

An Unsolved Homicide

“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...” (Deuteronomy 21:1).

In the case of an unsolved homicide—a corpse in a field, no suspect, no witnesses—Deut. 21 goes on to describe a religious ritual to atone for the sin against the slain man. The ritual involves a heifer over which the elders of the nearest town make certain pronouncements, witnessed by the priests of the same town. Read this in Deut. 21:1-9 and discuss with a friend. Join the sages in asking: how are we to understand this puzzling, even disturbing, religious ritual?

Let’s begin with Maimonides who cites a pragmatic reason for the ritual. “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...”¹

But if publicity is vital, why doesn’t the Torah name a busy part of town as the place of ritual, instead of a wadi “which is not tilled or sown” (v.4)? Besides, objects Nahmanides,² detection of a murderer does not atone for the deed. The question remains: how can this ritual be ‘cleansing’ of sin? And why would the town’s elders need to declare themselves innocent if they are not guilty of the crime? Continue to ponder the text.

Perhaps your reflections led you to consider the representative role of the elders and priests. Their declaration, “Our hands did not shed this blood, nor did our eyes see it done” (v.7) is a statement about how the community conducts its affairs, for which its leadership is held responsible. The Talmud stresses the duty of the townsfolk to ensure the welfare of a person as he departs the town. Was the victim allowed to leave the town without food and unescorted, defenceless against bandits, wild beasts and the harsh natural elements? No! declare the elders.

We would never have consciously allowed such a situation. We are not that kind of town!³

In fact, argues Abravanel,⁴ this ritual is designed to be a wake-up call to the community. Too often people become complacent. What do they care about a dead man lying in a field? They have families to feed and jobs to work. The drama of the ‘broken heifer’ ritual ensures that life does stop momentarily, that the life of this one person—created in the image of God—is noticed, and that the community pauses to examine its duty of care, each person’s responsibility for his/her neighbour.

The Jerusalem Talmud⁵ draws an additional insight from this Torah text. ‘This blood’ in verse 7 can be understood to refer not only to the victim, but also to the perpetrator who shed the blood. Perhaps, reason the sages, one man attacked the other in an act of desperation born of extreme poverty. Mindful of such a scenario the declaration of the elders is reminding the community of its duty of care that no one must be allowed to remain in poverty.

Think of an incident which led you to pause to consider your duty of care. Can our Torah passage speak to this experience? What public rituals do we have today that encourage a sense of moral responsibility for one another?

1. Maimonides (12th c.), *Guide for the Perplexed* III, Ch 40.

2. 13th c. Spain.

3. Rashi’s view (11th c. France).

4. 15th c. Spain.

5. There are two compilations of the Talmud, one compiled in Babylon, the other in Israel. The Babylonian Talmud is the more extensive work.

Bibliography: Eskenazi and Weiss, eds., *The Torah: A Women’s Commentary* (New York, 2008); Herczeg, trans., *The Torah: With Rashi’s Commentary* (New York: Mesorah, 2011); Leibowitz, *New Studies in Devarim* (New York, 1996); Munk, *The Call of the Torah*, vol. 5 (New York, 1995). Scripture: NJPS.

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