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## COLLECTIVE RESPONSIBILITY

### INTRODUCTION

The relationship of the individual person to the various human groups of which he is a member—his community, his nation, mankind as a whole—is a topic of perennial concern in virtually all philosophic and religious systems. Typical are questions such as:

What responsibilities does the individual have to his community and nation? What are his inalienable rights which may override his obligations to others? And, pushing deeper, which is the more fundamental unit—the individual or the group? Is the group merely the sum of its individual members? Shall it always be viewed as an essentially voluntary association whose significance lies in its impact on its individual members, and whose value is to be explained solely in those terms? Or are there at least some human groups whose essence and significance transcend that of their members? And even more radically: Are there perhaps certain aspects of the essential nature of the individual which cannot be explained or defined without reference to his membership in a certain group?

We may distinguish two broad attitudes that have been adopted towards this problem. I shall label them "Individualism" and "Collectivism." Individualism is atomistic in its approach to groups. The characteristics of groups, in order to be understood and justified, must be reduced to characteristics of their members and relations among them. The value of a group, which is conceived not as an independent entity but merely as a particular complex of interactions among individuals, lies completely in the value which membership in the group confers upon individuals. Collectivism, by contrast, holds that the nature of at

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least some groups is not exhausted by the description of the interactions among their members, and that such groups may have a significance and value which transcends their impact upon their members. Some collectivists, e.g., Aristotle, hold that the nature of the individual cannot be completely defined without reference to certain groups of which he is a member.

What is the point of view of the Torah on this question? In particular, how does the Torah view the relationship between the individual Jew and *Klal Yisrael*? My thesis is that the Torah stands squarely on the side of Collectivism: *Klal Yisrael* is the fundamental unit, and the individual Jew gains the essential significance of his existence only through his membership in the Jewish nation. To argue for this thesis in full generality is beyond the scope of my powers; I shall therefore confine my attention of the following two more limited propositions:

- A. The sole responsibility of the individual Jew is to raise the spiritual level of *Klal Yisrael*;
- B. The responsibility which the individual has to God is derived from the responsibility which *Klal Yisrael* has to God.

Basically, my argument for Propositions A and B runs as follows. The *taryag mitzvot* should be conceived not as commands addressed to each individual, but rather as 613 aspects of a command addressed to *Klal Yisrael* as a whole. A Jew's responsibility is to enable *Klal Yisrael* to live up to this command. Whether individual *mitzvot* are performed by him, or whether he sees to it that others perform them, is irrelevant. His goal is to get as much "*mitzvah* output" as possible from *Klal Yisrael* as a whole. Secondly, the covenant which binds the Jew to God is a covenant between God and the Jewish nation as a whole. Since it is this covenant which is at least the proximate ground of the Jew's responsibility to God, we can conclude that fundamentally it is the Jewish people as a whole which is responsible to God. The individual Jew becomes responsible to

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God only through his membership in the Jewish nation.\*

### I

A Jew's responsibility to the spiritual welfare of fellow Jews is articulated in the principle "*kol Yisrael arevim ze b'ze*": Jews are guarantors for one another. What precisely does this mean? It can be interpreted in two ways. We may say that *in addition* to my 613 *mitzvot*, I have the responsibility to help others perform their *mitzvot*. Or we may say that *included in* my responsibility to perform each of the *mitzvot* there is the responsibility to see that others do likewise. For example, my *mitzvah* of *kiddush* includes both my recital of *kiddush*, and my efforts to help others to perform this *mitzvah*. In other words, the second interpretation makes the principle an aspect of the responsibility which goes with each *mitzvah*, rather than a 614th directive. Obviously, this interpretation is more in keeping with A; which is correct?

First, let us note the Talmud's source for this principle. It is from the verse<sup>1</sup> "each (person) shall stumble via his brother . . ." which the Talmud<sup>2</sup> takes as follows:

Each person shall stumble because of the sin of his brother, which teaches that they are all guarantors for one another.

