

Vengeance

by: Rabbi Jeremy Rosen

The *Goel Hadam*, the person who avenges the blood, meaning the death of a close relative, even if it is accidental, is an ancient tradition that goes back much earlier than the Torah. In parts of our world is carried out to this day and tolerated by people who still live in the dark ages. It is one of those parts of the Torah we find strangest to justify.

It does not make sense. Surely the Torah is committed to the due judicial process it does so much to stress. The law is mentioned this week in connection only with someone who killed accidentally. The Torah describes cities of refuge that such a person can flee to. There he would be brought before the court and if found innocent of intentional murder was allowed to stay. Conditions were certainly superior to modern day jails! His family joined him. He could work. But if he stepped outside of the city boundaries the avenger could kill him. And there he lived protected until the High Priest died. Which is strange. What if he died within a month?

Like many laws in the Torah there is no evidence that the cities of refuge or this rule was ever activated. Like a rebellious son whose parents could have him put to death, or like sacrifice a city had to make if a dead body was found nearby, or the wife suspected of adultery or Israelite cities that became idolatrous and were destroyed, many great commentators believe they never actually happened but were just moral lessons.

And indeed, when you read the different halachic opinions you find the usual divergence between those who treat it as an active law but surround it with so many provisos and limitations that it is practically impossible to carry it out. Or those who say quite openly that it was a product of its time and only intended to wean people off such a primitive crime of passion by hedging it around with limitations.

To me it raises crucial moral issues. Is an accidental murder really "accidental"? Some people seem more prone to committing acts of violence than others. Some are just careless or less aware of dangerous behavior. And why should a redeemer of blood be allowed to take the law into one's own hands even if the Judicial system is failing? And what kind of penal system is best, isolating a criminal or allowing him to stay within his family or a community of rehabilitation. And if someone is killed in the family, how should the family respond to compensate for the loss?

Even ancient laws that seem totally irrelevant today can still raise important moral lessons for us.