

Parshat Shoftim: Facing the Challal

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Parshat Shoftim largely concerns itself with rules pertaining to the establishment of a functional Jewish society—how to set up a judicial system and a police force; how to circumscribe the powers of kings and prophets, for example. It culminates in rules pertaining to the breakdown of that social life, specifically, when people die without explanation. The response, we are told, is an elaborate ritual called *eglah arufah*.

1 If a corpse [*challa*] is found, lying in a field in the land the Lord your God is giving you to possess, and it is not known who the killer was, 2 your elders and judges shall go out and measure the distance from the body to the neighboring towns. 3 Then the elders of the town nearest the body shall take a heifer that has never been worked and has never worn a yoke 4 and lead it down to a valley that has not been plowed or planted and where there is a flowing stream. There in the valley they are to break the heifer's neck. 5 The Levitical priests shall step forward, for the Lord your God has chosen them to minister and to pronounce blessings in the name of the Lord and to decide all cases of dispute and assault. 6 Then all the elders of the town nearest the body shall wash their hands over the heifer whose neck was broken in the valley, 7 and they shall declare: "Our hands did not shed this blood, nor did our eyes see it done. 8 Accept this atonement for your people Israel, whom you have redeemed, Lord, and do not hold your people guilty of the blood of an innocent person." Then the bloodshed will be atoned for, 9 and you will have purged from yourselves the guilt of shedding innocent blood, since you have done what is right in the eyes of the Lord. (Deuteronomy 21:1-9)

א כִּי־יִמָּצָא חָלָל בְּאֶדְמָה אֲשֶׁר ה' אֱלֹהֶיךָ
נָתַן לְךָ לְרִשְׁתָּהּ נָפֵל בְּשָׂדֶה לֹא נֹדֵעַ מִי
הַכֹּהֵן: ב וַיָּצְאוּ זִקְנֵיךָ וְשֹׁפְטֶיךָ וַיִּמְדְּדוּ
אֶל־הָעָרִים אֲשֶׁר סְבִיבֹת הַחָלָל: ג וְהָיָה
הָעִיר הַקְּרִיבָה אֶל־הַחָלָל וְלָקְחוּ זִקְנֵי הָעִיר
הַהוּא עֵגְלַת בָּקָר אֲשֶׁר לֹא־עָבַד בָּהּ אֲשֶׁר
לֹא־מִשְׁכָּה בְּעַל: ד וְהוֹרְדוּ זִקְנֵי הָעִיר הַהוּא
אֶת־הָעֵגְלָה אֶל־נַחַל אֵיתָן אֲשֶׁר לֹא־יַעֲבֹד בּוֹ
וְלֹא יִזְרַע וְעָרְפוּ־שֵׁם אֶת־הָעֵגְלָה בְּנַחַל: ה
וּנְגָשׁוּ הַכֹּהֲנִים בְּנֵי לְוִי כִּי בָם בָּחַר ה' אֱלֹהֶיךָ
לְשִׁרְתוֹ וּלְבָרֶךְ בְּשֵׁם ה' וְעַל־פִּיָּהֶם יְהִי
כָל־רִיב וְכָל־נִגְעָה: ו וְכָל זִקְנֵי הָעִיר הַהוּא
הַקְּרִיבִים אֶל־הַחָלָל יִרְחֲצוּ אֶת־יְדֵיהֶם
עַל־הָעֵגְלָה הָעָרוּפָה בְּנַחַל: ז וְעָנּוּ וְאָמְרוּ
יְדֵינוּ לֹא שָׁפְכוּ [שָׁפְכוּ] אֶת־הַדָּם הַזֶּה
וְעֵינֵינוּ לֹא רָאוּ: ח כִּפָּר לַעֲמֹךָ יִשְׂרָאֵל
אֲשֶׁר־פָּדִיתָ ה' וְאֶל־תִּתֵּן דָּם נָקִי בְּקֶרֶב עַמְּךָ
יִשְׂרָאֵל וְנִכְפַּר לָהֶם הַדָּם: ט וְאֵתָה תִּבְעֵר
הַדָּם הַנָּקִי מִקֶּרְבְּךָ כִּי־תַעֲשֶׂה הַיֵּשֶׁר בְּעֵינֵי
ה': (דְּבָרִים כ"ח)

The ritual described here is a rather strange one. After establishing which town lies closest to the unidentified corpse in question, the elders of that town must identify an unworked heifer (*eglah*), lead it to unworked land, and break its neck. With the help of the priests, they must then wash their hands over this animal and declare "Our hands did not shed this blood..." (Deut. 21:7). Atonement will thereby be achieved.