Now this is a principle of *punishment*; it is not a statement of a command. Where then is the *command* which makes us respon-

\* A word concerning methodology. These propositions belong to the theological or so-called *aggadic* area of Jewish thought. Nevertheless, I am persuaded that only if theses such as these can be defended in terms of strict analysis of Halakhah can they be defended with finality at all. This is not the place to argue methodology. Suffice it to say that those who are more liberal than I in their use of *aggadic* sources cannot object if I require stricter standards of proof.

My method will be indirect. I will present a number of halakhot and try to analyze them both in conformity with A and in a more individualistic spirit. What I hope to show is that A is a better explanation of these halakhot than is the alternative position. This will provide a kind of inductive argument for A.

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sible for transgressions of others? It would appear that it is included in the command to each of us to keep the individual *mitzvot*.

Second, let us analyze the way in which this principle is used in connection with one person's ability to aid another in the performance of *mitzvot*. The principle of "*shomea k'oneh*" allows one person to fulfill his obligation to make certain recitals (e.g., *kiddush*, *tefilah*, *birkat hamazon*) by listening to the recital of others. The *Gemarah*<sup>3</sup> distinguishes between recitals which are obligatory in themselves, and the recital of those *berakhot* which are required to permit the enjoyment of food, drink and scent:

For all *berakhot*, even though one has already fulfilled his obligation, he may (make the *berakhah* again in order to) relieve another of his obligation, except for the *berakhah* for bread and the *berakhah* for wine . . .

Now the Rishonim feel a difficulty here. If, for example, I have already made *kiddush*, how can I repeat it for you? My repetition will be a pointless *berakhah* (*berakhah l'vatalah*), since it fulfills no *mitzvah*. Therefore I will be violating the prohibition against pointless *berakhot*, and you will not be able to fulfill your obligation by hearing such a *berakhah*. Now we might be tempted to answer this by saying that if you listen to my *berakhah* and via *shomea k'oneh* you fulfill your obligation of *kiddush*, then this is hardly a pointless *berakhah*. But the Rishonim do not employ this line of reasoning. Apparently, the *berakhah* must have a point *independent* from *shomea k'oneh* before it can be used for that purpose. And it seems clear that not just any independent function will do. For example, reciting the *berakhah* in order to teach it to children would not suffice. Rather, I must be obligated to *make kiddush* before you can fulfill your obligation by listening to my recital. It is at this point that they (cf. Rashi, Ran) cite the principle that Jews are guarantors for one another: since we are responsible for one another, I can make *kiddush* for you even though I have already made *kiddush* for myself. How does this follow? How does my being a guarantor for your *mitzvot* charge me with an obliga-

tion to make *kiddush* again for you? Since there are other ways for me to help you — I could write out the transliteration, or pronounce each word for you — how does my responsibility for your *mitzvot* license my repetition of the *berakhah*? If we understand the principle of *arvut* as extraneous to the rest of the *mitzvot*, this question is unanswerable. The mere fact that I have to help you do *mitzvot* does not in itself imply that I can make *kiddush* twice. But if we take the principle of *arvut* as an aspect of (in this case) the *mitzvah* of *kiddush* itself, then we may explain its application as follows. As long as you have not yet made *kiddush*, my responsibility of *kiddush* is not yet completely fulfilled; it is just as if I had not made *kiddush* for myself. (These are literally the words of the Ran.) In fact, when I make *kiddush* for you, I am doing literally that—I am *making kiddush again*: I have performed the *mitzvah* twice.

From the last two paragraphs we see that the individual's responsibility with respect to each *mitzvah* is essentially communal in scope. My obligation of *kiddush* is that *Klal Yisrael* should make *kiddush*! In order to clarify this further, I want to consider the *mitzvah* of *Talmud Torah* as a paradigm of communal responsibility.

