

1. DEVARIM 21:18-21 – THE WAYWARD SON

כִּי יְהִי לְאִישׁ בֶּן סֹרֵר וּמָזָרָה אַיִגָּנוּ שֶׁמְעַבְּדָה אֲבִיו וּבְקוֹל אָמָּו וַיְסַרְוָה אָתָּוּ וְלֹא יִשְׁמַע אֲלֵיכֶם. וְתַפְשֵׂו בָּזָא אֲבִיו וְאָמוֹרָה אֲתָּוּ אֶל זַקְנֵי עִירָׁו וְאֶל שָׁעַר מִקְמָוּ. וְאָמָרְוָה אֶל זַקְנֵי עִירָׁו בְּנֵנוּ זֶה סֹרֵר וּמָרָה אַיִגָּנוּ שֶׁמְעַבְּדָה בְּקָלָנוּ זֹלֵל וְסָבָא. וּרְגַמְמָהוּ כָל אֲנָשֵׁי עִירָׁו בָּאָבִים וּמָתָּה וּבְעַרְתָּה הָרָע מִקְרָבָה וְכָל יִשְׂרָאֵל יִשְׁמַעְוּ וְרָאוּ.

(18) If a man should have a stubborn and rebellious son, that will not listen to the voice of his father, or the voice of his mother, and though they reproach him, will not listen to them; (19) His father and his mother should then get hold of him, and bring him out to the elders of his city, and to the gate of his place; (20) And they shall say to the elders of his city: ‘This is our son who is stubborn and rebellious, he does not listen to our voice; he is a glutton, and he is a drunkard.’ (21) And all the men of his city shall stone him with stones, that he die; so you shall cast away this evil from your midst; and all Israel shall hear, and fear.

2. RASHI – CASTING AN EYE ON THE FUTURE

בן סוחר ומורה נִהְרָג על שם סופו, הגיעה תורתו לסתור דעתנו, סוף שמקלה ממו אביו וمبקש למונו ואינו מוצא, ועומד בפרשת דברים ומלאTEM את הבריות, אמרה תורה ימויות זכאי ואל ימות חיב (ספרוי; סנהדרין ע"א):

The stubborn and rebellious son is put to death on account of the final course his life will take (and not because his present offence is deserving death); the Torah understands his ultimate disposition in anticipation: in the end he will squander his father's property, and seeking in vain for the pleasures to which he has been accustomed, he will set himself up on the crossroads and rob people. Says the Torah, "Let him die innocent of such crimes, and let him not die guilty of them" (Sifrei Devarim 220:3; Sanhedrin 72a).

3. MISHNA SANHEDRIN 8:1-5 – THE DETAILED LAWS OF ‘BEN SORER UMOREH’

(א) בין סורר ומורה, מאיקומי נעשה בין סורר ומורה, משביבא שתי שערות ועד שיקיף זקו, מתחנותו ולא העלין, אלא שבדרכו חקמים בלשונו ובקה, שאנ אמר (דברים כא), כי קיה לאיש בו, בו ולא בת, גן ולא איש. הקטו פטור, שלא בא לכלל מצוות: (ב) מאימתה חיב, משיאכל טרטיפמר בשר ווישטה חצי לא יון האיטליך. רבוי יוסי אומר, מבה בשר ולג' יון. אבל בחבורה מצונה, אבל בעבור הרחדש, אבל מעשר שיין בירושלים, אבל גבלות וטריפות, שקצים ורמשים, אבל טבל ומיעשר ראשון שלא נטלה תרומות ומעשר שיין והקדש שלא נפדו, אבל דבר שהוא מאכון ודבר שהוא עברה, אבל כל ממשקה ולא שתה יון, אינו נעשה בין סורר ומורה, עד שיאכל בשר ווישטה יון, שאנ אמר (דברים כא) זול ליסבא. ואך על פי שאין ראייה לזרב, זכר לזרב, שאנ אמר (משל כי) אל תה כי בטבאי ייו בזולבי בשר למון: (ג) גנב משל אביו ואכל ברשות אחרים, משל אחרים ואכל ברשות אחרים, משל אחרים ואכל בראשותם ואביו, אינו נעשה בין סורר ומורה, עד שיגנוב משל אביו, ואילך ברשות אחרים. רבוי יוסי בר רב כי הודה אומר, עד שיגנוב משל אביו ומישל אמו: (ד) קיה אביו רוץ ואמו אינה רוצה, אביו אינו רוצה ואמו רוצה, אינו נעשה בין סורר ומורה, עד שהו שוניהם רוצחים. רב כי הודה אומר, אם לא היתה אמו ראייה לאביו, אינו נעשה בין סורר ומורה. קיה אחד מכם גדים או חגר או אלם או סומא או חרש, אינו נעשה בין סורר ומורה, שאנ אמר (דברים כא) ותפשו בו אביו ואמו, ולא גדרין. והחיזיאו אותו, ולא חזרין. ואמרי, ולא אלמיין. בnnen זזה, ולא סומין. איננו שבע בקהלנו, ולאחריו, בפניהם שלשה בראשונים, שאנ אמר (שם) בnnen זזה, זהו שלקה בפניהם. ברח עד שלא נגמר דיו ואחר כד הקיר זקו מתחנותו, פטור. ואם משוגמר דינו ברח ואחר כד הקיר זקו מתחנותו, חיב: (ה) בין סורר ומורה דzon על שם סומן, נמות זכאי ואל ימות חיב, שמיתנתו של רשיים הנאה להו והנאה לעולם, ולצדיקים, רע להו ורע לעולם. יון ונשה לרשיים, הנאה להו והנאה לעולם, ולצדיקים, רע להו ורע לעולם. פזר לרשיים, הנאה להו והנאה לעולם, ולצדיקים, רע להו ורע לעולם. כנoss לרשיים, רע להו ורע לעולם, ולצדיקים, הנאה להו והנאה לעולם. שקט לרשיים, רע להו ורע לעולם, ולצדיקים, הנאה להו והנאה לעולם:

