

Kindly take a moment to study MISHNAS CHAYIM in the merit of
Avrohom Mayer *ben Henich a”h*
a fellow Jew who passed away with no relatives to arrange Torah study on behalf of his *neshamah*

Awesome Responsibility

PARSHAS KI SEITZEI 5778

A poignant lesson in the realm of leadership emerges, in a most interesting way, from one of the (numerous) items featured in this week’s *parshah*.

The Torah relates the law pertaining to an individual convicted of a capital transgression. As the *passuk* states: וְכִי־הָיָה בְּאִישׁ חֲטָא מִשְׁפָּט־מִוֹת וְהוּמָת וְתָלִית אֹתוֹ עַל־עֵץ – “And when there shall be in a person a sin that carries a death-sentence, and he be put to death – you shall hang him on gallows” (*Devarim 21:22*). In its literal sense, the Torah here is instructing us that a person who incurs the death penalty is not only executed, but his corpse is subsequently subjected to hanging. There are limitations to this law, such as the fact that, as Rashi points out, it applies only to those who are executed by *sekilah* (stoning). Furthermore, as the *passuk* proceeds to relate, the duration of the hanging is likewise restricted: לֹא־תֵלֵן נְבִלָתוֹ עַל־הָעֵץ כִּי־קָבוֹר תִּקְבְּרֶנּוּ – “Do not leave his corpse on the gallows overnight; rather, you shall bury him on that very day” (v. 23). These are but some of the particulars that emerge upon studying this section on the “*p’shat*” (literal) level.

Pointing Toward the “Tree”

The Ohr HaChayim, however, offers a homiletic interpretation to this verse. We find elsewhere that the term “*eitz*” (which translates literally as “tree”) is actually used to refer to a man of great stature. (It appears in this manner in the narrative of the *meraglim* [spies], whom Moshe sent to survey the Land of Israel. Included in the list of items he asked them to examine, we find the following: הֲיֵשׁ־בָּהּ עֵץ אִם־אֵין – “Does the [land] have an *eitz* in it, or not?” [*Bamidbar 13:20*]. While it appears that Moshe was querying about the trees, Rashi elucidates what he was really seeking to uncover: “Is there a **worthy individual** living there, whose merit would protect the inhabitants?”) And similarly, as we shall see, it carries such a meaning in this section as well.

In any event, the Ohr HaChayim perceives the subject of this verse to be an individual who persisted in his evil ways – to the point that Hashem decided his term on this earth should come to an end. He is the “*ish*” in this *passuk* that was put to death by Heaven on account of his transgressions. The question arises, however, regarding who ultimately bears responsibility for this circumstance, whereby a person could behave so egregiously yet refrain from ever repenting. And the sobering answer is provided by the *passuk*’s continuation: “*V’salisa*”: And you shall place the blame – “*al ha’eitz*”: on the leader of the generation. Ultimately, the sin is attributed in some measure to this leader. He occupies a position of prominence and prestige, and it is his responsibility to utilize his position to reprove his constituents and correct their ways.

This notion underscores the magnitude of the burden and responsibility these leaders carry. The idea is further highlighted by the well-known example involving one of the great Tannaitic sages, R’ Elazar ben Azaryah. The Mishnah was discussing the laws of carrying on Shabbos, which pertain not only to a person, but to his animals, as well (in accordance with the rule of “*shevisas behemto* – resting of his animal,” which mandates that one’s animals also refrain from forbidden labor on Shabbos). The Mishnah thus lists various animals and the particular accoutrements that adorn them throughout the week, but may not be carried (outside) by them on Shabbos (as this constitutes forbidden carrying). In this context, the Mishnah relates (*Shabbos 5:4*):

פָּרְתוֹ שֶׁל רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה הִתְהַיְוָה בְּרִצּוֹעָה שְׁבִין קַרְנֵיהָ, שְׁלֹא בְּרִצּוֹן חֲכָמִים.

“R’ Elazar ben Azaryah’s cow went out (on Shabbos, illicitly carrying) its strap (that was fastened) between its horns – an act that incurred the disfavor of the Sages.”

It is something of a wonder that the lofty R’ Elazar ben Azaryah would commit such a flagrant violation. And, in truth, the Gemara clarifies that he wasn’t the actual perpetrator of the deed; the cow belonged to his neighbor, and it was she who allowed it to traverse on the Shabbos while carrying the strap! Why, then, was the deed attributed to R’ Elazar ben Azaryah? The Gemara explains that as the sage in the vicinity, he had the power to protest and prevent the deed. Having failed to do so, it was recorded for posterity as R’ Elazar’s own violation (*Shabbos 54b*)!

The Flip Side

Actually, there really is a similar responsibility that rests upon everyone, including private individuals. As the Gemara there proceeds to elaborate: כָּל מִי שֶׁאַפְשֵׁר לְמַחֹת לְאִנְשֵׁי בֵּיתוֹ וְלֹא – מִיחָה נִתְפָּס עַל אִנְשֵׁי בֵּיתוֹ, בְּאִנְשֵׁי עִירוֹ נִתְפָּס עַל אִנְשֵׁי עִירוֹ, בְּכֹל הָעוֹלָם כְּלוּ נִתְפָּס עַל כָּל הָעוֹלָם כְּלוּ – “Whoever is able to prevent the members of his household (from sinning) but fails to do so – (such a person) is held accountable for the members of his household; (whoever is able to prevent) his fellow citizens (from sinning) but fails to do so is held accountable for his fellow citizens; whoever is able to prevent) the entire world (from sinning, but fails to do so) is held accountable for the entire world.”

Obviously, the implications of this teaching are quite staggering. Apparently, a person is held responsible for the sins of all of those under his potential influence – up to and including the entire world.

However, R’ Ya’akov Reischer (*Iyun Ya’akov*) reminds us to consider the flip side as well; imagine the potential advantage that accrues to one who actually does keep others from sinning and encourages them to perform worthy deeds. The general principle governing such matters is that “*middah tovah merubah mimiddas puranus* – the attribute of benevolence exceeds that of of retribution.” As an example, Rashi (*Makkos 23a*) cites the notion of punishment and reward for children who follow the example of their parents. In regular circumstances, one’s offspring are not punished on account of the sins of the parents – unless they follow in their ways. Regarding such a situation, the Torah states: פֶּקֶד עֵין אֲבֹת עַל־בָּנִים – “He visits the iniquity of the fathers on the children – to the third and fourth generations” (*Shemos 20:5*). Notice the difference, however, when it comes to the reward reaped by offspring for the meritorious deeds of their antecedents, as stated in the next verse: וַעֲשֵׂה חֶסֶד לְאַלְפִים לְאֹהֲבֵי וּלְשֹׂמְרֵי מִצְוֹתַי – “He performs kindness **for thousands** (of generations), for those who love Me and for those who observe My commandments” (*Ibid.*, v. 6).

We have seen, then, the awesome accountability that exists in connection with the preventable misdeeds of others. Imagine the astronomical reward designated for those who guide and inspire their fellow Jews, bringing them to merit.

Mishnas Chayim is brought to you by **Chevrah Lomdei Mishnah**, a network of Torah scholars dedicated to bringing the merits of Mishnah study to the greater Jewish public. Encompassing Mishnah, Gemara, and variety of other services, **Chevrah Lomdei Mishnah** primarily assists mourners interested in acquiring the merit of Torah study for their loved ones.

Contact us at (732) 364-7029 or at www.ChevrahLomdeiMishnah.org.