



# DVAR TZEDEK

## Parshat Masei 5771

By Rabbi Elliot Kukla

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*This week, we are pleased to welcome guest writer, Dvar Tzedek alumnus Rabbi Elliot Kukla.*

Can you imagine what it would be like to kill a person by mistake? We hear of these stories nearly every day—a driver is distracted by a cell phone call, a physician overlooks a vital symptom—one small slip that causes the end of one person's life and changes the other's forever. In addition to the guilt and post-traumatic stress suffered by the accidental perpetrator, additional repercussions may also abound: lawsuits, trials, negative press and even death threats.

The Torah understands the terrible weight borne by the accidental perpetrator of manslaughter, and in *Parshat Masei* instructs that a person convicted of accidentally taking a life can escape to one of six Cities of Refuge. An accidental death could easily spark a series of senseless killings but the Torah takes care to protect manslaughterers from harm by creating sanctuary cities to safeguard them against death at the hands of their unintended victim's vengeful relatives.

The Torah also demonstrates that the responsibility for stopping the cycle of violence does not belong to the killers alone but to all who would be potential future victims of the cycles that they have set in motion. Though the Cities of Refuge are for the manslayer's own protection, the killer must stay there for the rest of his own life or until the high priest dies and an amnesty is declared.<sup>1</sup> Because the manslaughterers are essentially captive in their place of refuge until the priest's death, the Mishnah teaches that they might pray for this chance for release, creating a new victim out of their initial accidental killing: "Therefore, the mothers of the high priests supply (the unintentional killers) with food and clothing, in order that they won't pray that their sons (the priests) die."<sup>2</sup>

The mothers of the high priests are portrayed as concerned primarily with their own sons' welfare; but nevertheless, their participation in caring for these unwitting captives teaches us a lesson about communal responsibility for stopping cycles of violence. Not only must the society create and maintain sanctuaries, but the residents must be clothed and fed so that they don't cause more death because of their hunger and cold desperation. In this Mishnah, clothing and feeding the killers plays a role beyond sustenance—it signals that though exiled, these killers have not been forgotten by mainstream society and still are remembered and cared for by the highest orders of society.

The fact that the Torah and rabbinic literature attempt to distribute the burden of accidental killings among all members of society also raises the question of how societies as a whole are responsible not only for the consequences of accidental killings but also for their causes. When we examine manslaughter a little more closely we see that it is often not just about individual error—after all, the physician who misses a symptom is likely laboring in an over-stressed health care system; the distracted driver may be pressured to keep working on her Blackberry after the end of

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<sup>1</sup> Numbers 35:28.

<sup>2</sup> Mishnah Makkot 2:6.

the work day. From this perspective, all of us bear some responsibility for creating a society in which manslaughter is more likely to occur.

When we think about “accidental” killings more globally this becomes even more apparent. The mother who kills her infant by feeding her contaminated drinking water because she has no other options; the man who infects his wife with HIV because of a lack of education about the spread of the disease; these are not accidental killings but deaths caused by a lack of societal responsibility for systemic problems. Similarly, the young man who is hit by a stray bullet in gang violence in our own inner cities is not a victim of random happenstance but of deep societal flaws that perpetuate violence and death.

These systemic injustices lead to countless unnecessary deaths across the globe and in our own backyards, especially among the poor. We may tend to think of accidental deaths as somehow even-handed or random, but as Martin Espada, a professor at the University of Massachusetts told the *New York Times*, “Yet it has always been thus: Poor people are in danger. It is dangerous to be poor.”<sup>3</sup>

The Torah and its commentators call us to design a different kind of world where there is care and concern for each human being. May we soon fulfill the vision of our Sages and live in an age where violence and neglect are not allowed to flourish and where we are each given the protections required to halt the cycle before it gets out of control. Someday, maybe our cities will come to resemble places of refuge for those on the margins, where there’s always someone looking out to make sure that all are warm and fed.



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<sup>3</sup> Gonzalez, David. "From Margins of Society to the Center of Tragedy." *New York Times*, 2 September 2005.  
[http://www.nytimes.com/2005/09/02/national/nationalspecial/02discrim.html?\\_r=1&scp=15&sq=Martin%20Espada&st=cse&oref=slogin](http://www.nytimes.com/2005/09/02/national/nationalspecial/02discrim.html?_r=1&scp=15&sq=Martin%20Espada&st=cse&oref=slogin)

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