



Take Responsibility

רמב"ם הלכות רוצח ושמירת נפש, ט:ב

After they measure and establish which city is closest [to the body of the unknown wayfarer], they bury the person who was murdered in the place he was found. The elders from Yerushalayim return to their city, and the *beis din* of the city that was designated brings a calf paid for by all the inhabitants. They bring the calf to a river that flows forcefully. This is the meaning of the term ‘*eisan*’ found in the Torah.

אחר שמוֹדְדִין וְנוֹדְעָה
הָעִיר הַקְּרוֹבָה קוֹבְרִין אֶת
הַנֶּהֱרָג בְּמִקוֹמוֹ וְחוֹזְרִין זְקֵנֵי
יְרוּשָׁלַיִם לְמִקוֹמָן. וּבֵית דִּין
שֶׁל אוֹתָהּ הָעִיר מְבִיאִין
עֶגְלַת בָּקָר מְשֻׁל אֲנָשֵׁי
אוֹתָהּ הָעִיר וּמוֹרִידִין אוֹתָהּ
אֶל נַחַל שְׁשׁוּטֵף בְּחֵזְקָה
וְזֶהוּ (דְּבָרִים כ"א ד) "אֵיטָן"
הָאָמֹר בְּתוֹרָה:

If a murdered body is found in a field, the Torah prescribes the mitzvah of *eglah arufah*.

The elders of the city nearest to the dead body, accompanied by the members of the *beis din hagadol*, must bring a young calf, and decapitate it.

Where should the decapitation take place?

The Torah says at a *nachal eisan*.

What is a *nachal eisan*? There are two opinions:

1) Rashi says it means a valley with hard, infertile soil.

The reason Rashi gives is:

“Hashem says: Let the calf which is in its first year and has, therefore,



מחזור הארבעים

40 CYCLES OF LEARNING RAMBAM

לע"נ
הרה"ח הרה"ת ר' אהרן
בן הרה"ח הרה"ת יהושע שניאור זלמן ע"ה
נלב"ע ט' ניסן ה'תשע"ט
תנ"צ'ב'ה'
נדפס ע"י בנו
הרה"ת ר' יוסף וזוגתו מרת חנה רחל שיחיו
סערעבריאנסקי

produced no fruits, come and be decapitated at a place [the valley that was not tilled] which has not produced fruits, in order to atone for the murder of this man, whom they [the murderers] did not allow to produce fruit...”

2) The Rambam says it means a river with a strong current.

In Moreh Nevuchim, the Rambam offers a different line of reasoning: The primary goal of the *eglah arufah* is to bring awareness to the murder; the more people hear about it, the more people will ask questions and the more the chance the murder will be solved.

Additionally, the land around the area where the decapitation happens may not be planted, the soil must remain barren. The goal of this is to put pressure on the land owner to do whatever he can to solve the murder so that he can use that land.

This reasoning is what prompts the Rambam to give the opposite interpretation of *nachal eisan* than Rashi.

If *nachal eisan* is an infertile parcel of land, why would the land owner care if he could not plant there. However, if it means a strong flowing river like the Rambam learns, then the land is extremely valuable and it would

be very upsetting to the land owner that he can't plant there. He would therefore do what ever he can to solve the murder.

The message of this mitzvah is, when there is a spiritual casualty, a Yid in a spiritual state of death, it is not relevant where and why it happens. Even if it seems like the victim was roaming in dangerous places alone, still, it becomes the responsibility of the entire city closest to the event—and even the *beis din hagadol* in Yerushalayim must come down to help solve it.

(*Likkutei Sichos vol. 24 p. 128*)