Primary Sources:

1. Deuteronomy, 21, especially verses 10-23

Study Questions follow the first source

2. Sifre Deuteronomy, Piskot 211-219

3. Mishnah Sanhedrin, Ch. 8

4. Tosefta Sanhedrin, 11:6

5. Talmud (Babylonian), Sanhedrin, 68b-69a, 71a

6. Maimonides (Rabbi Moshe Ben Maimon -- the Rambam), Mishneh Torah, Rebels, Ch. 7

7. General Laws and Liberties of the Massachusetts Colony (1672), reprinted from Juvenile Offenders For A Thousand Years (ed. Wiley B. Sanders)

Note to translations of the commentaries:
These are my translations, and all errors are mine. The Hebrew is terse and often ambiguous and I am not an expert in either the language or the texts, so other interpretations are always possible. I have checked my translations against standard published ones in the hope of catching at least egregious errors.

The commentaries often begin with linguistic oddities or by attributing significance to repeated uses of the same word in different contexts or different senses. I’ve tried to convey this in the English by translating key Hebrew words (such as rashut) with the same English word or with transliterations even when the result is awkward. For the same reason, I’ve quoted my English translation of the Torah passages even when the commentators clearly understand the Hebrew differently.

The original has only the most minimal punctuation. Sentence divisions, paragraphing and emphases (indicated by bold type face) are all mine. Square brackets [] indicate my additions to the text, usually to add context that would be obvious to an educated reader of the original or to clarify the range of ambiguity in the original. Italics indicate transliterations, often of repeated words.
10 When [or if] you go out to war on your enemies and ADONAI your God gives him into your hand, and you take captive his captives, and you see in the captives a beautiful woman and you desire her and you take her to yourself as a wife, you shall [or will] bring her into your house and she shall shave her head and do her fingernails, and she shall remove her captivity-dress from her and she shall sit in your house and cry for her father and mother for a month’s time. And after that you may come to her and be her husband and she shall be a wife to you.

14 And if it happens [later] that you no longer want her, you shall send her off free, and you absolutely may not sell her for money. You are not to deal treacherously with her, because you have humbled her.

15 If a man has two wives, one beloved and the other hated, and they give birth to children for him, the beloved and the hated, and the firstborn is the son of the hated, then, on the day when he wills to his sons his property (that which will be for him), he cannot choose the son of the beloved instead of the son of the hated, firstborn.

17 For the firstborn—the son of the hated—he must recognize, to give him a double share of all that is found with him, for he is the beginning of his strength and his is the judgment of the firstborn.
If a man has a ben sorar u’moreh (stubborn and rebellious son) who does not listen to the voice of his father and the voice of his mother and when they discipline (y.sru) him he does not listen to them, then his father and his mother shall seize him and bring him out to the elders of the city and to the gate of his place.

And they shall say to the elders of the city, this son of ours is stubborn and rebellious, he does not listen to our voice, a glutton and a drunkard.

Then, all the people of the city shall pelt him with stones until he dies, and you shall burn out the evil in your midst, and all Israel will hear and fear.

Notes:

1. The translation varies. Sorar means stubborn, rebellious, perhaps ill-humored. Moreh means rebellious, disobedient (as in the laws of the “rebellious elders”). Morah sounds quite similar to two other common Biblical words, which though etymologically independent, may be influencing the usage here: Marah (bitter) and Morah (awesome, fearful – one of the common attributes of God).

2. Ysru— from a root y.s.r. meaning chasten, admonish, discipline, perhaps related to a.s.r. advise. A similar sounding word (from a different root), sar, is an prince, governmental minister or army general. The text is clearly making a pun between y.sru (they discipline) and sar (stubborn), so there might be an implication here that the “stubbornness” of the son is that he is disciplining or advising, acting like a commanding officer, instead of letting his parents do that to him.

3. In legal texts from the post-Biblical period, the “elders of the city” is normally understood to refer to a duly constituted court, or Sanhedrin.

