstrates that the *ir miklat* is a foundational element of building a state. Expanding territory requires expanding this infrastructure so that the law of murder — including the regulation of vengeance for unintentional killing — remains properly governed.

Innocent Blood and Communal Responsibility

The passage concludes that *dam naki* (innocent blood) must not be spilled in the land. There are layers of bloodguilt: murder itself defiles the land, but allowing the unjustified killing of an accidental murderer — because the system was inadequate — creates additional bloodguilt that falls on the entire community for being negligent.

The Intentional Murderer — Pesukim ~11–13

An intentional murderer **cannot** remain in the city of refuge. If someone is a *sonei* who planned and ambushed his victim, the elders of his original city send for him, extract him from the refuge city, and hand him to the Goel HaDam to be killed. Notably, even in cases of premeditated murder, it is still the *goel hadam* who carries out the execution. The *ir miklat* only protects accidental killers; intentional murderers are returned to the original law of blood vengeance.

The Torah commands *lo tachos einecha* — do not have compassion. The word *dam* here means not literal blood but bloodguilt — the guilt of innocent blood spilled unjustly must be cleansed (*ba'er*). This is described as *v'tov lach* — what constitutes a good society. The Torah rejects the notion that leniency toward murderers is compassionate. Compassion applies to the accidental killer; it does not apply to the intentional one.

Prohibition of Moving Boundaries — Lo Tasig Gvul

Lo tasig gvul re'acha asher gavlu rishonim — do not move the borders that predecessors established. This is another foundational law for building a society. It is not merely land theft; it strikes at something deeper. The peace of a place rests

on agreed-upon borders — this is my plot, that is yours. Moving boundaries destroys the basic social peace that prior generations negotiated. This is easy to overlook in places with established legal order, but in places with less social order, this becomes critically important. A corresponding curse appears later: *arur masig gvul re'eihu baseter* — cursed is one who moves his neighbor's boundary in secret, since such acts are hard to detect.

Laws of Witnesses and Evidence

The chapter's final major section addresses the laws of proof and testimony — fundamental to any justice system.

Minimum of Two Witnesses

One witness (*ed echad*) is insufficient to convict for any sin or offense. Two or three witnesses are required. The question of why the Torah says "two or three" — if two suffices, what does three add? — is addressed in halacha, but the plain meaning is straightforward: one witness might be mistaken or delusional; two provide independent verification; three are even better. In practice, *batei din* do not operate with the extreme formalism found in the Gemara, and they were never meant to — the system requires judicial discretion.

False Witnesses (Edim Zomemim)

The greatest vulnerability of a witness-based court system is false testimony — which is why it appears in the Ten

Commandments. In the Torah's legal world, there are no written contracts or physical evidence; everything depends on live oral testimony. This makes extreme measures against perjury essential.

If witnesses are found to have testified falsely — the judges investigate (*v'darshu hashoftim*), though the Torah does not specify the method — the punishment is: whatever they sought to do to the accused is done to them. This is stated with the formula: *nefesh b'nefesh, ayin b'ayin, shen b'shen, yad b'yad, regel b'regel* — soul for soul, eye for eye, tooth for tooth, hand for hand, foot for foot.

This is a brilliantly calibrated deterrent. False witness is inherently a low-risk, high-reward crime: one can destroy someone's life with testimony, and without this law, the worst consequence might be a minor fine. By making the penalty mirror exactly what the false witness intended to inflict, the Torah ensures that the act of bearing witness carries the full weight of its potential consequences. The halacha specifies this applies specifically when the intended victim was *not* actually executed, because the law targets the act of false testimony itself, not the outcome. Without such extreme measures, witness testimony would be far too weak a foundation for a justice system.

Full Transcript

Devarim Chapter 19: The Cities of Refuge and the Regulation of Murder

The Context: Public Mitzvot in Sefer Devarim

This chapter is part of the series of mitzvot like the whole main book of Devarim called Mishneh Torah — this list of mitzvot. If we group them together in certain groupings, in the most general sense the entirety of what is read in parashat Shoftim is the public mitzvot, mitzvot of the public order. Which means the structure of the laws, the structure of the courts, the structure of the leadership, the people who are in charge of the laws, are in charge of the people. So not so much the specific laws but the structure of the laws, the structure of the justice and of the entire society.

