Few Are Guilty, All Are Responsible

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Shabbat Shuvah 5772

1. Bob Dylan, *Who killed Davey Moore?*

Who killed Davey Moore,
Why an' what's the reason for?

"Not I," says the referee,
"Don't point your finger at me.
I could've stopped it in the eighth
An' maybe kept him from his fate,
But the crowd would've booed, I'm sure,
At not gettin' their money's worth.
It's too bad he had to go,
But there was a pressure on me too, you know.
It wasn't me that made him fall.
No, you can't blame me at all."

Who killed Davey Moore,
Why an' what's the reason for?

"Not us," says the angry crowd,
Whose screams filled the arena loud.
"It's too bad he died that night
But we just like to see a fight.
We didn't mean for him t' meet his death,
We just meant to see some sweat,
There ain't nothing wrong in that.
It wasn't us that made him fall.
No, you can't blame us at all."

Who killed Davey Moore,
Why an' what's the reason for?

"Not me," says his manager,
Puffing on a big cigar.
"It's hard to say, it's hard to tell,
I always thought that he was well.
It's too bad for his wife an' kids he's dead,
But if he was sick, he should've said.
It wasn't me that made him fall.
No, you can't blame me at all."

Who killed Davey Moore,
Why an' what's the reason for?

"Not me," says the gambling man,
With his ticket stub still in his hand.
"It wasn't me that knocked him down,
My hands never touched him none.
I didn't commit no ugly sin,
Anyway, I put money on him to win.
It wasn't me that made him fall.
No, you can't blame me at all."

Who killed Davey Moore,
Why an' what's the reason for?

"Not me," says the boxing writer,
Pounding print on his old typewriter,
Sayin', "Boxing ain't to blame,
There's just as much danger in a football game."
Sayin', "Fist fighting is here to stay,
It's just the old American way.
It wasn't me that made him fall.
No, you can't blame me at all."

Who killed Davey Moore,
Why an' what's the reason for?

"Not me," says the man whose fists
Laid him low in a cloud of mist,
Who came here from Cuba's door
Where boxing ain't allowed no more.
"I hit him, I hit him, yes, it's true,
But that's what I am paid to do.
Don't say 'murder,' don't say 'kill.'
It was destiny, it was God's will."

Who killed Davey Moore,
Why an' what's the reason for?

David S. "Davey" Moore *(November 1, 1933 – March 25, 1963) was an American world-champion boxer who fought professionally 1953–1963. Moore died March 25, 1963, as a result of injuries sustained in a match against Sugar Ramos. There was existing public controversy due to the death of Benny "Kid" Paret one year before, and Moore's death prompted debate about the dangers of boxing and the possibility of the sport being banned in the United States.*

2. Deuteronomy 21:1-9

1. If a slain person be found in the land which the Lord, your God is giving you to possess, lying in the field, [and] it is not known who slew him,
2. then your elders and judges shall go forth, and they shall measure to the cities around the corpse.
3. And it will be, [that from] the city closer to the corpse, the elders of that city shall take a calf with which work has never been done, [and] that has never drawn a yoke,
4. and the elders of that city shall bring the calf down to a rugged valley, which was neither tilled nor sown, and there in the valley, they shall decapitate the calf.
5. And the kohanim, the sons of Levi, shall approach, for the Lord, your God, has chosen them to serve Him and to bless in the Name of the Lord, and by their mouth shall every controversy and every lesion be [judged].
6. And all the elders of that city, who are the nearest to the corpse, shall wash their hands over the calf that was decapitated in the valley;
7. And they shall announce and say, "Our hands did not shed this blood, nor did our eyes see [this crime]."
8. "Atone for Your people Israel, whom You have redeemed, O Lord, and lay not [the guilt of] innocent blood among your people Israel." And [so] the blood shall be atoned for them.
9. And you shall abolish the [shedding of] innocent blood from among you, for you shall do what is proper in the eyes of the Lord.