4. Be’ar— the word is also used in the blessing for burning hametz (unleavened bread) at Pesah (Passover). The parallel language suggests that the rituals are parallel: this is a kind of purification from symbolic evil, or removal of a symbol (like hametz—of excess, materialism, oppression, injustice, slavery, riches based on another’s poverty) in order to teach a lesson (at Pesah, about the importance of freedom, independence, law, ending slavery, not oppressing strangers – what is the parallel here?)
II. Orientation to the Commentators

Reading Torah commentary is often like playing Jeopardy: the texts give you answers and you have to figure out what the questions were.

As beginners, we are going to start in the opposite direction. Here are some of the questions that the text raises, many of them inspired by the answers of the early commentators in the Midrash and the Mishnah. Try to answer them by yourself. Then read the following passages and try to understand the answers offered by the texts. Then return to the questions to see if the commentaries have enriched your understanding, led you to rethink your answers, or suggested new questions I haven’t raised here.

Do the commentators’ answers make sense? Are they contradictory or consistent? Do they reflect the same or differing understandings of how God, the world, morality or Jewish law work? Can you identify the underlying differences in worldview? With respect to each one, you can ask whether it is based in the Biblical text, in oral tradition handed down from Moses, in rational analysis or something else? Or is it simply mistaken? Or have you not worked hard enough to understand its logic?

Some Questions:

1. Does God command immoral actions? If God does, how should we respond?

2. Is being “stubborn and rebellious” a capital crime? Why or why not? What law is being broken?

3. How do you read a text that claims that God wants you to do something wrong? Do we have any Biblical precedents for how to react to acts of Heaven that seem wrong?

4. If you were a parent of a stubborn and rebellious son, would you go to the elders? Does the text say whether you should? What would you think of someone who did? [Can you relate this to the sin of Sodom?]

5. Can anyone be criminally executed without being criminally responsible?

6. Is a minor responsible for violations of the commandments? What is the age of responsibility?

7. Why does the text use the word “man” instead of the more common word “adam” to specify if a “man has a son”? Indeed, why discuss the “man” at all? Can a son exist without being the son of a man?

8. Why does the text specify a “son,” instead of “child” or a “person,” or, as it usually does, address itself directly to “you”? 
9. Why does the text specify that both his father and his mother must take him to the elders? Wouldn’t one be enough?

10. Why does the text specify that his father and his mother must “seize” him? Wouldn’t it be more usual to just complain?

11. Do parents “ysru” – admonish, command, discipline – their grown children, and if so are grown-ups expected to listen to their parents when they order them around like that? How do we tell when a child becomes a grown-up?

12. Why does the text twice specify that the ben sorer u moreh doesn’t “listen” to his mother and father? Wouldn’t “honor” or “obey” be more appropriate?

13. Why does the text specify that “his father and his mother” must “say” their complaint? Isn’t writing more usual?

14. How does the oral complaint differ from the original description of the ben sorer u moreh, and why?

15. What is a “glutton and a drunkard”?

16. If the purpose of the rule is to enforce the commandment to “honor thy father and mother”, what if the accused is doing what he is doing for some other reason?

17. The most frequently repeated commandment in the entire Torah is “do not oppress the stranger (or weak, or poor, or widow), because you were strangers in Egypt.” In light of this fundamental part of the Torah world-view, how should parents relate to their children? Children to their parents? What does that suggest about this passage?

18. Is it permissible to execute someone without a court decision? What are the requirements for a court to sentence someone to death? What kind of court is required? What kind of a trial is required? What kind of evidence is required? What kind of verdict is required? What if the court makes a mistake?

19. Why does the passage about the ben sorer u moreh immediately follow the passages about unhappy bigamous marriages, intra-familial strife over favorite sons, and marrying and divorcing captives? Are those passages protecting the weak or keeping them in their place, given the context in which they were written? Does this teach anything about bigamous marriage or marrying captives? Does it teach anything about the ben sorer u moreh?

