

This parashah, Shoftim (Judges), contains one of my favorite instructions in the whole Torah. I love it in part because it is so obscure. At the very end of the portion, the first 9 verses of Chapter 21, the Torah lays out a protocol for what should happen if a murdered corpse is discovered in the countryside not clearly associated with one particular city. There are essentially three parts to the protocol:

First, the elders of all the nearby towns measure the distance between the corpse and the nearby towns.

Then, the elders of the nearest town produce a young heifer that has never pulled a yoke, and take her to a riverbed that has never been used for farming, and break her neck there.

Finally, the priests step forward as symbolic judges, and in their presence, the elders of the town wash their hands over the heifer, saying, “Our hands did not shed this blood, nor did our eyes see it done. Absolve, יהוה, Your people Israel whom You redeemed, and do not let guilt for the blood of the innocent remain among Your people Israel.”

What I love about this is that it’s so archaic – the mystery, the animal sacrifice, the incantation, but at the same time, so relevant.

Let’s look at the very premise of the story: an unidentified victim, by an unidentified slayer, in “the middle of nowhere – what is essentially an unidentified place. This is the kind of atrocity that any of us would be most likely to shrug and say, “not my problem.” And yet all of these instructions come to impress upon us that in fact, such a situation is everyone’s problem, and implicates us all.

First, let’s look at the act of measuring -elders have to gather from all of the nearest towns, and commentator Chizkuni says this is the case even if one town is known to be the closest.

Commentator Da'at Zekenim writes: "G-d commanded all these details in order to publicise the fact that an unidentified person had been found murdered so that witnesses who might be able to identify the slain man and to thus prevent his widow from becoming an agunah, a woman who is unable to remarry due to our not knowing if her husband had really died."

This act of measuring serves to remind us not only that the dead person came from somewhere, mattered to someone, but that their disappearance will have an ongoing impact on those who are still alive.

Next, the sacrifice of a heifer: while in our contemporary sensibilities, we might just keep our distance from thinking about it, because all animal sacrifice seems so alien to us, it's worth noting that breaking the neck of a young heifer in a wadi is a departure from the norms of animal sacrifice. Animals were for regular sacrifices are brought to the temple, are usually male (less valuable in a culture whose diet relies on dairy), and were usually consumed by a combination of the priests, the people who brought the sacrifices and the poor. By bringing a female animal to an utterly desolate location and killing her in such a way that the meat isn't even eligible for eating, the act would seem to impress on all of those involved the seriousness, the shock of having a corpse in the region, and the complicity of all around.

So why is it assumed that the nearest town is complicit? While discussing the ritual of how the elders wash their hand, in Masechet Sotah page 45b, our rabbis quote what they are supposed to say: **"Our hands did not spill this blood, nor did our eyes see"** (Deuteronomy 21:7). And ask: **"But did it enter our minds that the Elders of the court are spillers of blood,** that they must make such a declaration? **Rather, that the victim did not come to us and then we let him take his leave without food, and we did not see him and then leave him alone to depart without accompaniment."**

From the Rabbis' perspective, the whole community is at fault if they knew that a stranger was passing through, and no one offered this person food and safe passage.

One of the Medieval sages, Chizkuni, extrapolates further: According to our sages, a host is duty bound to provide his guest with five amenities: food, drink, accompany him a short distance when he leaves, provide with a bed for the night if he wishes to stay for the night, and to give him an ever so minimal gift on his departure. . . The Rabbis felt also that possibly the murdered person, after having been denied his needs in the last city he visited, turned to the first person whom he encountered who had some food on him and snatched it, as a result of which a fight developed during which he was killed. He may even have acted in self-defense, and have become a victim.

Torah has a clear polemic, throughout this passage, that the stranger passing through is very much the responsibility of us all – while he or she is alive, and certainly if they die on our watch – or what should have been our watch, if we were paying attention.

Rabbanite Alyssa Thomas Newborn also points out in her dvar Torah that we always read this Torah portion at the beginning of the month of Elul, the Hebrew month in which we prepare for the Holidays, and indeed Rosh Chodesh – the new month – was these past two days. During Elul, we are encouraged to engage in *Chesbon hanefesh* - soul accounting – to consider how our deeds have “measured up” against our aspirations, our self-conception in the past year, and where we might need to correct course. Rabbanit Newborn writes:

“It is hard to be someone who measures up, but if we don't, we will not know comfort, protection, or justice.

During Elul, we begin to cultivate the middot we want to embody in the coming year. Our context is, God-willing, not as extreme as a murder mystery, but we are nevertheless still challenged to better limit pain, protect the vulnerable, and seek out justice with hope.”

As we go into our preparations for the new year, let’s take some instruction from this archaic episode, and take measure: What distance have we placed between ourselves, and problems that we’d rather not think about? What is our actual right relationship to them? How does what is done to one of us, even to unknown strangers, affect us all? And how can we care for those who remain?

Chodesh tov – a good new month – and shabbat shalom.