(1) A wayward and rebellious son – when does he become a wayward and rebellious son? From when he grows two hairs and until the beard grows full. [We are talking about] the lower beard, not the upper beard, [but this expression is used] as the Sages spoke in clean language. As it says, (Deut. 21:18) “If a man has a son”: “a son” and not a daughter; “a son” and not a man. A minor is exempt, for he has not entered the category of [those obligated in] the commandments. (2) From when is he liable [to be executed for his sins]? When he has eaten a *tarteimar* of meat and drunk half a *log* of Italian wine. Rabbi Yosi says, a *maneh* [equal to one hundred zuz] of meat and a [full] *log* of wine. [If] he ate [it] in a mitzvah gathering; [if] he ate [it] in [celebration of] the intercalation of the month; [if] he ate [it] as *ma'aser sheni* in Jerusalem; [if] he ate *nevelot* [an animal not properly slaughtered] or *terefot* [an animal that is not kosher even if slaughtered properly because it is likely to die] or creepy crawlies; [if] he ate *tevel* [untithed produce] or *ma'aser rishon* [the first tithe] from which *terumah* [the portion given to the priest] has not been taken; or *ma'aser sheni* or *hekesh* that has not been redeemed; [if] he ate something [in fulfillment of] a commandment or something [in violation of] a transgression; [or if] he ate all foods but did not eat meat; [or] drank all drinks but did not drink wine, he does not become a wayward and rebellious son, until he eats meat and drinks wine [as described earlier]. As it says, (Deut. 21:20) “He is a glutton and a drunkard.” And even though there is no proof for this [from a Scriptural verse], there is a reference to the matter, as it says, (Prov. 23:20) “Be not among excessive wine drinkers, nor among gluttonous eaters of flesh.” (3) If he stole from his father and ate in his father’s domain; [if he stole] from others and ate in a domain that is not his; [if he stole] from others and ate in his father’s domain, he does not become a wayward and rebellious son, until he steals from his father and eats in others’ domain. Rabbi Yosi bar Yehudah says, until he steals from his father and from his mother. (4) **If his father wants [to bring the son to court] and his mother does not want to, [or if] his father does not want to and his mother does want to, he does not become a wayward and rebellious son, until they both want.** Rabbi Yehudah says, if the mother were not appropriate for the father, he does not become a wayward and rebellious son. If one of [the parents] had a hand cut off, or was lame, mute, blind, or deaf-mute, he does not become a wayward and rebellious son. As it says, (Deut. 21:19) “Then shall his father and his mother lay hold on him,” and not those whose hands have been cut off. “And bring him out,” and not a lame person. (Deut. 21:20) “And they shall say,” and not mute people. “This our son,” and not blind people. “He does not listen to our voice,” and not deaf-mute people. They warn him in front of three and lash him. If he repeats his misdeeds, he is judged by a court of twenty-three. And he is not stoned until the original three [judges] are present, as it says (Deuteronomy 21:20), “This our son,” he who was lashed before you. If he flees before the verdict has been reached and then his lower beard grows full, he is exempt. But if once the verdict was reached he fled, and then his lower beard grew full, he is [still] liable. (5) **The wayward and rebellious son is judged on the basis of his end.** He should die innocent and not liable, because the death of the wicked is beneficial to them and beneficial to the world; but for the righteous, it is bad for them and bad for the world. Wine and sleep: for the wicked they are a benefit to them and a benefit for the world; but for the righteous, they are bad for them and bad for the world. Being scattered: for the wicked it is a benefit to them and to the world; but for the righteous, it is bad for them and bad for the world. Being gathered: for the wicked it is bad for them and bad for the world; but for the righteous, it is beneficial to them and beneficial to the world. Quiet: for the wicked it is bad for them and bad for the world; but for the righteous, it is beneficial for them and beneficial to the world.