20. Does failure to honor your parents really merit death? Torah often leaves out details, qualifiers and context, giving only the broad outlines of a law or only the parts of it that vary from the usual background rules. What would the ben sorer u moreh have to have done that could possibly merit the death penalty?
21. If you were a member of the court, how would you react to parents who wanted to have you order the execution of their child for being a *ben sorer u moreh*?

22. Has this law ever been applied? Can you imagine it ever being applied? What is the purpose of a law that is never enforced?

23. What was the law with respect to children and parents in the surrounding cultures? For example, do you know the Roman rule about the rights of the pater familias? The Canaanite or Greek practices? Was the Biblical rule originally intended to make that background rule more or less harsh or fair? Is it possible that it made a reform in the right direction but didn’t make it all the way to justice? Does Biblical law reflect the human circumstances in which it was made? Is it permissible to consider it “perfect” and if so, what does that mean?

24. Has the law changed? Can the law of God change? Can any law exist unchanged while the world around it changes?

25. What do we do when our inherited law, which we are told comes from Moses and God and can never be changed, is wrong or inapplicable to our time? If the Biblical law was meant to reform and improve the law of the surrounding countries, but now we live in a legal system that is more just, or even just more functional in our own circumstances, than the Biblical system, what should we do with Biblical law?

26. American Constitutional law does not claim to come from God, but it is based on a text that is almost as impossible to change as the Bible, and like Biblical law, was written in a world very different from our own – a small seaboard society in which slavery was a central institution, very few people voted and virtually no voters worked as employees, in which modern technology did not exist, cities were tiny, farming the major industry and land transportation expensive and slow, the major military threat was from displaced Native Americans, nearly everyone belonged to (or had left) one of a very small number of Christian religions or their secularized equivalents, German was the second most widely spoken language, most people died of infectious disease or childbirth and fundamental modern institutions–including corporations, stock markets, credit cards, insurance, pensions, mortgages, hospitals, scientific research labs, public schools, universal adult voting, publicly funded highways, the draft and so on–either hadn’t yet been invented or existed only in quite different forms. Do the interpretive issues we’ve discussed here have any relevance to understanding how to apply the US Constitution to issues of legislative apportionment, corporate advertising, or restrictions on semi-automatic weapons, abortion or the right to a jury trial?

27. How did the 1672 Massachusetts Colony understand the Biblical text? How does their understanding and use of the text differ from the Rabbis’? 
2. SIFRE DEUTERONOMY, Piskot 211-219

Piska 211

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Deut 21:10

--“When (or if) you go out to war”. The text refers to a Permitted/Discretionary (rashut) War as opposed to an Obligatory War. See the Laws of War for a full explanation.

--“on your enemies”. The sense of the word [translated] “on” is “in opposition to” [rather than “above” or “on top of”].

--“and ADONAI your God gives him into your hand”. If you do all that is written regarding this matter, then the Lord your God will give him into your hand.

--“and you take captive his captives”. Including Canaanites who may be among them.

Deut 21:11

--“and you see in the captives”. [The word translated “in the captives” should be translated] “at the time of capturing her”.

--“a woman”. [The particular grammatical construction of the word “woman” here is meant to echo the phrase “a man’s wife” and therefore teaches that this applies] even if she is a man’s wife.

--“beautiful”. The text discusses only the circumstance where she is good looking. And where can I learn that it applies even if she is ugly? The Teaching says “and you desire her”, meaning, even if she isn’t beautiful.

--“and you take her to yourself as a wife”. So don’t say, she is for her [my?] father, or she is for my brother. End of verse.

Piska 212

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Deut 21:12.

--“you shall [or will] bring her into your house”. Not to someone else’s house.