So here in chapter 19 we get to a very specific law and it's framed in a very specific way. The general category that these laws belong in is the laws of murder.

Murder as a Primary and Foundational Law

Now murder is one of the most primary laws, one of the first laws in a certain sense, of course. It's one of the Aseret HaDibrot [Ten Commandments], which already should show us that this is a very primary law, a very basic law. It's mentioned right away in parashat Mishpatim, many times we have murder as one of the primary things.

But there's something more complicated with it. Just murder, of course, is kind of simple. But there are complications because murder is not only the first law as in the first moral law, what a person shouldn't do. It's also one of the first basis of a city. A city is the kind of place, a civilization, place where people live, a state is where murder is taken care of, where violence is controlled, where there's a law to take care of the violence.

The Complexity of Accidental Murder

Now there's murder, premeditated murder, where someone murders someone, okay. We have the laws that are going to be mostly about the punishment of that murder. What happens if we can't find the murderer, as we'll talk about.

But then there's also non-premeditated murder, what we call manslaughter. Sometimes people get killed whether by mistake, whether by negligence, whether by some accident. There's a variety of levels of premeditation of intent in murder and that is also something that needs to be taken care of.

Why Accidental Murder Must Be Addressed

We cannot allow — not only can we not allow deliberate murder — a city is something, the whole point of a city, you have some self-defense, you have some level of people protecting each other. So we have to protect each other also from accidental murder.

If someone's moral system or someone's political system only cares about deliberate murder and says well, it's a mistake, you know, it's all God that did it and so on, that is incorrect. Of course one of the first times that it mentions it, it talks about how we say God did it or nature did it. It happened by itself. It's not describable to a person. But nevertheless there needs to be some solution for this. There needs to be some way to take care of this problem.

Of course, the fact there's a solution or maybe some kind of a punishment even for someone that causes death through negligence or through non-intentional murder is also that people will be much more careful. In other words, we create this whole system. Everyone knows the system of a society like the job of the Chachamim [Sages] is to make mishmeret l'mishmarti [safeguards for safeguards] — to create different kinds of gates around the law.

So the biggest law that needs gates around it is the law of murder and there's literal gates like we learn about a gate that you create so people shouldn't fall off your roof. That's a gate around the law of murder and the only reason we need such gates and things like that, people take care of safety, is because even accidental murder gets taken very seriously.

From Private Vengeance to Regulated Justice

So now the primary way in which — I told you I talked about accidental murder being taken seriously and now it goes one level more. One level more is that in the primordial law and the law before there is systems of courts that take what we call nowadays the monopoly of violence and take the entire monopoly and dispense justice entirely. There is some sort of personal law, some sort of law of vengeance really, but it's not just vengeance as in the wild sense.

This is what the law, the primary law, which is the law of murder, the prohibition of murder is based on. It's based on the fact that people have relatives, people have other people who care about them, who are in some kind of a covenant with them. And if someone murders one of my people I will murder him or even I will murder one of his people. That's the law of war. That's the basic thing.

Now cities are about regulating even this, right? So originally we have: You murder me, even by mistake, I murder you or my next of kin, the people responsible for me, the people who I promised to protect, who are promised to protect me will murder you.

Now when there's a city which has a law justice, the courts and so on, they're trying to take over this also. So the Torah and the first step is trying to take over this privatized justice, so to speak, this law of vengeance to somehow regulate it, to begin to regulate it.

The Law of Arei Miklat (Cities of Refuge)

So one of the first laws we got about this is the law of Arei Miklat [Cities of Refuge], which is that we set up specific cities where someone who murdered someone unintentionally, or we'll see in the next part of this chapter the complication about that, he will go to that city and that city will protect him. It's sort of a sanctuary city, right? A city where the people who broke the law in that sense are protected.

The Dual Nature: Protection and Punishment

And they're not just protected. It's not just a protection like, okay, we allowed accidental murders. So it must be understood as the society, the more formalized law of justice taking ownership over this and they will take care. In some sense just the fact that he has to live in that city is already some kind of punishment, right? It's a kind of exile or banishment or prison. He has to be imprisoned in that, although the Torah doesn't frame it that way.

