



DVAR TZEDEK

Parshat Mishpatim 5769

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Among *Parshat Mishpatim's* many ethical ordinances is the provision for a refuge to shelter manslaughterers from those seeking vendetta justice.¹ While similar havens are explored in later discussions of *arei miklat*—biblical Israel's "cities of refuge"—the asylum referenced here is specifically for the desert generation, for whom Rashi teaches, God designated "the encampment of the Levites" as sanctuary for the pursued.²

As those set aside for divine service, the Levites seem an appropriate choice. Because of their service to the priests and the proximity of their tents to the Tabernacle, the Levite's camp was suffused with holiness. The priests, moreover, were themselves Levites. Revenge-killing in such a hallowed arena would have been—if not anathema—then seriously worrying to the Israelites, who well understood the taboos against killing before God's altar.³ That the tribe of Levi would offer a "sanctuary"—both ritual and protective—accords well with their separate, holy status.

But there's a snag in this gloss: At this point in the narrative, the priestly consecration and the tribe of Levi's holy charge are still many *parshiot* away.⁴ Having yet to be vested with the ritual service, the Levites are instead most conspicuously associated with the violent patrimony of their namesake, Levi son of Jacob. So shaken was Jacob by Levi's massacre of Shechem that the patriarch branded his son in a deathbed lament: "[I]n their fury they slaughtered men.... Cursed be their fury so fierce, and their wrath so remorseless."⁵

Through the period of Israel's desert sojourn, Levi's progeny continued its association with violence. It is the Levites who respond to Moses's call to slay worshippers of the golden calf.⁶ And the Torah singles out two Levites—Pinhas and Moses—for their demonstration of "homicidal zealotry"⁷ in defense of the just or holy.⁸

What are we to make then of the designation of the Levite camp as site of the wilderness asylum? Why choose those marked by violence to provide shelter from it?

Perhaps the Levites were chosen precisely because they straddled holiness and violence, purity and power. The desert Israelites were a nascent nation, newly vested with the ethical imperatives that would ultimately form the backbone of their civil society. But wandering and lost, they were also desperate and insecure—an existence radically unsuited to suffer the protection of fugitives. It would thus be the Levites' ferocity—and not a devout respect for their holiness—that would most effectively ensure a safe haven.

While there are important moral differences between fugitive manslaughterers and civilians fleeing violent conflict, the Torah's treatment of the Levite refuge offers trenchant lessons about the protection of the displaced today. In the best

¹ Exodus 21:13.

² Rashi at *ibid*.

³ See Robert Alter, *The Five Books of Moses*, p. 438 fn. 14. New York: W.W. Norton & Co. 2004.

⁴ Numbers 18:2-4, 6 (election of Levites); Leviticus 8 (consecration of priests).

⁵ Genesis 49:6-7. Levi and Simeon razed the city after their sister Dinah was raped by Shechem's prince.

⁶ Exodus 32:26-29.

⁷ Robert Alter thus describes the Levites' violent retribution for the golden calf. Alter, p. 499 fn. 29.

⁸ Exodus 2: 11-15 (Moses kills taskmaster); Numbers 25:6-13 (Pinhas kills Israelite-Midianite couple).

of circumstances, providing haven for those displaced by conflict is respected as an inviolable, internationally-shared commitment. But such sacred commitments are not always honored—leaving internally displaced persons (IDPs) vulnerable to the violence at their heels. Power, unfortunately, is sometimes required to protect the powerless.

Such has been the desperate situation for at least one million IDPs in the eastern Democratic Republic of Congo caught in the fighting between rebel and army forces. Thousands have been serially displaced as fighting repeatedly forces them to find new places of refuge. In a horrifying episode, about 150 civilians were murdered in the town of Kiwanja after rebels had emptied and razed local IDP camps.⁹ Night raids in another major camp by “heavily armed and unpaid soldiers” make life “precarious” for the thousands there.¹⁰ And the situation is dire for women and girls whose displacement leaves them especially vulnerable to rape—routinely used as a weapon in this war.¹¹

While there is hope that the crisis will abate with the arrest of rebel leader Laurent Nkunda, the prospect of renewed fighting brings grave concerns for civilians.¹² In the face of such insecurity, it is critical to have at the ready a strong, appropriately-resourced peacekeeping force to protect them. Reinforcement of the UN's DRC mission is a positive step, but civilians remain vulnerable during the months required for deployment.¹³ And, as Human Rights Watch observes, the mission's tremendous failures—recent and historic—point to the need for both more forces and their tactical reorganization.¹⁴

Upon entering Israel, six of the cities assigned to the tribe of Levi were designated “cities of refuge,” replacing the desert asylum.¹⁵ By this time the Levites were firmly ensconced in God's service, their bellicose legacy worn thin: The shelter afforded by their presence would have been in deference then to their sacred devotion. We can hope to see such a transition in DRC, so that the security of IDPs will be respected as a sacred value. Until then, sadly, it is power that will likely be required to help civilians survive a brutally profane conflict.



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⁹ Human Rights Watch, “Killings in Kiwanja” 11 Dec. 2008. <http://www.hrw.org/en/node/77004/section/2>.

¹⁰ “DR Congo: Weathering the Storm - Congo Refugees Live Day by Day.” *Deutsche Presse Agentur* 23 Jan. 2009. <http://www.reliefweb.int/rw/rwb.nsf/db900SID/ACIO-7NKF5K?OpenDocument>.

¹¹ International Rescue Committee, “Congo Crisis.” 21 Nov. 2008. <http://www.theirc.org/news/congo-more-help-needed/1121.html>.

¹² Allen, Karen, “DR Congo Wary Despite Nkunda Arrest,” *BBC News* 25 Jan. 2009. <http://news.bbc.co.uk/2/hi/africa/7850086.stm>.

¹³ “Security Council Report: Democratic Republic of Congo,” *United Nations* Jan. 2009.

http://www.securitycouncilreport.org/site/c.gKWLeMTIsG/b.4838007/k.1A52/January_2009brDemocratic_Republic_of_the_Congo.htm.

¹⁴ Human Rights Watch, “Killings in Kiwanja,” see note 9, above.

¹⁵ Numbers 35:6.

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