



SERMON MISHPATIM:¹
THE GREAT CHICKEN TRIAL OF JERUSALEM

Student Rabbi Gabriel Kanter-Webber, Saturday 22 February 2020
South Hampshire Reform Jewish Community

- 1 Chaninah and Channah² returned to their courtyard at about the same time; she had made a quick trip to the marketplace and he had been finishing another day's blacksmithing in his workshop. Their little baby Joshua had been unattended, but he'd been asleep in his crib, so what could possibly go wrong? Their neighbour, with whom they shared the courtyard, had left their chicken and gone out somewhere, but it was a chicken, so what could possibly go wrong?
- 2 From the bloodbath that greeted them on their return home, it seemed that a lot could go wrong. The chicken – whether out of hunger or malignity – had decided to explore baby Joshua's head. These explorations had revealed a soft patch, and the chicken decided to probe this soft patch with its beak.
- 3 Chaninah and Channah were too late to save baby Joshua. But they weren't too late to find the culprit. The chicken had not fled the scene of the crime, but was strutting about quite calmly (albeit bloodily) in the courtyard.
- 4 Channah had gone into shock and collapsed, shaking, to the ground, staring anywhere but at the gory crib. But Chaninah lost his senses far more. He was filled with anger by the sight of the killer chicken before him. Anger like he'd never known before. Roughly, he grabbed the chicken, threw it into its coop and shut the hatch. Then, he cast his gaze around the courtyard, looking for stones. He grabbed himself a small pile, stood in front of the coop, and took aim.



This story appears (somewhat more laconically) in the Jerusalem Talmud,³ during a discussion about the law of the goring ox, which we read from the Torah this morning. Understandably, the rabbis extended these rules from homicidal oxen to any animals that cause the death of a human. More bizarrely, though, they required that, before stoning a dangerous animal to death, it be put on trial, before 23 judges, in exactly the same way that a human charged with a capital offence would be tried. The mantra was, “Like the death of the owner, like the death of the ox.” There is no record of an ox trial ever taking place, but we do have this one story about a chicken trial.

Why were the rabbis so insistent that murderous animals not be stoned to death without a fair trial? There are a few possible reasons. To illustrate them, let us return to the story of Chaninah and Channah. Chaninah, you will recall, had just picked up a pile of stones and was preparing to enact vengeance on the killer chicken.

What happened next?

5 “Stop!”

6 Rabbi Yehudah ben-Bava had been passing the courtyard when he saw a man lifting up a stone, preparing to launch it at a chicken imprisoned in its coop. This cannot have been right. There are a number of different ways in which a chicken might be killed: sacrifice by a priest, slaughter by a shochet... A man in a courtyard chucking stones while his wife lay prostrate next to him – that is something that should not, in any circumstances, be happening.

7 Yehudah did tend to meddle in affairs that were none of his business, and he could not let this slide. So he hurried into the courtyard, and, in the nick of time, called out, “Stop!”



- 8 Ten minutes later, he was sitting at the table with Chaninah and Channah. He'd covered the crib with a sheet and found some strong mead to revive Channah. Chaninah was still shaking with rage, but was now mainly angry with Yehudah – for stopping the stoning – rather than with the chicken.
- 9 “It’s vermin!” he hissed at the visitor. “You should have let me kill it.”
- 10 “The Torah says otherwise,” replied Yehudah.
- 11 “The Torah says that if an animal kills a person, it gets stoned to death,” retorted Chaninah.
- 12 “The Torah says that if an animal kills a person, it gets stoned to death in a like manner to its owner,” corrected Yehudah. “When we catch a murderer, we don’t just stone them on the spot. There has to be a trial.”
- 13 “When we catch a murderer,” snapped Chaninah, “there is always a risk of mistaken identity. If we find them standing over the bloodied corpse of their victim, a trial is a mere indulgence.”
- 14 Yehudah sighed. “That’s why we need a trial. Victims of violence deserve every sympathy, but they can’t be allowed to dictate what happens next. You react instinctively. You think that a trial is a mere indulgence, when it’s your family that has suffered a loss; but your neighbour is not a rich man, and the loss of this chicken would hurt him badly. Does he not have a right to insist that the case is decided by someone with a little more distance? Someone who isn’t reacting in instinctive fury to an injury that still stings?”
- 15 “You would compare...” Chaninah was beginning to shake again. “You would compare the death of an innocent child, our only son, to the loss of a mere chicken? You think that that man’s right to sell eggs is more important than our right to raise an heir? Than little Joshua’s right to be alive right now?”



- 16 “I don’t think that.”
- 17 “Good.”
- 18 “God does.”
- 19 “Pardon?”
- 20 “God thinks that animals’ lives are just as worthy of protection as humans’ lives. Remember the ending of the Book of Jonah? Not only for the Ninevites’ lives was Nineveh spared, but also for the cattle.”⁴
- 21 “Well...” began Chaninah.
- 22 “And in any event, society has to have laws. We have to avoid mob rule. Otherwise, anyone with a pile of stones could just pick them up and start killing their neighbour’s flock – or, indeed, their neighbour. We can’t leave it to individual people to decide who should live and who should die. That would be to elevate man above God.”
- 23 “Well...” began Chaninah.
- 24 “And anyway,” Yehudah put his cup of mead, now empty, down on the table, with an air of finality, “anyway, is this really how you want to remember your child? The sight of him covered in blood was traumatic. Does the incident need any more blood in your memory?”

Check against delivery.

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¹ Exodus 21:28-36



² The story and all names, characters and incidents portrayed in this sermon are fictitious. No identification with actual persons (living or violently deceased) is intended or should be inferred.

³ See yEruvin 10:1, 26a

⁴ Jonah 4:11