## II

The popular conception of the *mitzvah* of *Talmud Torah* is that each individual (male) Jew should devote as much time and effort to study as possible. Indeed, the *Shulkhan Arukh*<sup>4</sup> seems to bear this out:

Every male Jew has the obligation of *Talmud Torah*; whether poor or rich, healthy or ill, young or old, even a beggar or the head of a large family, he must set times for *Talmud Torah* in the day and in the night, as the verse says: "And you shall meditate upon it day and night . . ."

By contrast, an entirely different picture emerges from the discussion of *Talmud Torah* in the Rambam. Here are the first three halakhot from the first chapter of *Hilkhhot Talmud Torah*:

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1. Women, slaves and minors are not obligated in *Talmud Torah*. However, a father is obligated to teach his minor son Torah, as it says "You shall teach your children to speak of them." A woman is not obligated to teach her son, since all [and only] those who are obligated to learn are obligated to teach.

2. Just as a man is obligated to teach his son, so is he obligated to teach his grandson, as it says "You shall make them known to your children and your grandchildren." And not only his children and grandchildren [are included]; rather, it is a *mitzvah* for every learned Jew to teach any pupil even though not his child, as it says "You shall repeat them to your children": from the oral tradition we learn that "your children" here refers to "your pupils," for pupils are called children, as it says "The children of the prophets went out." If so (i.e., there is a general responsibility to teach anyone who wants to learn), why then is he commanded concerning his son and his grandson? To make his son prior to his grandson and his grandson prior to the child of others.

3. And he (i.e., the father) is obligated to hire a teacher for his son to teach him. But his obligation to teach others applies only if this does not require expense. One who was not taught by his father must teach himself when he is able, as it says "You shall learn them and take care to do them."

What is remarkable here is that when beginning the laws of *Talmud Torah*, in the first two halakhot there is no reference to *learning*. On the contrary, apart from a parenthetical note at the end of the first halakhah, the entire discussion is devoted to a description of the responsibility of *teaching* Torah. And when learning is finally mentioned in the third halakhah, it is *defined in terms of teaching*: one who was not educated by his father is not told to learn, but rather to *teach himself*. From the Rambam it would appear that the root of *Talmud Torah* is to teach Torah, and that learning Torah is only the limiting case of teaching: teaching oneself. Thus the *mitzvah* lends itself to the collectivistic approach I have been advocating. The responsibility of *Talmud Torah* is to raise the level of knowledge of Torah in *Klal Yisrael*, and this is done by teaching as much as possible to as many Jews as possible. Of course, I am a Jew too, and by my own efforts to learn I raise the level of *Klal Yisrael* by raising my own level. But the significance of my action

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is in its contribution to the level of the *Klal*. This is borne out in a very literal fashion by the well-known halakhah:

If he (i.e., the father) wanted to learn Torah and he has a son (who needs) to learn Torah, he is prior to his son. But if his son has greater intellectual capacity to understand what he learns than does he (the father) his son is prior.<sup>5</sup>

Likewise, the *Shulkhan Arukh* holds that if one could not learn himself but supported others who learn, in the words of the Rama: "It will be accounted to him as if he had learned himself."<sup>6</sup> Thus we do not have here a limited *mitzvah* for the individual to learn, which would render support of others who learn a matter of *Tzedakah* perhaps, or a more general sense of supporting *mitzvot*. Rather, we have a generalized *mitzvah* of *Talmud Torah* which includes within it the support of others who learn as a fulfillment of the *mitzvah* itself. This shows that the definition of the *mitzvah* in social terms is correct; again we see that the scope of the obligation of a *mitzvah* is essentially communal and not individual.

