

Bad Boys

PARSHA INSIGHTS - VAYAIRA (5759)

IS YISHMAEL A CONTRADICTION TO THE REBELLIOUS SON?

“Sarah saw the son of Hagar the Egyptian, whom she (Hagar) had born to Avraham, sporting” (21:9). *Rashi* explains that Yishmael, son of Hagar, was either serving idols, being immoral, or committing some form of murder. This is the meaning of “*mitzachek*” [sporting]. The Torah then records that upon Sarah’s advice and Hashem’s endorsement, Avraham sent Hagar and Yishmael out of his house. He provided the mother and child with bread and water. The two departed and wandered in the desert of B’air Sheva. After the water was consumed, she cast off her son beneath one of the trees, out of despair. Hagar sat at a distance; she preferred not to suffer the trauma of witnessing the death of her child. At this point, she wept (21:10-16).

The Torah then records that Hashem heard the voice of the youth, and an angel communicated with Hagar. “Do not fear, because Hashem has heeded the cry of the lad IN HIS PRESENT STATE” (21:17). The famous phrase, “in his present state”, is “*ba’asher hu shom*” in Hebrew. The *Gemara* in *Rosh Hashana* 16B, brought by *Rashi* on our *pasuk* [verse], remarks as follows. Rabbi Yitzchok states that a person is only judged based on his actions of that moment. The proof is our verse, that Hashem heard the cry of the youth “in his present state”. *Rashi* on the *Gemara* elaborates: A person’s CURRENT deeds determine how he is treated by G-d, even though Hashem knows that evil is destined to come out of him. That dark future does not count, and this is why Yishmael was spared.

Rashi on the *Gemara* continues by citing the *Midrash Rabba* 53:14. The angels argued against saving the boy, Yishmael, as he began to die of thirst. “The one whose children will kill Your children with thirst in the future- You are going to bring up a well (of water) for him?” Hashem responded, “What is his status now - a *tzadik* [righteous person], or a *rasha* [wicked person]?” They answered, “He is a *tzadik*.” *Sifsai Chachamim* on 21:9 brings the explanation: HE has not begun the actual misdeed of murdering Jews with thirst. His descendants will do this much later in history. He IS committing major transgressions, as mentioned above, but they are not identical with the sin the angels used as a justification for killing him now. The Master of the Universe therefore concluded, “I only judge the world based on its present situation.” Thus, Yishmael, son of Hagar, was allowed to survive.

The episode where the descendants of Yishmael caused *Bnai Yisroel* [the Children of Israel] to die of thirst occurred at the time of the destruction of the *Bais Hamikdosh* [Temple], when our exiles were met by Yishmaelites. It is described in detail by *Rashi* on *Yeshaya* [Isaiah] 21:14. The Yishmaelites brought us salty foods and inflated water containers. The *Bnai Yisroel* thought they were full of water, but they had actually been filled with air. The Jew would eat the salty substance and desire a drink. He would place the opening of the leather bottle into his mouth, the windblast would enter his system, and he would die. This is how the offspring of Yishmael killed Jews at that time.

We see, however, that HASHEM JUDGES A PERSON BASED ON HOW HE IS BEHAVING NOW. That is why Yishmael himself was permitted to live. **Isn’t this a contradiction to the well-known case of *ben sorer umoreh* [rebellious son]?** HE is judged because of his FUTURE DEEDS! Recall that in *Parshas Ki Saitzai* (*Sefer Devarim* [the Book of Deuteronomy] 21:18-21), the Torah discusses the rebellious son.

☞ Please refer to the *d’var Torah* [lesson] on *Ki Saitzai* 5757 for more details. Copies of the essay are available by clicking the following link, or online at TorahMax.com under: “Sefer Devarim”, “Parshas Ki Teitzei”, “[Hidden Torah Secrets](#)”- R. Moshe Heigh.

