**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**PARASHAT HASHAVUA**

**Rav Yishai Jeselsohn**

**PARASHAT NITZAVIM**

**All of Israel are Responsible for Each Other**

**I. One who has already recited a blessing for himself can recite it again on behalf of others**

The well-known dictum that *kol Yisrael areivin zeh ba-zeh*, "all of Israel are responsible for each other," serves as Rashi's explanation of a very special law that we find in several places in the Talmud. The Gemara in *Rosh Hashana* says:

Ahava the son of Rabbi Zeira taught: With regard to any of the blessings, even if one has already fulfilled his own obligation, he can [recite the blessing again to] fulfill the obligation on behalf of others – except for the blessing over bread and the blessing over wine, which, if he has *not* yet fulfilled his own obligation, he may fulfill on behalf of others [with his recitation], but if he *has* already fulfilled for himself, he cannot [recite them again to] fulfill on behalf of others. (*Rosh Hashana* 29a)

The Gemara teaches us herethat one can recite any blessing on behalf of another person, even if he already recited it on his own behalf, *except* for the "blessings of enjoyment" that are recited over foods, such as wine or bread. Rashi addresses the question of how is it that one can recite a blessing on behalf of another person when he himself does not share the obligation to recite that blessing.[[1]](#footnote-1) He answers as follows:

For all of Israel are responsible for each other with respect to the *mitzvot.* (Rashi, ad loc., s.v. *af al pi*)

Rashi's words seem quite novel! Apparently, the *mitzvot* – even those that apply to each and every person – do not belong exclusively to the individual. All members of *Bnei Yisrael* are responsible for the observance of the *mitzvot* of the entire nation. This mutual responsibility is known as *areivut*.

**II. The foundation of the law**

The source of the law of mutual responsibility does not appear explicitly in the Gemara, but it is mentioned in passing in tractate *Sota*, where the *Tannaim* disagree about the number of covenants that were made between the people of Israel and God:

Rabbi Akiva says: Both general and particular laws were proclaimed at Sinai, repeated in the Tent of Meeting, and for the third time in the plains of Moav. Consequently, there is not a single precept written in the Torah in connection with which forty-eight covenants were not made. Rabbi Shimon ben Yehuda of Kefar Akko said in the name of Rabbi Shimon: There is not a single precept written in the Torah in connection with which forty-eight times six hundred and three thousand, five hundred and fifty covenants were not made. (*Sota* 37b)

Rabbi Shimon ben Yehuda explains that the forty-eight covenants were made with each member of Israel for all of Israel, and thus, there are as many covenants as there are members of Israel. The Gemara there even refers to the making of these covenants with the term "*areivut*" that we mentioned above, when it bring another opinion:

Rabbi [Yehuda Ha-Nasi] said: According to the reasoning of Rabbi Shimon ben Yehuda of Kefar Akko, who said in the name of Rabbi Shimon that there is not a single precept written in the Torah in connection with which forty-eight times six hundred and three thousand, five hundred and fifty covenants were not made, it follows that for each Israelite there are six hundred and three thousand, five hundred and fifty covenants. What is the difference between them? Rabbi Mesharsheya said: The point between them is that of a guarantor (*arva*) and a guarantor for a guarantor. (Ibid.)

According to Rabbi Yehuda Ha-Nasi, the position of Rabbi Shimon ben Rabbi Yehuda from Kefar Akko is that a covenant of *"areivut*" was also made with every member of Israel: apart from the responsibility for the observance of the *mitzvot* of all of Israel, every member of Israel is responsible that every other member be responsible for the observance of the *mitzvot* of all of Israel. Thus, the number of covenants must be multiplied by the number of the members of Israel.

The *Or Ha-Chaim* discusses the law of *areivut* in comments addressing the transition from *Parashat Ki Tavo* to *Parashat Nitzavim*, anddraws a wonderful connection between this law and the plain meaning of the verses.

*Parashat Ki-Tavo* describes the covenant of the blessings and the curses, concluding as follows:

**These are the words of the covenant** which the Lord commanded Moshe to make with the children of Israel in the land of Moav, besides the covenant which He made with them in Chorev. (*Devarim* 28:69)

This verse leaves us with the unequivocal impression that we have reached the end of the assembly of the covenant. But just a few verses later, at the beginning of *Parashat Nitzavim*, we seem to encounter the beginning of an additional covenant:

You are standing this day all of you before the Lord your God: your heads, your tribes, your elders, and your officers, every man of Israel, your little ones, your wives, and your stranger that is in the midst of your camp, from the hewer of your wood to the drawer of your water; **for you to enter into the covenant of the Lord your God** – and into His oath – which the Lord your God makes with you this day. (*Devarim* 29:9-11)

Why is the covenant entered into in the plains of Moav mentioned twice?

