

You shall smite the inhabitants of that city with the edge of the sword. (13:16)

There are a number of *halachos* pertaining to *Ir Hanidachas*, the wayward city, and to the testimony of the witnesses who attest to the guilt of its inhabitants which do not seem to be consistent with one another. The people living in a city in which most of its inhabitants have been persuaded to worship idols are put to death. This includes all inhabitants of the city – including women and children, who might otherwise be innocent of the charges. The Torah demands that the testimony of the witnesses must be *eidus she'atah yachol l'haazimah*, a testimony of witnesses that can be disqualified through a second pair of witnesses who claim that the first set could never have witnessed the incident in question. The punishment for an *eid zomeim*, false witness, is reciprocal punishment; he receives whatever punishment his intended victim/the defendant was to receive. Thus, if the witness claims he has worshipped an idol, which is a capital crime, the *eid zomeim* will be executed. There is one exception: the false witness receives only the punishment of his intended victim – not that of his children. Thus, in the case of the *Ir Hanidachas*, in which children are also executed, the false witness would not receive his full punishment, since more than his intended victims are put to death. If an *eid zomeim* cannot receive his full due, we do not accept his testimony in the first place. The **Minchas Chinuch** therefore questions how we can even accept testimony concerning a wayward city. Since it will mean that children are put to death, the testimony is not disqualifiable, because the witness's children are not punished together with their father.

Horav Yechiel Yaakov Weinberg, zl, explains that the children of a wayward city are executed as *yoshvei ha'ir*, inhabitants of the city – not as guilty defendants. He compares this to a ship filled with passengers of whom a majority have become infected with a deadly virus. The officials refuse to allow the boat to dock – essentially a death sentence for everyone on the ship. What about the children and those people who are still healthy? Sorry. The decision has been made concerning the boat – not its passengers. The healthy passengers are regrettably part of the boat.

Likewise, when witnesses report that inhabitants of a certain city have worshipped idols, they are condemning the city – not its individual inhabitants. The wives and children of the sinners will suffer not because of their relationship to the sinners, but because they are *yoshvei ha'ir*, residents of a city which has been condemned. The key word toward understanding the laws of the wayward city is *kibutzius*, collectivism and collective living. This is one community, one city, one ship. When the city turns away from Hashem, its inhabitants in their entirety must accept their collective guilt and cumulative punishment.