



“Ben Sorer U’Moreh”

Deuteronomy 21:18-21

(18) If a man has a wayward and defiant son, who does not heed his father or mother and does not obey them even after they discipline him, (19) his father and mother shall take hold of him and bring him out to the elders of his town at the public place of his community. (20) They shall say to the elders of his town, “This son of ours is disloyal and defiant; he does not heed us. He is a glutton and a drunkard.” (21) Thereupon the men of his town shall stone him to death. Thus you will sweep out evil from your midst: all Israel will hear and be afraid.

What makes a glutton and drunkard? Tartemar of meat= 1/2 pound approximately. Log of Italian wine = the volume of six eggs, or approximately 10 liquid ounces.

Ibn Ezra on Deuteronomy 21:18

Insubordinate and rebellious against God , and against his parents (if the latter be God-fearing people).

Sforno on Deuteronomy 21:18

סורר ומורה, his obstinacy removed all hope that he would change his lifestyle.

Rashi on Deuteronomy 21:18

AND THEY SHALL CHASTISE HIM — admonish him in the presence of three people, and if he still remains refractory they cause him to be lashed through the court (Sanhedrin 71a; cf. Sifrei Devarim 218:11). The refractory and rebellious son is not liable to the death penalty until he proves to be a thief and eats at one meal a “tartemar” (a weight of half a Maneh) flesh and drinks half a Log wine, for it is said of him, (v. 20) זולל וסבא, and in another passage (Proverbs 23:20) it says: “Do not be among wine-guzzlers (בְּסֹבְאֵי-יַיִן), among gluttonous eaters of meat” (Sanhedrin 70a; cf. Sifrei Devarim 219:4). — The refractory and rebellious son is put to death on account of the final course his life must necessarily take (not because his present offence is deserving death); — the Torah has fathomed his ultimate disposition: in the end he will squander his fathers property and seeking in vain for the pleasures to which he has been accustomed, he will take his stand on the crossroads and rob people, and in some way or other make, himself liable to the death penalty. Says the Torah, “Let him die innocent of such crimes, and let him not die guilty of them” (Sifrei Devarim 220:3; Sanhedrin 72a).

Midrash Aggadah, Deuteronomy 21:18

"When a man has a son, rebellious and disobedient". Son - close to adulthood, but not an adult; a minor is exempt, since he did not come under mitzvot. From here the sages have said: when does he become a rebellious and disobedient son? From the time between two hairs [appear below]

and all the hair below encircles, encircling the chord and not encircling the eggs. And all this period does not extend over three months.

"He does not listen to the voice of his father and the voice of his mother" - He does not become "rebellious and disobedient" unless both of them want it.

"They discipline them" - they warn him in front of two and whip him in front of three, and if after he was whipped he does not listen to the, they force him to go to the *beit din*, as it is written "and his father and mother seize him."

If one of them lost a limb, or was lame, or was mute, or was blind, or was deaf he does not become "rebellious and disobedient", as it is written "his father and mother seize him." And not people without a limb. "And bring him out" and not lame; "and they say to the elders of his city" and not mute; "this is our son" and not blind; "he does not listen to our voice" and not deaf.

Sifrei Devarim 219:1-4 (Midrash Halachah, here identical to previous Midrash Agadah)

"And his father and mother shall take hold of him" (Devarim 21:19): We are hereby taught that he is not liable unless he has a father and a mother. These are the words of Rabbi Meir. Rabbi Yehudah says: If his mother were not fit for (similar to) his father, he does not become "rebellious and disobedient." "And they shall take him out to the elders of his city and to the gates of his place": This is a mitzvah [only] on the elders of the city. "And they say to the elders of the city: This one, our son" - this one who was whipped before you - this teaches if one of them [judges] had died, he was not stoned. If one of them [the parents] had a limb cut off, or lame, or mute, or deaf, or blind - he does not become "rebellious and disobedient" as it says "they seize him" - and not someone without a limb. "And bring him out" - and are not lame. "And they say" - and not mute. "This one, our son" - and not blind. "Does not listen to our voice" - and not deaf. **They warn him before three (judges) and whip him. If he reverted to his wrong, he is judged by twenty-three, but he is not stoned unless there be among them the first three, it being written "This one, our son," who was whipped before you.**

Questions for Discussion:

- 1) How do you explain the biblical text? What are we to learn from its inclusion, especially in the final book of the Torah?
- 2) How does the Midrash alter the perception of this child?
- 3) How does the Midrash leave the institution of *Ben Sorer U'Moreh*, when its done with the explanation?
- 4) Does this story resonate at all, and how do we walk away from learning it with a sense of meaning?