



“If a man will have a wayward and rebellious son”

The Incredible Lesson to Be Learned from the Passage of the “Ben Sorer U’Moreh” even though It Never Happened

Once again, we wish to draw a connection between the weekly parsha and the month of Elul—the month during which we prepare for the Day of Judgment by performing teshuvah. We will focus on the difficult passage of the “ben sorer u’moreh”—the wayward and rebellious son—because it contains a valuable lesson relevant to each and every Jew. It touches upon the tremendous responsibility every Jewish parent has to teach and raise his children in the ways of Torah and mitzvos. Here are the pertinent pesukim (Devarim 21, 18):

“כי יהיה לאיש בן סורר ומורה איננו שומע בקול אביו ובקול אמו ויסרו אותו ולא ישמע אליהם. ותפשו בו אביו ואמו והוציאו אותו אל זקני עירו ואל שער מקומו. ואמרו אל זקני עירו בננו זה סורר ומורה איננו שומע בקולנו זולל וסובא. ורגמוהו כל אנשי עירו באבנים ומת ובערת הרע מקרבך וכל ישראל ישמעו ויראו.”

If a man has a wayward and rebellious son, who does not heed the voice of his father and the voice of his mother, and they discipline him, but he does not listen to them; then his father and mother shall grasp him and take him out to the elders of his city and the gate of his place. They shall say to the elders of his city, “This son of ours is wayward and rebellious; he does not heed our voice; he is a glutton and a guzzler.” All the men of his city shall pelt him with stones and he shall die; and you shall destroy the evil from your midst; and all Yisrael shall hear, and they shall fear.

Let us introduce Rashi’s comment which is based on the Mishnah and the associated discussion in the Gemara (Sanhedrin 70-72):

They warn him before a court of three judges, and if he still transgresses, they flog him. A “ben sorer u’moreh” is not liable to punishment until he steals and eats a

“tarteimar” (approximately 8 oz. in a single mouthful) of meat and drinks half a “log” (between 12-21 oz. in a single draught) of wine, as it says: “A glutton and a guzzler,” and it says (Mishlei 23, 20): “Do not be among the guzzlers of wine, among those who devour meat for themselves.” A “ben sorer u’moreh” is killed, because of his end. The Torah foresaw the culmination of his way of thinking. In the end, he will exhaust his father’s money and seek to maintain his habit, and not find adequate means. He will then stand at the crossroads and rob people. The Torah says, “Let him die as an innocent person and not die as a guilty person.”

Thus, we learn a tremendous chiddush regarding the laws of the “ben sorer u’moreh” that we do not find anywhere else in the Torah. We are instructed to kill a person who is still innocent. To quote the words of the Mishnah (Sanhedrin 71b): «בן סורר ומורה נידון על שם סופו, ימות זכאי ואל ימות חייב.» The “ben sorer u’moreh” is judged based on his ultimate end. For, we say: **Let him die innocent, and let him not die guilty.** Thus, our blessed sages attest to the fact that he is still innocent; notwithstanding, he is still put to death. For, it is clear to the Torah that he will ultimately rob people, kill them and deserve the death penalty.

His Father and Mother Must Be Similar in Voice Appearance and Height

Apparently, it is precisely for this reason that Chazal teach us that, in reality, it is impossible to ever convict a son of being wayward and rebellious, because the conditions required are so stringent and excessive. As a result, two esteemed Tannaim concluded that a “ben sorer u’moreh” never was and never will

be; and the reason that this passage is included in the Torah is merely for the sake of being studied and being rewarded. Here is the pertinent passage in the Gemara (ibid. 71a):

”רבי יהודה אומר, אם לא היתה אמו שוה לאביו בקול ובמראה ובקומה, אינו נעשה בן סורר ומורה. מאי טעמא, דאמר קרא אינגו שומע בקולו, מדקול בעינן שוין, מראה וקומה נמי בעינן שוין.”