דברים פרשת שפטים - כי תצא פרק כא

א. כִּי יִמָּצֵא חָלָל בָּאֲדָמָה אֲשֶׁר יְ־הוָ־ה אֱלֹהֶיךָ נֹתֵן לְךָ לְרִשְׁתָּהּ נֹפֵל בַּשָּׂדֶה לֹא נוֹדַע מִי הִכָּהוּ:
ב. וְיָצְאוּ זְקֵנֶיךָ וְשֹׁפְטֶיךָ וּמָדְדוּ אֶל הֶעָרִים אֲשֶׁר סְבִיבֹת הֶחָלָל:
ג. וְהָיָה הָעִיר הַקְּרֹבָה אֶל הֶחָלָל וְלָקְחוּ זִקְנֵי הָעִיר הַהִוא עֶגְלַת בָּקָר אֲשֶׁר לֹא עֻבַּד בָּהּ אֲשֶׁר לֹא מָשְׁכָה בְעֹל:
ד. וְהוֹרִדוּ זִקְנֵי הָעִיר הַהִוא אֶת הָעֶגְלָה אֶל נַחַל אֵיתָן אֲשֶׁר לֹא יֵעָבֵד בּוֹ וְלֹא יִזָּרֵעַ וְעָרְפוּ שָׁם אֶת הָעֶגְלָה בַּנָּחַל:
ה. וְנִגְּשׁוּ הַכֹּהֲנִים בְּנֵי לֵוִי כִּי בָם בָּחַר יְ־הוָ־ה אֱלֹהֶיךָ לְשָׁרְתוֹ וּלְבָרֵךְ בְּשֵׁם יְ־הוָ־ה וְעַל פִּיהֶם יִהְיֶה כָּל רִיב וְכָל נָגַע:
ו. וְכֹל זִקְנֵי הָעִיר הַהִוא הַקְּר�ֹבִים אֶל הֶחָלָל יִרְחֲצוּ אֶת יְדֵיהֶם עַל הָעֶגְלָה הָעֲרוּפָה בַּנָּחַל:
ז. וְעָנוּ וְאָמְרוּ יָדֵינוּ לֹא [שפכה] שָׁפְכוּ אֶת הַדָּם הַזֶּה וְעֵינֵינוּ לֹא רָאוּ:
ח. כַּפֵּר לְעַמְּךָ יִשְׂרָאֵל אֲשֶׁר פָּדִיתָ יְ־הוָ־ה וְאַל תִּתֵּן דָּם נָקִי בְּקֶרֶב עַמְּךָ יִשְׂרָאֵל וְנִכַּפֵּר לָהֶם הַדָּם:
ט. וְאַתָּה תְּבַעֵר הַדָּם הַנָּקִי מִקִּרְבֶּךָ כִּי תַעֲשֶׂה הַיָּשָׁר בְּעֵינֵי יְ־הוָ־ה:

3. BT Sota 38b

And R. Yehoshua ben Levi said: An *eglah arufah* does not come about except on account of the misers. For it is stated: “They [the elders of the city] shall speak up and say, “Our hands did not spill this blood and our eyes did not see.” (Deut. 21:7) Now, would it enter our minds that the elders of the court are spillers of blood? Rather, they mean to say: [The murdered person] did not come within our presence and we sent him off, nor did we see him and leave him. This means [this murdered person] did not come within our presence and we sent him off with no food, nor did we see him and leave him to continue his journey without escort.

תלמוד בבלי מסכת סוטה דף לח עמוד ב

וא"ר יהושע בן לוי: אין עגלה ערופה באה אלא בשביל צרי העין, שנאמר+ דברים כא+ וענו ואמרו ידינו לא שפכו את הדם הזה, וכי על לבנו עלתה שזקני ב"ד שופכי דמים הם? אלא, לא בא לידינו ופטרנוהו ולא ראינוהו והנחנוהו, לא בא לידינו ופטרנוהו בלא מזונות, לא ראינוהו והנחנוהו בלא לוייה.

4. Samson Raphael Hirsch (June 20, 1808 – December 31, 1888), Commentary on Deut. 21

The whole *Eglah arufah* institution only applies to cases where the victim has been left lying in the open as if in mocking defiance of the public officials, then there could really only be one case where such scorn could possibly be deserved, and that would be if the officials of the town had really sent a hungry travelling stranger away without giving him any food, and his hunger had driven him to try highway robbery in course of which the man attacked had killed him in self-defense; a case in which the slayer would be entirely guiltless, the slain one have at least some excuse, and the real blameworthy ones would be the officials of the city who had failed to exercise the Jewish communal duty towards the need of the slain man. This same eventuality could also refer to the slayer viz. that the neglect of their duty on the part of the town-officials had left him in such dire need that he had to resort to highway robbery and killed the victim of his attack. But the Babylonian Gemora could prefer to take the case primarily to refer to the slain man because then there would be the possibility of complete blamelessness in the actual deed, and also the Babylonian explanation seems more feasible as it puts the allowing to depart without food as the explanation of *lo shafcha yadaynu* accordingly as a possibility of actual participation of the causation of the crime, and not, as the Jerushalmi does, as the explanation of *einaynu lo rau*. So that according to the Babylonian Gemora the elders of the city have to make the impressive declaration: -*No person is ever left by us in such straits that he must turn to crime to relieve his need!*

