

“And they shall axe the back of the heifer’s neck in the valley.” (21:4)

The murder of a Jew is a terrible tragedy which is compounded when the perpetrator might be another Jew. The parsha of eglah arufah, the axed heifer, addresses a situation where a corpse is found lying in the open. We have no idea who the murderer is. The Torah requires that the elders of the town nearest to the corpse perform a public ritual in which they proclaim that they are not responsible, neither by neglect nor by indifference, for the tragedy of this person’s death. The primary purpose of this parsha is to convey an important message: We are responsible for our brother. Everyone must feel a share of guilt. Did we attend to his needs? Did we make sure he had accompaniment as he left town? Passive neglect and indifference are quite often as destructive as active hatred and abuse. They achieve the same degree of devastation.

Horav Meir Shapiro, z.l., addresses an interesting Chazal in Meseches Yoma 23a which relates to the laws of eglah arufah. Chazal teach that it once occurred that two Kohanim were racing up the ramp to the Mizbayach, Altar, to perform the service. As one saw the other about to overtake him, he took out a knife and thrust it into the other Kohen’s heart. When the great Sage Rabbi Tzadok heard this, he stood on the steps of the Ulam, Hall leading to the interior of the Bais HaMikdash, and said, “My brethren, of the House of Yisrael, Listen! Behold, it says in the Torah (Devarim 21:1) ‘If one is found slain in the land...then your elders and judges shall come forth...’ On whose behalf shall we offer the heifer whose neck is broken – on behalf of the city, or on behalf of the Temple Courts?” Upon hearing this, all of those assembled burst out weeping.

Obviously, Chazal are addressing a very profound matter. Certainly, Rabbi Tzadok is not referring to the need for an eglah arufah for the victim of this wanton act of murder. As the Talmud itself notes, there is no provision for eglah arufah in Yerushalayim. Moreover, the ritual of eglah arufah is performed only when the identity of the murderer is unknown. This is surely not true in this circumstance. What is the underlying meaning of this Chazal?

Rav Meir Shapiro views this story in the context of the period in history in which it occurred. It was during the Herodian period in Jewish history when the discord that reigned in Klal Yisrael was rampant and devastating. The hostility between the Perushim and the Tzedokim, the observant against those that would undermine the validity and authority of Torah, was tearing apart the spirit of brotherhood that had once existed. Demoralization, depression, spiritual and moral bankruptcy are words that aptly characterize the situation of Jewish life in general and the individual Jew in particular.

When Rabbi Tzadok heard that a Kohen had murdered his brother in cold blood, he was acutely aware that it was not the love of the mitzvah that had motivated this wanton act of murder. He realized that it was a deep-seated hatred that had lain dormant, waiting for an opportunity, looking for an excuse to justify killing another Jew. The mask of frumkeit, religious observance, concealed

a venomous animosity towards a fellow Jew. It was not frumkeit, because an observant Jew does not act in this manner. This hatred grew out of the streets of Yerushalayim, from the shallow drifters, from the alienated and assimilated, those whose hatred for Hashem's service and for those that serve Him dominate their lives. This virus was brought into the holy Bais HaMikdash where it festered into an act of murder.

Rabbi Tzadok asked, "For whom shall we bring the eglah arufah? Who is guilty of this innocent blood: Is it the city? Is it the streets of Jerusalem? Or is it the Temple Court itself?! Is this fight one of hatred between brothers, or is it a milchemes mitzvah, a holy war to purge evil?" Perhaps, as a postscript, we might want to ask ourselves a similar question in regard to the infighting that seems to ensue in the various camps of our People – between the observant and the non-observant and, regrettably, even among the observant. Is it a milchemes mitzvah, or simply a milchamah?