

## If a man will have a wayward and rebellious son, who does not hearken to the voice of his father and the voice of his mother. (21:18)

The Torah refers to the father of the wayward and rebellious son as an *ish*, a man, and then goes on to state the boy's sin: he does not obey his father and mother. Why does the Torah refer to the *ish*/father as the boy's progenitor, as having begotten him, but – in contrast – when it addresses his disobedience, he is considered to be son of both his father and mother? This inconsistency in and of itself might be the precursor for the boy's degenerate behavior. Parents have a child; it is a boy! The father immediately takes charge. He has a son! It probably "slipped his mind" that children require a balanced upbringing, in which both parents are involved (or, at least, an approach that includes both paternal and maternal input). When a boy is held captive by the father who thinks he knows what is best for his son, we start the child off on a road that could lead to wayward rebelliousness. Now, when the child disobeys, it is the parents – father and mother – whom he disobeys. Perhaps if both would have had input at the onset, they might not be now standing in front of the *bais din*, court of Jewish law.

Alternatively, *ish* means man. The father was too busy with his life – spiritual or mundane – to act very fatherly. As far as the son growing up was concerned, the man who sat at the head of the table issuing directives to his mother and the entire family was an *ish*, a man. He did not know him as a father. When a child misses fatherly love, he will find ways to gain attention, not necessarily in a loving manner. This is what could happen when a child seeks love and does not receive it. Children do not do well with an *ish* – a male figure. They want a father who cares.

*Chazal* (*Talmud Sanhedrin* 71a) teach that such a rebellious son never existed and never will. There are so many conditions required by the Torah for a boy to be designated as a *ben sorer u'moreh* – conditions that are, for the most part, improbable. The boy's father and mother must have the same voice, look exactly alike and be the same height. While on the one hand, the exegesis is such that the criteria may be viewed homiletically, thereby implying that there must be collaboration and consistency between the parents. Both parents should be of the same voice: conveying the same message; look like one another: consistent behavior between parents – internally and externally – should reign in the home. They should be of the same height, with neither one lording over the other. There should be respect between parents whereby their son sees them as one. Why, then, does the Torah cite a case which is so *halachically* unusual that it never existed? The *Talmud* explains that the Torah relates these laws for the express purpose of availing us reward for studying (applying) the educational principles derived from these *pesukim*. Nonetheless, Rabbi Yonasan says, "I once saw a rebellious son who was executed, and I sat on his grave."

Another example of a case that neither was, nor ever will be, is the *ir ha'nidachas*, an entire city whose inhabitants worship idols. In order to qualify for the ultimate punishment, it is incumbent that

this city not have a single door that does not have a *mezuzah*. Even by today's standards, the most assimilated Jew has some kind of *mezuzah*, even if it is *pasul*, invalid. People might do whatever they want inside their houses, but they have *mezuzos* on their front doors to declare their identities. Once again, the purpose of citing the laws of *ir ha'nidachas* is to teach important principals concerning the scourge of *avodah zarah*, idol worship. Regarding the *ir ha'nidachas*, however, Rabbi Yonasan also commented, "I saw such a city, and I sat on its rubble." Our question is now two-fold: How is it that Rabbi Yonasan can attest to two events which others claim could never have occurred?

In "Rav Schwab on Chumash," *Rav Shimon Schwab, zl*, quotes *Chazal* (*Sanhedrin* 37b), who teach that, since the destruction of the *Bais Hamikdash*, the *batei din*, Jewish Courts, no longer have the power to execute one whose sin warrants capital punishment. Hashem knows -- and does not ignore -- the individual's culpability, seeing to it that the "execution" is carried out "naturally." This means, if, for example, a person commits a sin whose punishment is *sekillah*, stoning, he will die due to a fall from a high place, i.e. a roof, or trampled by animals; someone whose sin warrants the punishment of death by fire will die from a snake bite, or fall into a conflagration. One who deserves to die by the sword will either be handed over to a gentile government or attacked (and killed) by bandits or thieves. One who warrants death by strangulation might either drown or suffocate. (This certainly does not imply that anyone who succumbs to any of the above or similar deaths has committed a sin which warrants one of the *arba missos bais din*, four types of judicially mandated executions.)

We derive from here that the judicial system as it was in force during the tenure of the *Bais Hamikdash* has ceased to exist; even though we no longer can impose the various forms of death penalty, this does not mean that the offender goes free. He must remember that the individual in question has sinned against Hashem, Who neither forgets, nor is bound by a human court of law. The sinner will receive his due – in due time. Thus, since the *ben sorer u'moreh* and *ir ha'nidachas* who committed the sins do not fit the judicial criteria for the death penalty, they will receive their due punishment from Hashem. It is not as if there never has been a *ben sorer u'moreh*, or a city that had completely turned away from Hashem. Indeed, Rabbi Yonasan contended that they have existed.

Apparently, Rabbi Yonasan had chanced upon the rubble of what once had been a Jewish city. Upon investigation, he discovered that the residents of that city had all worshipped idols. Perhaps one of the homes still had a *mezuzah* on its door, precluding this city's falling under the criteria for establishing it as an *ir ha'nidachas*. Although *Bais din* did not have the authority to destroy it according to the full letter of the law, Hashem certainly did.

Likewise, Rabbi Yonasan once came upon the grave of a thirteen year old boy who, he soon found out, had lived a life of abandon, gluttony and rebelliousness. The courts could not declare him to be a *ben sorer u'moreh*, because his case did not fit all of the conditions required for this designation. Hashem did His part, administering the death penalty in a manner such that no one was the wiser.

Rabbi Yonasan was acutely aware of the truth. These were no ordinary deaths. These were Heavenly-mandated executions. When *bais din* is unable, due to halachic stricture, to carry out the execution, Hashem steps in.

Sin is a tragedy. The Torah has punitive measures in place: for disciplinary purposes, and in order to teach that no sin will go unrequited. Life is about taking responsibility. If you sin, you pay. We might think that, if the punitive response is not immediately forthcoming, we “got away with it”; we eluded the hangman’s noose. Rabbi Yonasan teaches us differently. Everybody pays.

*Rav Meir Schwab* adds a frightening story to his father’s *dvar Torah*. It was during the late 1950’s that *Rav Schwab*, as the *Rav* of a Baltimore congregation, was also responsible for the *hashgachah*, supervision of the city’s kosher meat. During a visit to a local butcher shop, he pointed out a correction (that should be performed concerning the *traiboring*, deveining, removing the prohibited veins from the meat). The butcher took strong issue with *Rav Schwab*’s meddling into his business. He became furious and raised a meat cleaver in a threatening manner to insinuate what might happen if... *Rav Schwab* took the hint. He quickly retreated, understanding that he was not welcome in the establishment.

*Rav Schwab* soon moved to New York to accept his position with *Khal Adas Yeshurun*. A short while later, he was informed that the butcher who had threatened him had fallen down a flight of stairs, broken his neck and died. This is a frightening story in its own right. It was *Rav Schwab* who, upon hearing the sad news, put it into perspective when he entered the incident into his diary. He wrote: *Binfo! oyvicha al tismach*, “‘When your enemy falls, do not rejoice.’ G-d forbid that I should rejoice over this tragedy, but one must take note and learn from all occurrences.”