Now let us see how far the analysis of *arvut* and *Talmud Torah* take us on the road to collectivism. We are trying to support proposition A which holds that the essential responsibility of each Jew is to raise the level of *Klal Yisrael*. From this point of view, there is a crucial limitation in the appeal to these two halakhot. The limitation is that we have only generalized the scope of those *mitzvot* which happen to apply to a given individual. What of the *mitzvot* which do not apply to him, but do apply to others? For example, if I am not a *Kohen*, do I have an obligation to *Kohanim* concerning the *mitzvot* which apply only to *Kohanim*? Proposition A would tell us yes, and our common sense understanding of *arvut* would agree. The latter applies as a principle of responsibility whenever one Jew can help another Jew concerning the latter's *mitzvot*, whether or not the former is obligated by that *mitzvah*. But this aspect of communal responsibility is not proven by the argument so far given. This means not only that there is a gap in our support of A, but also that we have not yet completely uncovered the nature of *arvut*. While it is certainly true that when applied to

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the *mitzvot* in which I am obligated, *arvut* generalizes their scope so that the *mitzvah* itself obligates me to help others perform the same *mitzvah*, this does not exhaust the impact of *arvut*. The missing element is this: How do we know that we must regard another's *mitzvot* as our own, even if we ourselves are not directly obligated in (some of) those *mitzvot*?

### III

In any system of duties or commands, if it is logically possible for the requirements of the system to come into conflict with one another, there must be a rule for resolving such conflicts. Halakhah is no exception, and so we have such principles as '*Asey doche lo ta'asey*' (a positive command takes precedence over a negative command). However, these principles are designed to resolve real conflicts: situations in which one must decide between two alternatives each of which is in violation of a *mitzvah*. For the sake of such decisions, these rules set up a hierarchy of *mitzvot*. However, if there is an alternative not involving the violation of a *mitzvah*, then these rules are not to be employed. Now let us consider a middle case: one person, R, has to choose between two alternatives, one of which will involve *his* violating a *mitzvah*, while the other will force a different person, S, to violate a *mitzvah*. And let us assume that no one is to blame for this state of affairs. It seems that we can reason in two ways. First, we might say: the choice is between R's knowingly and freely violating a *mitzvah* on the one hand, and his *forcing* S to violate a *mitzvah* on the other. S's violation will be involuntary, since he is not to blame for the existence of his dependence upon R in the first place, and once R acts, he has no choice but to violate the *mitzvah*. Hence it is better for R to avoid his own violation. Furthermore, since R also bears no responsibility for S's dependence upon him, he can say:

I have to perform the *mitzvot* which apply to me as well as I can. The *taryag mitzvot* are addressed to me as an individual, and I have no right to violate them under any conditions. Yes, to avoid such viola-



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tion I must force S to violate his *mitzvah*, but that is not my concern. Each person must keep the *mitzvot* as best he can, for that is his individual responsibility.

However, there is a second line our reasoning could take. In the spirit of proposition A, we could say that what God wants of mankind is the highest level of collective performance possible. This being the case, we should ask in the case of R and S: whose *mitzvah* takes precedence in the hierarchy of *mitzvot*? That is, we should treat this as a case of conflict on a par with the case in which each alternative involves violating a *mitzvah* for the same individual. Or, put metaphorically: we could regard R and S as a composite individual in this case. Then, if S's violation would be more serious than that of R, we can tell R that he must protect S by violating his own *mitzvah*. What will we answer when R argues that his sole responsibility is to perform the *mitzvot* that come to his hand? We will say:

No, that is not your responsibility. Rather, your responsibility is to see to it that as many and as important *mitzvot* are done as possible. That is why you must sacrifice your *mitzvah* to S if his takes precedence in cases of conflict. For this is really a conflict for you yourself: *you are as responsible for S's mitzvot as you are for your own.*

What is the Halakhah on such a case? It is in accord with the second argument. The *Gemarah* considers (at least) two such cases. In one,<sup>7</sup> the owner of a half-interest in a slave is required to free the slave so that the slave can perform the *mitzvah* of procreation with which his free half is obligated. In doing so, the owner violates the prohibition ". . . you shall keep them as slaves forever." Still, as Tosafot put it, ". . . it is preferable for the owner to perform a small violation and the slave to avoid a large violation." In another,<sup>8</sup> a priest is told on *erev Pesach* to bring the sacrifice of a person after the afternoon daily offering, which is forbidden, in order that the latter be included in the paschal sacrifice. The *Gemarah's* reasoning is:

let the *mitzvah* of *Pesach* which involves *karet* (as a punishment) come and displace the *mitzvah* of finishing (the sacrifices with the afternoon daily offering) which does not involve *karet* (as a punishment).

