

ACCIDENTAL MANSLAUGHTER

by Rabbi Yaakov Menken

"Judges and officers shall you appoint for yourselves in all your gates..." [16:18]

There has been much discussion of death, manslaughter, and judgments in the news this week, and our parsha discusses these topics as well. As always, the Torah guides us. Simply leafing through the pages of the Chumash [a bound text of the Torah, with commentaries], we can read the Torah's attitude and methodology and contrast them with what we have recently seen and read.

"You shall not twist judgment, nor recognize faces, and you shall not take bribes, because bribery blinds the eyes of the wise and twists the words of the righteous. Justice, justice shall you pursue, in order that you live and inherit the land which HaShem your G-d gives you." [16:19-20]

We do not rush to judgment, immediately finding someone to blame and pointing fingers. Neither does the Torah permit us to ignore possible wrongdoing by a rich, powerful or popular individual. Honest judgment is only possible when extraneous details are set aside, and when one has the patience to hear all sides before rendering a decision.

"By the word of two or three witnesses shall the dead be put to death; he shall not die by the word of one witness." [17:6]

In order for a court to find a person guilty of a capital crime, multiple witnesses were required. The court was obligated to investigate every facet of their testimony, in order to find the least contradiction - and if there was any possible way to find the defendant innocent, the Torah required the court to set him free. The Talmud says that a court which put a man to death once every seven years (and some say, seventy years) was considered a murderous court. We are not permitted to make careless accusations. We do not look for ways to accuse people, but for ways to consider them upright and honest.

We also learn, at the same time, that even a careless hand in a person's death (Heaven forbid) is a terrible thing. Chapter 19 (like Numbers 35:9-34) discusses the creation of cities of refuge in the land of Israel. One who was guilty of manslaughter was obligated to exile himself to one of these cities. Even this punishment was considered a privilege, accorded only to those who caused death through simple carelessness without intent to harm anyone or anything. One who intended to kill an animal, but instead killed a person, was considered so severely negligent that exile could not compensate.

Similarly, if it was known that the one who committed the manslaughter hated the victim previously, then the possibility that the first party was especially negligent or even "helped" the accident to happen renders him unable to seek atonement through exile.

Finally, at the end of the parsha, we learn the laws concerning a dead man found outside a city. The elders of the nearest city were obligated to bring a heifer to the site, and kill it there, "and they shall answer and say, 'our hands did not spill this blood, and our eyes did not see it.'" [21:7]

Asks Rabbi Shlomo Yitzchaki: would anyone even imagine that the elders of the city court were murderers? Rather, he answers (from the Talmud) that they must declare that they did not see him and fail to provide him with food and escort.

That is not a judgment which any other person can render - only we ourselves, and G-d, can judge whether we concern ourselves with the needs of others. When looking at others, we must avoid quick condemnation and find a way to judge them favorably. But when we look at ourselves, we must demand the highest possible standard - not merely refraining from harming others, but actively contributing to their well-being. If we all aspire to that standard, then the biggest (and best) news is yet to come!

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