Rabbi Yehudah says: If his mother was not similar to his father in voice, in appearance or in height, he cannot become a “ben sorer u’moreh.” What is the reason? Because the Torah says, “He does not heed our voice.” And from the fact that we require their voices to be similar, it stands to reason that their appearance and height must also be similar. In other words, even if the son is a glutton and a guzzler and does not heed his parents, nevertheless the verdict of “ben sorer u’moreh” demands that his parents be similar in voice, appearance and height. Seeing as this is very unlikely, our sages concluded:

”כמאן אזלא הא דתניא בן סורר ומורה לא היה ולא עתיד להיות, ולמה נכתב דרוש וקבל שחר, כמאן, כרבי יהודה. איבעית אימא רבי שמעון היא, דתניא אמר רבי שמעון, וכי מפני שאכל זה תרטימור בשר ושתה חצי לוג יין האיטלקי, אביו ואמו מוציאין אותו לסקלו, אלא לא היה ולא עתיד להיות, ולמה נכתב דרוש וקבל שחר.”

Whose opinion does the Baraisa reflect when it states: There never was a “ben sorer u’moreh,” nor will there ever be one in the future. And why was it written in the Torah? So that you will expound the passage and be rewarded. Whose viewpoint does this reflect? The Gemara suggests two possibilities: **It accords with the view of Rabbi Yehudah; or, if you prefer, say that it accords with the view of Rabbi Shimon. As it was taught in a Baraisa, Rabbi Shimon said: Now, is it just because he ate a “tarteimar” of meat and drank half a “log” of Italian wine that his father and mother take him out to be stoned? Rather, there never was one, and there never will be one in the future. Why then was the law written? Because the Almighty said, “Expound it and be rewarded.”**

Now, seeing as HKB”H introduced these four pesukim in the Torah—even though a “ben sorer u’moreh” never was and never will be—so that we would be rewarded for studying this law, it is with the utmost pleasure and delight that together we will fulfill His wish: “דרוש וקבל שחר”. We will explore and immerse ourselves in the illuminating Torah of our sacred Rabbis. We will learn various lessons that they deduce from

this enigmatic passage pertaining to the service of Hashem and the education of children.

We Must Teach Our Children How to Serve Hashem through Eating

We will begin our journey with a fascinating chiddush. The law of “ben sorer u’moreh” only applies from the day a boy becomes a bar-mitzvah until three months have elapsed. Let us refer to the Mishnah (ibid. 68b): “מאימתי נעשה בן סורר ומורה משיביא” **“when can a boy become a “ben sorer u’moreh”? From the time that he produces two hairs** (after reaching the age of thirteen). At that time, he becomes obligated to abide by all of the mitzvos. Prior to achieving that milestone, he is considered a minor and is not obligated to perform the mitzvos. Regarding this point, the Gemara states (ibid. 69a): **“אמר רבי—כרוספדאי כל ימיו של בן סורר ומורה אינו אלא שלשה חדשים בלבד”** **Rabbi Kruspedai said: The entire period of time during which a boy can become a “ben sorer u’moreh” is only three months.** The Gemara arrives at this conclusion based on the fact that until three months after becoming a bar-mitzvah, he is still called a son; subsequently, he has the capacity to be called a father.

We find a wonderful explanation apropos this subject in the Chinuch (248). He explains that when a boy first becomes obligated to perform all the mitzvos, he is overwhelmed with a youthful exuberance. Hence, HKB”H warns him to be especially careful not to overindulge in matters of eating and drinking. For, they are liable to topple a person from a spiritual peak to a spiritual nadir:

At the root of the mitzvah lies the reason that most human sins are due to overindulgence in food and drink, as it is written (Devarim 32, 15): “Yeshurun grew fat and kicked.” Also (ibid.): “You grew fat, you grew thick, you became gross, and he forsook the G-d who made him” . . . Therefore, our complete, perfect Torah would restrain us, for our own good, from increasing our food and drink inordinately, lest the physical matter prevail significantly over the spirit, until it sickens it and destroys it completely. Therefore, to remove the matter to the maximum, we were warned in this regard with a severe punishment—the punishment of death. This is how I perceive the matter.

Thus, a person is warned about this when the exuberance of his youth begins in force, at the onset of his entry into the

obligation of safeguarding his soul—this refers to the first three months from when he begins to produce two hairs . . . And from that time, he should learn a moral lesson for his entire life. For, seeing as the matter of food is a constant in a person’s life, since he cannot exist without it, the Torah would not punish him for this shortcoming all of the time. Rather, it chastised him once (early) to benefit him for all (future) times.

