

How is the calf's neck broken, and why?

Adapted by Chaim Miller; From the teachings of the Lubavitcher Rebbe

The elders of that city should bring the calf down to a rock-hard valley, which was never tilled or sown, and there in the valley, they should break the [back of the] calf's neck.

Devarim 21:4

Classic Questions

How is the calf's neck broken, and why? (v. 4)

Rashi: He breaks its neck with a hatchet. G-d says: "A calf which is in its first year, which has not yielded any fruit, should come and be decapitated in a place that does not yield fruit, to atone for the murder of this man, whom they did not allow to yield fruit."

Rambam: The city that is nearest to the victim brings the calf, and in most cases the murderer comes from that place... Generally speaking, the investigation, the procession of the elders, and the measuring and the taking of the calf become the subject of much talk, and by making the event public, the murderer might be discovered... Furthermore, since the place where the neck of the calf is broken may never be cultivated or sown, the owner of the land will not cease in his investigations until he identifies the murderer, in order that the calf not be killed and his land not become forbidden to him forever (Guide for the Perplexed 3:40).

Ramban: This mitzvah, together with the scapegoat of Yom Kippur and the Red Heifer, are supra-rational decrees of scripture.

Where is the calf's neck broken? (v. 4)

Rashi: In a hard valley (*nachal eisan*) that was never tilled.

Rambam: *Nachal eisan* means a river that flows strongly (ibid. 2).

The Rebbe's Teachings

The Decapitated Calf (21:1-9)

Rashi's commentary was written exclusively to explain the literal meaning of scripture, as Rashi himself declared, "I am coming only to explain the literal meaning of scripture" (Rashi on Bereishis 3:8). It is not Rashi's declared intention to explain the reasons behind all the mitzvos and how these themes take expression in the various procedures which any given mitzvah entails.

Why then did Rashi elaborate upon the reasons for the mitzvah of breaking a calf's neck?

A further peculiarity in Rashi's comment is his use of the unusual expression, "G-d says": Why did Rashi need to stress here that the rationale for breaking a calf's neck was said by G-d? Surely, here is not the place to emphasize the basic tenet that the mitzvos were given directly by G-d?

The Explanation

Verse 8 states that the purpose of breaking the calf's neck is to "atone for Your people Israel, whom You have redeemed, O G-d!" In all cases up to this point, when the Torah has required an animal's life to be sacrificed in order to achieve atonement, there has always been a requirement for the animal to be offered:

1. By a priest.
2. In the Holy Temple¹
3. Via the specialized procedure of ritual slaughter and sprinkling the animal's blood on the altar, etc.

So when Rashi read that a calf's life is sacrificed in order to atone for an unsolved murder, *outside* the Temple by a *non-priest breaking its neck*, Rashi was troubled: Surely this runs contrary to the procedure followed by all animal sacrifices that secure atonement?

Rashi came to the conclusion that the Torah is introducing us here to a totally unprecedented form of animal sacrifice. Therefore he begins, "G-d says...", as if to say that in this passage we are hearing something new from the Almighty which we have not heard before.

Three Types of Atonement

In order to appreciate Rashi's assertion here—that the novel procedure of this mitzvah indicates a totally different type of atonement—we first need to examine some of the explanations given for breaking a calf's neck:

Rambam writes that the unusual procedure of the delegation of elders serves to publicize the unsolved murder, thereby assisting the process of discovering the perpetrator of the crime.

According to Ramban, there is simply no reason for this mitzvah. It is a supra-rational decree of scripture.²

Rashi, however, does offer a logical explanation: "A calf which is in its first year, which has not yielded any fruit, should come and be decapitated in a place that does not yield fruit, to atone for the murder of this man, whom they did not allow to yield fruit."

It could be argued that the underlying basis for the differing opinions of Rambam and Ramban revolves around the question of which element of the murder is atoned for by breaking the calf's neck—the *agent*, the *act*, or the *effect* of the sin:

Rambam maintains that the mitzvah atones for the *agents* of the sin, in this case the people of the nearest city, who became associated with this crime. Consequently, Rambam emphasizes that the matter becomes publicized through the involvement of the city's elders, who do everything within their power to help find the perpetrator of the crime, and this atones for the apparent connection between the city and the crime.

Ramban, however, understands that this mitzvah atones for the *act* of murder itself, like an animal sacrifice which atones for a sinful act. Consequently, Ramban perceives the mitzvah of breaking a calf's neck as being in the same category as the scapegoat of Yom Kippur, which defies logic.

