

Who Is Responsible?

Rabbi Melanie Aron

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At a traditional Bar Mitzvah, there is a moment after the young man concludes his reading of the *Haftarah*, when the father stands and says: “*Baruch ShePatarni MeAnsho Shel Zeh*—Blessed is the One who has released me from the potential of being punished for this one’s deeds.” It comes from the idea that until a child comes of age, their father is responsible for their actions and any possible liability, whether monetary or moral.

In American society, we tend to see people as individuals responsible for themselves, but there are exceptions. Parents are sometimes held responsible for damage caused by their children, say if their child’s baseball breaks a window. We also might form a grudge against one family member and generalize it to the whole family, even if we recognize at some level that this is unfair.

The Torah deals with this tendency to see the family as one unit, which was even more pronounced in ancient times, but it does not speak in one voice on the issue.

In the Ten Commandments, it says:

Visiting the guilt of the fathers upon the children and upon the third and fourth generation of those who reject Me, but showing kindness to the

thousandth generation of those who love Me and keep My commandments.

We also find in *Parashat Nitzavim*, an important portion which we read on Yom Kippur morning, that the generation of Israelites in the desert feels that they can enter into a covenant—or contract—with God which will be binding on generations of Jews not yet born. This contract is understood as being binding on all Jews, even today, so many thousands of years later.

Yet in the Torah portion that we read this morning, it states very clearly: “Parents shall not be put to death for their children, nor children be put to death for their parents, a person shall be put to death only for their own sin.” And what is particularly interesting is that in the book of Kings, when Amaziah, King of Judah, kills the man who assassinated his father, the Bible explains:

But he did not put to death the children of the assassins, in accordance with what is written in the Book of the Teaching of Moses where the Lord commanded, “Parents shall not be put to death for children, nor children be put to death for parents.”

Biblical scholar Robert Alter points out that this law in Deuteronomy is a unique Israelite innovation. Alter notes, “Collective punishment or measure-for-measure punishment (You killed my son, so your son shall be killed) was common in ancient Near Eastern legal codes.”

The Rabbis have dealt with the conflicts between the different Biblical texts in a variety of ways.

First, they decreed that divine punishment is different from the punishment of the courts and that Jewish courts could not punish parents for children or vice versa.

Second, many interpreted the Third Commandment as a reflection of what is—that is as descriptive, rather than as proscriptive. This is to teach that adults should remember that the consequences of their actions and behaviors will reverberate in their families through their children and their grandchildren. Many of us can probably see patterns like that in our own families. Patterns of behavior and ways of treating one another are hard to break.

Finally, later generations, insisting that no one could possibly think that one would put a child to death for the crimes of their parent or vice versa, interpret this verse in a new way. This is about testimony, they explain. Parents cannot be put to death on the testimony of their children, nor children on the testimony of their parents. In fact, as a consequence of this verse, various classes of relatives are excluded from testimony.

The Mishnah lists as disqualified relatives: father, brother, uncle, brother-in-law, stepfather, father-in-law, and their sons and sons-in-law (Sanh. 3:4); the rule was extended to cover nephews and first cousins (Yad, Edut 13:3; Sh. Ar., ḤM 33:2). Where the relationship is to a woman, the disqualification extends to her husband

(Yad, Edut 13:6; Sh. Ar., ḤM 33:3). The fact that a disqualified kinsman does not maintain any connection with the party concerned is irrelevant (Yad, Edut 13:15; Sh. Ar., ḤM 33:10). (And as a note of explanation, in traditional Jewish law, only men could serve as witnesses.)

You might be aware of the exclusion of relatives as witnesses in Jewish law if, at the time of your wedding, you suggested that a relative be one of the two people signing your Ketubah, your wedding contract. The rabbi probably explained that the signers cannot be family members. This same Biblical verse and its extension in Jewish law also lead to the conclusion that an individual cannot testify against themselves.

Explaining the restriction on relatives, the rabbis illustrate an awareness of human frailties. They note that relatives can sometimes get into squabbles with each other and that these disagreements can become very emotionally intense. At the time of the conflict, a person might be willing to bear testimony against a family member. But later, when that person is punished or even put to death, depending on the crime, the relative might deeply regret their testimony, the anger having passed away. Worrying more about wrongly convicting the innocent than about letting someone who is guilty escape punishment, the rabbis close off this possibility by banning relatives from testifying.

With the High Holy Days approaching there is another understanding of this complicated verse in the Torah. As we think over our deeds of the past year, we need to remember that our family relations will neither defend us nor condemn

us. In general, we cannot use the behavior of others as an excuse for our own behavior. No one makes us so angry that we can't help but lash out. Likewise, we are not compelled to obey when others tell us to do something wrong.

A Bar or Bat Mitzvah is a celebration of a young person's coming of age in Jewish law, after which they become responsible for their own actions. While young people today are dependent on their parents in many ways for many years after they reach age 13, it is in this aspect of moral accountability that the coming of age implicit in a Bar or Bat Mitzvah continues to have important meaning.