Upon further reflection, we see the extent and consequences of eating and drinking. After all, the first mitzvah issued to Adam and Chava was related to eating, as it is written (Bereishis 2, 17): **“ומעץ הדעת טוב ורע לא תאכל ממנו כי ביום אכלך ממנו מות תמות”**—**but from the Eitz HaDa’as Tov VaRa you must not eat thereof; for on the day you eat of it, you shall surely die.** As we know, they could not withstand the persuasive argument of the nachash (ibid. 3, 6): **“ותרא האשה כי טוב העץ למאכל וכי תאווה הוא”**—**לעינים ונחמד העץ להשכיל, ותקח מפריו ותאכל ותתן גם לאישה עמה ויאכל”**—**and the woman saw that the tree was good for eating and that it was a delight to the eyes, and that the tree was desirable for comprehension, and she took of its fruit and ate; and she gave also to her husband with her and he ate.** As a consequence, they and all of creation were condemned to die. Thus, we see the severity of eating voraciously or inappropriately and pursuing our appetites.

This then is the vital lesson to be learned from the law of “ben sorer u’moreh.” We must educate our children that they are capable of and are even obligated to eat and drink properly with restraint. This will enable them to serve Hashem. Furthermore, we must educate them not to overindulge neither in quantity nor quality. After all, the Torah foresaw the ultimate mindset and outcome of a gluttonous, guzzling “ben sorer u’moreh.” He is destined to decline spiritually and ultimately transgress all the aveiros in the Torah, as per the depiction: **“Yeshurun grew fat and kicked.”**

The Maharal’s Incredible Insight regarding the Parents’ Similar Qualities

Let us continue to fulfill Hashem’s wish that we **“expound and receive reward.”** Next, we will examine the words of the Maharal of Prague in Chiddushei Aggados (Sanhedrin 71a). He addresses Rabbi Yehudah’s statement cited above: **If his mother was not similar to his father in voice, in appearance or in height, he cannot become a “ben sorer u’moreh.”** At first glance, this is

an extremely bewildering statement. Seeing as it is improbable for these criteria to be met, what is the point of this elucidation? Apparently, HKB”H intended to teach us a vital lesson concerning parenting. Here is what the Maharal writes:

“פירוש, דבר זה מה שנתן השי”ת בתורה מצות סורר ומורה, שהוא סר מן הדרך הישר, וצריך שלא יהיה הסיבה לזה אביו ואמו [כלומר שלא הם יגרמו לכך], וכאשר אין אביו ואמו שווים בקול, אם כן אין זיווג שלהם זיווג שוה גמור, כי הזיווג השוה צריכים שיהיו דומים ושווים.

ולכך צריכים שיהיו הם שווים בקול ובמראה ובקומה, כי הקומה נראה שהם שווים בגוף שהקומה לגוף, והקול שממנו הדיבור שעל ידו האדם נפש חיה, והמראה הוא צלם האדם. ואם כן כאשר אין הזיווג זיווג שוה, אם הבן סר מן הדרך השוה, הסיבה לזה אביו ואמו של הגולד אשר הזיווג אינו שוה, ודבר זה מביא שיהיה בן סורר ומורה, לכך אינו נידון בבן סורר ומורה.”

Let us explain what the Maharal writes in a way that is relevant to each and every one of us. In truth, it is unlikely that the father and mother will actually be similar to each other in voice, appearance and height. After all, a father’s voice and appearance are masculine; whereas a mother’s voice and appearance are feminine. Yet, when they are educating their sons and daughters, it is imperative that they function as one and present a united front—as if they are remarkably alike in all aspects.

Let us elaborate. If the children want to know if a particular deed is proper and worthwhile or not, it is important that a consensus opinion is voiced by both parents. It is not good if one parent says that it is absolutely prohibited, and the other parent joins in unconvincingly, giving the children the impression that it doesn’t really matter to them. Similarly, when the children do something wrong, and they see from their parents’ facial expressions that one is displeased while the other is actually pleased. Also, when it comes to their parents’ attitude towards education in the home, the children sense whether both parents are truly interested and committed to raising their children or whether they are more interested and utterly committed to earning money.

