

REMEDYING OUR COMMUNAL BLOODGUILT

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It seems that hardly a week goes without hearing a news report of discrimination and violence against Jews, whether in Israel, Europe, Canada, or even the United States.

Despite our reactions of heartbreak, sympathy, outrage, and anger, how easy it is for many of us to return to our day-to-day affairs after we see and hear of Jewish suffering, even when the victims are middle-class Jews like many of us.

Is that the end of it, then, for those of us who may be 500 or 5,000 miles away from the scene of injury and death, because we feel powerless to do anything about the situation?

There is a fascinating episode in the Book of Deuteronomy (21:1) that may help us answer that question. The Scripture reads as follows: "If one be found slain in the land that Adonai your God gives you to possess, lying in the field, [and] it is not known who has struck him. . . ." The text then goes on to say that the elders and judges shall come out and measure the distance to the nearest cities. And the elders of the nearest city shall slay a heifer and the priests shall guide the ritual. (21:2-5) Then those elders shall wash their hands and say over the heifer, "Our hands have not shed this blood, neither have our eyes seen it. Forgive Your people Israel, whom You have redeemed, Adonai. . . ." (21:7-8)

Why do the elders, who are obviously innocent of any direct connection to the deceased, proclaim that their hands had not shed the blood? Why do the elders seek God's forgiveness of the people? If there is some kind of "bloodguilt," what does that mean? Why is a heifer slain? And what practical value, if any, does this ritual have for the people?

According to Rabbi Samson Rafael Hirsch (1808-1888), "This whole section, Shoftim, dealing with the judges and officials who are responsible for the administration of the Torah, now concludes

with an institution which in a striking case calls those officials to clear themselves from the suspicion of having been lax in the execution of their duties."

According to the Palestinian Talmud, the denial of bloodguilt means that, "the *murderer* did not come into our hands. . . ." According to the Babylonian Talmud, the text means that, "the *murdered* man did not come into our hands." If we accept that the words are in reference to the one who was slain, then the elders are declaring that, "[The man found dead] did not come to us for help and . . . we did not see him and let him go without an escort." (Sotah 46b) Taking the other point of view, that the words are in reference to the slayer, then the elders are declaring that, "We did not allow any known murders to remain in the land." (Sforno)

The elders' denial of bloodguilt is to be taken as "a broad denial of communal negligence." (J.H. Tigay) "Bloodguilt" is culpability in some degree for the victim's blood that was shed; in effect, bloodguilt rests on those who acted in some way to cause the death or failed to act in some way to prevent it. And the tradition teaches us that, "Bloodguilt pollutes the land as well as the people of Israel." (J.H. Tigay)

But how are we to understand "pollution of the land" from bloodguilt?

In respect to the one who committed the crime, Rabbi Hirsch says that, "He who bereaves a man of his earthly future, for himself there is no earthly future anymore. . . . Without a future he finds his end on soil that has no future." This tells us that when crime goes unpunished, the damage somehow affects the very productivity of the soil.

According to Rabbeinu Bachya (Rabbi Bachya ben Asher, 1255-1340), however, "God is saying [in verse 21:9] that, 'if you do what is right in the

eyes of the Lord, there will not be any murders of innocent people.' This in turn will serve to hasten the arrival of a period when murder, warfare, etc., will be banished from this earth."

Why was the heifer slain to atone for bloodguilt?

Our commentator Rashi (Rabbi Shlomo ben Yitzchak, 1040-1105), teaches that, ". . . Its neck is to be broken in a place that does not produce fruit [i.e., a rough uncultivated ground], to make atonement for the death of this man who was not permitted [further] to produce fruit [i.e., children] (Sotah 46)." And Nehama Leibowitz (1905-1997) adds that, "The Torah desired that the loss of a single human being who is a unique and irreplaceable specimen of his kind be taken to heart by his fellows, [and it] should shock their complacency and summon them to severe self-scrutiny. . . . For this reason . . . [our] Creator ordained the carrying out of an elaborate ritual with the participation of the elders of the congregation and the priest. By this all Israel would be made aware of what had happened and would not pass over it . . . when innocent blood cried heavenward." In this view, the rite was an antidote to the indifference that often prevails regarding the troubles of others.

According to Nehama Leibowitz, "The public as a whole and the city nearest to the slain and its elders are all responsible for the terrible deed committed in the field. Their whole way of life, their social order, economic, educational, and security institutions are answerable for the murder. The guilt is not confined to the individual perpetrator. The whole of society is directly involved. . . . Whoever keeps to his own quiet corner and refuses to have anything to do with the 'evil world,' who observes oppression and violence but does not stir a finger in protest cannot claim with a clear conscience that 'our hands have not shed this blood'."

What might we conclude from all this?

These verses tell us that in the event the perpetrator of a murder is unknown, everyone must answer for the crime, in effect making atonement. "Bloodguilt" and "atonement" are not abstract religious ideas but practical matters of assigning culpability for criminal acts of violence, and responsibility for remedial acts that will restore the community to safety and security by returning to the path of Torah.

We need communal atonement, to reestablish our connection to God, because there is so much unredeemed violence that "pollutes the land." In effect, without communal acts of atonement we are left unsafe and insecure in our own homes and synagogues because, although one perpetrator is in custody, many others have not been apprehended.

The Torah is concerned not only with *retributive* justice, that is, apprehending the perpetrator of a violent crime and administering punishment, but *preventive* justice, ensuring that the innocent are not subjected to actual or threatened violence in the future. The Torah does not only hold culpable the individual who commits a crime, but officials who have a formal responsibility to restrain potential perpetrators and to protect potential victims, and, moreover, we the people, at large, may be culpable for not holding our leaders accountable for malfeasance and nonfeasance.

While there may not be any compelling argument that we share any responsibility for the violence we see against other Jews, we are culpable if we close our eyes to the potential, God forbid, of similar events in our own community. We are culpable if we do not ensure the safety and security of those in our community, especially the children, who depend on us for their welfare.

So what are we to do?

Thankfully, our congregational leaders typically take preventative action. Our boards and officers ordinarily take steps to educate themselves about safety and security. And myriad security measures have been explored and implemented by congregations.

While these are important steps, we know that they aren't certain to prevent future acts of intolerance and violence, and that more can be done. Of course, there are some members in every local Jewish community who say that it can't or won't happen here. But without hard information and intelligence, they're whistling in the dark—in effect, they're engaging in a kind of hopefulness in which "hope springs *infernal*" upon our children and us.

In a *New York Times* op-ed piece several years ago, Abraham Foxman, the national director of the Anti-Defamation League, said in effect that one of the best ways to prevent violent extremists from committing criminal acts is to gather intelligence about their activities *before* they commit crimes. As a community, we should be asking ourselves, what do we know in that regard that's relevant to our own local situation?

The best current estimates tell us there are some 35,000 followers of the "Christian identity" movement nationally, and no area of the country is entirely free of such white supremacist activity. Moreover, local law enforcement agencies for the most part are not systematically collecting intelligence on such groups.

Returning to the question, what are we to do? One option we have is to join with other faith communities that also have concerns about the potential for hateful and violent acts not only

against Jews but other minorities as well. Together with them we can effectively press local law enforcement agencies to ensure that, as much as possible, they are gathering, sharing, and acting on intelligence together, enabling them to effectively monitor and, when necessary, suppress criminal

activities of these hate groups.

If we are willing, all of us individuals standing together as a community, to engage in acts of atonement, we and our children need not find ourselves “without a future . . . on soil that has no future.”

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