



Touring the Talmud: Makot 06-112 (Shabbat Toledot) Who's to Blame?

*'The condition upon which God hath given liberty to man is eternal vigilance'.
— John Philpot Curran¹*

When the possibility arises that we might be blamed for something we've done, we are easily thrust into feelings of fear, weakness and defensiveness. We do not take well to those feelings and we try to alleviate them. One way we do this is to blame others and displace the responsibility we have that is making us feel the negativity.

Our tendency to blame is an auto-response. We don't need to decide to do it, we just do it. But when we are in control of our minds and we care about truth, we look to see what is real and if we are indeed to blame we accept and bear it. We do what is necessary to address it and if we do not know we work to find out.

There is a direct connection between blame and accountability. When we accept accountability we stand independent and whole and we own our responsibilities, choices and actions. When we opt for blame we allay fear and discomfort by placing the consequences that come from us upon others.

True accountability, however, begins *before* an act is committed or an event occurs. It precedes fixing and apologising and instead looks to prevent culpability. The highest form of accountability is vigilance not rectification.

Negligence, the failure to take proper care over something, is the opposite of vigilance. Proper care requires an understanding of potential outcomes should the care be lacking. This is the heart of responsibility — the ability to respond appropriately in a given situation. We can and should be held accountable for negligence.

Torah takes the issue of personal responsibility and negligence quite seriously. The area in which we see this displayed is in the second chapter of Tractate Makot which is the subject of our talmudic readings this week.

The subject discussed is that of the *Ir Miklat* — City of Refuge. Torah requires its society to provide cities of refuge for those who have committed a murder unintentionally. They are to flee to a city of refuge so that an avenging member of the victim's family does not murder him in vengeance. The accidental murderer is to remain in the city of refuge until the death of the Kohen Gadol — High Priest.

And this is the matter of the murderer, who shall flee there and live: Who kills his neighbour unawares, as he did not hate him from before; and as one who goes with his neighbour into the forest to hew wood, and his hand fetches a stroke with the ax to cut down the tree, and the blade displaces from the wood and finds his neighbour and he dies; he shall flee to one of these cities and live. Lest the blood redeemer pursue the murderer, while his heart is hot, and overtake him, because the way is long, and strike him fatally; and for him there is no sentence of death, as he did not hate him from before. Therefore I command you, saying: You shall designate three cities for you. (Deuteronomy 19:2-7)

¹ https://en.wikipedia.org/wiki/John_Philpot_Curran
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And the congregation shall rescue the murderer from the hands of the blood redeemer, and the congregation shall restore him to his city of refuge, that he fled there; and he shall dwell there until the death of the High Priest, who was anointed with the sacred oil. (Numbers 35:24)

The question, of course, is the need for someone who killed accidentally to flee and seek refuge. Why, if it was genuinely accidental does the Torah call the person a murderer and consider him culpable at all? He is culpable because he was negligent. If indeed it is found that the death occurred in a situation where there was no considerable negligence then the person is exempt from any culpability. However, when one is found to have been negligent in a circumstance that ended in a death, The Torah considers the person a murderer and he requires refuge from the avenging relative because the avenger has a right to his vengeance.

Negligence and responsibility go beyond the killer in this issue. The case of the City of Refuge is a lesson in vigilance and negligence.

If the accidental murderer is found to have been negligent he is exiled, if not, he is absolved. The authorities, however, must also be vigilant in their provisions for the murderer to easily and safely find his way to the city of refuge so that he is not killed by the avenger. If that is not properly facilitated, the authorities are deemed negligent in the culprit's death!

*'ASYLUM' was marked at intersections...as implied by Develop
the highway (Deut. 19:3), i.e. prepare the way.*

*At every intersection with a highway leading to a city of
refuge, there was a wooden sign pointing the direction on
which the word 'ASYLUM' was written –Rashi (10b)*

*Any court that acts in a less than expeditious fashion as regards these issues is considered as if it has spilled blood.
Rambam, Mishne Torah, Hilkhhot Rotseah 8:5,6*

And why must one remain in the city of refuge until the High Priest dies? Because it was under his leadership and on his watch that such breakdowns occurred among the people. His negligence in cultivating (even through prayer on their behalf) a moral and alert society led to carelessness and ultimately death (11a)².

It does not take much for carelessness to permeate through and destroy society. It takes one broken window. As James Wilson suggested in his article published in the Atlantic (1982) *Broken Windows* :

Consider a building with a few broken windows. If the windows are not repaired, the tendency is for vandals to break a few more windows. Eventually, they may even break into the building, and if it's unoccupied, perhaps become squatters or light fires inside. Or consider a pavement. Some litter accumulates. Soon, more litter accumulates. Eventually, people even start leaving bags of refuse from take-out restaurants there or even break into cars.

² Cf. Mesilat Yesharim, 19.
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Wilson argues that the vandalism that goes unnoticed sets a tone for the city — ‘we don’t care and we are not watching’. The lack of vigilance breeds more and society becomes negligent and, in the end, people die. The Kohen Gadol, entrusted with setting the moral standards in society and teaching right from wrong is connected on a certain level to every accidental murder that occurs in his society.

Our freedoms come with great responsibilities. As Henley put it in his classic poem *Invictus* — *I am the master of my fate, I am the captain of my soul*. Growing into mature, responsible adulthood means bearing the weight of the consequences of free choice and the accountability that comes with the possibilities of failure. Vigilance is the hallmark of competence and maturity — not just our readiness to take the blame.

These themes therefore, run throughout the presentation of the details of the City of Refuge in Makot’s second chapter. We are taught, for instance, that if a rabbi’s student is sent to a city of refuge, we send his rabbi with him. Why? The stay in the city is meant to be rehabilitative and life-affirming. There is no life without Torah. He needs his Rav. Yet, the point is not given without mentioning that a Rav must not teach a student who is not responsible and morally sound. Why? He may end up being exiled with that student to a city of refuge. We are also taught three times over that in the path one wishes to walk is the path in which he is led in life. This is to say that we are the ones who guide our lives to failure or success and we should not expect the world, others or God Himself, to stop us from succeeding or failing. Our freedom is real and our choices can have life and death consequences. We are expected to be alert, conscious and careful.

Our actions make a great deal of difference both in our lives and the lives of others. Our task as members of society is to pay attention, keep watch and consider the reality and consequences of the life we choose to live.

Shabbat Shalom

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