

PARASHAT HASHAVUA

PARASHAT SHOFTIM

Who is Represented by the *Egla Arufa*?
By Rav Amnon Bazak

If a slain man is found in the land which the Lord your God gives to you to possess it, lying in the field, his slayer unknown, then your elders and your judges shall go out and measure to the cities which are around the slain man. And it shall be that the city which is closest to the slain man – the elders of that city shall take a heifer which has not been put to work, not having drawn a yoke. And the elders of that city shall bring the heifer down to a rough ravine, which has been neither ploughed nor sown, and they shall break the heifer's neck there in the ravine. And the *kohanim*, the sons of Levi, shall come near, for it is them whom the Lord your God has chosen to serve Him and to bless in God's Name, and it is by their word that every disagreement and every plague shall be decided. And all the elders of that city, who are closest to the slain man, shall wash their hands over the heifer whose neck was broken in the ravine. And they shall answer and say, "Our hands have not shed this blood, nor did our eyes see it. Forgive Your nation, Israel, whom You redeemed, Lord, and do not lay innocent blood amongst Your people, Israel." And the blood shall be forgiven them. So you shall put away the innocent blood from among you, when you do that which is right in the eyes of God. (21:1-9)

This relatively brief unit, which concludes this week's *parasha*, raises several questions. We shall focus here on the symbolism of the *egla arufa* and whom it is meant to represent.¹[1] In the process, we shall also address other questions, including why it is significant that the heifer has never borne a yoke, why its neck is broken specifically in a rough ravine, and what the role of the *kohanim* is in this regard.

The Blood of the Murderer

Who, then, is symbolized by the *egla arufa*? One possible answer is that the heifer represents the absent murderer, and that its blood is spilled as a substitute for the blood

1 [1] One might argue that the heifer does not symbolize anything, and that it is a means to a different end. The Rambam (*Moreh Nevukhim* III:40) maintains that the aim is simply to create awareness of the murder, in order to bring about the discovery of the murderer: "It would be almost impossible, what with the inquiry and the emergence of the elders and their taking of the heifer, for talk not to spread among people, and it may be that through publicizing the matter, the identity of the killer will come to light, for whoever knows him, or heard anything about him... will say: 'So-and-so killed him.'" Ramban disagrees, arguing: "To my mind, the reason for this is similar to that of the sacrifices that are offered outside [of the Sanctuary premises] – the goat that is sent away [on Yom Kippur] and the red heifer – and it is for this reason that the Sages count the *egla arufa* among the *chukkim* [i.e., it cannot be explained as part of the procedure of bringing the guilty party to justice]." According to Ramban's explanation, as well, the *egla arufa* does not symbolize anything related to the murder.

of the murderer.²[2] This possibility is based on the recurring biblical principle that blood that is unlawfully spilled requires atonement; it does not allow matters to continue as though nothing had happened. After the very first murder in history, we read:

The voice of your brother's blood cries out to Me from the ground. (*Bereishit* 4:10)

Similarly, we find in Yechezkel's prophecy:

For her [the city's] blood is in the midst of her; she set it upon the bare rock, not pouring it upon the ground, to cover it with dust, in order to arouse fury and to exact revenge, for I have set her blood upon the bare rock, that it not be covered. (*Yechezkel* 24:7-8)³[3]

The blood of the murder victim cries out to the heavens and demands atonement. What is the repair for this blood? We are told explicitly at the end of *Sefer Bamidbar*:

And you shall not pollute the land in which you are, for the blood pollutes the land, and the land cannot be cleansed of the blood that has been shed in it except by the blood of him who shed it. (*Bamidbar* 35:33)

The land is cleansed only by the blood of the murderer. *Eretz Yisrael*, in particular, cannot tolerate the shedding of blood, and it is unthinkable that a person might be murdered while the murderer escapes punishment. Metaphorically, the blood of the victim defiles and "soils" the land, and the only effective "cleansing agent" is the blood of the murderer.⁴[4]

What is to be done when a corpse is found in the environs of a city and the identity of the killer is unknown? How can the land be cleansed and quieted? One might propose that the *egla arufa* represents the murderer, and through the breaking of its neck, the blood needed to atone for the blood of the victim is symbolically obtained. By breaking the heifer's neck, the elders of the city declare that they have no part in the murder, and they carry out a symbolic ceremony in which they "punish" the nameless murderer and "procure" the necessary blood.

Admittedly, while *Sefer Bamidbar* talks about atonement or cleansing for the land, our *parsha* talks about cleansing for the people:

"Forgive Your nation, Israel, whom You redeemed, Lord, and do not lay innocent blood amongst Your people, Israel." And the blood shall be forgiven them. (verse 8)

2 [2] This idea is alluded to in Shadal's commentary on our *parasha*.

3 [3] This also explains Iyov's cry: "Earth – do not cover up my blood, and let there be no rest for my cry" (*Iyov* 16:18). It would seem that the same explanation would apply to the actions of Ritzpa, daughter of Aya, who took the degraded corpses of Shaul's offspring and set them upon a rock, rather than burying them (*Shmuel* II 21), so that their cry would ascend to God.