--“and she shall shave her head and do her fingernails” – Rabbi Eleazer says, she chops them off. Rabbi Akiva says, she grows them long. Rabbi Eleazer says, “do” is said about a head and “do” is said about fingernails. What does “do” mean when said about a head?
“transfer/removal”. So too, “do” said about fingernails means removal. Rabbi Akiva says, “do” is said about a head and “do” is said about fingernails. What does “do” mean when said about a head? “Uglification, deforming”. So too, “do” said about fingernails means making ugly.

Evidence in favor of Rabbi Eleazer’s view: (II Samuel 19:25) “And Mephiboshet son of Saul descended towards the King. He did not do his feet and he did not do his mustache”.

Piska 213

Deut. 21:13

---“and she shall remove her captivity-dress from her”. This teaches that one removes nice clothes from her and she dresses in mourners’ clothes. For the accursed peoples – their daughters adorn themselves for war in order to prostitute others after them.

---“and she shall sit in your house”. In the house that he uses, so that he sees her when he enters and he sees her when he leaves. She’s like a gourd and he’ll see her in her disfigurement.

---“and cry for her father and mother for a month’s time.” Really her father and her mother—thus teaches Rabbi Eleazar. Rabbi Akiva says, ‘her father and her mother’ means her idols, as it says (Jeremiah 2:27): “You who call a piece of wood ‘father.’”

---“for a month’s time [literally: ‘for a moon-days’]. 30 days [explaining the odd term, ‘moon-days’]. Another interpretation: “moon” – that is one. “days” – that is two. So, three months, because of her beautiful clothing that she was wearing and her attractiveness [perhaps meaning, so that her clothes will wear out and she will be less attractive?]. And for tikkun (improvement, correction, regulation) of the child, according to the teaching of Rabbi Akiva, between one seed and a second seed [perhaps meaning, to know whether she is pregnant by her prior husband?]. Rabbi Eleazer says, a moon-days literally. And why so much? To make a daughter of Israel happy while that one cries; a daughter of Israel adorns herself while that one disfigures herself.

---“And after that you may come to her and be her husband.” If he doesn’t do all these things to her, and comes to her anyway, that would be prostitution.

---“And after that you may come to her and be her husband.” You have only the commandment of being her husband/having sex with her.

---“and she shall be a wife to you.” Exodus 21:10 [regarding the rights of a wife, if he takes a second wife] applies: “he may not diminish her food, and her clothing, and her season [i.e., conjugal rights].”
Deuteronomy 21:14

—“And if it happens [later] that you no longer want her”. The text informs you that you are destined to hate her.
—“you shall send her off free [literally: send her off to her soul]”. Not to the temple of her god.
—“you shall send her off”. With a get (divorce, including all the rights of a divorced woman), thus the words of Rabbi Yonatan. And if she was sick, he must wait until she is healthy. [And from this we can learn as a matter of logic by the principle of] the lesser is included in the greater, that all the more so with respect to daughters of Israel, who are holy and pure.
—“and you absolutely may not sell her for money.” From this I only learn that it is forbidden to sell her for money. Where can I learn that it is forbidden to give her away as a present or use her to do a favor? The Teaching says, “you absolutely may not sell her for money [literally: sell you shall not sell her for money]” [the repetition of the verb ‘sell’ indicates two meanings: first, not for money, and second, not for anything else].
—“You are not to deal treacherously with her”. [This means] that you shall not use her. Another interpretation: do not deal treacherously with her, thus the words of Rabbi Yonatan. Another interpretation: This is a warning to the court.
—“because you have humbled her.” Even after just one episode [of sexual relations].
Deut 21:15

--“If a man has two wives”. Who are equals (have full legal status?), unlike a maidservant or a foreign wife, who are not equals. And consequently also excluding a yevama (brother’s widow entitled to a Levirite marriage) or a fiancee, who are not equals – this is why the text says “two wives”. Rabbi Yishmael says, The text speaks of the way of the world, telling that he is destined to hate her and love another.

