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## KOL YISRAEL AREIVIM ZEH BA-ZEH

“*Kol Yisrael areivim zeh ba-zeh*”—“All Jews are responsible for each other”—is a phrase that has become one of the most widely used colloquialisms of the Jewish people. It has been used in so many different contexts that it appears to be nothing more than a folk-saying. In actuality, *kol yisrael areivim zeh ba-zeh* (henceforth “*areivut*”) is an aphorism whose source is in the Torah with far reaching halakhic applications and great hashkafic significance. In addition, a careful analysis of this fundamental Jewish dictum illuminates the stark contrast between the classic Jewish and the Western democratic concepts of society. These aspects of *areivut* will be examined in this essay.

### SOURCES

Although the principle of *areivut* does not appear explicitly in Tanakh, the concept of intracommunal responsibility occurs in a number of places, implicitly as well as explicitly. These verses and episodes have been interpreted by our Sages as indicating *areivut*.

The primary source for the intracommunal mutual responsibility of Bnei Yisrael is found in a discussion (*Shevuot* 39a) of the severity of the prohibition against bearing false witness. The gemara explains that the verse (Leviticus 26:37) *ve-kashlu ish be-ahiv*—“a person will stumble over his brother”—means *be-avon ahiv*, i.e., he will be punished because of the sin of his fellow Jew. This, the gemara tells us, means *areivut*. The same derivation is repeated, in a different context, in *Sanhedrin* 27b.

Another Tanakh-based source given for *areivut* is found in *Shevuot* 38b and is quoted by Rambam (*Hilkhot Shevuot* 11:16). As part of the warning given to someone prior to his taking an oath, the *bet din* tells him that if he takes an oath, using God’s name in vain, then punishment will be

## TRADITION

meted out to Klal Yisrael because of *areivut*, as it says in Tanakh: “[As a result of] swearing, lying, murdering, robbery and adultery . . . (*oloh ve-ka-heshb. . .*) the land will be destroyed and all who dwell in it will be weakened. . . (*te’ebal ha-arets ve-umlal kol yoshaiv bah*).” (*Hoshea* 4:2-3)

Rabbeinu Behayay (Leviticus 26:37) suggests that there is another Biblical source for *areivut*: “*kol ish Yisrael*” (Deuteronomy 29:9) means that all of Israel is caught up in the transgression of a single individual.<sup>1</sup>

It is interesting to note that the first mention of *areivut* amongst Bnei Yisrael is found in Genesis: Judah tells his father, Jacob, concerning bringing Benjamin before Joseph “I will personally guarantee his safety” (Genesis 43:9) and Judah tells Joseph “For your servant took responsibility for the youth” (Genesis 44:32). Netsiv explains—Judah does not tell Joseph “I promised to bring him back alive,” for that would not be *areivut* but the “return of a borrowed object.” Rather, Judah explains that he accepted responsibility for Benjamin’s sins and will accept upon himself any heavenly decrees that may put Benjamin in danger. Earlier, Reuben too, wanted to accept responsibility and said: “Place him in my hands and I will return him to you” (Genesis 42:37). Here Netsiv explains that a promise to accept death on behalf of Benjamin is not really *areivut*, which is a guarantor agreeing to pay when the borrower does not have the resources to repay the lender. Rather, even if the punishment is less severe, such as some suffering (*yesurin*), Reuben agreed to accept that too.

These discussions between Jacob and Reuben and then between Jacob and Judah according to the Netsiv, define the parameters of *areivut*, a concept that was later extended to include all members of Bnei Yisrael.<sup>2</sup>

### WHEN AREIVUT TOOK EFFECT

In order for *areivut* to become effective, one needs a Klal Yisrael. At what point in our history did the *klal* form and at what point did *areivut* go into

<sup>1</sup> In this context, Rabbeinu Behayay continues, we find that Akhan sinned and all of Israel was caught up in his sin, as it says “Israel has sinned; they have violated My Covenant. . .they have also stolen, they have also denied; they have also placed it in their vessels” (*Joshua* 7:11). The sin of the individual is attributed to Klal Yisrael, thereby causing suffering to the entire Nation (*Sanhedrin* 43b).

<sup>2</sup> Similarly, R. Shlomo m’Radamsk in his *Sefer Tiferet Shelomo (Parshiyot Miketz, Vayigash and Yitro)* also says that the concept of *areivut* amongst Bnei Yisrael stems from Yehuda. He also suggests that this is why the portions of Judah and Benjamin in *Eretz Yisrael*, are adjacent to each other—the *areivut* of Judah for Benjamin extends to this day. In addition, the *Sefat Emet (Parashat Vayigash)* comments on the relationship between the *areivut* of Judah for Benjamin and the general dictum of *areivut*.

effect? We will see that even though Klal Yisrael was formed when the Torah was given at Har Sinai, that event did not automatically initiate *areivut*.

