

PARSHA FROM THE SOURCE פרשה ממקורה

9 Elul 5786

פרשת כי תצא תשפ"ו

A complex mitzvah is presented to us at the very outset of the Parsha. The concept of *Ben Soreir U'moreh*, the wayward son, is a puzzling one. He's killed *Al Sheim Sofo*, based on where his actions are heading. If this is so, why was Yishmael judged *Ba'asheir Hu Sham*, as he was at that moment, when he was at the brink of death earlier in Chumash (Bereishit 21:17)?

Rashi Bereishit 21:17

France, 11th c.

"Where he is" (*ba'asher hu sham*) — he is judged according to his current deeds, not according to what he will do in the future. For the ministering angels were accusing him and saying, "Master of the World, will You provide a well for someone whose descendants will cause Your children to die of thirst?" He replied to them, "What is he now—righteous or wicked?" They said to Him, "Righteous." He said to them, "I judge him only according to his current deeds, and that is [the meaning of] 'where he is'."

רש"י בראשית פרק כא:יז

ר' שלמה יצחקי

באשר הוא שם - לפי מעשים שהוא עושה עכשיו הוא נדון ולא לפי מה שהוא עתיד לעשות, לפי שהיו מלאכי השרת מקטרגים ואומרים רבונו של עולם, מי שעתיד זרעו להמית בניך בצמא אתה מעלה לו באר. והוא משיבם עכשיו מה הוא, צדיק או רשע, אמרו לו צדיק, אמר להם לפי מעשיו של עכשיו אני דנו וזהו באשר הוא שם.

The Medrash tells us that Yishmael's judgment was executed based on his status at that moment, even though he was going to do horrible things in the future. So why, in our parsha, is the *Ben Soreir U'moreh* treated more harshly?

Rav Eliyahu Mizrachi Devarim 21:18

Turkey, 15th c.

And the 'stubborn and rebellious son' is executed based on his ultimate outcome, as discussed in the chapter 'Ben Soreir U-Moreh' (Sanhedrin 71b).

And even though regarding Ishmael ... he is judged according to his current deeds and not according to what he will do in the future—nevertheless, that case is different. There, he had not yet begun that sin of causing thirst, neither in whole nor in part.

But here [in the case of the rebellious son], his future wickedness has already begun. Since he is consuming his father's wealth through theft in order to eat and drink, a time will come when he will seek to satisfy his habit but will not find [the means], and he will go on to rob people.

As it is taught (Sanhedrin 71b): Rabbi Yosi says: 'Is it because this one ate a tartimar of meat and drank half a log of wine that the Torah says he should be brought to court to be stoned? Rather, the Torah understood the ultimate end of the stubborn and rebellious son: he will eventually exhaust his father's assets, find himself unable to satisfy his craving, and will end up at the crossroads robbing people. Therefore, the Torah says: let him die innocent [now] rather than die guilty [later].'

מזרחי דברים פרק כא:יח

ר' אליהו מזרחי

ובן סורר ומורה נהרג על שם סופו. בפרק בן סורר ומורה (סנהדרין עב א). ואף על גב דלגבי ישמעאל ... לפי מעשיו של עכשיו הוא נדון, ולא לפי מה שהוא עתיד לעשות. שאני התם, שעדיין לא התחיל באותה עבירה של צמא לא מינה ולא מקצתיה, אבל הכא כבר התחיל רשעותו של עתיד, שמכיון שמכלה ממון אביו בגניבה, כדי לאכול ולשתות, יבא זמן, שיבקש למודו ולא ימצא, וילסטם הבריות, כד"תניא (סנהדרין עב א) רבי יוסי אומר: וכי מפני שאכל זה תרטימר בשר ושתה חצי לוג יין, אמרה תורה יצא לבית דין ליסקל. אלא הגיעה תורה לסוף דעתו של בן סורר ומורה, שסוף מגמר נכסי אביו, ומבקש למודו ואינו מוצא, ויוצא לפרשת דרכים ומלסטם את הבריות. אמרה תורה, ימות זכאי ואל ימות חייב."

The Mizrachi explains for us the reason we are so much harsher on the *Ben Soreir U'Moreh* is because he already showed us where he is heading.

Gur Aryeh Devarim 21:18

Prague, 16th c.

And it can be answered that there is no difficulty at all: The principle that 'a person is judged only according to his actions at that time' applies to the judgment of the Heavenly Court, for it is not appropriate to judge except according to that moment [in time]. However, an earthly court judges based on one's ultimate outcome, in order to 'save' him from the Heavenly Court—so that he will not eventually die guilty according to their [Heavenly] judgments. Furthermore, the punishment of the Heavenly Court is not comparable to that of an earthly court; for the earthly court compels [one] to fulfill the commandments (Ketubot 86a), whereas the Heavenly Court grants permission [for one to choose their path].

גור אריה [מהר"ל מפראג], דברים כא:יח

ר' יהודה ליווא

ויש לתרץ דלא קשיא מידי, דהא דקאמר ד'אין האדם נידון לפי מעשיו של אותו שעה', היינו בדין בית דין של מעלה, לפי שאין ראוי לדון אלא כפי אותו שעה. אבל בית דין של מטה דנין על שם סופו, כדי להצילו מבית דין של מעלה, שהם ידונו אותו כדי שלא ימות בדיניהם חייב. ואין דומה עונש בית דין של מעלה לבית דין של מטה, דבית דין של מטה מכריחין לקיים המצוה (כתובות פו.), ובית דין של מעלה נותנין רשות:

The Maharal here is expanding to differentiate between two kinds of Beit Din. Since Yishmael was being judged by the Heavenly Beit Din he was judged as who he was right now.

Questions for Reflection:

1. If we see that Yishmael, who was a *rasha*, wicked, got spared from punishment because he was at that moment good, how would that manifest itself for ourselves in our own Teshuva process?
2. Is there anything in our lives that we can see the trajectory (like the *Ben Soreir U'moreh*) going sour that we can fix now?

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