5. Kahan Commission Report, 1983

Even if these legal norms are invalid regarding the situation in which the Israeli government and the forces operating at its instructions found themselves at the time of the events, still, as far as the obligations applying to every civilized nation and the ethical rules accepted by civilized peoples go, the problem of indirect responsibility cannot be disregarded. A basis for such responsibility may be found in the outlook of our ancestors, which was expressed in things that were said about the moral significance of the biblical portion concerning the "beheaded heifer" (in the Book of Deuteronomy, chapter 21). It is said in Deuteronomy (21:6-7) that the elders of the city who were near the slain victim who has been found (and it is not known who struck him down) "will wash their hands over the beheaded heifer in the valley and reply: our hands did not shed this blood and our eyes did not see." Rabbi Yehoshua ben Levi says of this verse (Talmud, Tractate Sota 38b):

"The necessity for the heifer whose neck is to be broken only arises on account of the niggardliness of spirit, as it is said, 'Our hands have not shed this blood.' But can it enter our minds that the elders of a Court of Justice are shedders of blood! The meaning is, [the man found dead] did not come to us for help and we dismissed him, we did not see him and let him go - i.e., he did not come to us for help and we dismissed him without supplying him with food, we did not see him and let him go without escort." (Rashi explains that escort means a group that would accompany them; Sforno, a commentator from a later period, says in his commentary on Deuteronomy, "that there should not be spectators at the place, for if there were spectators there, they would protest and speak out.')

When we are dealing with the issue of indirect responsibility, it should also not be forgotten that the Jews in various lands of exile, and also in the Land of Israel when it was under foreign rule, suffered greatly from pogroms perpetrated by various hooligans; and the danger of disturbances against Jews in various lands, it seems evident, has not yet passed. The Jewish public's stand has always been that the responsibility for such deeds falls not only on those who rioted and committed the atrocities, but also on those who were responsible for safety and public order, who could have prevented the disturbances and did not fulfill their obligations in this respect. It is true that the regimes of various countries, among them even enlightened countries, have side-stepped such responsibility on more than one occasion and have not established inquiry commissions to investigate the issue of indirect responsibility, such as that about which we are speaking; but the development of ethical norms in the world public requires that the approach to this issue be universally shared, and that the responsibility be placed not just on the perpetrators, but also on those who could and should have prevented the commission of those deeds which must be condemned.

6. R. Dov Linzer (Rosh Yeshiva, Yeshivat Chovevei Torah Rabbinical School), *A Prayer for the Slain and Injured at the Gay Community Center in Tel Aviv*

This prayer expresses grief and sorrow over the horrific and murderous attack at the gay Community Center in Tel Aviv on August 1, 2009 and the heightened sense of responsibility and obligation that all Jews and communities, across the denominations, must share in response. This tfillah was recited in numerous synagogues on Shabbat Parshat Ekev (August 8, 2009), both Orthodox and non-Orthodox, and was delivered at an interdenominational memorial and tehillim service at the JCC of Manhattan on Monday night, August 10, 2009.

מי שברך אבותינו אברהם יצחק ויעקב ואמותנו שרה רבקה רחל ולאה, הוא יברך וירפא את החולים והחולות שנפגעו בפיגוע החבלני והרצחני בתל אביב, בארצנו הקדושה, בעבור שאנחנו מתפללים בעבורם. בשכר זה, הקב"ה ימלא רחמים עליהם, להחלים ולרפאותם, ולהחזיקם ולהחיותם, וישלח להם מהרה רפואה שלמה מן השמים, בתוך שאר חולי ישראל, רפואת הנפש ורפואת הגוף, שבת היא מלזעוק ורפואה קרובה לבא. השתא בעגלא ובזמן קריב ונאמר אמן

Master of the Universe, watch over the souls of the slain and bring healing to those who were injured in the violent and murderous attack in Tel Aviv in our Holy Land. See how not only the bodies, but the souls and lives of these persons have been shattered. See how this support group for teenagers - this place which for many of them was their one refuge of protection, support, and acceptance - how this haven has now been violated and has now become a place of danger, of vulnerability, and of death. Heal their bodies, heal their souls and heal their spirits.

