



Adapted from the sefer חמין במוצאי שבת a collection of maamarim on
תנא דבי אליהו given by the Tolner Rebbe shlita at Melave Malka

Melave Malka Parshas Shoftim 5762

In *Parshas Shoftim*, we find the *mitzva* of *egla arufa*, a process that must be followed if, *lo aleinu*, a body is found outside of a city. The process begins by measuring the distance from the victim to the closest city. Once that is determined, the Torah instructs the *Beis Din* of that city to perform the *mitzva* of *eglah arufa*. The *Beraisa*, in *Maseches Sota*, (מ"ה:) describes a scenario that leads to a question. What if the closest city has no *Beis Din*? The *halacha* is that we ignore that city, and continue to measure until we reach the closest city with a *Beis Din*.

Tosfos state the difficulty inherent in this *halacha*. Even though the city closest to the victim has no *Beis Din*, the proximity of the city clearly indicates that it was the victim's last stop before the murder. The proximity would also lead us to believe that the murderer came from that city. Why would the lack of a *Beis Din* in the city cause us to ignore the evidence, and hold a more distant city responsible, simply because it has a *Beis Din*?

Two Geonim, the *Sfas Emes zy" a*, and R. Pinchas Epstein zt"l, (*Ra'avad* of Yerushalyim in the previous generation), both addressed this difficulty with a similar *chidush*. The *Sfas Emes* says, "In my humble opinion, the *Beis Din* of a city is obligated to watch over the entire area surrounding the city. Their responsibility ends only when the area falls under the jurisdiction of the *Beis Din* of another city." R. Pinchas Epstein zt"l provides a similar answer in his *Mincha Chareiva on Maseches Sotah*.

This means that a *Beis Din* must take responsibility, not only for the needs of their city, but for the entire area outside of the city. They must



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do all in their power to ensure that no mishaps of any kind occur to anyone in their city, or in the surrounding area.

Therefore, when the victim is found, and we have no idea who murdered him, we pay no attention to the closer city that has no Beis Din. It is the closest Beis Din that is held responsible, even if they are located in a city far from the tragic event.

We have to focus on, and internalize the lesson that this halacha teaches us about Hashem's judgement, and our responsibility. The members of a *Beis Din* are usually the most learned, and honored residents of a city. The Torah holds them responsible for an unsolved murder that occurred far from their city. They aren't members of the local police force, or even in charge of the police. Nonetheless, they are held responsible because they are supposed to care, and do all in their power, for the wellbeing of every person in the entire area.

This resembles a puzzling *halacha* that applies to the *rotzeiach be'shogeg*, one who killed inadvertently, but with a certain level of negligence. He must remain in the *ir miklat (city of refuge)*, until the death of the *Kohen Gadol*. In *Maseches Makos (י"א)*, *Chazal* explain that the *Kohen Gadol* is held responsible because he should have davened for Hashem to have mercy on his generation, ensuring that such tragedies do not occur.

The *Gemara* goes on to illustrate this responsibility with a story about R. Yehoshua ben Levi, who was privileged to regularly speak with *Eliyahu Hanavi*. After a man was eaten by a lion at distance of three *parsa* from R. Yehoshua ben Levi, *Eliyahu Hanavi* ceased to appear to him for three days. R. Yehoshua ben Levi was held responsible, because he should have prevented such tragedies by *davening* for Hashem to have mercy on everyone in his generation.

Even though the halacha of *egla arufa* does not apply in our times, we must apply its lessons to parallel situations in our lives. All around us, the



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souls of young men and women fall victim to forces that distance them from *Yiddishkeit*. Each of us has to learn from the *egla arufa*, that if someone ignores even one of these victims, when he could have saved them with words of kindness, encouragement, and *chizuk*, he will be held responsible.

Unfortunately, in our generation, the *yetzer* attacks with great force, and all around us, *neshamos* fall victim to these attacks. Each of us has to review our past behavior, and commit ourselves from now on, to opening our eyes, noticing those whom we can help, and approaching them with love and kindness.

Chazal teach us that *mida tova merubah*, the power of positivity always outweighs that of negativity. If we try to be *mekarev* all those in our “sphere of influence”, Hashem will provide us with the strength, wisdom and tools that will enable us to inculcate *ahavas Hashem*, *yiras Hashem*, *emunah*, *bitachon*, and *midos tovos*, even in Jews who are geographically or emotionally distant.

By accepting this mission with willing and joyous hearts, we will fulfill the *posuk* in *Yeshayahu* (מ"א/ו") **איש את רעהו יעזורו ולאחיו יאמר חזק, אכי"ר**.



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