



DVAR TZEDEK

Parashat Shoftim 5772

By Lisa Exler
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We are pleased to welcome guest writer, Lisa Exler, senior program officer at American Jewish World Service.

Parashat Shoftim concludes with a horrific scene: a murdered corpse is found in the no-man's-land between several cities; the murderer is long gone.¹ Those of us veteran viewers of *Law and Order* might expect the description of this grisly discovery to be followed by instructions for investigation and the process of bringing the murderer to justice. But instead, *Parashat Shoftim* assumes that the murderer will never be found and turns its attention towards atonement for the unacceptable reality of an unresolved murder.²

The *parashah* describes a dramatic ritual, known as *eglah arufah*, in which the elders of the neighboring towns measure the distance from the corpse to each town. Then, the elders of the nearest town bring a heifer into a wadi (valley), break its neck, wash their hands and declare: "Our hands did not shed this blood, nor did our eyes see it done. Absolve, Adonai, Your people Israel whom You redeemed, and do not let the guilt for the blood of the innocent remain among Your people Israel."³ The text concludes its description of this ritual by proclaiming its success: "And they [the elders] will be absolved of bloodguilt."⁴

The Mishnah comments on the elders' statement and asks, "Could it be that the elders of a Court were shedders of blood?"⁵ In other words, we obviously wouldn't suspect the elders of actually committing the murder, nor would we expect them to have to declare their innocence for a crime they didn't commit. So when the elders proclaim their innocence, what, exactly, are they innocent of?

The Mishnah explains that the elders are actually testifying that the murder victim "came not into our hands that we should have dismissed him without sustenance, and we did not see him and leave him without escort!"⁶ The elders declare that they never saw the murder victim, nor did they know that he was alone in the wilderness, vulnerable to attack. Had they encountered him, they would have provided him with food and protection, so that he would never have been murdered. The implication of the Mishnah's interpretation is that had the elders known about the victim and failed to ensure his safety, they would have been culpable for his fate. They declare their innocence on the basis of their lack of knowledge of his existence, not because they didn't commit violence against him.

This reading of the Mishnah has radical implications for how we understand our accountability regarding the fates of others. Generalizing the principle of the Mishnah, it's not enough to not actively kill people. Rather, if we know that people are in mortal danger—because of the threat of violence or because of deprivation of their basic needs—and we fail to act, we are culpable in their deaths.

¹ This Dvar Tzedek is based on an analysis of *eglah arufah* in AJWS's service-learning curriculum, *Expanding the Universe of Obligation: Judaism, Justice and Global Responsibility*. Thanks to Aaron Dorfman for his interpretations of these texts.

² According to Rashi (Deuteronomy 21:9), if the murderer is found after the ritual of *eglah arufah* is carried out, the murderer is punished by death.

³ Deuteronomy 21:7-8.

⁴ Deuteronomy 21:8.

⁵ Mishnah Sotah 9:6.

⁶ Ibid.

This is a major expansion of responsibility. We are bound not only to “do no harm” against someone we encounter, but also to provide her with the basic necessities she needs to survive. Failing to do so, we are culpable for her fate.

In our age of instant communication and access to information, when we can virtually encounter millions around the world, the argument can be made that our responsibility to protect those in danger extends to all human beings. In his book, *The Dignity of Difference*, Rabbi Jonathan Sacks, Chief Rabbi of the United Hebrew Congregations of the British Commonwealth, articulates the challenge of this expansion of responsibility:

. . . television and the Internet . . . have brought images of suffering in far-off lands into our immediate experience. Our sense of compassion for the victims of poverty, war and famine, runs ahead of our capacity to act. Our moral sense is simultaneously activated and frustrated. We feel that something should be done, but what, how, and by whom?⁷

As Sacks writes, our modern technology has enabled those facing poverty around the world to “come into our hands.” We cannot claim ignorance of their existence nor of the many threats to their lives—hunger, war, disease, gender-based violence, ethnic violence. And yet, we may wonder what actions we can take to end these threats, or worry that the actions we do take won’t make a difference.

There is no better time than the month of Elul, which just began, to commit to taking action to protect those whose lives are threatened. Indeed, the High Holiday liturgy teaches that fates can be reversed and our actions do make a difference. We may choose to give *tzedakah* to support community development in the Global South, or lobby our elected officials to enact policies that protect those in developing countries. We may decide to purchase fair trade products or pressure corporations to withdraw their factories from indigenous peoples’ lands. Whatever action we take, we can begin to bridge the gap that Sacks described between our sense of compassion and our capacity to act.

The final line of *Parashat Shoftim* declares the absolution not only of the elders, but of the whole community: “Thus you will remove from your midst guilt for the blood of the innocent, for you will be doing what is right in the sight of Adonai.”⁸ May we begin the coming year by doing what is right in God’s eyes—taking action to fulfill our responsibility for the safety and well-being of our brothers and sisters around the globe.



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⁷ Jonathan Sacks, *The Dignity of Difference*, London: Continuum, 2002, page 30.

⁸ Deuteronomy 21:9.

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