--“and they give birth to children for him”. Excluding one who is doubtful – a child born at nine months to the former [husband] or at seven months to the latter [husband]. From this I learn only about a child borne via the place of birth [i.e., a normal vaginal delivery]. Where do I learn that it applies even to an exceptional birth [i.e., cesarean birth]? The Teaching says, “and they gave birth for him,” meaning, from any place.

Another interpretation:

--“If a man has two wives”. From this I learn only about two wives. Where do I learn that the rule applies even if they are many? The Teaching says, “wives.”

From this I learn only about the situation where they are many and some of them are beloved and some of them are hated. Where do I learn that it applies even when they are all beloved or they are all hated? The Teaching says, “beloved,” “the beloved,” “hated,” “the hated;” the [unnecessary] repetition in the verse.

From this I learn only about the situation where they are many and all of them are beloved or all of them are hated. Where do I learn that it applies even when they are only two? The Teaching says, “two wives.”

From this I learn only about when they are two wives and one is beloved and one is hated. Where do I learn that it applies even when there is only one and she is beloved, or only one and she is hated? The Teaching says, “beloved,” “the beloved,” “hated,” “the hated;” the [unnecessary] repetition in the verse.

Who is she who is “beloved”? Beloved before God. “Hated”? Hated before God. Is this possible?

From this I learn only about a raped woman, or a [mefuta], who are not to him in the usual way of wives [i.e., according the usual law or custom of wives]. Where do I learn about forbidden marriages such as a widow to the High Priest or a divorcee or Levirite wife to a lay Priest? The Teaching says, “hated” “hated” – the repetition [indicates] sexual transgressions barred by a negative commandment.

Still, I wouldn’t read the repetition to extend to sexual transgressions that are punishable by being cut off by the Heavens. The Teaching says, “hated” “hated” – the repetition [indicates] sexual transgressions that are punishable by being cut off by the Heavens.
Still, I wouldn’t read the repetition to extend to sexual transgressions that are punishable by a sentence of death from a court. The Teaching says, “hated” “hated” – the repetition.

Is it possible that it means even a maidservant, even a foreign wife? The Teaching says, “If a man has” to indicate one who has equality [full legal status?] with him [because the word translated “has” is from the same root as the word translated “equality” or “full legal status”], and excluding one who does not have equality [full legal status].

--“and they give birth to children for him” to exclude those who weren’t births for him. Another interpretation:

--“and they give birth to children [banim] for him”. Boys [Banim, the word I translated “children,” can also be translated “boys”] and not girls are included in this Law, because we have seen that the girls inherit through their brothers, dividing equally, is it possible that they are entitled to the right of the firstborn? The Teaching says, “Boys [Banim]” and not girls are included in this Law.

--“and the [firstborn] son is”. Not a tumtum [lacking full male genitalia] and not androgynous.

--“firstborn”. Not if there is doubt [whether he is firstborn? Or whether he is child of this husband rather than of the former husband?].

--“of the hated”. The Text informs you that the firstborn son will be of the hated wife [Trans. Note: presumably because God protects the hated wife]. End of verse.

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Deut 21:16

--“on the day when he wills to his sons his property”. One makes a will in ‘the day’ and not in ‘the night’.

--“that which will be for him”. This teaches that the son inherits the raui (literally, forseen or deserved; here a technical term for property that is foreseen, i.e., after-acquired property [?]) like the mukhzak (currently held property).

--“he cannot choose”. This teaches that he is not permitted to choose. Is it possible that it means “do not choose,” but if he did so anyway, he is chosen? [i.e., a wrongful choice is still enforceable, so that the chosen son would receive the first-born’s double portion even though the father shouldn’t have done this, similar to the way that common law treats a wrongful breach of an employment contract: even though the breach is wrongful, a court won’t require performance]. The Teaching says “he cannot choose”; thus, if he chooses, he is not chosen. [Trans. Note: The interpreter is explaining the seemingly unnecessary and slightly odd word in the sentence. Instead of saying “thou shalt not choose,” which is the standard formula and only two words in Hebrew, the text uses three words to say “he cannot choose,” which in Hebrew as in English literally means “he is unable to choose” rather than “he may not choose.” The extra word (“cannot”) and the oddity of saying “unable” when “may not” seems more appropriate suggest that the rule is in fact what the literal words say: the father is not
merely barred from making the beloved son into the first-born, he also lacks the power to do so – he “cannot” do it."