The details of the advent of intracommunal responsibility are given in *Sotah* 37a:

A) R. Akiva taught that (1) each mitsva actually encompasses four *mitsvot*—to learn (*lilmod*), to teach (*le-lamed*), to observe (*lishmor*) and to do (*la'asot*) and that (2) each mitsva was given with four attached conditions—a blessing (for fulfilling the mitsva) and a curse (for not fulfilling the mitsva) covering each individual mitsva (*perat*) and a blessing and a curse related to the totality of the *mitsvot* (*klal*). This process was repeated three times, so that each mitsva given to Bnei Yisrael was accompanied by  $4 \times 4 \times 3 = 48$  covenants (*beritot*) with the Holy One.

B) R. Shimon ben Yehudah of Kfar Acco said in the name of R. Shimon: every mitsva in the Torah was given with  $48 \times 603,550$  covenants [i.e., 48 *beritot* with each of the Bnei Yisrael counted in the Torah].

C) Rabbi [Yehudah ha-Nasi] said that each member of Bnei Yisrael participated in each of the  $48 \times 603,550$  covenants [i.e., the Holy One made a total of  $48 \times 603,550 \times 603,550$  *beritot* with the nation].

R. Meshasheya explains that the difference between the two opinions that discuss *areivut* is that R. Shimon is of the opinion that each person is responsible as an individual while R. Yehudah opines that there is a collective, communal responsibility—each member of Klal Yisrael is responsible for every other member of Klal Yisrael. Thus, according to R. Yehuda, the  $1.75 \times 10^{13}$  *beritot* that were made between the Holy One and Klal Yisrael established the community of Israel, wherein each member of this community is connected to every other member.

This argument can be explained by examining what seems to be a minor variation of this aphorism. The preferred form is “*kol yisrael areivim zeh ba-zeh*,” but the formulation is also stated as “*kol yisrael areivim zeh la-zeh*.” Although many treat these two forms as equivalent, there are those commentators who make a distinction between the two. *Zeh la-zeh* is considered to be a “softer” form than *zeh ba-zeh*. To understand the difference, one must first define the meaning of the term *areivim*. This word, sometimes found in the Aramaic form—*areivin*—is derived from the root *areiv*—*ayin, resh, bet*—which has several meanings. It can mean “to guarantee” (e.g., a guarantor of a loan is called an *areiv*) or it can mean “mixed together” (e.g., foods of different types when mixed together form a unit called *ta'arovet*). The specific type of *areivut* being referred to in a particular context is given by the use of *la-zeh* or *ba-zeh*.

## TRADITION

When *la-zeh* is used, it implies that the members of Klal Yisrael are responsible for each other. Each person is a separate entity who is expected to be a guarantor for the other members of the *klal*. When *ba-zeh* is used, it implies that all Jews are “mixed” together to form a single entity known as Klal Yisrael; what each person does affects the destiny of the entire nation (see Section II). The opinions of R. Yehuda and R. Shimon, as interpreted by R. Meshasheya (quoted above), can be understood in light of this distinction. R. Yehuda is referring to the concept of *ba-zeh* and therefore there is created a single entity, all responsible for each other collectively. R. Shimon’s opinion is that each person, as an individual, is responsible for all others, which is *la-zeh*.

In view of the fact that most applications of this maxim are based on *zeh ba-zeh*, in this essay the expression *areivut* will be used to denote that term, unless otherwise specified.<sup>3</sup>

Therefore we see that this development of communal responsibility took place over an approximately 40 year period following the exodus from Egypt. Although all agree that this process began at Har Sinai, according to one view it was completed on the Plains of Moab (appropriately called Arvot Moab), while according to another, more accepted, view, the finalization of communal responsibility took place at Har Gerizim and Har Eival immediately after Bnei Yisrael crossed the Jordan River in the days of Joshua.

