

## Introduction to Tractate Horayot

*Horayot*, which is centered on Lev 4, is a companion to tractate *Shebu'ot*, which is centered on Lev 5–6. The law in *Horayot* deals with collective sin and its atonement, particularly addressing the erroneous decisions made by instruments of government or self-constituted collectivities, e.g., the town that goes astray through idolatry, as distinct from erroneous decisions made by individuals. Scripture makes provision for the collective expiation of guilt incurred on account of collective action effected through public institutions or instruction of government. The Torah refers to this as a sin committed in error. Lev. 4: 1–5, 4:13–21, 4: 22–26, and Num. 15:22–29, all deal with such situations. The law of *Horayot* pertains to the consequences of following an erroneous instruction which ensues when a court instructs the community to do something that should not be done. Cultic penalties are specified in Lev. 4: 1–5 for official instruction that is in error and the consequent sin of the anointed priest. Lev. 4:13–21 addresses what is to be done when the entire congregation errs. Lev. 4:22–26 deals with the inadvertent sin of the ruler. Finally, Num. 15:22–29 addresses dealing with the unwitting sin of the entire community; the deliberate sin of the entire community, in the instance of idolatry, already having been taken up elsewhere.

- I. The offering brought because of an erroneous decision by a court
- II. The offering brought by the high priest who has unwittingly done what is contrary to the commandments of the Torah; the ruler
- III. The individual, the anointed priest, and the community

Whether ruler, high priest, or people, all are subject to the sanction invoked by this unwitting sin which was caused by the erroneous ruling of the court. Interstitial issues—did the court and the public act together, did the court issue the ruling while the public carried it out, and the like—are addressed in the oral Torah's contribution to the law. The court, the ruler, and the high priest embody the community at large, the body of political institutions that, each in its own realm, bears responsibility for the whole. This tripartite division of political power dictates the organization of the exposition before us. As usual, the center of interest is divided between the crime and its penalty.

What triggers the application of the collective penalty provided by the law of *Horayot* is the community's reliance upon the court. He who relies on himself is liable, and he who relies on the court is exempt. Here is a case, then, in which "he told me to do it" represents a valid claim, but the case is carefully restricted. The law ordinarily does not accept such a claim, as is noted in the explicit statement that ordinarily no one can blame a third party for damages he causes.

It is when the court speaks in the name of the Torah erroneously that the individual is exempt. Even here the conditions under which such a claim may be made are narrowly defined. The only case in which the community at large does not deliberately violate the Torah and incur the penalty of death now and the loss of eternity at the last judgment involves erroneous instruction on the part of the court. Then, when an individual sins in ignorance, he is exempt from penalty, having relied on the court. Even though an individual knows the law, if he relies upon the court, he is exempt. The court is liable. But the error of the court must pertain to details, not to the basic rule, which the court (and

the individual) is expected to know. The individual, as much as the community, bears responsibility to know the Torah's explicit laws. Inadvertent errors in detail alone based on court instruction allow the individual to assign guilt to the community at large. Under those conditions the Scripture then provides for a means of expiating the collective sin. Inadvertence, however, pertains both to the community and to the court, so a range of possibilities is considered in *Horayot*. For example, the court may give an incorrect decision inadvertently, and the entire community followed their instruction and did the thing in error. Or the court may give an incorrect decision deliberately, but the community, following their instruction, did the thing in error inadvertently. Or the court may give incorrect instruction inadvertently, and the community followed their instruction and did the thing in error deliberately, and so on.