--“the son of the beloved”. From the moment when his head and most of him emerges alive, the child who is born after him is exempt from the [obligations and rights of the] first-born. [Trans. Note: First-born sons have special rules; they must be redeemed and are entitled to a double portion of the inheritance. The issue here is when first born status vests, so that later children will not be first-born, and the rule is, from the moment the head and most of the body have emerged in birth. So if a fetus dies before then, the next child born will be the first-born, but if the child dies after that, the next child will be the second-born. Note that the Hebrew for “first-born” literally means “chosen” and does not have the word “born” in it—this analysis is not simply a literal read of “born” but is rather a legal decision about when a child is a child.]

--“instead of the son of the hated, first-born”. Even though the firstborn is the hated’s.

[The sentence translated “he cannot choose the son of the beloved instead of the son of the hated, firstborn” literally reads “he is unable to choose the son of the beloved in the face of the son of the hated chosen.” I think the interpreter is explaining the ambiguous preposition “in the face of” and the odd word order, with “firstborn” at the end of the sentence next to “son of the hated” rather than near “choose,” and arguing that the sentence should be understood as “he cannot choose [as firstborn] the son of the beloved even though the son of the hated is firstborn” or “he cannot choose the son of the beloved instead of the firstborn son of the hated,” rather than “he cannot choose [as] firstborn the son of the beloved over the son of the hated.”]

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Deut 21:17

--“For the firstborn—the son of the hated—he must recognize”. He must recognize him to others (or: introduce him to others, cause others to recognize him, or acknowledge him to others). This teaches that a man can be trusted when he says “this is my firstborn son.” Rabbi Yehuda says, “just as a man can be trusted when he says, ‘this is my firstborn son,’ so too he can be trusted when he says, ‘this is the divorced wife’s son’, or ‘this is the halutza’s son’” but the rabbis say, “he is not trusted.”

--“To give him [a] double [share]”. Twice as much as him, or twice as much of all the property? See, you can judge this way: He might inherit with one, or he might inherit with five.
What did we find if he inherits with one – twice as much as him. So too when he inherits with five – twice as much as one of them [i.e., 2/7 of the total]. Or, go down this path: He might inherit with one, or he might inherit with five. What did we find if he inherits with one – twice as much of all the property. So too when he inherits with five – twice as much of all the property [some commentators understand this to mean: just as he would get 2/3 of the total with one co-heir, so he should get 2/3 of the total with 5 co-heirs, and they divide the remaining third.]

The Teaching says, “then, on the day when he wills to his sons” – implying an inheritance to sons. Since we learned that it implies an inheritance to the sons, you have no choice but to judge according to the first rule, [i.e.,] He might inherit with one, or he might inherit with five. What did we find if he inherits with one – twice as much as him. So too when he inherits with five – twice as much as one of them. And thus it says (Gen. 48:22): “And I gave to you, one portion more than your brothers,” and it says (Chronicles 5:1): “And the sons of Reuven, the firstborn of Israel, for he is the firstborn”, and it says (Chronicles 5:2): “For Judah ruled over his brothers, and the prince is from him, but the right of the firstborn is Joseph’s.” We find that Joseph has the right of the firstborn, and his descendants have the right of the firstborn. What is the right of the firstborn that is said to be Joseph’s? Twice as much as one of them. So too, the right of the firstborn that is said to be the descendants’ – twice as much as one of them.

--“all that is found with him”. This teaches that the firstborn does not inherit the rau'i (literally, forseen or deserved; here a technical term for property that is foreseen, i.e., after-acquired property [?]) like the mukhzak (currently held property).

