

# BETTER LET HIM DIE INNOCENT...

by Rabbi Yissocher Frand

*These divrei Torah were adapted from the hashkafa portion of Rabbi Yissochar Frand's Commuter Chavrusah Torah Tapes on the weekly Torah portion: Tape # 20, Non-Halachic Marriage Ceremonies. Good Shabbos!*

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## Better Let Him Die Now Innocent, Than Die Later Guilty

At the beginning of this week's parsha we have the portion of Ben Sorer u'Moreh (the wayward and rebellious son). The Gemara in Sanhedrin talks about the various ways in which a child becomes a Ben Sorer u'Moreh. The child steals, eats a certain amount of meat, drinks a certain amount of wine and subsequent to that he has a status of Ben Sorer u'Moreh.

The Talmud asks the obvious question -- for these minor infractions he should be deserving of death? The Gemara answers, he is not put to death for what he has done now, but he is "nidān al shem sofo" (he is judged based on where this pattern of behavior will end up). The text of our Gemara [Bavli Sanhedrin 72a] is "in the end he will drive his parents bankrupt, and will turn to robbery, and ultimately to murder..." consequently "...he should better die innocent, than die guilty."

The Talmud Yerushalmi [Sanhedrin 8:7] has virtually the same text as the Bavli, except that the Yerushalmi concludes the sequence of bankruptcy, robbery, and murder with "...and finally, he will forget his learning". This Yerushalmi is amazing!

The Rosh Yeshiva, zt"l, (R. Yaakov Ruderman) used to always say that we see from this Yerushalmi a powerful insight: No matter how bad a person gets, as long as he still has a relationship to Limud HaTorah (the learning of Torah), there is hope. Not that chas v'sholem the Yerushalmi is condoning the type of person who does all types of forbidden things and claims that since he still learns Torah he is a Tzadik. The Yerushalmi is merely saying that as bad as a person is, all hope is not lost so long as he has a relationship to Torah learning. The power of Torah is so strong, that it can still bring him back.

In our experience we have seen this. People may have strayed from the correct path in many areas, but as long as they still had a "shaychus" to learning, there was still hope for them. However, once a person does all these things and forgets his learning... then there is no hope. Concerning this the

Yerushalmi says, "Let him better die (now) innocent, than die (later) guilty".

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### **Steipler's Comment on the Change in Spelling of the word Moreh**

The Torah introduces the chapter of the Rebellious son with the words "If a person has a son who is wayward and rebellious (Bein Sorer u'Moreh)..." [Devorim 21:18]. Here the word Moreh (Rebellious) is spelled "full" Mem-Vov-Resh-Hei. However, in later describing how the parents introduce their son to the Elders of the city, the Torah writes "This son of ours is wayward and rebellious (Sorer u'Moreh)..." [Devorim 21:20]. Here the word Moreh is spelled "defective" Mem-Resh-Hei.

The Steipler Rav, zt"l, says the Torah is here alluding to some blame that the parents must accept for having such a child. We all know how we as parents love our children and we all know that we sometimes fail to see in our children glaring deficiencies. It's natural and normal. Love can sometimes warp a person's perception of reality and who do we love more than our own children? These are the facts: Parents sometimes fail to see the shortcomings of their children.

The Steipler says that this is what the Torah is telling us here: When the child first started acting out and behaving poorly, the parents failed to see the shortcomings in their child. The "Moreh" (teacher) in the parents was defective. They did not see the full extent of his misbehavior. They let it go and they looked the other way.

What unfortunately happened is that one thing led to another until they had on their hands a full-fledged Ben Sorer u'Moreh. This is what the Torah is hinting at... If a man has a child that is obviously (spelling is "full") wayward and rebellious, this may well have come about because at a prior stage the parents failed to recognize the shortcomings ("defective" spelling) of their child.

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### **Sefer HaChinuch: Broad Application of the Prohibition of "Ox & Donkey"**

In this week's portion we have the prohibition of Kelai Behemah -- one is not allowed to work with two different animals under the same yoke: "Do not plow with an ox and a donkey together" [25:4]. The Sefer haChinuch, as is his custom, gives a reason for this commandment: The reason is "Tz'ar baalei chayim" (causing pain to animals).

He explains that animals don't like to be together with different types of animals, and certainly not to work together under the same yoke. The Chinuch goes on to say, "...and every one who is wise in heart will take a lesson from this not to appoint two people of different natures and temperaments to work together on the same project." If the Torah is concerned about the pain such joint harnessing will cause to animals, certainly we should be concerned about human suffering that can come from inappropriate match-ups.

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## The Altar Sheds Tears for Those Unable to "Sacrifice"

Finally, in this week's portion we have the section of Divorce. The Torah recognizes that perhaps there are two people that are just too different and too distinct to remain together and so it introduces the concept of a Divorce ("Get") to terminate the marriage.

The Gemara says in Tractate Gittin [90b] that a Divorce is a terrible thing. When two people get divorced "even the Altar sheds tears." There is much homiletic comment on why specifically it is the Altar (as opposed, for example, to the Table or the Menorah) that does this weeping.

One of the comments made is that the Altar is the place of Sacrifices. What is a Sacrifice? It is that a person has to realize that sometimes we have to Sacrifice in life. Really I should have to sacrifice myself, except that the Torah gave a parsha of "Korbonos", that allows for animal sacrifice in lieu of self-sacrifice. The Altar symbolizes the concept of Sacrifice in Jewish life.

Invariably most if not all divorces come about because people are not willing to sacrifice. Whether a person gets divorced because of extra-marital affairs or because of other things, the root causes are always because people are selfish; they are into "themselves", and not willing to give. The external causes are just a manifestation of a deeper problem -- a sickness of selfishness, an inability to sacrifice and to give up of oneself for someone else.

It is therefore most appropriate that the Altar which represents the concept of Sacrifice sheds tears for those who were unable to sacrifice and as a result had to go through the sad chapter of "Get".

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## Glossary

**Yerushalmi, Bavli** -- The Jerusalem Talmud (Yerushalmi) is an earlier version of the Talmud, redacted by Rabbi Yochanan (182-279) and his disciples in Tiberias with the concurrence of the Sages of Jerusalem. The Babylonian Talmud (Bavli) was the more accepted Talmud since it was compiled (100-150 years) later and was assumed to include the accepted opinions of the Yerushalmi. The Yerushalmi, conversely, contains many important earlier opinions that are omitted in the Bavli [from The Living Torah by R. Aryeh Kaplan]

**shaychus** -- relationship with as in "shaychus" to learning **Korbonos** -- sacrifices

**Get** -- Divorce (document)

**Kilaei Behemah (Zeraim, haKerem, Begadim)** -- Forbidden "mixture" of animals (seeds, seeds in vineyard, clothing -- i.e. wool & linen);

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## Personalities & Sources:

**R. Yaakov Yitzchak Ruderman** -- (1901-1987) Rosh Yeshiva and founder (1933) of Ner Israel Rabbinical College; Baltimore, Maryland

**Steipler Gaon** -- R. Yaakov Yisrael Kanievsky (1899-1985); Bnei Brak

**Sefer HaChinuch** -- (R. Aharon haLevi) Classic work on the 613 commandments; 13th century Spain

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Transcribed by [David Twersky](#) Assistance by [Dovid Hoffman](#)

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This week's write-up is adapted from the hashkafa portion of Rabbi Yissochar Frand's Commuter Chavrusah Torah Tapes on the weekly Torah portion (#20). The corresponding halachic portion for this tape is: # 20, Non-Halachic Marriage Ceremonies. other halachic portions for Parshas Ki Seitzei from the Commuter Chavrusah Series are:

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