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In both cases the one who has to decide whether to perform the violation himself or to pass it along to the other is told to act in such a way that the *net result* will be the least serious violation.<sup>9</sup>

The Halakhah is here clearly requiring that inter-personal conflicts with respect to *mitzvot* be settled in accordance with proposition A, and not in accordance with an individualistic analysis of the obligations involved. Moreover, it fills the gap which *arvut* and *Talmud Torah* left in the defense of A. This mode of resolving conflicts is not restricted to those *mitzvot* which the individuals involved have in common. For if this were so, we would have the bizarre consequence that in the case of the half-owned slave, the requirement to free him applies only if the master is a man. (Women are not obligated in the *mitzvah* of procreation.) Needless to say, nowhere is this consequence actually drawn. Thus we see that not only are we to regard each of *our own mitzvot* as including the obligation to help others with respect to those *mitzvot*, but we must see others' *mitzvot* as our own responsibility whether or not we are directly obligated in them. Thus the halakhot analyzed earlier together provide a full defense of proposition A. To strengthen the case even further, I will add one more argument.

## IV

One way of analyzing the nature of a responsibility is to examine the consequences of failure. In our case, we have the *mitzvah* of *teshuvah* (repentance). At first glance the individualistic interpretation seems to be fully adequate. Obviously, I cannot do *teshuvah* for another's misdeeds. The occasion for *teshuvah* is my own particular failure.

But this is not the whole story. There is another concept of *teshuvah*: *Teshuvat Hatzibur*.<sup>10</sup>

R. Yochanon said: Great is *teshuvah* which destroys the judgment of (i.e., the Divine judgment concerning) a man, as the verse says: "Make the heart of this people fat, and make their ears heavy, and shut their eyes; lest they, seeing with their eyes, and hearing with their ears, and understanding with their heart, return, and be healed. R. Papa said

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to Abaye: "Perhaps this is referring to the period before the [Divine] judgment is rendered?" He replied: "The verse says 'He shall be healed.' What is it that needs healing? Clearly, the [Divine] judgment." It was objected [against R. Yochanon]: He who does *teshuvah* between *Rosh Hashanah* and *Yom Kippur* will be forgiven. He who does not do *teshuvah* between *Rosh Hashanah* and *Yom Kippur*, though he bring all the rams in the world [as sacrifices], will not be forgiven. There is no difficulty: here [i.e., in the latter case] we are considering the individual; there [i.e., in the former case] we are considering the *tzibur*.

Here we see not only that there is a concept of communal repentance, but that it is more effective than individual *teshuvah*: only communal *teshuvah* can *revoke* the Divine decree. Reading further<sup>11</sup> we find the following:

R. Shmuel son of Onya said in the name of Rav: Where do we learn that the judgment concerning the *tzibur* is revoked [if the *tzibur* does *teshuvah*] even though it had been sealed? From the verse "Who is like the Lord our God in all our cries to Him?" What then of the verse "Search for the Lord when He is present?" This applies to the individual. And when (is God present)? Said R. Nachman in the name of Raba son of Abahu: Those are the ten days from *Rosh Hashanah* to *Yom Hakippurim*.

