

**Parshat Shoftim**  
**Eglah Arufah: The Case for Radical Responsibility**  
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*Advanced Kollel: Executive Ordination Track - Class of 2021*

In this week's parsha, we encounter the strange ceremony of eglah arufah - the broken heifer.

*If, in the land that the LORD your God is assigning you to possess, someone slain is found lying in the open, the identity of the slayer not being known,*

א כִּי־יִמָּצָא חַלָּל בְּאֶדְמָה אֲשֶׁר יִקְנֶה אֱלֹקֶיךָ נִתְּנָה לְךָ לְרִשְׁתָּהּ נָפֵל בַּשָּׂדֶה לֹא נֹדַע מִי הִקְהוּ:

*your elders and magistrates shall go out and measure the distances from the corpse to the nearby towns.*

ב וַיֵּצְאוּ זִקְנֶיךָ וְשֹׁפְטֶיךָ וּמִדְדוּ אֶל־הָעָרִים אֲשֶׁר סְבִיבֹת הַחַלָּל:

*The elders of the town nearest to the corpse shall then take a heifer which has never been worked, which has never pulled in a yoke;*

ג וְהָיָה הָעִיר הַקְּרִיבָה אֶל־הַחַלָּל וְלִקְחוּ זִקְנֵי הָעִיר הַהִוא עֵגְלַת בְּקָרָה אֲשֶׁר לֹא־עָבַד בָּהּ אֲשֶׁר לֹא־מִשְׁכָּה בָּעֵל:

*and the elders of that town shall bring the heifer down to an everflowing wadi, which is not tilled or sown. There, in the wadi, they shall break the heifer's neck...*

ד וְהוֹרְדוּ זִקְנֵי הָעִיר הַהִוא אֶת־הָעֵגְלָה אֶל־נַחַל אֵיתָן אֲשֶׁר לֹא־יֵעָבֵד בּוֹ וְלֹא יִזְרַע וְעָרְפוּ־שָׁם אֶת־הָעֵגְלָה בְּנַחַל...

*Then all the elders of the town nearest to the corpse shall wash their hands over the heifer whose neck was broken in the wadi.*

ו וְכָל זִקְנֵי הָעִיר הַהִוא הַקְּרִיבִים אֶל־הַחַלָּל יְרַחֲצוּ אֶת־יְדֵיהֶם עַל־הָעֵגְלָה הָעָרוּפָה בְּנַחַל:

*And they shall make this declaration: "Our hands did not shed this blood, nor did our eyes see it done.*

ז וַעֲנוּ וַאֲמְרוּ יְדֵינוּ לֹא שָׁפְכוּ אֶת־הַדָּם הַזֶּה וְעֵינֵינוּ לֹא רָאוּ:

*"Absolve, O LORD, Your people Israel whom You redeemed, and do not let guilt for the blood of the innocent remain among Your people Israel." (Devarim 21:1-4, 6-8)*

ח כִּפֹּר לְעַמְךָ יִשְׂרָאֵל אֲשֶׁר־פָּדִיתָ יִקְנֶה נְאֻל־תִּתֵּן דָּם נִלְוִי בְּקִרְבְּ עַמְךָ יִשְׂרָאֵל - וְנִכְפַּר לָהֶם הַדָּם:

There are many questions to ask about this ceremony. Why specifically a heifer? Why a flowing wadi? Why must the wadi be barren? Why the washing of the hands? But the question that looms above them all is: what is the ultimate purpose of this ceremony? What does the Torah mean for us to accomplish through this unique ritual?

In grappling with this question, *chazal* interpreted the ceremony as a type of communal atonement for the tragedy. If a proximate tragedy occurs, the community is in some way implicated and must take responsibility, even if it did not directly cause the death. This is a lovely idea in theory, but where exactly are the lines of responsibility drawn? How precisely is a community implicated in the death of a stranger?

The Mishna in Sotah 9, 6 states:

*But did we really think that the elders of a court of justice are shedders of blood! Rather, [the intention of their statement is that the man found dead] did not come to us [for help] and we dismissed him without supplying him with food and we did not see him and let him go without escort.*

נְכִי עַל דַּעְתָּנוּ עֲלֵתָהּ, שְׂזַקְנֵי בֵּית דִּין שׁוֹפְכֵי דַמִּים הֵן,  
 אֲלֵא שְׂלֵא בָּא לִיְדֵינוּ וּפְטַרְנוּהוּ בְּלֹא מִזּוֹן, וְלֹא  
 רְאִינוּהוּ וְהִנְחַנוּהוּ בְּלֹא לֶוְיָהּ.

Here *chazal* are focused on the responsibility of the community to provide strangers with food and accompaniment. The assumption is that the victim died of starvation or was murdered by highway robbers, a death which would have been avoided had the community properly supported the traveler. A just society is not only responsible to itself, but should ensure the safety and well being of those who pass through it.

The Ibn Ezra (Devarim 21,7) takes this idea a step further and implicates the community for allowing the dangerous roads to exist in the first place. In so doing, he shifts the responsibility of the community from a need to accompany strangers on a one-off basis to providing basic infrastructure that allows for safe passage near the town. This murder is not a one time event, but highlights the town's negligence in ensuring the safety of the roads. For that, the town must atone.

Both the Mishnah and the Ibn Ezra's extension of it are focused on the town's responsibility to abrogate the root causes of tragedy. The town may not have directly murdered the victim, but in neglecting to address systemic societal problems such as hunger and safety, they are indeed responsible.

The Abarbanel takes this notion of communal responsibility to an entirely different, and quite radical level. The Abarbanel implicates the leaders for neglecting to educate the community to uphold moral standards. Murder is not viewed as the act of one evil person, but as the failure of an entire educational system which did not appropriately stress Torah ethics. Here again, the community is responsible for the root causes of tragedy - a just society must proactively establish an educational system that stresses the value of every human life.

Put together, these readings of what the community must take responsibility for in the ceremony of the broken heifer represent a plea to proactively address the root causes of tragedy. Preventing tragedy means everyone needs access to food. Preventing tragedy means ensuring safe infrastructure. And preventing tragedy means providing basic moral education. Let us work towards a world in which we are able to say

*Our hands did not shed this blood, nor did our eyes see it done.*

יְדֵינוּ לֹא שִׁפְכָה [שְׂפֹכֵי] אֶת־הַדָּם הַזֶּה וְעֵינֵינוּ לֹא  
 רָאוּ.



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