This is the point Rabbi Yehudah is emphasizing: **If his mother was not similar to his father in voice, in appearance or in height, he cannot become a “ben sorer u’moreh.”** If the child hears two dissimilar voices or sees two different reactions—such as delight and anger—to a particular act, and senses two different attitudes regarding the parents’ concern to

teach their children right from wrong, then the parents are to blame if the child grows up to be wayward and rebellious. The child is not to blame.

This provides us with a very nice interpretation of the following passuk (ibid. 2, 24): "על כן יעזוב איש את אביו ואת אמו ודבק" **"therefore, a man shall leave his father and his mother and cling to his wife, and they shall become one flesh.** Rashi comments: **The child is formed through the two of them, and there their flesh becomes one.** This raises an obvious question. A man is obligated in the mitzvah of "kibud av v'eim" even after he gets married; so, in what way is the Torah instructing him to abandon his parents?

We can provide an answer based on our current discussion: **"Therefore, a man shall leave his father and his mother"**—in other words, he should abandon the character traits that he acquired from his parents and became accustomed to prior to getting married. However, after getting married, he should **"cling to his wife"**—he should commit to adapting his midos to her midos. Why? Because eventually **"their flesh becomes one"**—they will produce children of their flesh, who will require parents who function as one to educate them. As explained, they will need to be similar in voice, appearance and height. In that manner, HKB"H will help them succeed in educating their children in the ways of the Torah and reverence.

Elucidate and Get Rewarded Even in the Heavenly Realm

We can now add a delightful tidbit concerning Chazal's statement: **"A 'ben sorer u'moreh' never was and never will be. So, why was it written (in the Torah)? So that you would elucidate and be rewarded."** We will begin by quoting the wisest of men (Koheles 9, 10): **"כל אשר תמצא ידך לעשות בכוחך עשה;—whatever you are able to do with your might, do it. For there is neither doing nor reckoning nor knowledge nor wisdom in the grave where you are going.** According to Rashi, he is cautioning us to fulfill the mitzvos while we are still alive and still can. For, once the soul has left the body, it is impossible to perform any mitzvos.

Yet, our sacred sefarim assert that if a man educates his children and his grandchildren to serve Hashem, he continues to be rewarded for their mitzvos even after he has passed away,

as if he is still alive. To make this point, the Gemara uses David as an example (B.B. 116a): **"מפני מה בודד נאמרה בו שכיבה וביואב נאמרה בו מיתה, דוד שהניח בן כמותו נאמרה בו שכיבה, יואב שלא הניח בן כמותו נאמרה בו מיתה—why regarding David does the text employ the term "שכיבה" ("reposing"), whereas regarding Yoav the text employs the term "מיתה" ("dying")? Regarding David, who left behind a son like himself, the term "reposing" is used; however, regarding Yoav, who did not leave behind a son like himself, the term "dying" is used.** In other words, since David left behind a son whom he had educated to follow in his footsteps, it was as if he was still alive and continuing to be rewarded for the performance of mitzvos.

In this manner, the Chasam Sofer (Beha'aloscha) interprets the words of the navi (Zechariah 3, 7): **"ונתתי לך מהלכים בין העומדים"—I will grant you "mehalchim" (those who can walk) among these "omdim" (those who stand in place).** So long as a Jew is alive and able to perform mitzvos and good deeds, he is considered a **"הולך"**—he can advance from one level to the next. However, after a person passes away, he is considered an **"עומד"**; it is as if he is standing in place, because he can no longer improve his status by performing mitzvos and good deeds; he can no longer **"walk,"** so to speak.

If, however, he leaves behind children who follow the path of Torah and **"yirah,"** he is still considered a **"הולך,"** even in the world above. This is the thrust of the statement (Sanhedrin 104a): **"כרא מזכי אבא"—a son can earn merit for a father.** This then is the interpretation of the passuk: **"ונתתי לך מהלכים בין העומדים"—I will grant you "mehalchim,"** due to the continued observance of Torah and mitzvos in Olam HaZeh by your offspring. Here are his sacred words:

"ונתתי לך מהלכים בין העומדים האלה. כי הצדיק אחרי מותו אינו מהלך כי הוא חפשי מהמצוות, אמנם בשהעמיד תלמידים הרבה, אם כן כל המצוות אשר יעשו הם הוה ליה כאלו הוא עשאם, והרי הוא עולה והולך ממדרגה למדרגה גם אחרי מותו, וזהו ונתתי לך מהלכים, אפילו כשתהיה בין העומדים האלה, שהוא לאחר מיתה."

