



## 5 ways

With reference to Deut. 21:1-9, Rashi interprets the 'broken heifer' ritual in these chilling words:

*"Let a calf in its first year, which has not yet produced fruit, come and have its neck broken—in a place which does not produce fruit—to atone for the death of this one [the unprotected victim], whom **they did not allow to produce fruit.**"*

'They did not allow'... In other words, it is not enough to express dismay/sorrow *after* the crime. The community and its leaders are held responsible because they should have *anticipated* the crime. To the cry, 'If only we had known!' the Torah replies: 'Why didn't you?!' Ponder this interpretation. How does it remind me of my duty to anticipate and prevent human suffering? Of course, sometimes tragedy occurs despite our best efforts. The Torah calls for our best efforts.

1. If I am the owner of a rental property (in Sydney) I have a legal and moral duty to install smoke alarms to protect my tenants.
2. People are more likely to help others when they are *personally known*. Do I know my neighbors?
3. The lesson of history is that Hitler's genocidal plan could have been averted if enough people had refused to cooperate with evil. And what of today's world? Am I turning 'a blind eye' to an unfolding human tragedy?
4. Even in situations where I am powerless to offer practical help, as a person of faith I have a responsibility to offer my prayers.
5. When tragedy occurs, how can I respond constructively? E.g., sometimes parents who have lost a child through an incurable illness raise money for medical research.

# Light of Torah

Ancient texts, through fresh eyes, alive for today.

## Why reflect on Torah?

*Christianity, then, came to birth in the bosom of first century Judaism. Although it gradually detached itself from Judaism, the Church could never forget its Jewish roots, something clearly attested in the New Testament; it even recognised a certain priority for Jews... (Rm 1:16).*

— Pontifical Biblical Commission, 2001.

The Church has deep links with the Jewish people—historically, biblically, spiritually. Numerous aspects of Christian life and worship which we take for granted grew out of Judaism; e.g., the calendar of feasts, the use of word and gesture in sacraments, the daily rhythms of prayer, the reading of scripture followed by an explanation of the text, the sacred meal, anointing, laying on of hands, ethical enquiry, fasting, the centrality of Jerusalem, and the list goes on....

We remember especially that the bible of the earliest Christians was that of Israel. By reading the Hebrew Scriptures with the help of Jewish insights, this *Light of Torah* series encourages Christians to become more familiar with the brilliance of Judaism's tradition of biblical interpretation, from ancient times to this day.



Deuteronomy 16:18—21:9

*Shofetim: 'judges'*



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[www.lightoftorah.net](http://www.lightoftorah.net)

Text: Teresa Pirola  
Design: Sarann Ryan  
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## Torah Portion

From the Jewish calendar of Torah readings:

### Deuteronomy 16:18—21:9

Legal teachings dominate this week's Torah portion. As Moses describes how the community is to be organized, a picture of ancient Israelite society emerges based on justice as the operative principle. Religious and civil categories overlap. The failure to be just is equated with the failure to keep God's commandments.

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

## Tasting Torah

*"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..."* (Deut. 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?

## Touching Torah

Maimonides 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..."*<sup>1</sup>

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,<sup>2</sup> 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 in *havrutah*.

## Depthing Torah

Perhaps your discussions 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, defenseless 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!<sup>3</sup>

In fact, argues Abravanel,<sup>4</sup> 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—made 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 neighbor.

## Doing Torah

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?



## A further insight

The Jerusalem Talmud<sup>5</sup> draws an additional insight from our 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.

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