

And the man that will act with willfulness, not listening to the Kohen ... And you shall destroy the evil from among Yisrael, the entire nation shall listen and fear. (17:12,13)

The *zakein mamrei*, rebellious elder, is someone who is, for all intents and purposes, one of the nation's erudite scholars. He disagreed with his colleagues concerning certain *halachah*. While debate and disagreement are allowed -- and even encouraged -- once the *halachah* is established, everyone must accept and adhere to the ruling. One who does not -- especially an elder, a scholar who defiantly disagrees and rules against the *Sanhedrin*-- endangers the very underpinnings of *halachic* authority. He is to be executed during the next *Regel*, Festival, of the *Shalosh Regalim*, when all of *Klal Yisrael* is present to witness, to learn, to accept that we have only one Ruling Authority. This elder did not simply disagree; he ruled against the authority and acted blatantly in accordance with his own opinion. Such action undermines the unity and authority of the Torah's mandated Judicial system.

When the people witness the verity that even a towering Torah scholar may not override the *Sanhedrin*, they internalize the core truth that Torah is not a free-for-all. We cannot tolerate any fragmentation of Torah authority, or we become victim to spiritual chaos and lawlessness. Ours is a system based upon disciplined *mesorah*, tradition and respect for *daas Torah*. Although, indeed, we live in a time of unprecedented Torah scholarship, with access to *halachic* texts never before so available to the wider community, if we do not live and learn within a framework of humility and deference to Torah authority -- we risk repeating the very transgression for which the *zakein mamrei* was put to death. True *daas Torah* and true greatness are measured by one's ability to submit to the collective voice of the Torah, as interpreted by our *gedolei Yisrael*. He who is not mature enough to accept this should keep his harmful opinions to himself. Seeking support from others falls into the Korach trap.

Three other types of capitol offenders exist: the *meisis*, enticer, who attempts to convince others to join him in idol worship; the *ben sorer u'moreh*, rebellious, wayward son; and the *eid zomem*, false witness. All are put to death as soon as the guilty verdict is passed. The *zakein mamrei*, however, is kept waiting for the next *regel* when his execution will have its greatest impact. Concerning all four the Torah writes, *Yishme'u v'yira'u*, "That (the entire nation) they hear and fear," thus requiring public punishment. Why is the punishment of the *zakein mamrei* different?

Horav Meir Tzvi Bergman, shlita, cites the *Radbaz* who explains why these four offenders require pre-announced public executions for which attendance is encouraged. He says these offenders have committed offenses for which the average/common spectator will not fathom execution as a just punishment. The *zakein mamrei* did not hurt anyone; the *ben sorer* is killed as a preventative measure; the enticer is put to death, even if no one has listened to him. Because these punishments appear to be strange and inconsistent with their offenses, it is vital that the people be made aware of the gravity of their sins. The people must be taught to accept and internalize that

some sins, although they may never be realized, are no less egregious, because they assault the very fiber of our religious and judicial systems (which are actually one and the same, since they all come from Hashem).

While people may have reason to question the punishments, the *zakein mamrei* stands out due to his not being a common Jew. He is a Torah leader, a member of the *Sanhedrin* who was elevated to this position due to his singular knowledge. [He may even have been more erudite than the other members of the *Sanhedrin*.] He disagrees, however, with *bais din* in only one area of law. It is, therefore, vital that everyone – not just the members of the community – attend his punishment. It is the only way to maintain unity within *Klal Yisrael*.

Consequently, it was decreed that the *yishme'u v'yira'u* should be experienced during the festival, when all Jews have left their homes and possessions to reside in Yerushalayim as visitors. The togetherness resulting from each individual's lack of independence generated an unparalleled sense of *achdus*. It is specifically at such a time, when all of *Klal Yisrael* feels as one – children of one Heavenly Father -- that the incursion into the fiber of *Klal Yisrael's* harmony and oneness with each other and with Hashem are felt stronger. The breach created by the *zakein mamrei* is unpardonable because it creates a break within the people.

Harmony can only exist when all members of the nation look up to the *Sanhedrin* as the only and last authority in judicial law. When people impugn the authority of the *Sanhedrin*, we become splintered, with groups forming, each according to his own personal agenda. As faithful Jews, we have only one agenda: to fulfill the *ratzon Hashem*. The *zakein mamrei* threatens this agenda when he assails the authority of the *Sanhedrin*. Thus, his punishment is made public at a time and in a venue which impacts the largest gathering of Jews.