--“for he is the beginning of his strength”. And not the beginning of her strength, the wife’s.

--“his is the judgment of the firstborn”. This [the word “judgment”?] teaches that the right of the firstborn is enforced by judges. End of verse.

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ספירה דבירה פשמא רח

Piska 219
3. Mishnah Sanhedrin, Ch. 8 In the Mishnah, opinions of a named Rabbi are normally dissents.

From when does a *ben sorar u’moreh* (stubborn and rebellious son) become a *ben sorar u’moreh* (stubborn and rebellious son)? From when he brings forth two hairs, and until his beard grows around. The lower one and not the upper one: the Sages spoke in euphemistic language. Thus it is said (Deut. 21) “If a man has a *ben sorar u’moreh* (stubborn and rebellious son)” – “*ben*” (son) and not “*bat*” (daughter). “*Ben*” (son) and not “*ish*” (man). Little ones are exempt, because they are not bound by any *mitzvot* (commandments) [until they reach 13 years old].

From when is he liable? From when he has eaten a *tritamor* of meat and drunk a half *log* of Italian wine. Rabbi Yosi says, a *mana* of meat and a *log* of wine.

If he ate in a ‘*mitzvah* gathering’ [i.e., a communal meal for a holiday], or ate for the new moon [i.e. at the celebration for the declaration of the new month] or ate the second tithe in Jerusalem, or ate non-kosher meat or non-kosher creeping and crawling things, or at from the first tithe when *teruma* had not been taken, or second tithe that was not … [i.e., ate food that is forbidden
until the correct tithe is given], if he ate anything that is a mitzvah or anything that is a violation of religious law, if he ate any food other than meat, or drank any drink other than wine, he does not become a ben sorar u’moreh (stubborn and rebellious son) until he eats meat and drinks wine, as it is said (Deut 21): “a glutton and a drunkard.” And even though there is no proof of this [interpretation of the words “glutton and drunkard” as referring only to eating meat and drinking wine], there is a hint of it, as it is said (Proverbs 23): “Don’t be among the drunkards of wine or the gluttons of meat.”

If he stole from his father and ate b rashut his father [the idiom b rashut is ambiguous; it could mean ‘in the space his father controls’, i.e., in the yard of his father’s house, or ‘under his father’s authority,’ i.e., with his father’s permission], from others and ate b rashut others, from others and ate b rashut his father, he does not become a ben sorar u’moreh (stubborn and rebellious son) until he steals from his father and eats b rashut others. Rabbi Yosi son of Rabbi Yehuda says, until he steals from his father and from his mother.

If his father wants to and his mother does not want [to condemn him], [or] his father does not want to and mother wants to, he does not become a ben sorar u’moreh (stubborn and rebellious son) until both of them want to. Rabbi Yehuda says, if his mother was not worthy of his father, he does not become a ben sorar u’moreh (stubborn and rebellious son).

If one of them was maimed or lame or dumb or blind or deaf, he does not become a ben sorar u’moreh (stubborn and rebellious son), as it is said (Deut. 21): “then his father and his mother shall seize him” – so they are not maimed. “Bring him out” – so they are not lame. “They shall say” – so they are not dumb. “This son of ours” – so they are not blind. “He does not listen to their voice” – so they are not deaf.

He is ‘permitted’ [warned?] by a court of three judges and whipped. If he messes up again, he is judged by a court of 23. He is not stoned unless the first three judges are part of the court, as it is said (Deut 21): “this son of ours” – that is, this is he who was whipped before them.
If he fled before his trial was finished and later the lower beard grew around, he is exempt. If he fled after his trial was finished and later the lower beard grew around, he is obligated.