The *Or Ha-Chaim* explains that indeed, there are two covenants here. The covenant in *Parashat Ki Tavo* deals with each and every individual and the covenant between him and God, whereas the covenant in *Parashat Nitzavim* deals with the covenant of Israel as a people, as a single unit – the covenant of *areivut*:

It appears that Moshe’s intention with this covenant was to enter them into responsibility [*areivut*] for one another, so that each one would make an effort on behalf of his fellow to see to it that his fellow Jew does not transgress the word of God…. The proof is what he concludes (in verse 28 of our chapter), “the hidden things [*nistarot*] are for the Lord our God, and the revealed things [*niglot*] are for us…”] – behold, Scripture is speaking of *areivut* [i.e., informing the people that they are responsible for the public deeds of their fellows].This is not the covenant described at the end of *Parashat Ki Tavo*, for that covenant was about themselves, while this one obligates each Jew for the conduct of another, according to each person’s ability. (*Or Ha-Chaim*, *Devarim* 29:9)

Several proofs can be found in the verses for this idea of a double covenant and its various implications:

1. Transition to the plural: Whereas the blessings and the curses in *Parashat Ki-Tavo* are formulated in the singular, *Parashat Nitzavim* contains an interesting duality. The Torah opens the *parasha* in the plural: "**You** [*atem*,in the plural] are standing this day **all of you** before the Lord your God: your heads, your tribes, your elders, and your officers," but it continues in the singular: "for **you** [singular] to enter into the covenant of the Lord your God – and into His oath – which the Lord your God makes **with you** [singular] this day." According to the *Or Ha-Chaim*, the matter is clear: whereas in *Parashat Ki Tavo* the appeal is to each and every individual, in *Parashat Nitzavim* the covenant is made with each individual, but precisely in terms of being a part of the whole. Hence, the transition from plural to singular is clear and even to be expected.
2. Mutual responsibility only for the *niglot* – the public sins: Our chapter ends with the verse: “the hidden things [*nistarot*] are for the Lord our God, and the revealed things [*niglot*] are for us and our children forever" (*Devarim* 29:28). The *Or Ha-Chaim* explains that this verse relates to mutual responsibility: One cannot serve as a guarantor for matters that lie hidden in a person's heart, and therefore they belong to God; but for publicly committed sins, we and our children will be punished.
3. Everyone is punished: After the introduction to the assembly of the covenant (which ends with verse 14), the Torah describes a situation in which some of the people decide to stray from the straight path and worship idols: "Lest there be among you a man or woman, or family, or tribe, whose heart turns away this day from the Lord our God, to go to serve the gods of those nations; lest there should be among you a root that bears gall and wormwood" (*Devarim* 29:17). The section goes on to describe the punishment of that tribe or family, but from verse 21 and on, the plot shifts:

And the generation to come, your children that shall rise up after you, and the foreigner that shall come from a far land, shall say, when they see the plagues of **that land**, and the sicknesses with which the Lord has made it sick; and that **the whole land** **thereof** is brimstone, and salt, and a burning…. And all the nations shall say: Why has the Lord done thus **to this land**? What is this great anger? And they will say: Because they forsook the covenant of the Lord, the God of their fathers, which He made with them when He brought them forth out of the land of Egypt, and they went and served other gods…. Therefore the anger of the Lord was kindled **against this land**, to bring upon it all the curse that is written in this book; and the Lord rooted them **out of their land** in anger, and in wrath, and in great indignation, and cast them into another land, as it is this day. (*Devarim* 29:21-27).

These verses describe the exile and the sin of *all* of the inhabitants of the land. We can understand this clearly according to the *Or Ha-Chaim's* explanation that the main purpose of this section is to teach us the law of mutual responsibility: indeed, if one person sins, the entire land is punished for it, because its inhabitants failed in their guarantee.