This passage teaches us that while the *teshuvah* of the individual will be immediately accepted only during the ten days of repentance when God is "present," communal *teshuvah* is accepted immediately whenever it occurs. Furthermore, it would appear that the reason for God's "presence" during this period is that these ten days culminate in *Yom Kippur* which is the day for communal *teshuvah*. *Yom Kippur* has the status of a communal fast, the desired effect (the "*kiyum*") of which is communal *teshuvah*. Thus, the *teshuvah* of the individual is immediately acceptable during that period because God is present *for the sake of the communal teshuvah*. In fact, if we read the Rambam very carefully, it appears that while the *teshuvah* of the individual is meritorious at all times, it is only on *Yom Kippur* that the individual is *obligated to do teshuvah*.<sup>12</sup>

But by far the hardest aspect of communal *teshuvah* to reconcile with the individualistic point of view is communal con-

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fession — the *vidui* in *plural*. As is well known, the *vidui* is an integral part of *teshuvah*. Surely I cannot do *teshuvah* for the sins of others; how then can I say “We have sinned?” As a statement it is true enough, but as a *confession* it is out of place: just as I cannot regret your sins nor resolve that you should avoid them in the future, so I cannot confess your guilt for you. No, *teshuvah* is a *mitzvah* which the individual does for his own sins. What the plural *vidui* teaches us is the deeper significance of our sins. As an individual, my sin is my failing, and results in a degradation of my own soul. But as a member of *Klal Yisrael*, I must realize that my sin has the further consequence of degrading *Klal Yisrael* as a whole. This is emphasized by the *Gemarah*<sup>13</sup> which bids us view ourselves and the world as a whole as equally balanced between merit and sin, so that my performance of a single sin results in the condemnation of the world as a whole. It is the universal significance of the sin, and likewise of a *mitzvah*, which is of paramount importance.

Thus the analysis of responsibility as essentially communal is corroborated by the emphasis on the *teshuvah* of the community as a whole and the acknowledgement of the individual that his sins are first and foremost a disaster for *Klal Yisrael*, and only derivatively, a personal failing. Indeed, what we see is that the latter is only an aspect of the former: the sin of the individual is his failure to fulfill his responsibility to the community.

## V

The argument for B. Two questions need to be answered in proposing that the responsibility which the individual has to God is derived from the responsibility of *Klal Yisrael* to God:

1. How can groups have responsibilities other than through the individuals who compose them? It is individuals who make decisions and who are liable and punishable for their mistakes, whether they act singly or together. Thus it seems that proposition B traces the derivation of responsibility in the wrong direction.
2. What is meant by “derive” in this context? How can being a member of a group, especially when that membership is involuntary, create

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responsibilities? Until these questions are answered, we will not have an entirely clear account of what proposition B means.

I must admit that I have no answers to these questions, nor am I aware of anyone who even thinks that he has such answers. The best I can do is to discuss these matters in terms of intuition and provide examples in order to show that *there must be* answers. That is, I want to argue that it is indeed a fact that groups *qua* groups can have responsibilities, and that the responsibilities of individuals can be derived from their membership in groups, even though their membership is involuntary. By analogy, I will then be able to argue, in a preliminary fashion, that such is the case in Judaism. But I will be the first to admit that this is not completely satisfactory.

With respect to question 1, I offer the following. There are cases in which a group performs an action and it is very clear that the group thereby incurs a responsibility, but it is quite unclear how the individuals of the group are obligated. For example, suppose ten people together carry a rock weighing 200 lbs. and drop it on my stereo, doing \$200 worth of damage. It is clear that the group is liable for the damage and that it ought to give me \$200. But what does this require of the ten individuals in the group? Should they bear the cost equally? Should the leader pay more? What about the lookout man who guarded the door—as an accomplice, should he also help pay? The point of these questions is that while the responsibility of the group is clear, we are very uncertain about the responsibilities of the individual members. And this shows that the former is not a consequence of the latter; the group responsibility is not derived from the prior responsibility of the individual members of the group. Many cases of group action serve as further illustrations, e.g. the building of a dam, or the defense of a country.