The Torah frames it as saving the murderer or the accidental murderer, the manslayer from being killed by the Goel HaDam [blood avenger], by the person who's avenging the blood. It can also, in Chazal [the Sages], definitely read it as a punishment in itself. And that's because I think that's the goal of this kind of thing.

But also we have to imagine that this city is not just magic that it protects them — there's some kind of organization where they take care of finding out what's going to happen and so on.

Who Is Allowed to Go to the City of Refuge

And we see when the Torah gives this law, it also gives details of who is allowed to go to it.

So now one more step we have to add to this is that the whole Sefer Mishneh Torah [Book of Deuteronomy] is planning for the people going into Eretz Canaan, Eretz Yisrael. But not only going into but also eventually expanding their politics, expanding their state. Expanding by conquering more land, by just creating bigger cities and so on. And therefore there's specific provisions in the laws for when this will be expanded, when this will be taken over more and what will happen in that. This was very explicitly made in Parashat V'etchanan. And here we have it in a more simple sense.

The Establishment of Three Cities

So what we have is the law when it says: When Hashem will cut off the nations who you are fighting with and you will take over their cities, then you will separate three cities. And also you'll prepare the way to these three cities. You will divide into thirds the limits, the borders of your land. And anyone, any murderer will escape, will flee to these three cities.

Now, of course, this doesn't mean that now you have a free pass for murder. That was not the point of this law. The point of this law was to regulate accidental murder, right? Or, yeah, accidental murder.

So we have a whole parsha explaining who will be allowed to go to this city. So as I said, first it gives you the law with three cities. And, of course, this is according to how great or how large your state is. You will have a third. So it doesn't give like an absolute measure. It doesn't tell you exactly how far. Obviously, the point is that in each third of the country — which maybe these were like states within the country — like each state or each part should have one of these cities where their [accidental killers] should go.

Defining Who Qualifies for Refuge

But who should go there? Not just any murderer. Only whoever hits or kills, right? Hurts his friend **bivli da'at** [without intention]. Da'at doesn't mean knowledge, right? It means intention.

The Beautiful Expression: "He Does Not Hate Him from Yesterday"

And the way to express this very beautifully: He does not hate him from yesterday. He's not a hater, right? That's another way of saying premeditated murder, right? If someone is in a fight with someone, he's a hater from the day before, the day before that, that means he planned the murder. He didn't plan it.

The Example: The Axe in the Forest

So that's one way. Someone kills someone unknowingly, unwittingly. Or there's another way in which we could know that it was not intentional. Sometimes someone goes in the woods to cut down trees. And his hand somehow slips from the axe he's holding to cut the wood. And the metal will fly and find his friend, right? Kill his friend accidentally.

So that we know it's not — nobody — I mean, there's like a conspiracy. If he's just chopping wood and it was an accident, a work accident where his axe flew into his friend's head and killed him. These are the people. This was the person who will go to this city.

The Reason for the Cities: Protecting from the Goel HaDam

And the person, as in the style of this book and some other works in other ways, repeats itself. Why we need the city? Because the **Goel HaDam**, the avenger of the blood will chase him. Because his heart will be — that's the way of saying he will be upset, right? He will be mad and he will be correct, right? And he will achieve him. He will catch him. Because the way will be far.

But he does not deserve, he does not have the law of death. Because the law of death is only for someone who is a **sonai** [hater], right? Who is premeditated. But this person does not hate him from yesterday. Therefore he does not deserve death. Therefore I'm telling you to separate these three cities.

Why Specifically Three Cities

And specifically three. If there's only one, you still might not have enough time. The **Goel HaDam** might still find you. So you need to have three. So there's always a chance of the person escaping to them.

Provision for Expansion: Adding Three More Cities

And therefore, if Hashem will give you even — make your land even bigger — and he will give you the entire land. And as the Torah never forgets to repeat here: Why will he get the entire land? Because you will do the mitzvah. That will give you success in your wars and so on. And you will love God.

Why do we need the city? Because the **Goel HaDam** [the avenger of the blood] will chase him, because his heart — that's the way of saying he will be upset, right, he will be mad, and he will be correct, right — and he will achieve him, he will catch him, because the way will be far. But he does not deserve, he does not have the law of death, because the law of death is only for someone who is a **sonai** [one who hated beforehand], right, who is premeditated, but this person does not hate him from yesterday. Therefore he does not deserve death.

