YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**STUDENT SUMMARIES OF SICHOT OF THE ROSHEI YESHIVA**

**Sicha of HarAV Yaakov Medan**

**"The Betrothed Woman Cried Out for Help, But No One Was There to Rescue Her"**

Summarized by Mordechai Sambol

Translated by David Strauss

**Introduction: The *Egla Arufa* and the Elders of the City**

*Parashat Shoftim* concludes its discussion of government matters with the mitzvaof *egla arufa*.

The section of *egla arufa* deals with atonement for a murder whose perpetrator is unknown. The first step in the atonement process is measuring the distance between the site of the murder and the surrounding cities.

In the next step, the elders of the nearest city bring "a female calf that has never been worked or drawn a load with a yoke" (*Devarim* 21:3), and break its neck. Immediately afterwards they proclaim: "Our hands did not shed this blood, and our eyes did not witness it. Absolve your people Israel, whom You redeemed, Lord, and do not leave the guilt of innocent blood among your people Israel" (ibid. 7-8)

The mitzvaof *egla arufa* includes several unique laws, among them the insistence on specifically a female calf and the command to break its neck (instead of slaughtering it properly). A strikingly unique rule is the obligation to measure the distance from the surrounding cities. What is the meaning of this obligation? Is it reasonable to assume that the murderer or the murdered person came from the nearest city?

Let's clarify a little: The victim's body was found in a field. Fields or plantations were almost always in a low area, with accessible water or groundwater from which to irrigate grain or fruits, and where rainwater also drains. The houses of the towns (or villages, in our terms) were on the hills and mountains, which were more protected. Did the murderer and the murdered necessarily come from the closest hill?

With this mitzva, the Torah assigns responsibility for the incident to the people of the city closest to the murder – who would have been able to hear the scream, the cry for help, and should have gone immediately to the aid of the victim. For this reason, when they come to atone for their responsibility and their (passive) part in the murder, the elders must say: "Our hands did not shed this blood, and our eyes did not witness it," that is to say, "We did not hear the victim's cries, and therefore we did not come to his rescue." If they *could* hear his cry, they would be unable to declare that their hands did not shed the blood and that their eyes did not see.

***Egla Arufa* and a Betrothed Woman**

In the next *parasha*, *Parashat Ki Tetzei*, we read about a betrothed woman who was raped "in the field" (*Devarim* 22:25), an act the Torah compares to murder: "For just as a man attacks and murders his fellow, so too is this matter" (*Devarim* 22:26). In explaining why the woman in this case is totally exempt from punishment, the Torah notes that since the act took place in the field, "the betrothed woman [may have] cried out for help, but no one was there to rescue her" (*Devarim* 22:28). The unheard cry of the woman echoes the unheard cry of a murder victim, for which an *egla arufa* is brought.

The Gemara in *Sanhedrin* (73a) derives practical *halakha* based on the explicit comparison between murder and the case of the betrothed woman. In my humble opinion, if there were a Sanhedrin today, it would be appropriate to extend the comparison drawn between murder and rape to other applications as well. Among other things, it would be appropriate to establish that the elders of the city must bring an *egla arufa* in the case of rape, just as with murder – because it is their responsibility to prevent not only murders, but also rapes. If they did not act to prevent the rape, they would not be able to say, "Our hands did not spill..."

**The Outcry About Sexual Abuse**

When reports are made about sexual assaults, the elders of each city must address the case. If they didn't hear and didn't know, it is upon them “to bring an *egla arufa*" – to declare that they did not shed this blood and their eyes did not witness. If, God forbid, they were negligent in their ability to know and prevent, they will not be able to atone even by washing their hands in the stream. Even if there is no bloodshed in the literal sense, the emotional damage suffered by girls and boys who suffer sexual abuse is no less serious than murder; injuries of this type affect the victims even many years after the event. They tear them apart emotionally, and there are cases where they even drive the victims to suicide. As a society, we must do everything we can to prevent this type of injustice from happening.

Among the *aggadot* relating to the destruction of the Temple, the Gemara in *Gittin* (57b) tells of four hundred boys and girls "who were carried off for immoral purposes," meaning they were destined for prostitution. Along the way, they realized for what purpose they had been taken captive, and decided to jump into the sea and drown to escape this fate. Although we do not decide *halakha* based on an *aggada*, Rabbeinu Tam (*Avoda Zara* 18a) rules that the actions of the four hundred were justifiable, indicating how seriously we should regard sexual abuse.

These scandalous acts take place even in the religious communities in which we live. We have a responsibility to help those who cry out, and also to make sure we will succeed in hearing such cries: each of us needs to keep our eyes and ears open. We must not simply claim "this does not happen in our community." We must not ignore any evidence or suspicion with basis, and we must contact the officially-empowered authorities and make sure that the matter is being dealt with.

[This *sicha* was delivered by Harav Medan at *seuda shelishit* on Shabbat *Parashat Shoftim* 5781 (2021).]