

Parshas Ki Seitzei

TEACHING YOUR CHILDREN

One of the less understood laws of the Torah is that of the Ben Sorer u'Moreh, the rebellious son:

כי יהיה לאיש בן סורר ומורה איננו שמע בקול אביו ובקול אמו ויסרו אותו ולא ישמע אליהם ותפשו בו אביו ואמו והוציאו אתו. אל זקני עירו ואל שער מקמו. ויאמרו אל זקני עירו בננו זה סורר ומרה איננו שמע בקולנו זולל וסבא. ורגמהו כל אנשי עירו באבנים ומת ובערתה הרע מקרבך וכל ישראל ישמעו ויראו – If a man has a wayward and rebellious son, who does not obey his father or his mother, and they rebuke him, and he still does not listen to them; his father and his mother shall take hold of him and bring him out to the elders of his city, and to the gate of his town. They shall say to the elders of his city, “This son of ours is wayward and rebellious; he does not obey us; he is a glutton and a guzzler.”

And all the men of his city shall pelt him to death with stones, and he shall die. So shall you cast out the evil from among you, and all Israel will listen and fear. (21: 18-21)

The underlying reason that a Ben Sorer u'Moreh would theoretically have a death sentence is that Chazal understood that such a child has no boundaries and will eventually murder an innocent person. It is better to die young and innocent than a guilty man later on. This is very difficult to understand, even setting aside the free will paradox implied.

The Torah sets impossible parameters and conditions: the parents have to be united in agreement in every regard for their son be sentenced to death – what parent would do such a thing, let alone both? Furthermore, the age at which Ben Sorer u'Moreh applies is limited to the three months after his 13th birthday; he needs to have stolen a certain amount of meat; itself cooked a particular way; he needs to have drunk a certain amount of wine; all the while on his fathers property. These conditions are so improbable that the Gemara in Sanhedrin writes it off as impossible. The Gemara states that a Ben Sorer u'Moreh never happened, and never will; it is in the Torah simply so that it will be analysed, and its students will be rewarded.

But what reward can the Gemara mean? It cannot be more Torah study, and it cannot be academic. Even without this section, in a hundred lifetimes a person could not hope to complete the entire Torah. The Torah is not lacking material that it needed “filler” content. So what does the Gemara mean that it should be analysed, and those who do so will be rewarded?

R' Moshe Mordechai Epstein concludes that the laws of a Ben Sorer u'Moreh have a more subtle reward than the ability to study more Torah.

By studying this episode, one discovers the Torah's approach to parenting, how to raise them properly; and how to prevent straying.

When a child is overindulged, it is detrimental to everyone – the word we use is “spoilt” – this person has literally been ruined. The Ben Sorer u'Moreh is someone who is out of control from adolescence, and the Torah tells us to recognise this characteristic. This is what the Torah means when it says ובערת הרע בקרבך, וכל ישראל ישמעו ויראו – So shall you cast out the evil from among you, and all Israel will listen and fear.

The Torah wants kind, balanced human beings; not wild, carefree and selfish people. This tasks us with preventing evil in our children, before it is too late. We are meant to learn from the Ben Sorer u'Moreh as the paradigm of what not to do – וכל ישראל ישמעו.

Perhaps the Gemara itself hints to this. The Gemara says that the function of Ben Sorer u'Moreh is דרוש וקבל שכר – analyse it and receive reward. The Gemara does not say למוד, to study it, but דרוש, analyse it. The reward is וכל ישראל ישמעו, how to raise balanced children.

A tree can be straightened with a splint while still a sapling. It takes twenty years to grow an oak tree, but just a few months to grow a cucumber.

TESTS AND CONSEQUENCES

One of the terrible realities of war is that civilian populations are often subject to atrocities. Women are particularly at risk from invading forces – such savagery has only recently been recognised as a war crime.

The Torah demands more of its adherents – that all wars be fought with minimal harm and collateral damage to civilians, but recognises the desperation of armies at war. Under such a reality, the Torah introduces a law called Yefas Toar – the captive woman:

– כי תצא למלחמה על איבך ונתנוה אלהיך בידך ושביתי שבינו. וראית בשביה אשה יפת תאר ורשקת בה ולקחתה לך לאשה – If you go out to war against your enemies, and the Lord, your God, will deliver them into your hands, and you take captives. If you see among the captives a beautiful woman and you desire her, you may take her for yourself as a wife. (21: 10,11)

Rashi explains that this is not a command, but permission. Soldiers are not required to take captives home; rather, the Torah addresses mankind's evil inclination. But note that the following laws after Yefas Toar are the case of a despised wife, and then a rebellious son. Chazal understand that the juxtaposition means that if the returning soldier married the Yefas Toar, he will come to hate her, and their children will be rebellious.

However, the Rambam codifies it as a mitzva, not just permission.

If it's a mitzva, why does a negative outcome result from it? There is a principle that people doing a mitzva are protected from harm. Secondly, if it is a mitzva, how does it address the evil of mankind?

Perhaps this mitzva demonstrates that the Torah guides the way even when things aren't going smoothly – בשעת הירידה. The Torah does not say to “marry” her, but to “take her” – as an emergency measure. The laws continue that for 30 days she must shave her head bald, be unkempt, in mourning, and dressed in black rags. This is not

meant to be a romantic, attractive and happy marriage. Perhaps the intent of these laws is that the man will realise precisely who he has brought into his house – and will send her home.

Perhaps then, the “evil of mankind” remark is isolated to the heat of the moment. The Torah recognises the impulse and permits the indiscretion, albeit temporarily. He is meant to get rid of her after 30 days. If he marries her after the 30 day window, the Yefas Toar “loophole” expires, and he is, in fact, committing a sin. He is certainly not doing a mitzva, and Chazal identify that marrying this captive non-Jew will cause marital strife and discord, and the offspring of this relationship will not be model Jews.

This is implicit in the statement that it is specifically “if the returning soldier married the Yefas Toar, he will come to hate her, and their children will be rebellious,” – if he gets rid of her, he is safe – but after 30 days he is doing no mitzva.

The Torah is the guiding light under all circumstances. This mitzva illustrates that assistance is available to people in need – but people have to take responsibility eventually – there are consequences of not living up to expectations.

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