

Washing Our Hands Clean: Eglah Arufah

This week, and just this week, in our home, in our backyard, in the city of Chicago, the following people died from gun violence:

Cordell Bass

Andre Carter

Ella French

Kenneth Harvey

Jeremy Head

Lazerrick Jackson

Stephan Roberts

Tyrane Seals

Daryl Willis

Unknown (3)

If you are like me, most of the time, you don't pay much attention. If you are like me, most of the time, you don't feel the weight of the loss. Even though you know what's happening, in theory, it doesn't resonate as being personal. It's a problem. But it's not, per se, my problem. It's a loss, but it's not, per se, my loss.

The overwhelming loss of life becomes background noise, so common, that it's easy to ignore. We have become desensitized to murder itself.

This week's Torah portion anticipates our apathy, our indifference, and offers a strange but poignant antidote.

At the end of Parashat Shoftim, we hear of the ritual of the eglah arufah, the heifer with the broken neck.

The Torah teaches:

“If...someone slain is found lying in the open, the identity of the slayer not being known, your elders and magistrates shall go out and measure the distances from the corpse to the nearby towns. 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; 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.”

Someone has been murdered. No one knows who pulled the trigger, whose hand directly led to the death. And so responsibility must be assigned. The elders of the town nearest the death are held morally accountable.

The Torah continues:

“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. And they shall make this declaration:

יְדִינּוּ לֹא [שָׁפְכוּ] אֶת־הַדָּם הַזֶּה וְעֵינֵינוּ לֹא רָאוּ:

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

Following their declaration of innocence, the elders pray for absolution and the Torah tells us that people are forgiven.

What is that?! What happened?

How does this ritual of breaking a cow’s neck resolve anything?

For centuries our sages have struggled with this question. The ritual of the eglah arufah is often called one of the chukim, the laws of the Torah that simply can’t be understood.

And perhaps we can’t really grasp the why behind each of the intricacies, but the gestalt of it is easier to get behind.

Bottom line: When a person is murdered, none of us are innocent. The elders of the town have to proclaim their lack of culpability, because it is not assumed. In the case of a loss of human life, in our town, on our watch,...we are, all of us, guilty until proven innocent.

Maimonides thinks that the ritual was designed to flush out the murderer. By forcing this elaborately public moment, the guilty party was more likely to be identified.

He explains: “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... 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, and as soon as a person rises up and names a certain person as having committed the murder, the heifer is not killed....”

Maybe Maimonides is right and the ritual is pragmatic: it makes it more likely to find the culpable party.

But the vast majority of our sages disagree, and vehemently so. They argue that the ritual might not serve this end, since, most often, the murderer would *never* be identified. Rather, the Torah is talking about something much deeper and more profound regarding collective responsibility.

Abarvanel, a 15th century Portuguese Jewish Torah scholar, believed that the purpose of the Eglah Arufah ritual was to combat indifference; to wake us up from our apathy.

Nehama Laibovitz paraphrases and explains: “The rite was designed to shock all the residents of the neighbouring localities We know too well the indifference that prevails among people regarding the miseries of others. Anyone hearing of a murder, either then or now, would shake his head, go his own way, and the world would continue as before.”

The ritual is consciously grotesque. It is purposefully shocking. It is intentionally perplexing.

The eglah arufah is designed to make sure that when we hear the names of the murdered, on the radio, or on the news, or read them in the paper... we pause. We pay attention. We feel pain.

The callouses on our hearts are meant to be broken down.

Laibovitz ruminates on the idea that Nature Herself takes no notice of death and destruction, but proposes that this ritual is what separates us from indifferent animals. She teaches:

“Man himself is a part of nature, dust of the earth and similarly after seeing the corpse lying in the field, continues on his way and goes home to eat and drink, preoccupied with his own needs. But man is not completely animal. There breathes in him a divine spirit, and he is made in the image of God. For this reason, his creator ordained the carrying out of an elaborate ritual with the participation of the elders of the congregation and the priest. By this all Israel would be made aware of what had happened and would not pass over it to continue with the agenda when innocent blood cried heavenward.”

How do we shake ourselves awake, as if a shofar were blaring in our ears, so that we stop “walking by” the blood of innocents?

And, at the end of the day, who is truly accountable? Can any of us actually wash our hands?

In the Gemara, there is a debate about eglah arufah. When the priests wash their hands and declare their innocence, *who* are they washing their hands *of*, the murderer or the murdered?

The mishnah explains that when the elders say “our hands did not shed this blood” they are really saying something more expansive:

שלא בא לידינו ופטרנוהו ולא ראינוהו והנחנוהו

It is not the case that he came to us and we dismissed him, or that we saw him and let him go.

The elders are saying, not only did we ourselves not murder, we did not enable the murder.

But when they say we didn’t dismiss *him*, and we didn’t let *him* go? Which *him* are they referring to?

The sages of Eretz Yisrael believed that the issue was responsibility for the murderer. The elders were saying: “It is not the case that he [the murderer] came to us and we dismissed him without execution, nor did we, acting irregularly in the judgment of his case, see him and let him go.”

We didn’t know the murderer. We didn’t let him go. We didn’t have warning signs. The counterfactual, of course, is that they *might* have been culpable for the murderer. And so might we.

If we - the collective we - enable the crime, can we really wash our hands? How did we, as a society, make it easy to cause harm? How did we, as a society, raise a killer? How did we make it simple to reach for a murder weapon? How did we ignore the signs? The wounded young man spinning quietly out of control... did we stop and intervene before it was too late? Did we *really* do everything possible to stop him, or show him a different path, or help him to heal?

The rabbis of Babylonia understood the text differently. They were concerned about our responsibility to the murdered, to the victim. They hear the elders saying, “It is not the case that he [the murder victim] came to us and we let him go without food or that we saw him and let him go without accompaniment [as he left the city].”

We didn’t know the victim. We didn’t send him into danger. We didn’t have a chance to save him.

The counterfactual is that they *might* have been culpable for not protecting the victim. And so might we.

Rashi explains the concern with giving goods to the victim. He paraphrases: “He was not killed on account of our malfeasance. [It was not the case that] we sent him off without food, such that he had to become a highwayman [in order to eat] and thus he was killed.”

In other words, Rashi understands that poverty is life-threatening. By virtue of allowing a person to sink into a life of poverty, we limit that person's options, and constrict them to a dangerous life, one which might, inevitably lead to their own death.

For Rashi, if we have not prevented poverty, we cannot wash our hands of murder. The two are inextricably linked.

When we hear the names of those in our community, we have to ask ourselves, did we do everything possible to save that life? That was someone's son. That was someone's daughter. That was someone. To what extent are we, all of us, accountable for enabling or ignoring a system of interlocking obstacles that led to this death?

How did we, as a society, make it so easy for this person to die? How did we, as a society, fail in our sacred task to protect the innocent? What are the root causes of crime, and have we really done all that we could, to address them? If not... we are, none of us, innocent.

The irony of this ritual about declaring innocence is that it serves to hold all of us accountable.

And as we enter the month of Elul, as we prepare for Rosh HaShanah, no message could be more pertinent for us. We are responsible. We are responsible for ourselves, for our families, for our city. We are responsible for each other.

In Elul the shofar sounds (you can hear it at morning minyan, every day except Shabbat). It's telling us to wake up. To notice what we have ignored. To take responsibility. To never walk by the pain of our neighbors which should ring in our ears as if it was our own children.

Let's walk into this Elul together, choosing to keep our eyes open and our hearts exposed.

If, and only if, we do so... this next year might just be brighter than the last.

Shabbat Shalom. Chodesh Tov.