A tzaddik after his death is no longer a "mehalech," because he is free of the mitzvos. Yet, if he had many students, all the mitzvos that they will perform, it will be as if he had performed them. As a result, he ascends and advances from level to level even after his death. This is the

meaning of the passuk: “I will grant you ‘mehalchim.” You will maintain that status even when you are among these “omdim”—in other words, after death.

Now, we can apply this notion to Chazal’s statement: “A ‘ben sorer u’moreh’ never was and never will be. So, why was it written? So that you would elucidate and be rewarded.” They intended to teach us that the reason HKB”H instructed that the law of “ben sorer u’moreh” be written in the Torah was so that every Jew would “elucidate” it and learn a vital lesson: It is imperative that parents educate their parents uniformly, as a united front—similar in voice, appearance and height. As a result, “they will be rewarded” even in the world above after they have passed away.

An Incredible Lesson from the Kli Yakar

We will now explore a valuable and illuminating insight from the Kli Yakar. He explains the important lesson that we are supposed to learn from the law of “ben sorer u’moreh.” With this law, HKB”H is teaching us not to rely on the fact that we are considered G-d’s children and assume that as such HKB”H will treat us leniently and tolerate our errant behavior if we behave improperly, chas v’shalom. On the contrary, we should know beyond a shadow of a doubt that if we do not make amends through sincere, total teshuvah, HKB”H is liable, chas v’shalom, to judge as a “ben sorer u’moreh.” Here are his sacred words:

“מפשוטה של הפרשה יש מוסר גפלא לכל ישראל שנקראו בנים לאל חי, ויש לחוש שיסמכו על זה ויאמרו, מאחר שאנחנו בניו, אם כן ודאי אם יהיו בנים סוררים, לא יביט און ביעקב, וירחם עליהם כרחם אב על בנים, ויותר להם כדרך שהאב מוותר לבנו, ויאמרו הקב”ה וותרן. וכן אמר משה בניו מומם, רצונו לומר מה שקראם בניו זהו מומם, כי סמכו על זה ועשו עבירות חבילות חבילות, ובטחו באביהם שלא ימסרם ביד מדת הדין.

על כן כתבה התורה שהדין דין אמת, שאפילו האב חייב להביא את בנו לבית דין ולמוסרו למיתה, ועל ידי זה ישמעו פרשה זו כל ישראל ויראו את ה’, ולא יסמכו על מה שקראם בנים, כי גם בבית דין שלמטה חייב האב למסור את בנו לבית דין, וכן הדין גם בבית דין שלמעלה.”

This passage provides a wonderful lesson for all of Yisrael—the children of G-d. There is a concern that they might rely on this fact, thinking that if they are wayward, Hashem will surely overlook their iniquities like a merciful father—that He will indulge them and show them leniency. Thus, when Moshe says (Devarim 32, 5): “The blemish is His children’s,” he is insinuating that the fact that HKB”H

called Yisrael his children is their blemish. For, they relied on this special status and committed countless aveiros, trusting that their Father would not subject them to the dictates of divine judgment—“din.”

Therefore, the Torah teaches that “din” must be true (objective and impartial). Even a father is obligated to bring his son to Beis Din if he deserves the death penalty. So, by hearing this passage, all Jews will fear Hashem and will not rely on the fact that they are called children. Just as a father must deliver his son to Beis Din down below on earth, the same holds true in the Beis Din above.

Let us embellish this thought. The law of the “ben sorer u’moreh” appears in parshas Ki Seitzei, which is always read in the month of Elul—the month of teshuvah. Thus, it is reminding us that we cannot exempt ourselves from the “din” of Rosh HaShanah by relying on the fact that we are considered G-d’s children and He will act like a merciful father. There is no substitute for sincere teshuvah; it is the only way to correct all that we have corrupted during the past year.