4. SANHEDRIN 71A – BEN SORER UMOREH NEVER HAPPENED IN JEWISH HISTORY, AND NEVER WILL

מאי אינה רואה אילימה חייבי בריתות וחיבבי מיתות ב"ז סוף סוף אבוח נינחו ואמיה אמיה נינחו אלא בשוה לאביו קאמר תניא נמי הכי רבוי יהודה אומר אם לא היתה אמו שווה לאביו בקול ובמראה ובkörperה אינו עשה בן סורר ומורה מי טעמא דאמר קרא איננו שומע בקהלנו מಡוקל בעין שווי מראה וקומה נמי בעין שווי מכאן אזלא הא דתניא בן סורר ומורה לא היה ולא עתיד להיות ולמה נכתב דרוש וקבל שכר מאן כרבוי יהודה איבעת אימא ר' שמעון היא דתניא אמר רב שמעון וכי מפני שאכל זה תרטימור בשר ושתה חצי לוג יין האיטלקיק אבוי ואמו מוציאין אותו לסקלו אלא לא היה ולא עתיד להיות ולמה נכתב דרוש וקבל שכר אמר ר' יונתן אני ראיתיו וישבתי על קברו

The Gemara asks: What does Rabbi Yehuda mean when he says that the mother is not suited for the father? If we say that as a result of their union they are among those who are liable to receive *karet* -- in that case the marriage does not take effect. And if the union puts them in the category of those who are liable to receive a court-imposed death penalty, the marriage certainly does not take effect. But in any event, why should it matter if they are not married if that's what it means? Ultimately, his father is still his father and his mother is still his mother, and the verses concerning the stubborn and rebellious son can still be fulfilled? So what Rabbi Yehuda must be saying is that the boy's mother has to be "*re'uah*" – identical to his father in several aspects. This is also taught in a *baraita*: Rabbi Yehuda says: If his mother was not identical to his father in voice, appearance, and height, he does not become a stubborn and rebellious son. What is the reason for this? Because the verse states: "He will not obey our voices [*kolenu*]" (Deut. 21:20), which indicates that they both have exactly the same voice. And since we require that they have identical voices, we also require that they be identical in appearance and height. The Gemara asks: Whose opinion is this? It is congruent with this *beraita*'s opinion: **There has never been a stubborn and rebellious son and there will never be one in the future, as it is impossible to fulfill all the requirements that must be met in order to apply this halakha.** In which case, why was the passage relating to a stubborn and rebellious son written in the Torah? So that you may expound upon new understandings of the Torah and receive reward for your learning [this being an aspect of the Torah that has only theoretical value]. In accordance with whose opinion is this? It is in accordance with the opinion of Rabbi Yehuda, who requires that the parents have certain identical characteristics, making it virtually impossible to apply the halakha. Or, if you want, say instead that this *baraita* is in accordance with the opinion of Rabbi Shimon. As it is taught in a *baraita* that Rabbi Shimon says: And is it simply due to the fact that the boy ate a hunk of meat and drank a half-log of wine that his father and his mother shall take him out to stone him? Nonsense. Rather, there has never been a stubborn and rebellious son and there will never be one in the future. So why was the passage relating to a stubborn and rebellious son written in the Torah? In order for you to expound on new understandings of the Torah and receive reward for your learning. **Rabbi Yonatan says: This is not the case at all, as I saw [a Ben Sorer Umoreh]. I was once in a place where a Ben Sorer Umoreh was condemned to death, and I even sat on his grave after he was executed.**