The *Mishna* at the bottom of *Sanhedrin* 71A declares that the disobedient son is judged according to how he will be at the end. The *Gemara* on 72A elaborates: Since he has already stolen money and eaten some food in an unrefined manner, we are certain he will commit more serious offenses. Eventually, he will use up all his father’s funds, seek his meat and wine, and attack people for their money at times. Murder will become a way of life for him. Consequently, it is better for him to die while relatively innocent, after having stolen and eaten a certain measure of meat and wine in a manner specified by the Oral Torah. But we do see that he is judged based on how he is GOING TO BE, not based on his present actions. He is executed because he will EVENTUALLY murder. Did we not establish, learning from the case of Yishmael, that the opposite is true? Hashem said that since Yishmael did not personally commit the crime against the Jews, he would be allowed to live, even though his progeny would

perpetrate horrible crimes against *Bnai Yisroel*? How is a person judged - according to the present, as Yishmael, or based on the future, like the *ben sorer umoreh*?

This famous question has numerous answers. Perhaps the simplest and most straightforward is that of the *Maharsha* on *Rosh Hashana* 16B. The defiant son will HIMSELF become a felonious offender. Therefore, his future actions dictate that we must eliminate him and his threat immediately. Yishmael himself, on the other hand, did not end up killing any Jews with thirst. His descendants did this. Thus, Hashem ruled that he was allowed to continue living. A person does not die now for what his **children** will do later. He can get punished now for what he himself will do later, as the *ben sorer umoreh*.

The *Maharal* on our *parsha* [Torah portion], 21:17, approaches it differently. Yishmael's verdict was from the *Bais Din Shel Ma'ala* [the Heavenly Court]. Hashem renders such decisions according to the **present** deeds of a person. The *Sanhedrin*, human court, has to consider the **future** ramifications of a man's deeds. The Jewish court system is obligated to judge cases based on the wisdom of Torah. This *Chochmas Hatorah* dictates that it is better to die innocent than guilty, so the *ben sorer umoreh* is put to death before things begin to really deteriorate. The four types of death administered by the *Sanhedrin* help cleanse the sinner from heavenly retribution. In the words of the *Maharal*, "The court on earth passes judgement in order to remove from him his evil, so that he should be a *tzadik*." In other words, the HUMAN COURT might inflict punishment on a criminal to save him from the HEAVENLY COURT. Once that rebellious son is put to death here while in a relatively guiltless state, he is not likely to be punished by Hashem. G-d, on the other hand, tends to punish based on the present state of affairs.

This solution of the *Maharal* is profound, and we can comprehend it better with a remark of the *Iyun Yaacov* on *Rosh Hashana* 16B. We said that the heavenly court punishes based on the present, but the human *Sanhedrin* is commanded to eliminate the *ben sorer umoreh* because of the future. *Iyun Yaacov* suggests a reason for this. In Heaven, they know exactly when the individual will sin. As a result, Hashem has "no need" to kill someone ahead of time. The heavenly court can wait until the precise moment necessary to rid the world of the danger. Why kill him earlier if he can be taken care of later? This was the case with Yishmael, where it was up to Hashem whether to provide water or not. On the other hand, human judges are limited in their abilities. The Torah's policy, expressed in the context of *ben sorer umoreh*, is that the *Sanhedrin* has to act when given the legal opportunity to do so. Since the boy has already begun behaving in an abominable fashion, AND THERE IS AMPLE EVIDENCE right now that he will continue this way and get worse, he must be dealt with properly. Maybe later, he will assault people, murder them for their money, and no witnesses will be present! A human *Sanhedrin* cannot say, "Don't worry, all you potential victims out there. We will know exactly when to execute this fellow, and we'll certainly be provided with sufficient, legal evidence at the time." The Torah tells us that this attitude is unacceptable. Let him die relatively guiltless, rather than as a hardened criminal. Perhaps the chance to rid society of this dangerous person will not arise again. Therefore, says the *Iyun Yaacov*, the Torah commands us to do away with this threat now, since there IS testimony to his crimes of the present. They themselves do not warrant a death penalty, but the Torah knows that they will result in more serious crimes. Thus, there is a requirement to judge him now, because of his future.

There are additional ways to approach this issue, but we will not explore them today. Let us remember that Hashem generally views us as we are at the present. He did this even for Yishmael, whose descendants ended up dealing with *Bnai Yisroel* in a sinister fashion. The "now" should be our focus. May we utilize the opportunities at hand to their fullest potential, devoting our minds and deeds to the service of *Hakadosh Boruch Hu* [the Holy One, Blessed is He].

By Rabbi Moshe Heigh

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