

9ADAR RESOURCE: Leadership and Crime Prevention

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Source Sheet

Central Question: What is the most effective way to address crime – punishment or social intervention?

Biblical Text

Text 1

Deuteronomy 21:1–9

- 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.

דברים כא:א-ט

- א) כִּי־יִמָּצָא חָלָל בְּאֶדְמָה אֲשֶׁר ה' אֱלֹקֶיךָ נָתַן לְךָ לְרִשְׁתָּהּ נָפֶל בַּשָּׂדֶה לֹא נֹדַע מִי הַכָּהוּ:
- ב) וַיָּצְאוּ זִקְנֵיךָ וְשֹׁפְטֶיךָ וַיִּמְדְּדוּ אֶל־הָעָרִים אֲשֶׁר סְבִיבֹת הַחָלָל:
- ג) וְהָיָה הָעִיר הַקְּרֹבָה אֶל־הַחָלָל וְלָקְחוּ זִקְנֵי הָעִיר הַהוּא עֵגְלַת בְּקָר אֲשֶׁר לֹא־עָבַד בָּהּ אֲשֶׁר לֹא־מִשְׁכָּה בָעַל:
- ד) וְהוֹרְדוּ זִקְנֵי הָעִיר הַהוּא אֶת־הָעֵגְלָה אֶל־נַחַל אֲשֶׁר לֹא־יַעֲבֹד בּוֹ וְלֹא יִזְרַע וְעָרְפוּ־שָׁם אֶת־הָעֵגְלָה בְּנַחַל:
- ה) וַנִּגְשׁוּ הַכֹּהֲנִים בְּנֵי לֵוִי כִי בָם בָּחַר ה' אֱלֹקֶיךָ לְשִׁרְתוֹ וְלִבְרַךְ בְּשֵׁם ה' וְעַל־פִּיהֶם יְהִי כָל־רִיב וְכָל־נִגְעָה:
- ו) וְכָל זִקְנֵי הָעִיר הַהוּא הַקְּרֹבִים אֶל־הַחָלָל יִרְחֲצוּ אֶת־יְדֵיהֶם עַל־הָעֵגְלָה הָעֹרֹפָה בְּנַחַל:
- ז) **וְעָנוּ וְאָמְרוּ יְדֵינוּ לֹא שִׁפְכָה [שָׁפְכוּ] אֶת־הַדָּם הַזֶּה וְעֵינֵינוּ לֹא רָאוּ:**
- ח) כִּפֹּר לַעֲמֶךָ יִשְׂרָאֵל אֲשֶׁר־פָּדִיתָ ה' וְאֵל־תֵּתֶנּוּ דָם נָקִי בְּקִרְבְּ עַמֶּךָ יִשְׂרָאֵל וְנִכְפַּר לָהֶם הַדָּם:
- ט) וְאַתָּה תִּבְעֵר הַדָּם הַנָּקִי מִקִּרְבְּךָ כִּי־תַעֲשֶׂה הַיִּשָּׁר בְּעֵינֵי ה':

1a) What do you think the purpose is of this strange *egla arufa* (breaking of the heifer's neck) ritual?

1b) Verse 7: What are the elders of the city declaring in this statement?

Conflicting Rabbinic Approaches

Text 2

Mishnah Sotah 9:6

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...

משנה סוטה ט:ו

זָקְנֵי אוֹתָהּ הָעִיר רוֹחֲצִין אֶת יְדֵיהֶן בַּמַּיִם
בַּמָּקוֹם עֲרִיפָהּ שֶׁל עֵגְלָה, וְאוֹמְרִים, (שם)
"יְדֵינוּ לֹא שָׁפְכוּ אֶת הַדָּם הַזֶּה וְעֵינֵינוּ לֹא
רָאוּ."

וְכִי עַל דַּעַתְנוּ עֲלֵתָהּ, שֶׁזָּקְנֵי בֵּית דִּין שׁוֹפְכֵי
דָּמִים הֵן?!

**אֶלָּא שְׁלֹא בָּא לְיַדֵּינוּ וּפְטַרְנוּהוּ וְלֹא
רָאִינוּהוּ וְהִנְחֵנוּהוּ...**

2a) What question does the Mishnah ask about the elders' declaration of innocence?

2b) 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?"

Text 3

Talmud Yerushalmi Sotah 9:6

The Rabbis of here (Eretz Yisrael) took the text (Deuteronomy 21:7) to refer to the slayer. The Rabbis of yonder (Babylon) took the text to refer to the slain.

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, nor that we saw him and let him go 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).

תלמוד ירושלמי סוטה פרק ט' הלכה ו

רבנן דהכא פתרין קרייא בהורג.
ורבנן דתמן פתרין קרייא בנהרג.
רבנן דהכא פתרין קרייא בהורג:
שלא בא על ידינו ופטרנוהו ולא
הרגנוהו ולא ראינוהו והנחנוהו
ועמעמנו על דינו.
ורבנן דתמן פתרין קרייא בנהרג:
לא בא על ידינו ופטרנוהו בלא
הלוייה ולא ראינוהו והנחנוהו בלא
פרנסה.

3a) About what do the Rabbis of Eretz Yisrael (Talmud Yerushalmi) and the Rabbis of Babylon (Talmud Bavli) DISAGREE concerning the declaration of the elders?