5. R. TZODOK HACOHEN – QUALIFYING THE GEMARA'S STATEMENT

אין לך איסור אחד מאיסורי תורה או רז"ל שלא יהיה נמצא אדם בכל הדורות שעבר עליו. כי הש"ית ציפה מראשית אחריות ואם לא עברו עליו אדם לא יהיה מזוהירו. ומ"ד בסנהדרין בסורר ומורה ... לא היה ולא נבראו אידחיה מהלכה. וגם לפיה דעתו היינו לעניין משפט העונש שבתורה יש תנאי ידווי שאי מצוים, ולא על גופה של עבירה.

6. R. ELIYAHU KITOV – THE BENEFIT OF FOREWARNING

אמרו חכמים : בן סורר ומורה לא היה ולא עתיד להיות. ולמה נכתב? משום ידרוש וקבל שכר - כלומר ע"י שנכתבה פרשה זו וכל ישראל דורשים בה ולוקחים מוסר, שומעים ויראים ואין באים לידי הדבר הרע הזה וזה הוא שכר הדרישת.

7. RABBEINU BACHAYE – THERE, BUT FOR THE GRACE OF G-D, GO I ...

וא"כ יש לשאול מפני מה הוצרכה תורה להודיע ולכתוב מה שלא היה [ולא יהיה]? ... אבל זה היה מחכמת התורה ללמד דעת את העם בגודל חיוב אהבת הש"י, שהרי אי לך אהבה חזקה בעולם כאהבת האב והאם לבן, וכיון שהבן עבר על מצות השם יתעללה... חiyibin הם שתגבר עליהם אהבת הש"י על אהבת הבן עד שייצרכו להביא אותו הם בעצם לב"ד לסקילה.

8. YUVAL LINDEN – A LESSON FOR EDUCATORS FROM AN EDUCATOR

With regard to Ben Sorer Umoreh, one encounters an age-old educational challenge – the “wayward and rebellious” son. Personally, I always find the idea of a Ben Sorer Umoreh absurd if one reads it literally. Here is a child who disobeys his parents, the authority figures in his life. What do they do? They take him out to the town square, announce his deviant behavior, and stone him to death. But isn’t that taking things a little bit too far? This child is testing boundaries, butting heads with the authority figures in his life, rebelling a bit and acting out. He didn’t hurt anyone or kill anyone. He just ate and drank excessively. Is there a teenager who doesn’t do that at some point in his or her life? And still, the Torah commands the parents and the community to stone him to death. I’m all for using consequences to get results in order to educate a child, but does anyone think this is a proportional punishment?

The sages of the Mishna also struggled with this challenging passage, which they explained as follows: “The wayward and rebellious son is judged on the basis of his end. He should die innocent and not liable.” (Sanhedrin 8:5) Which means that he is not sentenced to death due to what he has done, but due to the things he will do in the future. And since the wayward son is expected to do horrible things in his future, it is better if he dies now as an innocent man, rather than to die as a guilty man in the future.

The sages of the Mishna are trying to help resolve this problematic passage, but their solution is also troubling. After all, since when do we punish someone for future actions? What about the presumption of innocence? What about due process? What about free choice? Isn’t that the purpose of human creation?

And even if we say that it never happened, what are we meant to learn from this biblical passage? Beyond the unfulfilled threat over the wayward son, what is the lesson for educators back then, now and for the future? The basic concept I can relate to as an educator is that one must educate now while keeping an eye “on the basis of his end”, meaning, educate in such a way that one is always looking toward a person’s future. Just as you need to believe in them and see the positive potential within them, you must also demand that they work on and change their negative and harmful habits.

If we don't teach the wayward child who drinks in excess to moderate their behavior, we will probably find that they will drive under the influence when they grow older. If we don't educate our sons to be respectful of women, we increase the risk that they will be involved in sexual misconduct in the future.

9. RABBI YOCHANAN ZWEIG

When Hagar and Ishmael were dying in the desert of dehydration, an angel appeared to save them. It is explained that on that day, Ishmael did not deserve death (Rashi, Gen. 21:17). The angels objected as they wanted to take into account the wrongs Ishmael's children would perpetrate against the Jews in the future, but God asserted that Ishmael would be judged only for his deeds until that day. How can one reconcile this Chazal with the Ben Sorer Umoreh's punishment for sins he has yet to commit?

