

DIMENSIONS IN CHUMASH

KI SEITZEI

The Ben Sorer U'Moreh

One of the mitzvos in the opening section of the parsha is the *ben sorer u'moreh* (the wayward and rebellious son). The verse describes his situation as “אִינְנוּ שִׁמְעַת בְּקוֹל אָבִיו וּבְקוֹל אִמּוֹ וַיִּסְרוּ אוֹתוֹ וְלֹא יִשְׁמָע – he does not listen to his father or mother, they chastise him but he does not heed them... a glutton and a drunkard,”¹ and commands that he be stoned to death. The Talmud² states that there was never in fact a case of a *ben sorer u'moreh*, as the number of technical halachic requirements for him to be convicted practically guaranty that it will never happen. The Gemara asks: Why then was this section written in the Torah? To this, the Gemara responds: In order to expound upon it and receive reward.

This answer is somewhat enigmatic. Are there not plenty of other mitzvos which do have practical application that one could also receive reward for expounding upon? Why do we need another mitzvah which exists only for purposes of exposition? However, more intriguing still is the next line in the Gemara, which records R' Yochanan as saying that he, in fact, sat by the grave of a *ben sorer u'moreh*. It turns out that the question of whether there was ever a case of this sort is the subject of a dispute, but what type of dispute is this? Presumably there either was or was not such case! Rabbeinu Bachye addresses this question and explains that although it seems as if these two statements are arguing with each other, in reality there is no argument. Yet this comment is even more intriguing, for these two statements certainly *look* like they are in conflict. What is the meaning of then saying that they are not actually conflicting?

The Chasam Sofer explains. The problem with a *ben sorer u'moreh* is that, having developed expensive and addictive habits, for which he steals from his parents, he is likely to turn to other sources of funding when his parents' money runs out, and will likely stop at nothing – including bloodshed – to get what he craves and needs. The pure response to this issue is presented by the Torah: kill him before that happens. Now, the Torah does not require that we actually kill a thirteen-year-old child, but it is alerting us to what is likely to happen when he grows up. This is what Rabbeinu Bachye means when he says the two statements of the Gemara are not in conflict. When the first statement says that there was never a case of *ben sorer u'moreh*, it means no child was ever convicted and executed as such by a Jewish court. When R' Yochanan says that he sat by the grave of such a child, he is referring to that child who then grew up, continued along his addictive path and was killed, not at thirteen by the *beis din*, but at eighteen in an alleyway.

The goal of this parsha is, as the Gemara says, to “expound and receive reward.” This does not just refer to

1 Devarim 21:18, 20.

2 Sanhedrin 71a.

the reward for Torah study – for which the other mitzvos would also suffice – but the reward from being vigilant in ensuring that our children do not get into such a situation in the first place.

Mitzvos and Values – Returning Lost Property

לֹא תִרְאֶה אֶת שׁוֹר אָחִיךָ אוֹ אֶת שִׂי נִדְחִים וְהִתְעַלְמָתָּ מֵהֶם הֲשִׁב תְּשִׁיבֵם לְאָחִיךָ... וְכֵן תַּעֲשֶׂה לְכָל אֲבֵדֹת אָחִיךָ אֲשֶׁר תֵּאבֹד מִמֶּנּוּ וּמִצָּאֵתָהּ לֹא תִוְכַל לְהִתְעַלֵּם.

*You shall not see the ox of your brother or his sheep wandering and ignore them; you shall surely return them to your brother... And so you shall do for any lost item of your brother that may become lost from him; you may not ignore it.*³

These verses deal with the well-known mitzvah of hashavas aveidah – returning lost property. The Alshich raises some fascinating questions regarding the nuances of the Torah’s presentation of this mitzvah.

1. The opening prohibition seems overly wordy, for it says “לֹא תִרְאֶה... וְהִתְעַלְמָתָּ – *You shall not see... and ignore them.*” By definition, ignoring something involves seeing it, in which case the verse could simply have said “You shall not ignore the ox of your brother etc.”
2. The double phrasing of the command, “הֲשִׁב תְּשִׁיבֵם” is commonly translated as “*You shall surely return them.*” This is somewhat difficult. If the verse had only said “תְּשִׁיבֵם — *You shall return them,*” would we have thought that it isn’t sure? Almost all mitzvos are written with just one word, and yet the Torah is quite sure that we need to do them. What then, is the meaning behind the double expression?
3. The final verse ends with the words “לֹא תִוְכַל לְהִתְעַלֵּם”, which literally means, “*You cannot ignore it.*” Of course, we know that a person *can* ignore it; it is just that the Torah does not allow him to. If so, why not just say “לֹא תִתְעַלֵּם — *Do not ignore it,*” the way most prohibitions are phrased?

The Alshich explains. The mitzvah of returning lost property is one which is very easy to relate to. It is a wonderful act of kindness to reunite someone with their property, who otherwise may never have seen it again. However, as easy as it is to relate to it, is also very easy not to do it. Returning lost property can sometimes be inconvenient, taking one out of one’s way, and we are all very busy people. To avoid this mitzvah is also remarkably easy — all one needs to do is ignore the lost object. Ignoring things that

3 Devarim 22:1-3

are inconvenient for one to see is a human specialty. It is possible to ignore the object because one is on his way to a business meeting, a get-together with friends or, for that matter, a conference on ethics, including one devoted to the topic of having regard for other people's property!

This aspect of human nature is addressed in the first verse which states “וְהִתְעַלְמָתָּ”, which we noted seems somewhat redundant, and which literally means, “You will ignore it.” This is the Torah telling the person that, left to his own devices, he will ignore the object, and the highly celebrated and much admired value of returning lost property will remain forever extrinsic to his being. Thus, the Torah commands to give it back using the double phrase “הָשִׁב תְּשִׁיבֶם”. The difference between these two words is that the first word, הָשִׁב, is a command form — “give it back”; whereas the second word, תְּשִׁיבֶם, is a descriptive form — “you will give it back.” These two words make up the educational process of this mitzvah, whereby initially the Torah commands the person to return it and, after heeding that command enough times, the person then naturally comes to return it. The transition from הָשִׁב as command to תְּשִׁיבֶם as description represents the transition of this value from one's ethical lexicon to one's moral makeup.

The end result of all this is described in the final phrase, “לֹא תוּכַל לְהִתְעַלֵּם”, which as we noted literally means, “You are unable to ignore it.” This is the transformational result of the process of fulfilling this mitzvah. Prior to doing the mitzvah, you may have been incapable of seeing the object. Having trained yourself through the mitzvah, you are now incapable of *ignoring* it!