Concerning question 2, let us take a case of group responsibility and analyze whether it is possible on occasion to derive the responsibilities of individual members. For example, a club votes to buy a car out of club funds. The car is delivered and the dealer demands payment. Here it seems clear that whoever

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holds the office which is authorized to make club disbursements has a responsibility to pay the club's debt. If he fails to execute his responsibility, then the dealer has a claim against the club, and the club's members have a claim against this officer of the club: in this case, the responsibility of the club becomes his responsibility. Or consider the case of a treaty with Mexico not to allow narcotics traffic across our mutual border. The treaty is made in the name of The United States as a whole, but it has very different consequences for individual citizens. Each of us is obligated not to transport narcotics across the border. But in addition, policemen are obligated to try to arrest violators; district attorneys are obligated to prosecute violators. Thus in some cases we can ascertain how the responsibilities of the group engender responsibilities for its members. And the last example provides a case where the responsibility holds even for involuntary members of the group. If we consider that the vast majority of American citizens who are bound by laws and treaties of the United States did not choose to live here, but live here due to the choices of others (their parents or grandparents, for example), we see that despite the fact that their membership in the American citizenry is not voluntary, they derive obligations from that membership.

Hopefully, this discussion has rendered proposition B somewhat clearer. What it says is that the responsibility of each individual Jew to do *mitzvot* is derived from the more fundamental responsibility of *Klal Yisrael* to live up to its covenant with God. Insofar as it is possible to say at all that there is a covenant between the individual Jew and God, this is only as a consequence of the fact that the Jewish nation as a whole has such a covenant, and he is a member of that nation. That this is so can be argued both on the basis of logic and on the basis of the Torah's own description of the crucial covenant at Sinai.

First, as the premise for the logical argument, let us consider R. Acha bar Yaakov's famous complaint against the covenant at Sinai<sup>14</sup> (Shabbat 88a):

And they stood at the bottommost part of the mountain [said of the Jewish people at Mt. Sinai]; R. Avdimi bar Chama bar Chasa said:

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"This verse teaches that God held the mountain over them like a cup and said to them: 'if you accept the Torah, well and good; if not, there will be your grave.'" R. Acha bar Yaakov said: "from here there is a great complaint against the Torah."

The complaint is, as Rashi explains, that their acceptance of the Torah was forced, and hence they cannot be held responsible for it. And Rava's answer to the problem confirms the premise of the *Gemarah* that a coerced decision cannot create obligations, for he cites the free decision to accept the Torah at the time of Purim. This being the case, we have the following *kal v'chomer*: If the coerced decision of an existing individual is not sufficient to obligate him, then surely it is impossible for an individual to be obligated by a decision which was made by someone else before he was born; there is no greater coercion than this! And yet this is precisely the basis on which we must find the obligation of each Jew to follow God's directives. The fact that each new generation of Jews is bound by the original covenant is totally incomprehensible if we think of that original covenant as between God and the individual Jews existing at that time. However, if we think in terms of the Jewish nation as a historical unit — if we think in terms of the paradigm of a treaty between nations — we can see how later generations could be bound by the covenant of earlier generations. This is a commonplace of international law, and even of corporation law: a group may make a commitment which binds later members of the group, even at a time when none of the original members of the group remains. Thus if we think of that original covenant as between the Jewish nation and God, and of those individuals as the representatives of the nation, then we can understand how later generations are bound by their action.

Second, a careful reading of the verses Deut. 29:9-14 will bear out this analysis. There is an obvious problem in the change of number in the second person pronouns and possessives:

You (pl.) are standing this day all of you (pl.) before the Lord your (pl.) God: your (pl.) heads, your (pl.) tribes, your (pl.) elders, and your (pl.) officers, even all the men of Israel, your (pl.) little ones,

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your (pl.) wives, and your (sing.) stranger who is in the midst of your (sing.) camp, from the hewer of your (sing.) wood to the drawer of your (sing.) water; that you (sing.) should enter into the covenant of the Lord your (sing.) God — and into His oath — which the Lord your (sing.) God is making with you (sing.) this day; that He may establish you (sing.) this day to Himself for a people, and that He may be for you (sing.) a God, as he swore to you (sing.), and as he swore to your (sing.) fathers, to Abraham, to Isaac, and to Jacob. And not only with you (pl.) do I make this covenant and this oath, but with him that stands here with us this day before the Lord our God, and also with him that is not here with us this day . . .

