

LEARN FOR THE SAKE OF A REWARD

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Parashat Ki Teitzei presents us with the very straightforward case of the rebellious son - the *ben sorer u'moreh*. (Deuteronomy 21:18)

[See full text in Hebrew and English attached]

Two parents have a son who doesn't listen to them - not unusual. They vent their frustration in front of the elders of the city, saying their son doesn't listen to them and, moreover, is a glutton - also not unusual. The elders declare him to be a '*ben sorer u'moreh*' - a 'rebellious son' and sentence him to death by stoning. Maybe a bit unusual.

Apparently, 'boys will be boys' is not a Torah value. Kill him before he goes rogue, however, is. Like *rodef* - the pursuer, whom we are obliged to stop from committing murder by any means. Better the rebellious son be executed while he's relatively innocent before he becomes a guilty adult.

However, the scholars of the Talmud have a problem with that.

So we find in Tractate Sanhedrin (71a), that they reject this reading, offering instead a mishmash of midrashic conditions which render the case un-prosecutable. The boy must steal his parents' money. He must consume a sizable quantity of meat and wine. His parents must be similar in voice and appearance. It's as if the scholars tried to prevent the case from going to trial. In fact, the Talmud ultimately declares there never was nor ever could be a rebellious son. So why, asks the Talmud, does this even appear in the Torah? '*Drosh vekabel s'char*', it answers, 'interpret and be rewarded.'

A wonderful phrase, but what does it really mean?

Simply put, it means we should interpret the Torah for the sake of interpreting, not for its practical application - what we call 'learning *lishma*' ['learning for its own sake']. But a more midrashic interpretation gives this exhortation a more nuanced meaning.

We know, for example, that the Torah requires courts to condemn someone to death for capital crimes. Yet despite what's on the books, the rabbis in the Talmud maintain that a court which executes a convicted criminal once in 7 years (or once in 70!) is a bloodthirsty court (Makkot 7a). In fact, they would jump through hoops to find reasons for acquittal because they believed that mercy is the driving spirit of the Torah. So how could they justify executing a child who hasn't even committed a capital crime?

Hence the exhortation. *Drosh!* - Interpret! *Vekabel s'char* - and be rewarded for saving the boy's life.

Alternatively, the rabbis knew that applying the law as written was not acceptable in their day and age, even if at one time it may have been. But erasing it from the Torah because it's no longer valid would set a precedent for anyone to remove whatever they don't like to make the Torah more likable. So rather than 'cutting and pasting' this mitzvah they repurposed it as a cautionary tale for parents. It makes a vivid impression, but shouldn't be taken literally.

Drosh!, says the Talmud - apply midrash to align the case with Torah values. *Vekabel s'char* - be rewarded for preventing critics from throwing out the rebellious baby with the bathwater.

So when Rabbi Yonatan claims he sat on the grave of a rebellious son, we accept it, because it strengthens the idea that halakhah does evolve over time, while its essential spirit remains intact.

If we keep this in mind when we learn Torah or create midrash, maybe we too will merit a similar reward.