The *Keli Yakar*, commenting on Deuteronomy 29:9, explains that Moses saw the need to re-establish the covenant between God and Klal Yisrael, because the sin of the Golden Calf destroyed the covenant made at Har Sinai.<sup>4</sup> Bnei Yisrael’s sin at Har Sinai occurred because *areivut* had not yet been established, and so each individual felt free to do as he pleased and none felt the responsibility to stop the sinners. Therefore Moses before leadership was transferred to Joshua realized that he had to establish *areivut*—intracommunal responsibility is one of the greatest deterrents to sinning. Once the principle of *areivut* is established, anyone seeing another Jew sinning will feel responsible for setting him back on

<sup>3</sup> A Web search, in English, turned up 33 uses of *zeh ba-zeh* vs. 3070 uses of *zeh la-zeh*; while a similar search in Hebrew turned up 57,000 vs. 68,000 uses, respectively.

<sup>4</sup> The *Minhat Hinnukh* (mitsva 364:8, Makhon Yerushalayim edition) discusses when *areivut* went into effect; if it applies to public sins (*niglot*) and/or hidden sins (*nistarot*); and how these were affected by the ability or lack of ability of someone to try and prevent them. This is related to the possibility that Moses may have retained some responsibility for the sin of the Golden Calf (a public sin if *areivut* was effective in the *Midbar*) or he may not (he had no opportunity to prevent it and took action the moment he became aware of it).

the proper path, especially since he knows that if he ignores the sinner he himself will be held accountable for the resulting sins.

This explanation of the *Keli Yakar* is one of the most powerful explanations of the operation of *areivut*. It also potently delineates the difference between a society in which each person “does his own thing” and one in which all members of the society share a common responsibility.

Thus it appears as if the final stage of *areivut* and the operational effectiveness of *areivut* started on Arvot Moab and was completed after Bnei Yisrael crossed the Jordan, with the *beritot* entered into when the Nation stood at Har Gerizim and Har Eival (*Joshua* 8:30-31). On *Sotah* 36a, we are taught that on the same day they crossed the Jordan, Bnei Yisrael traveled more than 60 *mil* in order to reach Har Gerizim and Har Eival, so that immediately upon the entrance to the land they could establish *areivut*.<sup>5</sup>

### SIGNIFICANCE OF AREIVUT

For many people, the concept that all members of Bnei Yisrael are mutually responsible for each other, which entails the threat of being punished for the sin of another, is difficult to grasp. It appears especially strange to Western minds who have been exposed to the modern secular idea of “doing your own thing”—you leave me alone and I will leave you alone [an idea that is intensely reminiscent of *sheli sheli ve-shelkha shelkha*]. Nonetheless, the basic principle of such a democracy (that I can do what I want) only holds true if what you are doing is not harmful to your fellow citizen. Interestingly, this is just what *Hazal* refer to when they explain the significance of *areivut*. However, according to *areivut*, the parameters of what one can do without harming one’s fellow [Jew] are more broadly and clearly defined than those that apply to a Western-style democracy.

But this idea is taken even further in that in contradistinction to the Western idea that a democracy consists of individuals—each of whom

<sup>5</sup> Akhan, we are told, sinned several times while still in the *Midbar*, during the days of Moses before sinning in the time of Joshua. If so, why weren’t Bnei Yisrael punished for his sins while still in the *Midbar*? One possible answer is that collective responsibility and, therefore, punishment was not in force until after they crossed the Jordan River. Since Bnei Yisrael reached Har Gerizim and Har Eival the same day they crossed the Jordan River, the process of establishing *areivut* for Bnei Yisrael was only completed after the last of Akhan’s sins.

## TRADITION

goes his own way with minimum interaction and the main interest is simply not to harm one another—the Jewish concept of a nation, of Klal Yisrael, is that it is an organism made up of interconnected parts, each with its own function. This organism can remain healthy only if each of its parts operates in concert with all the other parts. This is expressed in several ways and *Hazal* have developed several analogies to express this concept:

A) In *Tanna De-Bei Eliyahu Rabbah* (Chapter 11) we are told that the People of Israel are similar to a ship. If there is a hole in the lower hold, one does not say “Only the lower hold has a hole in it.” Rather they immediately recognize that the ship is liable to sink and that they must repair the hole down below.

