



| 1) Midrash Psalms, 12 [900CE, Land of Israel] | 1) מדרש תהלים, מזמור יב |
|---|---|
| Rabbi Yanai said: The Torah was not given in a clearcut manner, rather on every statement God said to Moses, He would say forty-nine reasons (<i>panim, lit. faces</i>) the matter could be pure, and forty-nine reasons why the matter could be impure. He (Moses) said to Him, 'Master of the Universe, when will we know the truth of the matter?' He said to him (Moses): 'Go according to the majority (Exodus 23:2): if the majority rules it is impure – it is impure, if the majority rules it is pure – it is pure.' | אמר רבי ינאי: לא ניתנו דברי תורה חתוכים אלא על כל דיבור שהיה אומר הקב"ה למשה היה אומר מ"ט פנים טהור ומ"ט פנים טמא. אמר לפניו: רבונו של עולם, עד מתי נעמוד על בירורו של דבר? אמר לו: "אחרי רבים להטות." רבו המטמאין טמא, רבו המטהרין טהור. |

| 2) Deuteronomy - 21:1-9 | 2) דברים - כא:א-ט |
|---|--|
| 1) 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, 2) your elders and magistrates shall go out and measure the distances from the corpse to the nearby towns. 3) The elders of the town nearest to the corpse shall then take a heifer which has never been worked, which has never pulled in a yoke; 4) and the elders of that town shall bring the heifer down to an ever flowing wadi, which is not tilled or sown. There, in the wadi, they shall break the heifer's neck. 5) The priests, sons of Levi, shall come forward; for the LORD your God has chosen them to minister to Him and to pronounce blessing in the name of the LORD, and every lawsuit and case of assault is subject to their ruling. 6) Then all the elders of the town nearest to the corpse shall wash their hands over the heifer whose neck was broken in the wadi. 7) And they shall make this declaration: "Our hands did not shed this blood, nor did our eyes see it done. 8) Absolve, O LORD, Your people Israel whom You redeemed, and do not let guilt for the blood of the innocent remain among Your people Israel." And they will be absolved of bloodguilt. 9) 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 the LORD | א) כִּי־יִמָּצָא חָלָל בְּאֶרֶץ אֲשֶׁר ה' אֱלֹקֶיךָ נָתַן לְךָ לְרִשְׁתָּהּ נָפֶל בְּשָׂדֶה לֹא נֹדָע מִי הִכָּהוּ: (ב) וַיָּצְאוּ זִקְנֶיךָ וְשֹׁפְטֶיךָ וַיִּמְדְּדוּ אֶל־הָעָרִים אֲשֶׁר סְבִיבֹת הַחָלָל: (ג) וְהָיָה הָעִיר הַקְּרֹבָה אֶל־הַחָלָל וְלָקְחוּ זִקְנֵי הָעִיר הַהִוא עֵגֶלֶת בָּקָר אֲשֶׁר לֹא־עָבַד בָּהּ אֲשֶׁר לֹא־מִשְׁכָּה בָּעֵל: (ד) וְהוֹרְדוּ זִקְנֵי הָעִיר הַהִוא אֶת־הָעֵגֶלָה אֶל־נַחַל אֵיתָן אֲשֶׁר לֹא־יִעָבֵד בּוֹ וְלֹא יִזְרַע וְעָרְפוּ־שָׁם אֶת־הָעֵגֶלָה בְּנַחַל: (ה) וְנָגְשׁוּ הַכֹּהֲנִים בְּנֵי לֵוִי כִּי כֵם בָּחַר ה' אֱלֹקֶיךָ לְשִׁרְתּוֹ וּלְבָרָךְ בָּשֵׁם ה' וְעַל־פִּיהֶם יִהְיֶה כְלָרִיב וְכָל־נִגְעָה: (ו) וְכָל זִקְנֵי הָעִיר הַהִוא הַקְּרֹבִים אֶל־הַחָלָל יִרְחֲצוּ אֶת־יְדֵיהֶם עַל־הָעֵגֶלָה הָעָרֹפָה בְּנַחַל: (ז) וְעָנוּ וַאֲמָרוּ יְדֵינוּ לֹא שָׁפְכָה [שָׁפְכוּ] אֶת־הַדָּם הַזֶּה וְעֵינֵינוּ לֹא רָאוּ: (ח) כִּפֹּר לַעֲמֹד יִשְׂרָאֵל אֲשֶׁר־פָּדִיתָ ה' וְאַל־תִּתֵּן דָּם נָקִי בְּקֶרֶב עֲמֹד יִשְׂרָאֵל וְנִכְפַּר לָהֶם הַדָּם: (ט) וְאַתָּה תִּבְעֵר הַדָּם הַנָּקִי מִקֶּרְבְּךָ כִּי־תַעֲשֶׂה הַיָּשָׁר בְּעֵינֵי ה': |

2a) What do you think is the purpose of this strange *egla arufa* (breaking of the heifer's neck) ritual?

2b) Verse 7: What are the elders of the city declaring in this statement?



| 3) Mishnah - Tractate Sotah 9:6 | (3) משנה – מסכת סוטה ט:ו |
|---|---|
| The elders of that city wash their hands with water in the place where the heifer's neck was broken and they say, "Our hands have not shed this blood, neither have our eyes seen it" (Deuteronomy 21:7). But did we really think that the elders of the court are shedders of blood?! Rather, he did not come to us and we dismissed him and we did not see him and let him go. | זָקְנֵי אֹתָהּ הָעִיר רוֹחֲצִין אֶת יְדֵיהֶן בַּמַּיִם בְּמָקוֹם עֲרִיפָה שֶׁל עֵגְלָה, וְאוֹמְרִים, (שם) "לֹא שָׁפַךְ אֶת הַדָּם הַזֶּה וְעֵינֵינוּ לֹא רָאוּ." וְכִי עַל דַּעְתָּנוּ עָלְתָה, שֶׁזָּקְנֵי בֵּית דִּין שׁוֹפְכֵי דָמִים הֵם! אֲלָא שְׁלֹא בָא לְדִינוּ וּפְטַרְנוּהוּ וְלֹא רְאִינוּהוּ וְהִנְחֵנוּהוּ... |

3a) What question does the Mishnah ask about the elders' declaration of innocence?