O Lord, you have taught us in Your Torah the mitzvah of the עגלה ערופה. You have taught us that when a person is murdered and it is not known who the murder is, or what the motives are behind the murder, that it is the leaders of the community who must look inward and ask what sins of commission or omission could have possibly contributed to

this tragedy. Who among us in the Jewish people, whatever our denomination or affiliation, can say ידינו לא שפכו את הדם הזה, that we have done everything in our ability to protect against such a tragedy? Who among us, throughout the Jewish people, can say, לא ראינוהו ופטרנוהו בלא מזונות ובלא לויה, that we did everything in our power to ensure that these victims were cared for physically and emotionally, to ensure that we gave them friendship and protection? O Lord, we cannot make this declaration of innocence.

Master of the Universe, give us the courage to stand up to and reject all forms of hateful speech and violence. Give us the strength of spirit to refuse to tolerate the rejection of any human being, each of whom is created in בצלם א-לוהים, in Your Divine image. Help us to internalize in our hearts and to manifest in our actions the mandate of the verse in this week's *parsha* ואהבתם את הגר כי גרים הייתם בארץ מצרים, that it is our responsibility to care for, to love, and to protect all members of our society, and in particular those who are most vulnerable and most likely to feel estranged and rejected. Help us to value every member of our society for whom he or she is, to care for them, to support them, and to recognize that they are an equal part of our community כגר כאזרח יהיה. Give us the strength to fully actualize – in our speech and in our actions – the maxim that כל ישראל ערבים זה בזה, that the entirety of the Jewish people, straight and gay, is interwoven with and responsible for every one of its members.

We cannot change the past, but we can work to change the future, so we pray, O Lord, that You accept our mourning and our prayers, and give us the strength to change. We pray that we can make the necessary sacrifices to live up to our obligations to You and to every human being who is created in Your image, and that this can bring partial atonement for the דם נקי בקרב עמך ישראל, for the innocent blood that has been shed and allowed to have been shed in the midst of Your people, of Israel.

כפר לעמך ישראל, Atone for Your people, O Lord, bring us healing, a healing of persons, a healing of society, help us create a society where all are protected, cared for, and valued, and let no innocent blood ever again be spilled. Now and speedily in our days, and let us say, Amen.

7. Rav Fuerstein, *Eglah Arufa Now!*

We bear responsibility for the blood spilled in car accidents, for the blood spilled in mindless quarrels among our youth, for wives murdered by their husbands. We bear responsibility for the blood spilled in murderous acts that fill up our newspapers. The concept of responsibility is changing. Indirect responsibility is also a form of responsibility. Claiming a lack of knowledge regarding possible dangers to a person's life, nowadays, also implies certain ramifications of guilt.

Disregard, even unintended disregard, of the dangerous crossing; the pothole on the road; school dropouts that wander the streets; the drug plague; the rundown economic situation that undermines parental authority; all these things hover over our society and our leaders. Silent assent to the lack of a worthy education that guides towards values, to the brutal pornography that our children get exposed to on the internet and other forms of media – these do not remain outside of responsibility. That is the ruling of the Torah. "This innocent blood" has parents, has responsible parties, it didn't spill of its own; it's an outcome of neglect.

In today's terms, we should have provided proper lighting, fit for unsafe roads, an education that reduces violence on the streets, in schools, in the family.

Here is my suggestion. Imagine that the mayor of the city, the local traffic judge, the city's rabbi, and the police chief, would all arrive on the scene of an accident and proclaim that they have done everything to insure the security of citizens on the roads; that they take responsibility

רפי פוירשטין, עגלה ערופה עכשיו

http://www.ynet.co.il/articles/1,7340,L-3438696,00.html

יש לנו אחריות על הדם הנשפך בתאונות דרכים, יש לנו אחריות על דם הצעירים הנשפך בקטטות מטופשות, על הנשים הנרצחות על ידי בעליהן. יש לנו אחריות על הדם הנשפך במעשי רצח הממלאים את דפי העיתונים. כשמדובר בחיי אדם, אי אפשר להתנער מאחריות. מושג האחריות משתנה. גם אחריות עקיפה מהווה אחריות. אי הידיעה עצמה על הסיכון המרחף על חייו של פלוני אלמוני, מהווה סוג של אשמה.