B) Ritva (*Rosh ha-Shana* 29a) uses the analogy of the human body to explain *areivut*. The *Alshikh* (*Torat Moshe*, Deuteronomy 29:9-12) elaborates on this: “All of Israel is one nation because all the souls (*neshamot*) stem from one source and form a single unit. A person is composed of many limbs and organs; e.g., the head is not compared to the foot, yet each part is human in nature.” Similarly all members of Israel are *kadosh* even though they do not have equivalent abilities, some being above average and some being below average. One individual may be comparable to the brain, another to the foot, yet collectively they are like one person. This, says the *Alshikh*, is what is meant by the verse *kol ish Yisrael* (*ibid.*, verse 9)—all the parts (*kol*) constitute the organism Israel (*Ish Yisrael*), i.e., *kol Yisrael ish ehad*, all Israel is like one person. The body of Israel is composed of a collection of limbs and organs with one soul (*neshamah*) that keeps the body alive; each individual is considered as one limb of the complete body. Therefore, if a portion of Israel is righteous and we find among us wicked people (*resha'im*) the unity is destroyed and we are no longer an “*am ehad*.” This concept, adds the *Alshikh*, explains how the injunction of “Love thy neighbor as thyself” (Leviticus 19:18) encompasses the entire Torah and why on the High Holy Days it is so important for all members of Israel to be synchronized with each other (having mutually forgiven all the transgressions of their acquaintances). In order for our prayers to be answered and to overcome the Satan, unity of the *nefesh* of Israel is required.

C) This analogy to the body has been extended to explain how all 613 *mitsvot* can be fulfilled. No single Jew could ever fulfill all *taryag mitsvot*—there are specific *mitsvot* for *Kohanim*, *Levi'im* and *Yisraelim*; for kings and farmers; for men and women; for young and old. The *taryag mitsvot* are only collectively, communally fulfilled. Each individual

does what is required of him and must recognize that he is only part of the whole; what he does either helps or harms the entirety of Klal Yisrael.<sup>6</sup>

Using this idea, the *Sefer ha-Berit* (*Helek II, Ma'amar 3*, Chapter 2) answers the following problem: We have been taught that the 248 positive commandments correspond to the 248 organs of the body. Each time one commandment is observed the organ corresponding to that commandment is enhanced. If so, how, the *Sefer ha-Berit* asks, can anyone ever enhance the conditions of all his 248 organs? After all, many of these 248 positive commandments cannot be fulfilled by every Jew. The answer he gives is that commandments fulfilled by another Jew count for you as well. It is just as if you yourself had fulfilled them—because of *areivut*.

D) R. Yitshak Aramah, in his *Akeidat Yitshak* (*Sha'ar 65*), uses yet another analogy: A group of people are carrying a heavy beam on their shoulders. If one of them drops out, then the rest will have to carry his portion. Therefore, if you see your fellow Jew acting improperly you should chastise him and try to steer him to the proper path. If not, you will end up carrying his share of the burden (i.e., his sins) in addition to your own.

(In the same vein, see also the *Keli Yakar* in his commentary on the binding of Yitshak (Genesis 22:13))

From all these examples and analogies we learn that the establishment of communal responsibility forged the people of Israel into a single nation in which the whole is greater than the sum of its parts, a nation in which the actions of each individual affects the well-being of the entire nation. This is the fundamental concept embodied in the dictum of *kol yisrael areivin zeh ba-zeh*.

This expansion of the concept of communal and interpersonal responsibility to encompass the individual and collective soul of the Jewish people is an example of the continuous development of the comprehensive view of *areivut*.

<sup>6</sup> This approach might suggest that one could decide to leave all the *mitsvot* for others to fulfill and then reap the benefits of their keeping the *mitsvot*. However, in this case, such a person would actually be harming others by not fulfilling those *mitsvot* that he should fulfill. The proper approach, therefore, is to fulfill all the *mitsvot* that are within your ability to fulfill. Then, and only then, would you receive credit for those *mitsvot* beyond your ability to perform. The concept of *areivut* thus represents a two-way avenue of responsibility.

## HOW FAR DOES AREIVUT EXTEND?

The question of exactly who is punished and why they are punished is discussed by many commentators. Does collective, communal punishment occur whenever a transgression is committed or is it limited to cases where a person could stop the transgressor and did not? If the latter is the case, will all of Bnei Yisrael be punished or only the one(s) who could have stopped it and did not?

The parameters governing the application of *areivut* seem to be whether the transgression took place before or after *ma'amad* Har Gerizim and Har Eival, whether it was a public or private transgression, and whether anyone had the opportunity to prevent it. Discussions of these parameters are found in the Talmud. There is a disagreement between R. Yehuda and R. Nehemia (*Sanhedrin* 43b). R. Yehuda says that from the word "*ha-nistarot*" (Deuteronomy 29:28) we learn that Bnei Yisrael were not punished for the sins committed by others in secret until they crossed the Yarden. R. Nehemia asked him—were they ever punished for sins committed in private? Rather, it means that just as they were never punished for the *nistarot*, they were not punished for the sins committed in public (*niglot*) before they crossed the Yarden.