In fact, the context of this passage (i.e., the whole of chapter 29) is wholly in the plural: there is only the short quoted passage in the singular. This shift, as strange as it seems on the surface, is quite in order if we make use of the above analysis. Of course, it is individuals who will pronounce the words signifying the acceptance of the covenant. What the Torah stresses here is that the genesis of the covenant was the unanimous agreement of the Jews at that time. But this was not a matter of a number of individuals simultaneously undertaking individual responsibilities. Rather, they served as representatives of the nation as a whole, which enters into the covenant as a single unit. Hence the Torah says: all of you are standing here so that a covenant may be made with *you the individual, i.e. you the nation*, and it is for this reason that the covenant is made not only with those who are here today, but also with future generations. The verses here formulate an answer to our question, and re-emphasize the principle that the fundamental covenant is with the nation as a whole.<sup>15</sup> Thus the basic covenant between man and God which is the source of our responsibility to God holds between the Jewish people as a whole and God. Individual Jews become obligated due to their membership in this group and its prior commitments.

## CONCLUSION

The two theses complement each other and can be joined to form a unified concept of religious obligation. The unit which has original and fundamental religious significance is the com-



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munity—the historical community of Israel. The religious significance of the life of the individual Jew is defined by and derived from his position as a member of that group. As such, the content of his obligation to God is simply this: to bend every effort to aid the Jewish nation as a whole to live up to its covenant. Of course, this will give rise to very different obligations for different individuals, due to differences in their roles, talents, resources, and historical period, just as a national treaty does. But the root of the obligation is communal. In this context we may finally complete the analysis of *arvut*. If we think, as we did at first, that the *mitzvot* are directed to each of us, then *arvut* can only be seen as extending the scope of those *mitzvot* that happen to apply to us. But if we see the *taryag mitzvot* as the detailed breakdown of the original undifferentiated command to be of service to the community, then we see *arvut* in complete generality as an immediate consequence. My responsibility to the community includes efforts concerning *Kohanim* even though I am not a *Kohen*. Therefore, if I fail in that responsibility, I am liable to precisely the punishment which *arvut* describes. Again, if we start with the *mitzvot* addressed to individuals, we will search in vain for a *command* of communal responsibility, and will be limited to extending the scope of the particular commands which are addressed to each of us. If we think in contrast of the *mitzvot* as the particulars of the generalized obligation of the community to live up to its covenant with God, this problem disappears.<sup>16</sup>

### NOTES

1. Leviticus 26:37.
2. *Sanhedrin* 27b.
3. *Rosh Hashanah* 29a-b.
4. *Yoreh Deah* 246:1.
5. Rambam, *Hilkhos Talmud Torah* 1:4, cf. *Yoreh Deah* 245:2.
6. *Yoreh Deah* 246:1.
7. *Chagigah* 2a-b.

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8. *Pesakhim* 59a.

9. The case of the person who starts to bake bread just before *Shabbat* (cf. *Shabbat* 4a) appears similar to these, and the *Gemarah* there concludes that one should not violate an *issur d'rabbonon* even in order to save this person from an *issur d'oraita*. However, *Tosafot* (*Chagigah* 2b) distinguish the cases by pointing out that in that case he was guilty of (at least) criminal neglect, and hence we have no need to extend ourselves for him.

10. *Rosh Hashanah* 17b.

11. *Ibid.*, 18a.

12. Compare *Hilkhot Teshuvah* 1:1 with 2:7.

13. *Rosh Hashanah* 16b.

14. *Shabbat* 88a.

15. According to my explanation it is a bit puzzling that the singular portion of the text starts with "your stranger," and not with "that you should enter." However, I think this can be reconciled if we reflect that, unlike wives and children who are related to individual Jews, the "stranger" — i.e. convert — and the "hewers of wood and drawers of water" are *national* possessions. Hence the use of the singular possessives with respect to them.

16. Many thanks to L. M. G. for discussion which improved both content and form of this paper.