Perhaps it is because the Ben Sorer Umoreh as depicted in the Gemara is the product of an impossibly perfect childhood. And yet, with a clear mind and heart, he freely chooses to misbehave. His circumstances prepared him to make all the right choices; but he opts to lead a rebellious life anyway, and therefore there remains no opportunity for him to rectify his ways.

Conversely, Ishmael did not inherit such a simple lot. Perhaps a confusing home situation and a tense relationship with his brother left Ishmael with a lot of baggage and a touch of trauma. Ishmael, as opposed to the Ben Sorer Umoreh, is the paradigmatic example of a real person – like us. And just as God judged Ishmael, Hashem judges us based on where we are today while leaving us the opportunity to do Teshuvah in the future.

10. RAV YISSOCHOR FRAND – THE SOURCE FOR TORAH LISHMA

This week's parsha contains the very peculiar mitzvah of Ben Sorer Umoreh. The requirements for achieving the status of Ben Sorer Umoreh are staggering. The Talmud teaches that the window of time is very short. He has to steal a certain amount of meat and drink a certain amount of wine. The Talmud even infers from verses that the parents have to have the same height and appearance and even the same tone of voice. Because of these myriad requirements, the Gemara concludes that a case of Ben Sorer Umoreh never happened and never will happen. The gemara asks why the law was given – and answers so that we may expound it and get reward.

Rabbi Yisrael Salanter wonders what this means. After all, is the Torah not big and broad enough without this set of laws to provide enough material to learn, expound upon, and gain the reward of Torah study? As he says, a person could live for 1000 years and still not exhaust the potential for deriving reward from Torah study — even excluding the four pasukim in Parshas Ki Seitzei and the 7 folios in tractate Sanhedrin dealing with the Ben Sorer Umoreh.

So he concludes that the chapter of Ben Sorer Umoreh teaches us a unique and profound lesson: "Torah Lishma" – learning for learning's sake alone, without any application to the "real world" whatsoever, is worthwhile in and of itself. Certainly, the purpose of learning is to bring one to action, and there is value in being "results oriented". However, we should not think that the whole point of learning is to know "what to do". Even if something will never be practically relevant, there is still value in just learning the word of G-d.

There are other esoteric areas of Halacha that may not be relevant in our time and that may not be relevant in any time, for the overwhelming number of people. However, all other areas of Torah are at least at some point theoretically relevant. But the Torah found it necessary to give at least one Halacha where one could be absolutely sure that it would never be relevant. No one will ever tell an Orthodox Rabbi "I have a Ben Sorer Umoreh shaylah for you!" It will never happen!

The point the Torah is trying to make is: learn it anyway. The lesson to be derived is the lesson of Torah learning. The intrinsic purpose of Torah learning is to study the word of G-d. Its benefit is not dependent on practical application.

11. MINCHAS OSHER – WHOSE GRAVE WAS RAV YONATAN SITTING ON?

במסכת סנהדרין (עא ע"א) ישנה מחלוקת. הגמ' מביאה שיטות תנאים הסוברים שדין בן סורר לא היה מעולם וגם לא עתיד להיות. לעומתם מובאים דברי רבי יונתן (י"ג יוחנן) שקובע: "אני ראיינו וישבתי על קברו". וchosobim בהקשר זה דבריו של בעל ה"חטם סופר" -- אילו היה בן סורר ומורה נהרג, היו כל החזיותים מרננים ומערערנים על משפטו ה': מה עשה העלם הזה ולמה יומת, הרי יבואו ימים אחרים שהוא ייטיב דרכיו? על כן כתבה התורה דין של בן סורר ומורה, כי ה' יתברך יורד לelow. מכל מקום תלתה התורה הדבר בהרבה תנאים, באופן שקרוב לוודאי שלא יזדמנו כל התנאים באיש אחד, ובפרט תנאי זה: שאם אמו אינה רוצה לא נעשה בן סורר ומורה, וכיון שאמו אשת יפת תואר, בודאי היא לא תרצה, כמו אמו של אבשלום. והרי סופו היה שיוצא לתרבות רעה, וגרם מה שגרם. והבריות אומרות: הלא טוב היה אם היה נהרג בקטנותו ולא היה בא לידי מידת זו. מכאן רואים אמתת תורהנו הקדושה. וזה מה שאמר רבי יונתן אני ישבתי על קברו של אותו שהיה ראוי למות זכאי בקטנותו, ומית חיב בגדלותו, דהיינו אבשלום.