Commentary on this ritual abounds. What is the symbolic meaning of it all? Why break a heifer's neck? How does it effectuate atonement? And why is atonement called for at all? Let us consider three approaches to this nexus of issues:

Maimonides approached the ritual of *eglah arufah* with characteristic rationalism in his *Guide for the Perplexed*.

The beneficial character of the law concerning "the breaking of the neck of a heifer" (Deut. 12:1-8) is evident. For it is the city that is nearest to the slain person that brings the heifer, and in most cases the murderer comes from that place. The elders of the place call upon God as their witness, according to the interpretation of our Sages, that they have always kept the roads in good condition, have protected them, and have directed every one that asked his way; that the person has not been killed because they were careless in these general provisions, and they do not know who has slain him. As a rule the investigation, the procession of the elders, the measuring, and the taking of the heifer, make people talk about it, and by making the event public, the murderer may be found out, and he who knows of him, or has heard of him, or has discovered him by any due, will now name the person that is the murderer. (Maimonides, *Guide for the Perplexed* 3:40)

תועלתה של עגלה ערופה ברורה, מפני שמביאה אותה העיר הקרובה אל החלל (דברים כ"א:ג), ולרוב הרוצח הוא מתוכה. זקני אותה עיר מעידים את האל שהם לא התרשלו בתיקון הדרכים ובשמירתם ובהגנה על כל עובר אורח, כמו שאומר הפירוש. ואף על פי שזה נהרג לא בשל הזנחתנו את צורכי הכלל, אין אנו יודעים מי הרג אותו. עם החקירה, יציאת הזקנים, המדידה והבאת העגלה אין לרוב מנוס מכך שיִרְבוּ האנשים לשוחח ולדבר. ואולי, בשל פרסום הדבר ייודע הרוצח, ויאמר מי שמכיר את הרוצח או שמע את סיפורו, או שהנסיבות מורות לו על כך: "פלוגי הוא הרוצח". (מורה הנבוכים ג: מ)

For Maimonides, the ritual of *eglah arufah* had a very practical explanation. It publicized the tragedy and thereby helped to bring about its resolution. The mere buzz of the activity--the measuring, the dramatic neck-breaking, the declaration--would raise the profile of the event, causing people with suspicions and suspicious people to talk. The murderer would likely be outed in this way.

Rashi, quoting the Talmud, takes a very different approach. Focusing specifically on the elders' claim of innocence, he writes:

"Our hands did not shed [this blood]." But would it enter one's mind that the elders of the court are murderers? Rather, [they declare:] We [ourselves] did not see him and let him depart without food or escort [which would have indirectly caused his death, leaving this man to the elements and to robbers]. [Sifrei; Sotah 45a]

יְדִינוּ לֹא שָׁפְכוּ. וְכִי עֲלֵתָה עַל לֵב שְׂזָקְנֵי בֵּית דִּין שׁוֹפְכֵי דַמַּיִם הֵם, אֲלֵא לֹא רְאִינוּהוּ וּפְטַרְנוּהוּ בְּלֹא מְזוֹנוֹת וּבְלֹא לֵוִיָּהּ (שם מה ע"ב).
(רש"י דברים כא:ז)

The assertion of non-responsibility itself becomes an implicit assumption of responsibility. The elders did not take a life, but they also might not have acted in ways that maximally supported life. They might have failed in subtle forms of community building. They might have failed in creating the kind of society which protects against the occurrence of a *challal*, a corpse, to begin with. They must declare their innocence precisely to own the ways in which they just might be guilty.

A third approach, attributed to the Abarbanel, suggests that the goal of the jarring ritual was to jar. The elders would break a neck in order to reflect and/or remind people of the rupture that the *challal* represents, the break in humdrum reality that such mysterious suffering necessarily surfaces. Life cannot go on as usual when loss and communal responsibility are so palpably present. The *eglah arufah* makes space for that reality and even augments it.

Encountering a *challal* can be a dizzying, unmooring experience. These three approaches offer three different pathways of response: (1) Assert control over the situation by offering a practical solution to resolve it; (2) take personal responsibility for the mess; or (3) find a way to sit with the disturbance of it all and even to cultivate consciousness of it. There is wisdom here for those who might confront a physical *challal*, and there is guidance here for those who might encounter spiritual ones. Rebbe Nachman of Breslav wrote much about the "*challal hapanui*," the void out of which creation occurred and into which we all might fall through doubt and despair. (See Likkutei Moharan 64.) "כִּי-יִמְצָא חָלָל," should one find oneself peering into a spiritual abyss, *parshat Shoftim* teaches us, take action, take responsibility, or take pause.



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