4 [4] Indeed, in Aramaic, the root "k-p-r" means "cleanse." Notably, the blood serves a similar purpose in other contexts, too, the most prominent among them the sin offering, whose blood cleanses the altar of the impurities of *Bnei Yisrael* – i.e., the sins which adhere to the altar, damage it, defile it, and "soil" it. For this reason, the *kohen* who occupies himself with the sin offering is called the "*kohen ha-mechatei*" (the "cleansing *kohen*") (*Vayikra* 6:19). Similarly, we find that the process of purifying a house that displays a plague includes: "And he shall cleanse the house with the blood of the bird..." (*Vayikra* 14:52).

Nevertheless, we may suggest that just as the land needs atonement, so does the nation, since the innocent blood of the victim not only defiles the land but also leaves an ugly stain on *Am Yisrael*. Indeed, elsewhere in our *parasha* – in the law of the cities of refuge – the Torah binds together the stain on the land and the stain on the nation. The Torah emphasizes that someone who has killed a person accidentally must be treated with leniency in order to avoid the spilling of innocent blood, which damages both the nation and the land:

... so that innocent blood will not be spilled in the midst of your land which the Lord your God gives to you for an inheritance, and so blood be upon you. (19:10)

Thus, we may draw a parallel between the cleansing of the people and the cleansing of the land, and conclude that the former, too, depends on the symbolic shedding of the blood of the “murderer;” only thus can the innocent blood that was shed be removed from the people, as we read at the end of our *parasha*:

So you shall put away the innocent blood from among you, when you do that which is right in the eyes of God.^{5[5]}

Indeed, this direction of interpretation sits well with some other textual units and with some fundamental ideas arising from them. Nevertheless, it also entails a clear difficulty. The word “blood” is mentioned in this brief *parasha* four times, and in each instance it is the blood of the victim that is referred to, and not the blood of the murderer:

And they shall answer and say, “Our hands have not shed this blood, nor did our eyes see it. Forgive Your nation, Israel, whom You redeemed, Lord, and do not lay innocent blood amongst Your people, Israel.” And the blood shall be forgiven them. So you shall put away the innocent blood from among you...

It would seem, therefore, that we must seek our answer elsewhere.

The Blood of the Victim

In explaining the essence of the *egla arufa*, Rashi cites *Chazal's* teaching:

The Holy One, blessed be He, said: Let a heifer of the first year, which has not produced young, come and have its neck broken in a place which has similarly not produced fruit, to atone for the killing of this person, who was not left alive to produce offspring.

According to this explanation, the *egla arufa* symbolizes the victim, and this heifer – “which has not been put to work, not having drawn a yoke” – and the place where its neck is broken – “a rough ravine (*nachal eitan*), which has been neither ploughed nor sown (*asher lo ye'aved bo ve-lo yizare'a*)” – are meant to represent potential which was

5 [5] The same idea pertains to the cities of refuge. There, too, there is the innocent blood of someone who has died, and the land cannot be cleansed with the blood of the killer, who acted unintentionally. There, the path of atonement is different: the killer is sent to a city of refuge until the death of the *Kohen Gadol*, who makes atonement for *Bnei Yisrael* every year on Yom Kippur. The blood that is spilled is hence quieted upon the death of the *Kohen Gadol*.

not realized.^{6[6]}

If we adopt this view, we might say that the breaking of the heifer's neck expresses the responsibility of the nearest city for the act of murder. It is reasonable to assume that the murderer emerged from "the city that is closest to the slain man." For this reason, the representatives of that city perform a sort of re-enactment of the murder: the elders bring the heifer down to the river, and there its neck is broken.^{7[7]} This act symbolizes the act that was performed by the murderer, who most likely came from their city, and this concludes the first stage of the process.

Now, with the emphasis on the need for atonement, "all the elders of the city" come and declare, "Our hands have not spilled this blood, nor did our eyes see." "This blood" refers to the blood of the *egla arufa*, which represents the blood of the victim – who was apparently killed by someone from the city, but without the knowledge of the city authorities.^{8[8]} Washing the hands of "this blood" expresses the "clean hands" – the non-involvement and innocence – of the city authorities with respect to the act of murder and

6 [6] Admittedly, this interpretation depends on one's understanding of the words "*nachal eitan*." To Rashi's view, the Torah refers to a rough ravine that has not been cultivated – a dry, rocky, infertile place. However, the Rambam maintains that "*nachal eitan*" means "a stream that flows strongly" (*Hilchot Rotze'ach*, chapter 9), and he understands the phrase "*lo ye'aved bo*" as a prohibition against cultivating it in the future (ibid. 10:9). (The source of the debate is to be found in *Massekhet Sota* 45b.) A simple reading of the text would seem to indicate that a distinction should be made between the two expressions. The Rambam's explanation of the phrase "*nachal eitan*" seems better suited to the literal text, especially in view of the verse in *Tehillim* (74:15) – "You cleaved fountain and stream; You dried up mighty rivers (*naharot eitan*)," which would certainly suggest that a "*nachal eitan*" refers to strongly flowing water. However, when it comes to the phrase "*asher lo ye'aved bo*," Rashi's explanation seems closer to the simple meaning of the text, especially in light of the description of the heifer itself: "a heifer which has not been put to work (*asher lo ubad ba*)."