Therefore I am telling you to separate these three cities, and specifically three. If there's only one, you still might not have enough time, the **Goel HaDam** might still find you, so you need to have three, so there's always a chance of the person escaping to them.

Expansion of the Land and Additional Cities

And therefore, if Hashem will give you even, make your land even bigger, and he will give you the entire land — and as the Torah never forgets to repeat here, why will he get the entire land? Because he will do the mitzvah, that will give you success in your wars, and so on, and you will love God, and he will give you success — then you will have a bigger place, then you will add another three cities, so even in your expanded land, you still have this space.

And this very clearly shows us how **Ir Miklat** [city of refuge] is like part of the basis of building a city, of building a state. You want to make it bigger, you have to make in the bigger place these **Arei Miklat** [cities of refuge], so that the law of murder, including this unintentional murder, including the regulation of the punishment of the vengeance over unintentional murder should be regulated.

Preventing Innocent Bloodshed

And as it finishes, so that clean blood, **dam naki** [innocent blood], unguiltless blood should not be spilled in your land, which Hashem gives you, and then you will have blood on you, there will be blood guilt on you, if you allow murder. And part of allowing murder, you see there, we're at step three, right?

Besides for, of course, just murder happening is already something that the land, in some sense, has to atone for. But if you will now allow the murder of the person who murdered unintentionally, and that will not be justified, then again, you will have to, you will have the murder, the blood guilt on you. Okay?

The Case of Premeditated Murder

Now, we have the opposite. But if someone is a **sonai** [hater], he did plan, he planned, he, how do you say, he ambushed him, right? And he stood on him, he ambushed someone and he killed him, and that person thinks he's going to escape, then, we do not allow him. The elders of his city will send, his city, right, the original city where he came from, will take him from there, and they will give him to the hands of the **Goel HaDam** and kill him.

So here, we still have the **Goel HaDam** as the one avenging the death, even when it was premeditated, even was purposeful murder, it's the **Goel HaDam** killing him. The point is that if the person is, the death is just, have been an accident, then we allow the **Ir Miklat** to protect you. Otherwise, we don't allow it, and we will take you out and return you to the original law, which is that the **Goel HaDam** is allowed to kill you.

No Compassion for the Intentional Murderer

And the **pasuk** finishes, **lo tachos einecha** [do not have compassion], do not have compassion of this, because for the same reason, you need to clean, **u'vi'arta** [and you shall purge], the guilt, the clean, the guiltless blood needs to be, the guiltless blood spilled, **dam** here means not blood literally, the guilt of the blood, guilt of pure blood, which was spilled in vain and spilled unjustifiedly, that has to be cleaned, and that is part of the, that is what a good society is.

Sometimes people think that giving leniency to murder is something nice. The Torah does not seem to think that, it's the opposite. **Lo tachos einecha** — we do have, we do have **rachmanus** [compassion], right, in other words, we do have **rachmanus**, we do have compassion on the person who did it accidentally, but we do not have compassion on the person who did it purposefully. Okay?

So that's one law about creating the cities, and each area, each sort of, each province has to have one, at least one city, in which the **Goel HaDam**, for the, **Ir Miklat**.

The Prohibition Against Moving Boundaries

Now we have another law, which is really about the organization of the city, interesting law, but I think that's the, this is the context where it comes in. **Lo tasig gvul re'acha** [Do not move the borders of your friend] that the earlier generations, your predecessors have bordered, have created, like there's a verb for bordering here, I don't know how you would say it in English, **asher gavlu** [that they bordered], to shine him.

The point is that we have, there's another one basic part of establishment of a society, right, this is my land, this is your land, there might be even like cities who have borders, and each city belongs to some family or to some people in some way, and these were established by the predecessors, by the ancestors, they have established these borders between cities.

The Importance of Established Borders

Sometimes someone thinks, oh let me change it around, let's steal some land. It's not just theft, right, it's not just like land

theft, there's something more basic here. It's you're moving the borders that your ancestors have agreed on already, and that's like the peace, the peace, the peace of a place is based on the fact that people have agreed on their borders. I live here, you live there, this is my plot, this is your plot. If people move it, that's basically destroying the basic peace, not just like a one-new-story.