3b) About what do the Rabbis of Eretz Yisrael (Talmud Yerushalmi) and the Rabbis of Babylon (Talmud Bavli) AGREE concerning the declaration of the elders?

Text 4

Seforno, Deuteronomy 21:7

“Our hands did not shed this blood” –

We did not leave any known murderer in the land.

“Nor did our eyes see it done” –

This was not in a place that people saw. For if people had seen it, they would have risen up and spoken out.

ספורנו, דברים כ"ז:

“ידינו לא שפכה” –

שלא הנחנו שום נודע לרוצח בארץ:

“ועינינו לא ראו” –

שלא היה זה במקום רואים שאם היו
שם רואים היו מתקוממים ומגידים:

4a) 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?

4b) What new dimension does Seforno raise in his second comment?

Text 5

Malbim, Deuteronomy 21:7

"Our hands did not shed this blood" –
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.

מלבי"ם, דברים כ"ז:

"ידינו לא שפכו" –
פ"י שלא היינו גרמא לרצח הזה לא ע"י שלא נתנו מזון להרוצח וע"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.

5a) 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?

5b) According to the Malbim, how are the murderer and the murdered BOTH victims of neglect?

MAHLOKET MATTERS

HOW TO DISAGREE CONSTRUCTIVELY



Text 6

Rashi, Talmud Bavli, Sotah 45b

“He did not come to us and we dismissed him” –
The Talmud explains that “we did not send him away without food” and therefore “our hands did not spill [this blood]” - 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.”

רש"י, תלמוד בבלי, סוטה מה ע"ב

“לא בא לידינו ופטרנוהו” -
בגמ' מפרש בלא מזונות והיינו ידינו לא שפכו לא נהרג על ידינו שפטרנוהו בלא מזונות והוצרך ללסטים את הבריות ועל כך נהרג.

6) 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?

Bringing this Mahloket into the Present

Exercise/Case Study

A wealthy businesswoman named Marcia Smith grew up going to the local mall, Munchies & Merchandise, with her friends every Sunday. Marcia recently visited her hometown with her kids. When she arrived at Munchies and Merchandise, she was horrified to see a lot of 18–24 year olds dealing drugs and using drugs in the parking lot. The mall had also become a haven for shoplifting and vandalism.

Marcia contacted the municipal authorities and pledged \$100,000 for the purpose of returning Munchies and Merchandise to the family-friendly establishment that it had been 20 years ago.

The city council will vote next week to determine which ‘crime prevention’ approach should be implemented to clean up the mall. You are a member of the city council.

Use the chart below to help fully consider various approaches to crime prevention. Pay special attention to the benefits and drawbacks of each approach. Ask yourself which approach aligns more closely with the perspective of the Rabbis of Eretz Yisrael and which approach aligns more closely with the perspective of the Rabbis of Bavel. Which one of the approaches would you vote for?



MAHLOKET MATTERS

HOW TO DISAGREE CONSTRUCTIVELY

Models of Crime Prevention (CP)– 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 (What do you think?)			

Thank you for participating! Please share your feedback at www.pardes.org.il/MM9Adar-feedback.

MAHLOKET MATTERS

HOW TO DISAGREE CONSTRUCTIVELY



Mahloket L'Shem Shamayim

In Jewish tradition, constructive conflict is known as *mahloket l'shem shamayim* (disagreements for the sake of Heaven). It includes:

- arguing the issues while respecting and maintaining good relationships with the other side,
- making sure that one's personal motivation is to come to the best solution and not just to 'win,'
- at times admitting to being wrong,
- acknowledging that sometimes both sides might be right.

See <http://elmad.pardes.org/g-dcast> to learn more.

Mahloket Matters: How to Disagree Constructively

Utilizing Jewish texts and wisdom, *Mahloket Matters: How to Disagree Constructively* seeks to increase people's motivation and ability to understand and engage more constructively with opinions that differ from their own, thereby contributing to improved personal relationships as well as civil discourse. See <http://www.pardes.org.il/MM>.

9Adar: Jewish Week of Constructive Conflict

The 9Adar Project: Jewish Week of Constructive Conflict seeks to cultivate a culture of constructive conflict across personal, political, religious and other divides. The 9th of the Hebrew month of Adar marks the day that approximately two-thousand years ago healthy disagreements "for the sake of Heaven" turned destructive. It serves as a powerful reminder of what can happen when these values and skills are neglected.

The 9Adar Project was created in 2013 by Rabbi Dr. Daniel Roth, founder of the *Pardes Center for Judaism and Conflict Resolution*, and since then hundreds of schools, campuses, synagogues, Jewish organizations, and conflict resolution organizations have participated. See <https://www.9adar.org/> for more information and resources.

The Pardes Institute of Jewish Studies

The Pardes Institute of Jewish Studies is an open, inclusive, diverse and intellectually challenging Jewish learning community based in Jerusalem with programs worldwide. Students of all ages encounter and grapple with classic texts and traditions of Judaism, while exploring their relevance to today's most pressing issues. Pardes offers year, semester, short-term, and drop-in learning experiences in Jerusalem as well as events throughout the world and on-line. Learn more at: <http://pardes.org.il/programs>.