Rashi explains that "crossing the Yarden" included traveling to Har Gerizim and Har Eival and hearing and accepting the blessings and curses, at which point they assumed that the principle of *areivut* was in force (see *Sotah* 37b). R. Yehuda and R. Nehemia both agree that *areivut* started on the day they crossed the Yarden and stood at Har Gerizim and Har Eival. The only difference is that R. Yehuda says that from this moment on they were liable for punishment for other people's sins even if they did not know of them, whereas R. Nehemia disagrees and says they were only liable for sins that they knew of. This disagreement is reflected in several sources.

The *Shaarei Teshuva* (*Rabbeinu Yonah*, *Sha'ar* 3, *Siman* 195) quotes *Shabbat* 54b, which says that, "All those who are in a position to rebuke members of their household and do not do so are held accountable for the transgressions of the members of their household; all those people who are in a position to rebuke members of their city and do not do so are held accountable for the transgressions of the members of their city; and all those who are in a position to rebuke all members of Klal Yisrael and do not do so are held accountable for the transgressions of all of Klal Yisrael." These statements, says *Rabbeinu Yonah*, are based on the principle of *areivut* which is learned from the verse *ve-kashlu ish be-ahiv*. This

appears to be the position of R. Nehemia, with a further proviso that the punishment is limited to those who could stop it.

However, other commentators seem to indicate that all of Klal Yisrael is affected by the sins of the few in every circumstance. For example, *Ben Ish Hai* (*Hilkhot Shana Rishona, Parashat Ki Tisa*) quotes Arizal's statement that the *vidui* is written in the plural (e.g., *ashamnu*) because a person is punished for his fellow Jew's transgression due to *areivut*. Therefore, even if a person is sure he did not commit a particular sin and could not have been responsible for anyone else's transgressions, he cannot know what his fellow Jews did outside of his knowledge. Thus, he must ask forgiveness for them so as to exonerate all Jews.

From another point of view, we see that *areivut* also encompasses those who are not present during the transgression. In *Parashat Nitsavim* (5636), the *Sefat Emet* extends the concept of *areivut* and says that our actions today will affect future generations.<sup>7</sup> He also teaches us that just as *areivut* results in punishment of Klal Yisrael for the transgressions of an individual, so too *areivut* results in reward for Klal Yisrael for the fulfillment of *mitsvot* by individual righteous people. Most commentators only apply *areivut* to collective punishment for the sins of a few, and the *Sefat Emet* is one of the few who reached the conclusion that *areivut* should also lead to collective reward for the *klal* because of the *kiyum mitsvot* of the few.

## IS AREIVUT A MITSPA?

The principle of *areivut* has been explained as a guiding principle that determines how members of Klal Yisrael should behave. In the previous section we discussed its application in terms of responsibility for sin. However, as we ended with the idea of the *Sefat Emet*, this concept teaches us that not only should you fulfill as many *mitsvot* as possible, but you must also ensure, to the best of your ability, that your fellow Jew also fulfills *mitsvot*.

What is the status of *areivut*? Is it, in itself, a *mitsva*, or is it only a *middah*, one of a more general set of rules of proper conduct? On the one hand, as has been shown, *areivut* is based on verses in the Torah (*kol ish Yisrael, ma'amad* Har Gerizim and Har Eival, and *ve-koshlu ish be-ahiv*); on

<sup>7</sup> Compare to the comment that actions today affect the generations back to *Yet-siat Mitsrayim* (see Section V, Collective Responsibility, *Bet Yosef* in the name of the *Sifri*). Thus this concept of *areivut* not only binds all of Klal Yisrael in each generation, but also affects all of history's Bnei Yisrael—past, present and future.

## TRADITION

the other hand, it is not mentioned in the Torah as an explicit commandment. *Areivut* is not found in the list of the *taryag mitsvot* assembled by Rambam, nor is it explicitly listed by R. Saadia Gaon. However, R. Saadia Gaon, followed by the *Ba'al Halakhot Gedolot*, did include mention of the assembly at Har Gerizim and Har Eival in his list of the *taryag mitsvot*.

Rambam disagrees with R. Saadia Gaon and the *Behag*. In his explanation of the principles used in determining the *taryag mitsvot*, Rambam (*shoresh 3* of his *Sefer ha-Mitsvot*) tells us that we do not include those *mitsvot* that are not in effect forever (i.e., that are not *mitsvot le-dorot*). Consequently, says Rambam, it is not proper to count the assembly at Har Gerizim and Har Eival among the *mitsvot*—this assembly was only a one time event. The author of the *Sefer ha-Hinnukh*, which closely follows Rambam's list, also omits *ma'amad* Har Gerizim and Har Eival from his compilation of the *mitsvot*.