ההתעלמות, גם הלא מכוונת, מהצומת המסוכן, מהבור שבכביש, מהנשירה מבתי הספר והשוטטות ברחובות, ממכת הסמים, מהמצב הכלכלי הירוד השובר את הסמכות ההורית כל אלה מרחפים מעל ראשי החברה ומנהיגיה. ההסכמה שבשתיקה להעדר חינוך ראוי לשמו לערכים, לפורנוגרפיה הקשה אליה נחשפים ילדים רכים באינטרנט ובאמצעי תקשורת אחרים, כל אלה לא נשארים ללא אחריות. זאת הקביעה של התורה. 'לדם הנקי' השפוך יש הורים, יש אחראים, זה לא בא מעצמו , זה תולדה של הזנחה.

במונחים של היום, היה עלינו לדאוג לתאורה מתאימה, לכבישים בטוחים, לאכיפה ראויה לשמה, לחינוך שיצמצם את האלימות בכבישים בבתי הספר במשפחה.

ועכשיו להצעה שלי. תארו לעצמכם, שעל כל תאונת דרכים חלילה יגיע ראש העיר, השופט המקומי לענייני תעבורה, רב העיר ומפקד המשטרה ויכריזו על כך שעשו הכל על מנת להבטיח את

to improve the situation. Imagine that the heads of social services, the local family law judge, the educators, rabbis, and public officials, all proclaiming loudly, “Our hands did not spill this blood.” You don’t like this scenario? Here is an alternative…Maybe this entire respectable crew will come to the victim’s funeral, wash their hands, and proclaim, “Our hands did not spill this blood.” Also doesn’t suit you? Invent what you will. Perhaps ordering a commission for every “innocent blood.” Whatever it is, we cannot become habituated to “innocent blood,” we cannot return to our daily routine. There is no “innocent blood.” The innocent blood cries to the heavens. The innocent blood cries for atonement, the innocent blood cries for *tikkun* (social mending).	בטחון האזרחים. וכי הם לוקחים על עצמם אחריות לשפר את המצב. תארו לכם שעל כל אישה שנרצחה, מגיעים ראשי שרותי הרווחה, השופט המקומי לענייני משפחה, המחנכים, הרבנים וראשי הצבור, ומכריזים בקול גדול "ידינו לא שפכו את הדם הזה." הטקס לא נראה לכם? יש אלטרנטיבה, אולי כל הצוות הנכבד הזה יגיע ללוויה של הקרבן, וירחץ את ידיו ויכריז "ידינו לא שפכו את הדם הזה" . גם זה לא נראה לכם? המציאו מה שתרצו, אולי ועדת חקירה על כל מקרה של "דם נקי". מה שלא יהיה, אסור להתרגל לדם השפוך, אסור לעבור עליו לסדר היום. אין "דם נקי". הדם הנקי זועק לשמים. הדם זועק לכפרה, הדם השפוך זועק לתיקון .

8. R. Abraham Joshua Heschel, *Moral Grandeur and Spiritual Audacity*, Essays edited by Susannah Heschel, *Toward a Just Society*, pp. 220, 222-223

At this hour a major lesson implied in the teaching of the ancient prophets of Israel assumes renewed validity: *Few are guilty, but all are responsible.*

It is important that we distinguish between guilt and responsibility. It is dangerous to confuse these two distinct terms. Guilt which originally denoted a crime or sin implies a connection with or involvement in a misdeed of a grave or serious character; the fact of having committed a breach of conduct, especially such as violates law and involves penalty.

Responsibility is the capability of being called upon to answer, or to make amends, to someone for something, without necessarily being directly connected with or involved in a criminal act.

[…] After the conquest of ancient Palestine, the Babylonian king, Nebuchadnezzar, appointed Gedaliah, a distinguished Jewish citizen, to be governor of Judea. As a result of conspiracy, Gedeliah was assassinated.

More than 2500 years have passed and Jews continue on the day following the New Year’s Festival to observe a fast day in commemoration of the sad event, in which only one single man was murdered.
May I propose that at least a minute of silence be observed very year in morning and repentance of crimes of our times…