

## **First Person: Reflections on a Tragedy**

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*The Jewish Journal* [Volume 19 (21), p. 35]

July 16-22, 2004

July 16 marks the one-year anniversary of the terrible accident at the Santa Monica Farmers Market, which killed 10 and injured more than 60. George Russell Weller, the elderly driver, faces ten counts of vehicular homicide with gross negligence.

I know from personal experience the nightmare of accidentally killing someone. Almost 30 years ago, when I was 22 years old, I hit and killed an 8-year old boy named Brian when he ran into the street in front of my car. Not a single day has gone by since then in which I have not thought of him. That split second devastated Brian's family and my own, irrevocably changing the course of our lives.

For thousands of years, communities have wrestled with the question of how to treat accidental killers. The Book of Numbers (consistent with a shorter passage in Exodus) tells us that God instructed Moses to tell the Israelites to establish six cities of refuge to which accidental killers could flee. The accidental killer was to be protected from the wrath of the victim's family -- the "blood avenger" -- so long as he remained within the city of refuge. Only when the high priest of the city died could the killer return home.

The more I've studied this passage, the wiser it seems. The cities of refuge assured the safety of accidental killers while protecting the victims' family members from the pain of encountering the perpetrator, which could lead them to take revenge and thus continue the cycle of violence. Even though they did not intend harm, the accidental killers were not excused from all responsibility and blame for their actions. Instead they were required to remain in exile in the city of refuge until the death of the high priest, thus being forced to confront on a daily basis difficult questions about the sanctity of life. In establishing the cities of refuge the Israelites implicitly recognized that the community at large shared some measure of responsibility for accidental deaths. For example, Rabbi Ephraim Buchwald points out that accidents represent an educational failure because, if

the people involved had learned to be more careful and respectful of life, the accident might have been prevented.

I wish there was a city of refuge to which Mr. Weller could have fled following the Farmer's Market tragedy. I can only begin to imagine the feelings of those who witnessed that horrible scene, suffered injury, or lost loved ones. I understand the desire to see someone punished for such a massive tragedy. But what are we accomplishing as a community in putting an 87-year old man on trial? Might it be more productive to follow the example of the Torah and reflect on our failures as a community, such as the lack of transportation alternatives to driving for the elderly?

My own situation was different. I was not arrested, cited, or sued after my accident. But I, too, would have welcomed a city of refuge. I have never been more terrified in my life than I was at the scene of the accident. As a crowd of onlookers gathered, I was convinced they would attack or kill me when they realized I was the driver. Later that afternoon, as I waited in the relative safety of a police car, I felt the full force of my fear for Brian. Fear like that does not simply disappear. Even though I had done nothing wrong, I was scared of being ostracized and abandoned. I was so scared of driving that, when I finally got back behind the wheel, I imagined I saw people in the roadway and slammed on the brakes. After a few such episodes, I gave up my car. And I was so afraid of all the terrible things that can happen to children, and all the ways in which I might hurt another child, that I decided against becoming a parent.

Well-meaning family and friends told me to put the accident behind me and move on, but I blamed myself for Brian's death. I felt that, at my core, I was a destructive person. I quickly learned to hide these and other feelings and thoughts about the accident. Expressing them only made others uncomfortable. A literal or symbolic city of refuge in which I could have faced these issues more directly would have been helpful.

In 2002, 44,000 people died in traffic accidents and another 2.3 million were injured. A car hit a pedestrian somewhere in the U.S. every 7 minutes. That adds up to a lot of drivers in need of refuge. Refuge can be as simple as a hug, an empathic note, or a conversation with a caring friend who refrains from blaming or excusing.

The way we respond to accidental killers like Mr. Weller or me says something about our values and humanity. May all our cities become cities of refuge.