

Beyond Our Home – Responsibility beyond Culpability

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R. Dr. Abraham Joshua Heschel was perhaps one of the greatest Jewish American theologians of the 20th century. Beyond his scholarly work, Heschel is probably the most important and well-known Jewish social activist of the previous generation. Through his very public stance against the war in Vietnam, his close partnership with the great Reverend Dr. Martin Luther King, and his participation in major marches for civil rights in the 60's as well as the early 70s, Heschel became a modern-day prophet, chastising American society for what Heschel identified as her moral failures.

On one occasion, Heschel concluded a stirring prayer for peace in Vietnam, with a chilling memory from his childhood:

“Here is the experience of a child of seven who was reading in school the chapter which tells of the sacrifice of Isaac on the way to Mt. Moriah, with his father. “He lay on the altar, bound, waiting to be sacrificed.” My heart began to beat even faster; it actually sobbed with pity for Isaac. Behold, Abraham now lifted the knife. And now my heart froze within me with fright. Suddenly the voice of the angel was heard: ‘Abraham, lay not your hand upon the lad, for now I know that you fear God.’ And here I broke out in tears and wept aloud, ‘Why are you crying?’ asked the rabbi. ‘You know that Isaac was not killed.’ And I said to him, still weeping, ‘But, Rabbi, supposing the angel had come a second too late?’ The rabbi comforted me and calmed me by telling me that an angel cannot come late.”

Heschel then concludes his prayer with these words:

“An angel cannot be late, but man, made of flesh and blood, may be.” (Heschel, *Moral Grandeur and Spiritual Audacity*, p. 232)

Lately, I've been reflecting on the inherent dangers of faith, whether it be in God or in humanity and the problematic expectation that an angel will show up on time, or that someone else, or some other force, will do our bidding. After all, how many times will we be caught by surprise by this or that development, before we realize that we should have known better, or that we should have responded more swiftly and or engaged in a matter more decisively.

Our tradition offers a challenging view of guilt by association.

Consider the Torah's case of the High Priest and cities of refuge. We are instructed to build cities of refuge to protect individuals found guilty of involuntary manslaughter. If someone killed another person accidentally then they are permitted to dwell in such a city and thus save their own life from acts of revenge. As we read in the Torah: “The congregation shall protect the murderer from the hand of the blood avenger, and the congregation shall return him to the city of refuge to which he had fled. And now comes a surprising command: “And he shall remain there until the Kohen Gadol (the High Priest), who anointed him with the sacred oil, dies.” (Numbers 35:25)

The killer sits in the city of refuge until the death of the High Priest. What connection might we draw from the inadvertent crime of one and the indeterminate death of the other?

Rashi explains: "The Kohen Gadol should have prayed that such a misfortune should not befall Israel during his lifetime [Mak. 11a]." (Rashi, *ibid.*)

Rav Moshe Tzvi Neria zt"l, the educational founder of the Bnai Akiva youth movement in Israel, takes this teaching even further by explaining that "the High Priest, through the assistance of the Levites, should have spread the teachings of Torah and the fear of Heaven throughout the nation. The High Priest should have elevated all of Israel to the degree that [inadvertent failures] such as involuntary manslaughter would have been prevented." Rav Neria then declares forcefully: "The High Priest is the one guilty for the involuntary killing that happened out there." (Neria, *Ner LaMaor*, p. 390)

Our Torah holds the High Priest to high standards of culpability. He may not be guilty directly, but he holds ultimate responsibility.

The Torah provides another such case. We read in Deuteronomy 21:1-9:

1. If a slain person is found in the land [...] 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 [...]
4. and the elders of that city shall bring the calf down to a rugged valley [...] and there in the valley, they shall decapitate the calf.[...]
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]."

Upon examining this text, our rabbis raise a critical question:

וכי על לבנו עלתה שזקני ב"ד שופכי דמים הם ?

"Would it enter our minds that the elders of the court are spillers of blood?" (BT Sota 38b)

In other words, since we would never suspect our elders of perpetrating this heinous murderous crime, then why is this declaration of innocence even necessary?

Our rabbis then provide an incredible answer: "Rather, the elders mean to say that [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."

Our commentators explain that the Talmud here is playing with several imagined scenarios which are then given expression through legislation. Perhaps the lack of hospitality resulted in the person starving to death? Or perhaps, this hunger drove him to crime, which then led to his death in a violent confrontation? Or perhaps simply this person was killed on the road because

he or she was travelling alone, without proper accompaniment from citizens of nearby cities or settlements?