However, in his commentary on *Sefer ha-Mitsvot le-Rav Saadia Gaon* (*Perek 57*), R. Yeruchum Perlow suggests that the *mitsva le-dorot* that is identified with the assembly at Har Gerizim and Har Eival is the principle of *areivut*. According to this interpretation, it makes sense that R. Saadia Gaon would consider *areivut* as one of the *taryag mitsvot*, even as Rambam disagrees.

## HALAKHIC APPLICATIONS

As has been shown, according to Rambam, *areivut* is not one of the *taryag mitsvot*, but is one of the *middot*, a rule of conduct with which we are to govern our daily activities. As described above, the examples of its application seem to reinforce this view. However, in an intriguing turn of events, the non-mitsva dictum of *areivut* has been assigned an important *halakhic* role. How was *areivut* transformed from a general rule of conduct into a fundamental halakhic principle?

*Areivut* is not mentioned in the Talmud as a halakhic determinant. It appears that it was first used by Rashi (followed by other *Rishonim* and *Abronim*) as the rationale for a particular halakha. However, once *areivut* was established as a halakhic parameter it continued to be used in an ever-broadening role up to and including contemporary halakhic decisions.

The first place we find this is in the Talmud (*Rosh ha-Shana 29a*). We learn that even if one has already fulfilled a *mitsva de-oraita* (a Torah-mandated commandment) he is able to say the blessing again so that another person, who has not yet carried out that mitsva, can fulfill his own

as-yet-unfulfilled obligation: *af al pi she-yatsa, motsi*. For example, if one has already heard the blowing of the *shofar* on *Rosh ha-Shana (she-yatsa)*, he can still say the blessings and blow the *shofar* for someone else who has not yet heard the sounds of the *shofar (motsi)*.

The commentators on this gemara proceed to describe this halakha using the principle of *areivut*. Rashi explains that the reason one can be *motsi* someone else who must hear the *shofar* is “*areivut le-mitsvot*.” Ran is more explicit: the principle of communal responsibility means that if your fellow Jew has to do a mitzva which he has not yet done, then it is as if you yourself have not fulfilled your own obligation. Therefore you have an obligation to say the blessing and to do the mitzva so that the other person can fulfill his obligation. Ritva explains that the one who says the blessing is like a guarantor (*areiv*) who is paying a debt for his friend.<sup>8</sup>

While this essay is not the forum in which to discuss in detail all the *halakhot* where *areivut* has been applied, an example will be presented:

Consider the Laws of *biur hamets*, the required destruction of leavened products prior to the onset of Passover. If a Jew has in his possession the *hamets* of another Jew as security for a loan, he must burn it when the time of *biur hamets* arrives, even if he is not responsible for guaranteeing its safe return when repaid. The *Mishnah Berurah* declares (443:13-14) that it must be destroyed even if it is possible that the actual owner had sold it to a non-Jew (without notifying the guarantor), and even if the guarantor had not accepted any responsibility for it to be in his possession, and even if he will not transgress if it remains in his property. Still, the power of *areivut* requires the current possessor of the *hamets* to destroy it (or sell it to a non-Jew) so that the actual owner will not transgress the Torah-mandated prohibition of owning *hamets* on Passover.

This reasoning is expanded by R. Aryeh Leib Ginsburg in his *Turei Even (Megillah 19b)*, where he says that *af al pi she-yatsa motsi* is effective because of *areivut*, which leads us to a twofold obligation: (1) it is incumbent on us to protect our fellow Jews from transgressing as we saw above, and in addition (2) we are required to assist them in fulfilling their obligation for *mitsvot*.<sup>9</sup>

<sup>8</sup> Note that Rashi and Ran follow the idea that all Jews are part of the same unit (*zeh ba-zeh*), while Ritva’s explanation is consistent with the idea that we are responsible for each other (*zeh la-zeh*).

<sup>9</sup> This is included in an analysis of the relevance of *hiyyuv de-oraita* and *hiyyuv de-rabbanon* to *areivut*. It is also found in the *Sha’agat Aryeh* as described just below in the text.

## COLLECTIVE RESPONSIBILITY: EXPANSION AND RESTRICTION

Just as the application of the *areivut* has been expanded in the halakhic realm, its limitations and restrictions have also been explored and expounded upon in detail. Several examples follow:

### 1. *Personal vs. Communal Benefit*

A unique use of *areivut* is to explain why someone may be instructed to act in a way that may not be beneficial to him personally but is beneficial to the community.