7 [7] The verse does not stipulate explicitly who it is that breaks the heifer's neck. It may be that "the elders of the city," who are commanded in the first part of the verse to bring the heifer to the river, are the ones to perform the act: "And the elders of that city shall bring the heifer down to a river... and they shall break the heifer's neck there in the river." However, it is also possible that the word "*arfu*" does not refer specifically to the elders, but rather indicates simply that "its neck shall be broken." This sort of syntax is quite common in *Tanakh*, as we see, for example, in a somewhat similar unit – the commandment concerning the red heifer, where the Torah likewise requires a specimen "upon which no yoke has been placed" (*Bamidbar* 19:2). There we read, "You shall give it to Elazar, the kohen, and he shall take it outside of the camp, and it shall be slaughtered before him (*ve-shachat otah lefanav*). And Elazar the kohen shall take of its blood with his finger and shall sprinkle towards the front of the Tent of Meeting seven times" (ibid. 3-4). It is clear that the middle action, between the two that are specifically ascribed to Elazar, is not performed by him; although formulated in the same third person, the heifer is slaughtered "in front of him," and therefore cannot be slaughtered by him. Rashi comments, "Someone else slaughters while Elazar looks on."

8 [8] The text here seems to present a difficulty: Even if the words "this blood" (*ha-dam ha-zeh*) refer to the blood of the victim, it is nevertheless clear that on the plain level, the blood of the heifer is also included in the declaration. How then, can all the elders of the city claim, "Our hands have not spilled this blood"? The answer seems to connect back to the question of who it is that breaks the heifer's neck (see n. 7). If it is the elders themselves, then we must posit a distinction between the "elders of the city," who did indeed spill the blood in their re-enactment of the murder, and "all the elders of the city," who represent the authority responsible for the city as a whole; this authority declares that it has no part in the murder. If, however, the breaking of the heifer's neck is carried out by some other party, then the declaration of the elders presents no difficulty. Indeed, some unknown person from the city has killed this victim, but the elders know nothing about it.

any contact with the murderer. Indeed, "innocent blood" hovers over the inhabitants of the city, but the site of the ceremony and the prayer of all the elders of the city⁹[9] – "Forgive Your nation, Israel, whom You redeemed, Lord, and do not lay innocent blood amongst Your people, Israel"¹⁰[10] – the blood that was spilled will find atonement.

We therefore conclude that the ceremony of breaking the heifer's neck expresses two different aspects of this *parasha*. On the one hand, the nearest city to the corpse is indeed held guilty, since the murderer most likely emerged from there. On the other hand, judges have nothing but the evidence before them, and therefore they cannot be responsible for an act which "our eyes did not see;" likewise, they cannot be punished for the sin of an unknown murderer who carried out his act in secret, far from any possible witness. The ceremony therefore expresses both the responsibility of the city authorities and their right to atonement. Upon their return to the city, the inhabitants can feel relief that some process of atonement for the murder has been performed, on the one hand, while on the other hand that very process sharpens the sense of general responsibility that the murder imposes on them.

Translated by Kaeren Fish

⁹ [9] We assume here that the words, "Forgive Your nation, Israel, whom You redeemed, Lord, and do not lay innocent blood amongst Your people, Israel" (verse 8) are a continuation of the words of the elders of the city, after they declare, "Our hands have not spilled this blood, nor did our eyes see." However, Rashi adopts *Chazal's* understanding – that these words are actually uttered by the *kohanim*, mentioned in verse 5: "And the *kohanim*, the sons of Levi, shall come near, for it is them whom the Lord your God has chosen to serve Him and to bless in God's Name, and it is by their word that every disagreement and every plague shall be decided." It seems reasonable to assume that Rashi adopts this interpretation because the unit mentions no other practical role for the *kohanim* in this instance, which involves no "disagreement" nor any "plague" for them to rule on. However, the simple reading would seem to indicate that verses 8-9 are a single continuum, uttered by the elders of the city. The role of the *kohanim*, therefore, would seem to be purely symbolic; they represent the connection between *Am Yisrael* and God, and the elders of the city pray to God in the presence of the *kohanim*. Speaking to God before or through the *kohanim* appears elsewhere in *Sefer Devarim*, such as in the recitation upon bringing *bikkurim* (first fruits): "And you shall come to the *kohen* who will be in those days, and you shall say to him: I declare this day to the Lord your God that I came to the land which the Lord promised to our forefathers to give to us" (26:3).

¹⁰ [10] The concluding words of the verse – "*Ve-nikaper lahem ha-dam*" ("And the blood shall be forgiven them") – appear not to be spoken by the elders (see no. 9), but rather part of the narration of the text, asserting that "[by means of this ceremony] the sin will indeed be forgiven them" (Rashi).