3b) To whom do you think the elders of the city are referring when they say, "... he did not come to us and we dismissed him, and we did not see him and let him go?"

| 4) Talmud Yerushalmi Sotah 9,6 | (4) תלמוד ירושלמי סוטה פרק ט' הלכה ו |
|--|--|
| The Rabbis of here (Eretz Yisrael) took the text (Deuteronomy 21:7) to refer to the <i>slayer</i> . The Rabbis of yonder (Babylon) took the text to refer to the <i>slain</i> . The Rabbis here took the text to refer to the slayer. That no one came within our jurisdiction whom we discharged and failed to put to death, that we overlooked him and neglected to bring him to justice. The Rabbis yonder took the text to refer to the slain: There came no one within our jurisdiction whom we let go without providing him with an escort, whom we overlooked and left without a livelihood (food). | רבנן דהכא פתרינן קרייא בהורג. ורבנן דתמן פתרינן קרייא בנהרג. רבנן דהכא פתרינן קרייא בהורג: שלא בא על ידינו ופטרנוהו ולא הרגנוהו ולא ראינוהו והנחנוהו ועמעמנו על דינו. ורבנן דתמן פתרינן קרייא בנהרג: לא בא על ידינו ופטרנוהו בלא הלווייה ולא ראינוהו והנחנוהו בלא פרנסה. |

4a) About what do the Rabbis of Eretz Yisrael (Talmud Yerushalmi) and the Rabbis of Babylon (Talmud Bavli) DISAGREE concerning the declaration of the elders?



4b) About what do the Rabbis of Eretz Yisrael (Talmud Yerushalmi) and the Rabbis of Babylon (Talmud Bavli) AGREE concerning the declaration of the elders?

| 5) Seforno (Deuteronomy 21:7) [1475-1550, Italy] | 5) ספורנו (דברים כא:ז) |
|---|--|
| <p>"Our hands did not shed this blood" – We did not leave any known murderer in the land.</p> <p>"Nor did our eyes see it done" – This was not in a place that people saw. For if people <i>had</i> seen it, they would have risen up and spoken out.</p> | <p>ידינו לא שפכה שלא הנחנו שום נודע לרוצח בארץ: ועינינו לא ראו שלא היה זה במקום רואים שאם היו שם רואים היו מתקוממים ומגידים:</p> |

5a) Based on Seforno's first comment, do you think that his approach is more aligned with the Rabbis of Eretz Yisrael or the Rabbis of Bavel? Why?

5b) What new dimension does Seforno raise in his second comment?

| 6) Malbim (Deuteronomy 21:7) [1809-1879, Ukraine] | 6) מלבי"ם (דברים כא:ז) |
|--|--|
| <p>That we were not indirectly instrumental in this murder on account of not providing the murderer with food for the lack of which he was driven to commit this capital crime or because we did not provide the victim with an escort that he should not go alone in a place of danger.</p> | <p>ידינו לא שפכו. פי' שלא היינו גרמא לרצח הזה לא ע"י שלא נתנו מזון להרוצח ועי"כ היה מוכרח להרוג את הנרצח לעשוק את לחמו למלא נפשו כי ירעב, ולא ע"י שלא נתנו לויה להנרצח שלא ילך יחידי במקום סכנה.</p> |

6a) Do you think that the Malbim's approach is more aligned with the approach of the Rabbis of Eretz Yisrael or the Rabbis of Bavel? Why?

6b) According to the Malbim, who is a victim of neglect in this scenario and why?



| | |
|--|--|
| 7) Rashi [1040-1105, France] on Talmud Bavli Sotah 45b | 7) רש"י תלמוד בבלי סוטה מה: |
| "He did not come to us and we dismissed him" – the Talmud explains that he was not killed through us, that we sent him away without food and so forced him to turn highwayman, through which he was killed." | לא בא לידינו ופטרנוהו – בגמ' מפרש בלא מזונות והיינו ידינו לא שפכו לא נהרג על ידינו שפטרנוהו בלא מזונות והוצרך ללססם את הבריות ועל כך נהרג. |

7a) According to Rashi's commentary on the Talmud Bavli, what would have been the tragic outcome had the elders sent away a desperately hungry person without providing that person with food?

7b) In what way are the comments of the Malbim and Rashi similar to each other and in what way are they different?

8. Models of Crime Prevention – adapted by Sefi Kraut from "Situating Crime Prevention: Models, Methods, and Political Perspectives" by Robert White, 1996.

| | Approach #1 | Approach #2 | Approach #3 |
|-------------------------------|-----------------------------|---|--|
| Key Concept | crime control | social problem | social justice |
| CP Main Strategy | opportunity reduction | opportunity enhancement | political struggle |
| Main Crime Focus | conventional "street" crime | conventional "street" crime | crimes of the powerful; Conventional "street" crime |
| Concept of Criminality | rational choice | individual or social pathology | marginalization, social alienation, market competition |
| CP Method/Strategy | protection, surveillance | correct deficits, improve opportunities | social empowerment, reduce inequality |
| Role of Community | auxiliary to police | self-help, community development | social change agents |
| Limitation of Model | | | |