Rashi takes the third approach, that this mitzvah atones for the *effect* of the sin, i.e., the fact that the premature death of the victim has prevented him from "yielding fruit." Therefore: "A calf which is in its first year, which has not yielded any fruit, should come and be decapitated in a place that does not yield fruit."

Consequently, "G-d says": this is a totally unprecedented type of sacrifice, since all other animal sacrifices atone for the *agent* or *act* of a sin, whereas this one atones for its *effect*.

Practical Ramifications

The above distinction between the opinions of Rashi, Rambam and Ramban has the following practical ramifications:

1. Measuring the distance from the corpse.

According to Rashi the requirement to measure the distance from the corpse to its surrounding cities is purely a practical one, in order to ascertain which city is the closest. Therefore, in a case where it is obvious which city was the closest, no measuring would be required.

Rambam, however, maintains that the requirement of measuring is a Biblical requirement which cannot be dispensed with.

Again, this appears to be a reflection of the underlying difference between the views of Rambam and Rashi, whether this mitzvah serves primarily to atone for the agent of the crime or its effect:

According to Rambam, the mitzvah atones primarily for the agent of the crime (the people of the nearest city), by publicizing the crime to the greatest extent possible. Therefore, since the measuring of the corpse would add to this publicity, it cannot be dispensed with.

(Similarly, we would presume that according to Ramban, who perceives the mitzvah to be a supra-rational decree of scripture, none of its details could be dispensed with).

However, according to Rashi, the key emphasis here is the atonement of the loss of life suffered by the victim (an effect). Consequently, the measuring is not a crucial component of the atonement, and could be dispensed with if there was no logical need for it.

2. The location of the mitzvah.

According to Rambam, the calf's neck is to be broken in a fertile valley that contains a river, whereas Rashi maintains that the location should be a hard, non-fertile valley that was never tilled.

At first glance, Rambam and Rashi are merely arguing over the translation of a scriptural term (*nachal eisan*). However, based on the above explanation, it appears that their respective interpretations reflect their overall understanding of the atonement achieved via this mitzvah:

Rambam maintains that the main emphasis here was the atonement of the local city, which was achieved by doing everything possible to find the murderer. Rambam adds that these attempts were further enhanced by the efforts of the owner of the land where the mitzvah takes place, who would be most eager to identify the murderer so that the calf's neck would not be broken and his land would not be outlawed. Consequently, Rambam understands that the breaking of the neck took place on extremely fertile land, which explains why the owner would be so eager to ensure that his land not become prohibited.

But Rashi, who stresses the negative theme of this mitzvah ("A calf... which has not yielded any fruit, should come and be decapitated... to atone for the murder of this man, whom they did not allow to yield fruit") likewise stresses the negative connotation of the location: "a place that does not yield fruit." And this new concept (of offering a sacrifice in an inferior location, in contrast to all other sacrifices which were offered in the choicest of locations), was yet a

further expression of Rashi's innovative stance here, that this mitzvah provided a new method of atonement for the Jewish people.

(Based on Likutei Sichos vol. 24, p. 121ff.)

FOOTNOTES

1. An exception to this rule appears to be the scapegoat of Yom Kippur whose life is sacrificed by casting it off a mountain in the desert (see [Vayikra 16:21](#)). However, it could be argued that in this case atonement is actually achieved in the Temple itself when the High Priest places all the sins of the Jewish people upon it (ibid. 10) and recites the confession (ibid. v. 21), and the scapegoat is only cast into the desert to dispose of the sins which it is carrying. The Red Heifer, which is sacrificed outside the Jewish Camp ([Bamidbar 19:3](#)), is of course not brought for purposes of atonement at the literal level, but rather, to ritually purify a person so that he may enter the Temple (although according to the Midrashic interpretation of R' Moshe Hadarshan—cited by Rashi in his commentary on Vayikra ibid. 22—the Red Heifer does atone).
2. This is also the view expressed by Rambam in his Mishneh Torah (end of Laws of Misappropriation). The above cited explanation of Rambam is found in his Guide for the Perplexed (3:40).

Adapted by Chaim Miller; From the teachings of the Lubavitcher Rebbe

Based on the teachings of the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson of righteous memory; adapted by Chaim Miller.

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The Chumash incorporates a flowing English translation of the Torah which is loyal to the commentary of Rashi and includes 'Classic questions' that are drawn from a range of commentators and are then ingeniously brought together by the teachings of the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, of righteous memory.

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