A *ben sorar u’moreh* (stubborn and rebellious son) is judged because of his ending, so that he will die innocent and not die obligated. For the death of evil folk is a pleasure to them and a pleasure to the world, and for the righteous, bad for them and bad for the world. Wine and sleep for evil folk is a pleasure to them and a pleasure to the world, and for the righteous, bad for them and bad for the world. Dispersal of evil folk is a pleasure to them and a pleasure to the world, and of the righteous, bad for them and bad for the world. Gathering together of evil folk is bad for them and bad for the world, and of the righteous, a pleasure to them and a pleasure to the world. Quiet for evil ones is bad for them and bad for the world, and for the righteous, a pleasure to them and a pleasure to the world.

The burglar who enters a cellar [Ex. 22:1] is judged because of his ending. If he enters a cellar and breaks a vessel, if he ‘has blood’ [i.e., if the owner would be entitled to kill the intruder in self-defense], he [i.e., the burglar] is obligated, and if he does not ‘have blood,’ he is exempt.

These are the ones who are rescued by means of [i.e., at the cost of] their life/soul: the *rodef* (pursuer) of his comrade to kill him, after the male or after the bethrothed maiden. But the pursuer of an animal, the violator of Shabbat, the idol worshipper – these ones are not rescued by means of their life/soul.
There has never been and there never will be a ben sorar u’moreh (stubborn and rebellious son). And why was it written? To teach, “interpret (drash) and receive (a heavenly reward).”

R. Shimon ben Eleazar says, “it might have said, a daughter and not a son, but the decree of the King is a stubborn and rebellious son.”

Even if he served on his table a meal like one of Solomon’s feasts, he does not become a ben sorar u’moreh (stubborn and rebellious son) until he actually puts in his mouth the required amount, or until he eats in public with his gang such that he has fulfilled the rule by it.

6. **Talmud (Babylonian), Sanhedrin, 68b-69a**
The stubborn and rebellious son of which the Torah speaks, behold his punishment is stoning.

But the Law does not punish except after a warning. And where is the warning? “Do not eat of..."
the blood” (Lev. 19:26). [The passage means] do not eat food which will cause bloodshed. And this is the eating of stubborn and rebellious son, who is killed only because of the ugly eating that he ate, as it is said “a glutton and a drunkard”. From the oral tradition, we learned that “glutton” is he who has eaten meat extremely ravenously and “drunkard” is one who drinks wine extremely ravenously.

This eating that is the basis of his obligation – there are many things written about it, and they are all halacha (law) by oral tradition. He is not liable to stoning, until he steals from his father, and buys cheap meat and cheap wine, and he eats and drinks outside of his father’s rashut (domain) in a group all of whom are empty and worthless, and he eats meat torn from a living animal and dead meat boiled and not boiled in the way that the thieves eat, and drinks the wine diluted in the way the gourmands drink it. And he must eat the weight of 50 dinars [a silver coin] of this meat in one mushy mass, and drink a half log of this wine in one gulp, steal from his father and eat this b rashut his father [i.e., in his father’s domain or with his father’s permission], or steal from others and eat this ugly eating b rashut the others.

And if it was a mitzvah meal, even according to them [i.e., the mitzvah is only Rabbinic, not from the Torah], or a forbidden eating, even according to them [i.e., the Rabbis], he is exempt, as it is said, “he does not listen to our voice” – for he sins by this eating only by their voice. The consequence is, he who violated the words of the Torah by it [i.e., the eating], or ate it as a mitzvah, whether he ate as a mitzvah the ugly eating with the bad group with whom he eats, or they ate second tithe in Jerusalem, even if they ate it to comfort mourners which is a mitzvah according to them [i.e., only a rabbinic commandment, not a Torah commandment], it follows that he is exempt. And similarly, if he ate unkosher dead animals and forbidden meat, unkosher insects and crawling things, even if he ate during a public fast which is a sin according to them [i.e., a Rabbinic fast not ordained by Torah], he is exempt from execution.

7. General Laws and Liberties of the Massachusetts Colony (1672), reprinted from Juvenile Offenders For A Thousand Years (ed. Wiley B. Sanders)