For example, consider the situation where the only person capable of acting as a *shaliach tsibbur* enters the *bet ha-knesset* after the congregation has already started the *Amidah* and there is not enough time for him to say his personal prayer before the congregation is finished with their silent prayers. The *Shulhan Arukh* (*Orah Hayyim* 124:2) instructs the *shaliach tsibbur* to immediately start the repetition of the *Amidah*. Although this halakha was formulated by the *Kol Bo* (*Siman* 27) and was quoted in detail by the *Bet Yosef* who included it in the *Shulhan Arukh*, the reason for this halakha is explained by the *Biur Halakha* (124 *s.v. sha"ts*). He explains that because of *areivut*, it is the personal responsibility of the *shaliach tsibbur* to ensure that the *kahal's* communal obligation of *hazarat ha-sha"ts* is fulfilled. This is an interesting use of this dictum because, in this case, the *sha"ts* will lose his chance (a) to say his personal prayer (the quiet *Amida*) and (b) to juxtapose the final *brakha* of *Keriat Shema* with the start of the *Amida* (for *tefillat Shabharit*). From this halakha, we learn that the necessity of ensuring that the congregation fulfills its collective obligation to say *Kedusha* and to hear the repetition of the *Amida* overrides the individual obligation of the *shaliach tsibbur*. The possibility of the *kahal* waiting for the *shaliach tsibbur* to finish his personal prayer is not even suggested, presumably due to *tirha de-tsibbura* (one does not unnecessarily burden the congregation for an individual's personal benefit).

Another example of the communal needs taking precedence over the needs of individuals, even when the communal need involves only a potential transgression, is discussed in *Responsa Minhat Yitshak* (III, 79 *s.v. ulam*). The gemara in *Pesahim* 40b discusses the case where, before *Pesah*, a ship carrying a load of wheat sank in a river. The law is that the recovered wheat should not be sold to a non-Jew as he *may* sell it to a Jew, and, because it got wet, this wheat cannot be eaten on *Pesah*. The *Minhat Yitshak* quotes an earlier authority who says that this is prohibited

because of *areivut* and it is necessary to prevent a *takalah* from befalling another Jew, even though the owner of the wheat will suffer a loss.

Similarly, the *Minhat Yitshak* (III, 79 *s.v. ulam* and V, 59 *s.v. ve-binei*) quotes the *Hiddushei Anshei Shem* on Rif wherein it is explained that the prohibition of selling clothing with *shatnes* (or wheat that became wet, or a piece of meat with the *gid ha-nasheh*) to a non-Jew is because of *areivut*. Thus, in all these cases we see that even if it entails a monetary loss, the principle of *areivut* takes precedence and one should lose the sale rather than take the chance that another Jew may transgress a prohibition.

## 2. Collective Responsibility

The examples described above were based on the relationship between individuals who are members of Klal Yisrael. There is another aspect to this principle: *areivut*, at times, imposes a responsibility on the entire Klal Yisrael, or at least on a large part of it.

The idea of communal responsibility was used by *Shadal* (R. Shmuel Dovid Luzzato) to explain the mitsva of *egla arufa*. In his commentary on Deuteronomy (21:1), *Shadal* states that the mitsva of *egla arufa* is not a procedure designed only to reveal the murderer; it has two other purposes. The first is to strengthen the famous national belief of *areivut*. The land of *Eretz Yisrael* will only be atoned for by the blood of the one who himself spilled blood. It is only after it becomes apparent that it will be impossible to find and punish the murderer that the calf is killed in his place, as a sign that the *bet din* and the ones they represent are innocent of responsibility for the murder. The second reason he gives is that the *bet din* realizes that they cannot punish anyone for this murder without clear testimony from proper witnesses. However, even though they know that the community is not responsible for the violence caused by one individual acting in secret, it might be possible to think that this only applies when the fact of the murder is not public knowledge. When a body is found in public, one might think that the entire community will be punished if they don't persevere until they find the murderer. Therefore, the *egla arufa* is brought to provide closure to any further communal responsibility and punishment.

## 3. Kiruv

Recent years have seen the growth of a very important phenomenon. Many individuals and institutions have taken upon themselves the task of educating and guiding fellow Jews who have not previously been observing the *mitsvot*. The field of *kiruv rebokim* has come to play an important

role in modern Jewish education. In an oral presentation,<sup>10</sup> R. Herschel Schachter suggested that *kiruv rehokim* falls under the aegis of *areivut* and that we should support people and institutions active in this endeavor.