**III. Because they didn't protest**

The Gemara in tractate *Shabbat* deals with another implication arising from the law of *areivut*, which we have just shown underlies the plain meaning of the verses in *Parashat Nitzavim*:

Rav and Rabbi Chanina and Rabbi Yochanan and Rav Chaviva taught [the below] (in the whole of *Seder Mo'ed*, whenever this pair occurs, some substitute Rabbi Yonatan for Rabbi Yochanan): Whoever can protest against the people of his household [sinning] but does not – he is apprehended for [the sins of] his household; [if he can protest against the sins of] the people of his city, he is apprehended for [the sins of] the people of his city; if the whole world, he is apprehended for [the sins of] the whole world. (*Shabbat* 54b)

The Gemara states that if someone has the power to protest and prevent a sin from being committed by the members of his household, but fails to do so, he too is punished for that sin. The Gemara there is speaking about rank: the more influential a person is, the more he is subject to punishment. The *Or Ha-Chaim* shows that this law as well is learned from our verses:

[Moshe] said "all of you," meaning that this burden [of mutual responsibility] applied to one and all, according to who [each one] is, in the manner of what they taught in *Shabbat* (54b) that anyone who is in a position to protest against [a sin being committed by] any fellow Jew will be apprehended for all, and anyone who could protest [against a sin by] the people of his city will be apprehended for the people of his city, and anyone who could protest against the people of his household…. That is what Scripture details here, "Your heads," etc. – that each is held responsible in accordance with the power he has. “Your heads” – they are the highest placed of them, who have the ability to protest against [the sins of] all of Israel; they share in the responsibility of the conduct of the whole nation. "Your tribes" – [those of] each tribe are responsible for their tribe; "your elders and your officers" – each elder is responsible for his family. "Every man of Israel" – they are the masses; each is responsible for the members of their households. (*Or Ha-Chaim*, ibid.)

However, this law calls for further study: Why is this the law? After all, that person did not sin! It is true that he failed to prevent others from sinning – but should he be punished for that?

**IV. Failure to prevent a sin – like committing the sin**

On the face of it, we might have suggested that one who could have prevented an offense, but did not do so, is considered as having committed the offense himself because were it not for his silence, the offense would never have been committed. We find such an understanding in the law of *lifnei iver* – literally, a prohibition against putting a stumbling block before a blind person, but understood to prohibit facilitating another person’s sinful act. The *Acharonim* ask whether a person who gives a glass of wine to a nazirite is regarded as having transgressed the prohibition of a nazirite to consume grape products, or whether there is an independent prohibition here of causing a blind person to stumble (see *Kovetz He'arot* 48, 9 and elsewhere). Our case, however, involves an even greater novelty. In the case of *lifnei iver*, the person who placed the stumbling block performed an action: he placed the stumbling block before the blind person, and therefore he can be seen as responsible for the sin. The understanding that we are proposing here is more far-reaching, for it one who failed to prevent a sin, by doing nothing, as a direct partner in its commission.

According to this understanding, the connection between the placement of the stumbling block and the law of *areivut* is marginal, for it is not mutual responsibility that makes the person liable, but the very placement of the stumbling block. According to this understanding, we can see the law of mutual responsibility as a matter of practicing kindness, based on the law of loving one's neighbor as oneself, and nothing more.

**V. The sinking ship**

But this understanding, which restricts the law of *areivut* to a practice of kindness and loving one's neighbor, does not accord with the law with which we opened this *shiur*: If indeed mutual responsibility is only a matter of helping one's neighbor, how can one recite a blessing to fulfill another person’s obligation when he himself is not obligated to recite it? In addition, why is a special covenant needed for this? After all, the mitzvaof loving one's neighbor as oneself (*Vayikra* 19:17) was already stated, and the law of mutual responsibility could have been learned from it!

Moreover, the law of loving one's neighbor as oneself existed since the people of Israel were commanded about it. But the Gemara in tractate *Sanhedrin* discusses a question: At what point did the law of mutual responsibility come into effect?

And why were they [the Israelites] not punished until this occasion? Rabbi Yochanan said in the name of Rabbi Elazar son of Rabbi Shimon: Because [God] did not punish for secret transgressions until the Israelites had crossed the Jordan. This point is disputed by *Tannaim*: "The hidden things are for the Lord our God, and the revealed things are for us and our children forever" (*Devarim* 29:28). Why are the words *lanu u-levaneinu* [for us and our children], and the *ayin* of the word *ad* [forever], dotted? To teach that God did not punish for transgressions committed in secret, until the Israelites had crossed the Jordan; this is the view of Rabbi Yehuda. Rabbi Nechemya said to him: Did God *ever* punish [all Israel] for crimes committed in secret; does not Scripture say "forever"? Rather, just as God did not punish [all Israel] for secret transgressions [at any time], so too He did not punish them [collectively] for open transgressions until they had crossed the Jordan. (*Sanhedrin* 43b)

If indeed we are dealing with an application of the law of loving one's neighbor as oneself, it is difficult to understand why it only began to apply after Israel crossed the Jordan.