We're very used to living in a place that has already peace, so we don't realize this, but if you go in places where there's less social order or less legal order, then you'll realize that this is a very important thing. And therefore right later we'll see, there's a special **kelala** [curse], there's a curse, a damnation for people who **masig gvul** [move boundaries], so this is sometimes hard to notice, so this is the law, we should not do that.

The Laws of Witnesses

One more, and now we're back to general, the general order of justice, that's the main last part of this chapter, and it's the laws of witness, the laws of proof. How do we know that something happened? There's always, whenever there's a court, whenever there's a judge, you have to know what happened, and here the Torah gives some limits to that.

The Requirement of Two or Three Witnesses

So do not allow one witness to stand against someone. In other words, we should listen to one witness in the area of any sin, of any **chatas** [sin], and if you do, you should have at least two or three **edim** [witnesses]. And of course the halacha struggles to understand what is two or three **edim**, if two is enough, then what's the point of the third, but in the simple meaning it's not hard to understand. The point is one witness is not enough, two or three at least. The point is of course three is better than two, maybe we can get into different, and halacha is very formal, like the laws of evidence are very formalized, but even in reality it doesn't really work that way.

People sometimes get confused, they think because there's such formal laws in the Gemara that means that's how **beis din** [court] actually works. **Beis din** don't actually work that way, and they're not meant to work that way, and that's why we have two or three **edim**. So the point is there's independent verification, we understand the logic of this. One person might have dreamt it or something, you have two, then you have some independent verification that it actually happened, three is even better. And of course how to exactly figure this out, that's the job of the judges or the people who make these rules to figure out exactly what to do.

The Law of False Witnesses

Now there's one more very important law about witness. Of course the big problem with a court who mostly relies on witnesses, especially in those days, nowadays we very much rely on documents, now we have video and other kinds of evidence, physical evidence, and already in Talmud and Chazal we have much reliance on physical evidence of various kinds, especially contracts and things like that. In the Torah we do not find that there's not really reference in any laws to physical written contracts or anything like that. Basically all law is

dependent on oral witnesses, live witnesses, and this opens us up to many different problems.

Of course the first big problem is false witness. False witness is the biggest issue for a court system that's mostly based on witness testimony. Therefore we need to have very extreme measures to deal with people who give false witness. Of course that's why we have also the concept of falsely swearing, which is another way of proving that you're right in this kind of culture, that's why that's taken very seriously, and the same thing false witness is taken very seriously.

The Procedure for False Witnesses

So here we have something very simple and very basic. If two people come and give false witness, and it gives **lifnei Hashem, lifnei hakohanim, lifnei hashoftim** [before Hashem, before the priests, before the judges] in their days, and we find out, **v'darash** [and they investigate] — Hashem doesn't say here how, the judges figure out that you've been lying, of course the Talmud has some formalization of this, but again we're trying to read it in the simple sense — and what happens is we do to the witness what he wanted to do to his brother, to the guilty party according to him.

Eye for Eye in the Context of False Testimony

And this law seems to have been taken, this is a very extreme law, which is why we get the exhortation in the end, **v'lo tachos einecha** [and do not have compassion], do not let your eye have compassion, you should give exactly what they want, a soul for a soul, an eye for an eye, a tooth for a tooth, a hand for a hand, a foot for a foot. This is particularly said about this, and we understand this very well because this is the kind of, we call it, very basic, the deterrence that you need, because otherwise it's very hard to understand what the price is for being a false witness, right?

A false witness is always something that has low risk and high reward. Like if you hate someone and you give false witness and you cause him to be put to death or punished monetarily or punished with corporal punishment and then, you know, in the worst case you'll get some small fine or something.

The Brilliance of the Deterrent

So this law, very smartly and very strictly, makes the deterrence here, because it gives the price of bearing witness to be the price of exactly what you want to do. You want to kill someone, you should know that that means that if we catch you being a liar, lying, you will be killed in the same way that you wanted to kill that person, and the same for any other punishment.

And of course that's why this doesn't mean necessarily only if the person was killed. Halacha says specifically if he wasn't killed, but the point is, because it has to be specifically about the act of bearing witness itself. The act of bearing witness itself has to have this level of seriousness, this level of the deterrence, that it should carry the weight of the kind of thing you're trying to do. Otherwise witness is a very weak thing to rely on, so we need these very extreme measures against it.

That's the chapter 19.