It is clear that in each of these imagined scenarios the town's elders did not directly commit the crime. But just as we have seen in the case of the High Priest, here too our Torah holds the elders to high standards of culpability. Like the High Priest, the elders may not be guilty directly, but nevertheless, they hold ultimate responsibility.

Let's examine one more example – the case of a fallen Sefer Torah.

What is the proper communal response when a Sefer Torah falls from the hands of the person carrying or holding it?

It is interesting to note that our Talmud is silent on this question, as is the Rambam in Mishneh Torah. Nevertheless, sadly as we know, this question has come up over the generations, due to actual cases, generating different responses in the writings of legal authorities.

The general consensus among major rabbinic authorities is that the person who dropped the Torah must fast for one day. Many authorities take a step further and require that this person fast for three days. Still, some authorities maintain that it is insufficient for only this person to fast and argue that a more communal response is in order.

For example, in Responsa Imrey Esh (Orach Chayim 6), R. Shmuel Eliyahu Taub argues that everyone present in the synagogue at the moment that the Torah was dropped must fast as well. He explains that the incident reflects on the lack of attentiveness among all those present. Had they paid closer attention as the Torah was lifted, held or carried, perhaps they would have been able to prevent it from falling in the first place.

Responsa Divrey Chaim (Vol. I, Yoreh Deeah 59) goes even further. According to R. Chaim Halbershtam everyone who is a member of a community must fast in response to the incident of the fallen Torah, whether they were present in synagogue that day or not. R. Halbershtam explains that the incident reflects badly on the spiritual and religious piety of the entire community and that a prevailing lax culture, created by the community as a whole, ultimately led to the sort of carelessness that resulted in the dropping of the Torah.

It is clear that both of these rabbinic authorities fully understand that the entire community did not directly commit what can be described as a shocking act of negligence. Still, just as we have seen in the case of the High Priest, as well as in the case of the elders and the dead corpse, our rabbis hold all of us up to high standards of culpability. Like the High Priest and the elders, while community members may not be guilty directly, they nevertheless hold ultimate responsibility.

These important cases make it clear that our hands are never fully clean and that guilt certainly resides in our hearts and in our conscience as well.

We may not have a High Priest or cities of refuge...but each of us bears some responsibility for family relatives who might feel alienated from our families. In addition, each of us may bear

some responsibility for friends or individuals who might feel alienated from our shul or community.

Certainly, every family has its refugees, as does every shul. What responsibility do each of us bear in the process of their distancing or their sense of growing alienation?

More importantly....we may not have cities of refuge....but the world is currently facing one of its most dire refugee crises. Especially as Jews, especially after the Shoah, especially because of our biblical Exodus from Mitzrayim, the question is posed to each of us today: What responsibility do each of us bear to this crisis, to the countless individuals left homeless by famine and war?

The case of Eglah Arufah also cries out to us.

We don't need to go outside of our cities to find individuals whose lives are completely disregarded, whose Tzelem Elokim, image of God, is utterly ignored. Personally, when I drive through Berkeley or Oakland, I struggle with the amount of homelessness I encounter.

Can we honestly raise our hands and declare: "Our hands did not spill this blood?"

But we stand today also specifically as Jews. Thankfully, no one dropped the Torah in our midst, but on this day we must admit that at times we have allowed the Torah to drop on our list of priorities. While on many occasions we succeed to hold our Torah high, still, at certain times, each of us individually has allowed it to slip lower and lower.

Certainly, it is easy to point fingers, but on this day, especially on this day, each of us must assess the ways in which he or she contributed to a prevailing lax culture that at times too easily accepts carelessness in our struggle to hold on to Mitzvot as well as carelessness in our attempt to hold our Torah high.

Writing in the 60's at a time of significant social unrest in the United States as well as global insecurity, Heschel wrote the following words:

"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." (Heschel, *Moral Grandeur and Spiritual Audacity*, p. 220)

In the Yom Kippur confession we pronounce these words: “Al cheteh shechatanu le’faneicha be’yodyim u’belo yodyim” – “for the sin we have sinned before You knowingly or unwittingly”... Indeed, *few are guilty, but all are responsible*.

Friends – this is our time, this is our hour.

Let each of us garner the courage to confront the sins for which we are guilty and let each of us also gain insight into the sins for which we are not guilty, but for which we must nevertheless take responsibility for indeed *few are guilty, but all are responsible*.

I pray that we begin our work today and that God forgives our sins, the sins of our families and our community, the sins of our people Israel and those of this nation, and the sins of all of humanity.