This explains very nicely the concluding words of the passage: “וְכָל יִשְׂרָאֵל יִשְׁמְעוּ וִירְאוּ”—and all Yisrael shall hear and they shall fear. The Tur writes (O.C. 581): Our sages of blessed memory instituted the blowing of the shofar annually on Rosh Chodesh Elul and throughout the month. This serves as a warning for Yisrael to perform teshuvah, as it states (Amos 3, 6): “Is the shofar ever sounded in a city and the people do not tremble?” It also serves to confuse the Satan.

This then is the message conveyed by the passuk. After teaching us that we are required to perform teshuvah, even though we are G-d’s children, the passage concludes: “And all Yisrael shall hear and they shall fear.” This alludes to hearing the sound of the shofar in the month of Elul, an instrument that causes us to tremble and instills in us the fear of Hashem—“yirah.” This motivates us to perform teshuvah, so that HKB”H will not treat us, chas v’shalom, like a father who is compelled to bring his wayward and rebellious son to Beis Din.

The Explanation of Yofiel the Prince of the Torah Regarding the Law of “Ben Sorer U’Moreh”

We will continue to shed light on this subject by presenting to our royal audience a passage in the Zohar hakadosh (Balak

197b). It depicts a fascinating incident related to the pesukim of “ben sorer u’moreh.” When Moshe was instructed to record these pesukim, he understood that the circumstances of this law could never exist. For, what father or mother would bring their son to Beis Din to be put to death? Thus, he understood that the entire passage of “ben sorer u’moreh” was simply an allusion to Yisrael—G-d’s children. Seeing as they were destined to transgress the mitzvos of the Torah, HKB”H would judge them as a “ben sorer u’moreh.” Hence, he requested permission from HKB”H not to include the passage of “ben sorer u’moreh” in the Torah. **“At that moment, HKB”H hinted to Yofiel the Prince of the Torah”** to reveal to Moshe his elucidation of these pesukim, which explains and defends Yisrael’s errant behavior:

“If a man will have”—this refers to HKB”H, Who is called a man in the following passuk (Shemos 15, 3): **“ה' איש מלחמה”**—**Hashem is a man of war**; **“a son”**—refers to Yisrael, who are called the children of G-d; **“who is wayward and rebellious”**—who disobeyed and rebelled against the ways of Hashem; **“who does not heed the voice of his father”**—HKB”H; **“and the voice of his mother”**—the holy Shechinah, the mother of the congregation of Yisrael; **“and they discipline him”**—Yisrael are rebuked by the neviim; **“but he does not listen to them”**—they continue their wayward, evil conduct. **“Then his father and his mother grasp him”**—HKB”H and the holy Shechinah; **“and take him out to the elders of his city and the gate of his place”**—they are brought before the heavenly tribunal for judgment.

“They shall say to the elders of his city, ‘This son of ours is wayward and rebellious; he does not heed our voice; he is a glutton and a guzzler’—with this pronouncement, their intent is to defend and justify Yisrael’s conduct; since they became a “ben sorer u’moreh,” due to life in galus, where they were surrounded by and exposed to the nations who pursue their gluttonous appetites. As a consequence, they were also drawn to gluttony, which corrupted them, as it is written (Bamidbar 25, 2): **“וַיֹּאכְלוּ הָעָם וַיִּשְׁתַּחֲווּ לֵאלֹהֵיהֶן”**—**the people ate and bowed down to their gods.** In a similar vein, it is written (Tehillim 106, 35): **“וַיִּתְעַרְבוּ בַגּוֹיִם וַיִּלְמְדוּ מֵעֲשִׂיהֶם”**—**they mingled with the goyim and learned their ways.**

Hence, the Torah concludes: **“All the men of his city shall pelt him with stones and he shall die”**—rather than pouring out His wrath on Yisrael, HKB”H chose to pour out His wrath on Yerushalayim and the Beis HaMikdash. “All the men of the city” refers to the goyim among whom Yisrael dwell in galus. They pelted Yerushalayim with stones implying that they levelled its walls, smashed its towers into pieces and destroyed the Beis HaMikdash. As a result of these actions, it was as if Yisrael had died; **“and you shall destroy the evil from your midst; and all Yisrael shall hear and they shall fear.”** Upon hearing this elucidation from Yofiel the Prince of the Torah, Moshe Rabeinu agreed to write these pesukim in the Torah.

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