However, it seems possible to explain the late applicability of the law of mutual responsibility based on another Talmudic passage, regarding a sin-offering brought for an inadvertent sin by the community:

Rav Asi said: In [the case of an erroneous] ruling [of a court], the majority of the inhabitants of the Land of Israel are to be taken into account, for it is stated: "So Shlomo held the celebration at that time, and all Israel with him, a great congregation, from the entrance of Chamat to the Brook of Egypt, before the Lord our God, seven days and seven days, [a total of] fourteen days" (I *Melakhim* 8:65). Since it is written: "and all Israel with him, a great congregation," what need was there for "from the entrance of Chamat to the Brook of Egypt"? From this it may be inferred that only these are included in the "congregation" but those are not. (*Horayot* 3a)

The Gemara learns from King Shlomo that the way to define the "community," and to assess whether they must bring the sin-offering for an inadvertent sin of the community, is to see whether they are residents of the land of Israel. According to this, it seems that the law of *areivut* also only applies when Israel is considered a nation and a congregation, that is to say, when the people transform from a collection of individuals to a single unit. Thus, we need to move towards a more basic understanding of the law of mutual responsibility.

*Bereishit Rabba* uses a familiar image to describe in a very sharp and precise manner the foundation of the law of *areivut*:

This teaches that all of Israel are responsible for each other. They may be likened to a boat in which a compartment was damaged. We do not say a compartment in the boat was damaged, but rather the entire boat was damaged. As it is stated: "Israel has sinned" (*Yehoshua* 7:11). (*Bereishit Rabba*, *Parashat Vayeshev*, 15)

When there is a small hole in a boat, the whole boat sinks. If the hole is not repaired, it will be a problem not only for the person in the compartment with the hole, but for all of the boat’s occupants.

This must be our attitude toward the people of Israel as well. The people of Israel depend upon each other, and as a result, it is indeed possible to perform a mitzvaon behalf of another person – because in fact I am also obligated in that mitzva;I too am part of the boat. It is possible to recite a blessing for another person even if one is not obligated to recite that blessing, because in the end, the obligation to worry about the integrity of the boat applies to each and every person aboard. We can also now understand the Gemara in *Shabbat*:a person is liable if he failed to prevent another person from sinning, because a hole in the boat causes the whole boat to sink.

**VI. Confession**

The Ben IshChaiasks a strong question that arises every year with the High Holidays. We are accustomed to read the confessional formula of Yom Kippur as a matter of routine, despite the fact that we never committed many of the transgressions spelled out there, and certainly not in the past year! Why do we not emend the text and remove the offenses that we did not commit? The Ben Ish Chaisuggests:

It is written in *Chesed la-Alafim*: One should recite the entire confessional formula even if none of the things mentioned in the confession apply to him, because all of Israel are one body and everyone is responsible for one another, and especially if it was in his power to protest against the commission of a sin, but he failed to do so, as that sin is attributed to him. (Ben Ish Chai, *Ki Tisa*, year 1, no. 1)

The Ben Ish Chaiuses the parable of a body (which is somewhat similar to that of a boat) – if the hand has sinned, the foot as well must confess.

**VII. Conclusion**

We learned from the verses in our *parasha* the deeper meaning of the law of *areivut*, and touched upon its halakhic implications. Apart from those practical implications, this law must, of course, impact upon our everyday lives – on the responsibility that we must feel for every Jew in the world – so we will understand that we are together with the rest of Israel on the same boat, sharing the covenant of destiny, and that we are also part of the same body, sharing the covenant of fate, and that we must take care that no part of our body should suffer injury.

(Translated by David Strauss; edited by Sarah Rudolph)

1. It should be noted that there is also a similar law, known as *shomei'a ke-oneh*, "one who hears is considered as if he responded [i.e., recited]," which allows a person to fulfill his obligation by hearing a blessing recited by another person. But there is a distinction between the two: in the case of "*shomei'a ke-oneh*," the person reciting the blessing is also fulfilling his own obligation with that recitation, while in our case, even if the person reciting the blessing is not obligated in the blessing, he can still recite the blessing on behalf of another person. [↑](#footnote-ref-1)