**Class # 37- Parshat Mattot- Masei - When is an accident - not an accident?**

Advanced Fellowship Parsha Class - Sponsored in memory of Alice Toby Barbanel Z”l

Rabbi Pinny Rosenthal - prepared collaboratively with Rabbi Yoni Sacks

<https://www.youtube.com/watch?v=nR82z0tzMdc>

June 6th, 2012 - Aaron Deveau, 18, who became the first driver in Massachusetts to be convicted of motor vehicle homicide by texting, has been sentenced to two years in prison and loss of his license for 15 years, the Associated Press reported. Prosecutors said Deveau, who pleaded not guilty, was texting on Feb. 20, 2011, when his vehicle swerved across the centerline of a Haverhill street and crashed head on into Donald Bowley's truck, killing the 55-year-old father of three.

1. Has anyone else ever texted while driving?
2. Did you think that you were committing a crime?
3. Why did the jury convict Aaron Deveau?
4. Law in NYS touching phone (comparison to *issur negia and yichud*).
5. What is the effect of phone *negia* having such a severe punishment (5 points & $200).

**Buzzed Driving is Drunk Driving** <https://www.youtube.com/watch?v=ubaWfzvJEcU>

1. Why does a person rationalize that if he had a drink or two - he can drive?

**Rambam - THE LAWS OF INJURY AND DAMAGES [tort law] ch. 1:11**

A man is considered *mu'ad* at all times - whether acting intentionally or unintentionally, whether asleep or awake or intoxicated. If he injures a colleague or damages a colleague's property, he must always reimburse him from his choicest property

Beraishis - 9:5 'Only of the blood of your own lives will I demand an account. I will demand [such] an account from the hand of every wild beast. From the hand of man - [even] from the hand of a man's own brother - I will demand an account of [every] human life.

9:6 He who spills human blood shall have his own blood spilled by man, for God made man with His own image.

9:7 'Now be fruitful and multiply, swarm all over the earth and become populous on it.'

**Rambam Laws of the Murderer and preserving life 1:14**
Whenever a person can save another person's life, but he fails to do so, he transgresses a negative commandment, as [Leviticus 19:16](https://www.chabad.org/9920#v16) states: "Do not stand idly by while your brother's blood is at stake."

Similarly, this commandment applies when a person sees a colleague drowning at sea or being attacked by robbers or a wild animal, and he can save him himself or can hire others to save him. Similarly, it applies when he hears gentiles or *mosrim* conspiring to harm a colleague or planning a snare for him, and he does not inform him and notify him of the danger.46

And it applies when a person knows of a gentile or a man of force who has a complaint against a colleague, and he can appease the aggressor on behalf of his colleague, but he fails to do so. And similarly, in all analogous instances, a person who fails to act transgresses the commandment: "Do not stand idly by while your brother's blood is at stake."

Security footage of terror attack on Malchei Yisrael Street, Jerusalem, October 13, 2015

<https://www.youtube.com/watch?v=JB3Zb-ewE5g>

*Refuge Cities; Murder*

35:9 God spoke to Moses, telling him to 35:10 speak to the Israelites and say to them:

Now that you are crossing the Jordan into the land of Canaan,

35:11 you must designate towns which shall serve you as [refuge cities](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=4&CHAPTER=35#C3689) to which a murderer, who killed a person accidentally, can flee. 35:12 These cities shall serve you as a refuge from the avenger, so that a murderer not die [until he can stand trial before the courts](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=4&CHAPTER=35#C3690). 35:13 The towns that you provide for yourselves shall be six cities in all. 35:14 As refuge cities, you shall provide three towns on [this] side of the Jordan, and three in the land of Canaan. 35:15 These cities shall be a place of refuge for both proselytes and [residents](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=4&CHAPTER=35#C3691) among the Israelites, so that anyone who accidentally kills a person shall be able to escape there. 35:16 [Of course,] if one strikes [his victim purposely] with an iron weapon, killing him, then he is a murderer, and he must be put to death for murder. 35:17 [Similarly,] if he strikes with a [hand-held](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=4&CHAPTER=35#C3692) stone that can be a deadly weapon, and [the victim] dies, he is a murderer and must be put to death for murder. 35:18 Likewise, if he strikes with a deadly wooden hand weapon, and the victim dies, he is a murderer and must be put to death for murder. 35:19 [In such cases, [after the trial](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=4&CHAPTER=35#C3693)], the blood avenger shall kill the murderer, and he can kill him [wherever he finds him](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=4&CHAPTER=35#C3694). 35:20 [The same law applies] if [the killer] pushes down [his victim] or throws [something] down on him with hatred, causing [the victim] to die. 35:21 [This is also true] if he maliciously strikes him with his hand, causing [the victim] to die. The person dealing the blow is a murderer and he must be put to death. [Once he has been tried,] the blood avenger shall kill him wherever he finds him. 35:22 [This is not true, however,] if [the killer] pushes down [his victim] accidentally and without malice, or throws any object at him without planning to kill him. 35:23 Even if it is a stone that can kill, if he did not see [the victim], and it killed him by falling on him, [he is not a murderer], since he was not an enemy and did not bear [his victim] any malice. 35:24 [In such cases,] the [court](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=4&CHAPTER=35#C3695) shall follow these laws and judge between the killer and the blood avenger. 35:25 The court shall protect the [accidental] murderer from the blood avenger, and return him to the refuge city to which he fled. [The killer] must live there until the death of the high priest anointed with the [sacred oil](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=4&CHAPTER=35#C3696). 35:26 If the killer goes outside the boundaries of the refuge city to which he fled, 35:27 and the blood avenger finds him outside the borders of his refuge city, then if the blood avenger puts the killer to death, it is [not an act of murder](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=4&CHAPTER=35#C3697). 35:28 [The killer] is thus obligated to live in his refuge city until the high priest dies. After the high priest dies, the killer may return to his hereditary land. 35:29 These shall be the rules of law for you for all generations, no matter where you may live.