The relationship between *kiruv* and *areivut* has been previously discussed extensively in *Sefer Likutei Halakhot*, which is based on the teachings of R. Nahman of Breslav. The thoughts of R. Nahman of Breslav, which are recorded and edited by R. Natan of Nemerov in his *Sefer Likutei Halakhot (Hilkhot Gerim, halakha 3, ¶19)*, are comprehensive and modern in tone:

Every [Jewish] person is required to spend time in drawing others close to God and to make *ba'alei teshuvah* because for this you were created. . . . This is the function of *areivut* because *kol yisrael areivim zeh ba-zeh* and each member of Bnei Yisrael must speak to his fellow [Jew] every single day of matters concerning *yir'at shamayim*. . . It follows that every Jewish person has the responsibility to guide others in *teshuvah* and to draw their souls closer to the proper worship of God. However, they must, at the same time, protect themselves from the evil activities that these people carry out. Many more details are given in Chapter 4 of *Hilkhot Areiv*.

#### 4. *Limit of Responsibility and Relationship to Other Mitsvot*

In a previous section, the question as to how far the collective responsibility extends was discussed. It is interesting to note that some of the commentators have related the concept of *areivut* to two other well-known *mitsvot*: *hokhe'ah tokh'iah et amitekha* and *ve-ahavta le-re'akha ka-mokha*.

The *Keli Yakar* (Leviticus 19:17) refers to the connection of *hokhe'ah tokhi'ah* and *areivut*. The verse, *hokhe'ah tokhi'ah et amitekha* refers only to *amitekha*, to one who will listen to you. It does not include one who will not listen to words of rebuke. Why? Because, as the Torah says, *ve-lo tisa alav het*—if you do not chastise him and he therefore sins, then you will bear the burden of his sin because *areivut*! This, the *Keli Yakar* tells us, is similar to a guarantor for a loan who notices that the borrower is not handling his money wisely. He will surely attempt to ensure that the money is handled well, lest he become responsible to cover it. Similarly, the *areivut* of one Jew for another will suffice to have one chastise another for sinning. If this *tokhaha* is not accepted, then he is free of responsibility because the straight path of the law (*mi-shurat ha-din*) does not make anyone responsible for someone who is not responsive to him. Rather,

<sup>10</sup> *Areivut: Our Responsibilities to Others and to Ourselves*, (<http://www.torahweb.org/torah/audio/audioFrameset.html> delivered for *Yomim Noraim 2004*)

Bnei Yisrael are *areivim* for only one thing—when one has the ability to prevent an irresponsible action and he does not exercise this responsibility, then he too is guilty because of *areivut*. This is why the same verse also says “Do not hate your fellow Jew in your heart”—if you love your fellow Jew, you will be careful to prevent him from sinning, while if you dislike him, you will not care what he does. On Deuteronomy 31:7, the *Keli Yakar* explains that R. Yohanan would cry when he came to this verse (*Hagiga* 5a) because *areivut* places a heavy burden on Bnei Yisrael in terms of communal responsibility and punishment. He also explains that when there is love and respect between members of Klal Yisrael, each one looks out for his fellow Jew. Thus *hokhe'ah tokhi'ah* is closely related to *ve-ahavta le-re'akha ka-mokha*, and these two *mitsvot* together amplify the principle of *areivut*.

### SUMMARY

The phrase, *kol yisrael areivim zeh ba-zeh* is more than a simple aphorism. It is a dictum that represents fundamental religious, halakhic, hashkafic and historic concepts that describe the ideological basis for the formation and maintenance of the community of Israel (Klal Yisrael). The significance of an interpersonal responsibility and the concept that each individual is personally responsible for the well-being, physical and spiritual, of every other member of Klal Yisrael, whether born to it or joined to it, presents a unique view of society on the world stage.

In this modern day and age, Western “democratic” ideas are antithetical to this most basic of guidelines that bind the Jewish people. When the conceptual framework of “I will do my own thing, as long as I don’t bother you” permeates the day to day life of Jews throughout the world; when the feeling that each person is responsible primarily, and often only, for himself dominates the patterns of so many lives, *areivut* stands out in stark contrast to the typical self-centered life of indulgence and self-centeredness.

The application of this dictum to ideology and to practical operative halakha has been shown to be of fundamental importance and is one of the guiding principles for the development of laws that govern individual and personal conduct. It serves to explain why each individual member of Klal Yisrael is expected (required, even) to be careful not to commit a sin (as it will result in the punishment of other members of Klal Yisrael), to assist others in their performance of the *mitsvot* (even if the assistor has already fulfilled the mitstva himself), to prevent a potential mishap (*takalla*) by another, and to help Klal Yisrael, collectively and individually, reach a common goal.

