

כי יהיה לאיש בן סורר ומורה איננו שמע קול אביו ובקול אמו ויכרו אתו ולא ישמע אליהם. ותפשו בו אביו ואמו והוציאו אתו אל זקני עירו. ואל שער מקומו. ויאמרו אל זקני עירו בנגו זה סורר ומורה איננו שמע בקולנו זולל וסבא. ורקמהו כל אנשי עירו באבנים ומת ובערת הרע מקרבך וכל ישראל ישמעו ויראו. דברים כא-יה-כא

*When a man has a son, a stubborn one and a rebel he does not hearken to the voice of his father or to the voice of his mother and they discipline him, but he does not hearken to them, his father and his mother are to seize him and are to bring him out to the elders of his town, to the gate of his place; then they are to say to the elders of his town: Our son, this one, is a stubborn one and a rebel he does not hearken to our voice, a glutton and a drunkard! Then all the men of the town pelt him with stones, so that he dies. You shall eradicate the evil from your midst, and all Israel will hear and be awed!*  
**Deut. 21:18-21**

**What do we do with a passage like this?** A simple reading of this text leads one to conclude that the procedure for dealing with a rebellious son is: 1. You take him to the elders. 2. You make a declaration, and then, 3. Everybody in town has to stone him. We react to this with horror and bewilderment. How can the Torah even include such a law? Here are four ways to approach the text.

**1. Contextualization.** The Bible contains many laws and stories that are deeply troubling to our moral sensibilities. Nevertheless, compared to its surrounding culture, the Bible is revolutionary in its concern for human dignity and its abhorrence of moral depravity. It may be hard to see that here, but the necessary question to ask here is: what is the cultural context?

**2. Interpretation.** One need only look at a sample of classic rabbinic sources to conclude that the Rabbis themselves were deeply troubled by this law. Here is one example from the mishna. It asks: What if the parents are divided on what to do with this son? (Sanhedrin 8:4)

היה אביו רוצה ואמו אינה רוצה אביו אינו רוצה ואמו נעשה בן סורר ומורה עד שייהרו שניהם רוצים.	<i>If his father wanted to charge him, and his mother didn't, or if his father didn't want to charge him, and his mother did, he is not classified as a rebellious child, until such point as both parents are willing to charge him.</i>
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In how many marriages are parents unanimous on what to do with their children? Would parents ever agree in this situation? Where the result could be the death of their son?

The mishna continues: *R. Yehuda says: If his mother was not suited to his father, he is not classified as a rebellious child.* In other words, the rabbis are recognizing that the marriage itself could be a factor in the child's behavior. Why should the child be liable in such a situation? Maybe it was the incompatibility of his parents that led to his defiance? Here is how the mishna maximizes the disqualifications of the parents based on a hyper-literal reading of the verse: *If one of them was an amputee of the hand, or lame, or mute, or blind, or deaf, he is not classified as a rebellious son. As it is written: "And they shall grab him." (If they have to grab him), they can't be hand-amputees. "And they shall take him out." Therefore, they can't be lame (because taking out assumes the ability to walk). "And they said." Therefore, they can't be mute. "This, our son." Therefore, they can't be blind. (Otherwise, they wouldn't be able to point to him). "He doesn't listen to our voices." Therefore, they can't be deaf.* It is pretty clear what the rabbis are doing here. They are trying to render the case moot because the idea of executing a child on this charge is so abhorrent to them. They are neutralizing it through interpretation. The rabbinic *punch line* of the whole discussion is this:

בן סורר ומורה, לא היה ולא עתיד להיות. ולמה נכתב? דרש וקבל. *The rebellious son never was and never will be. And why was it written? Study it and you will obtain the reward for study.* This is Torah and despite its offense of our moral sensibilities, there is still a great value in studying it, **if only for engaging in an argument with it!** But just like all Torah study is rewarded, study of this particularly difficult passage will be rewarded as well.

אמר ר' יונתן אגני (But) *Rabbi Yonatan said: I saw him (a rebellious son) and I sat at his grave.* To paraphrase, R. Yonatan is saying, *Do not think that this doesn't exist. I saw evidence that such a case took place.* How should we interpret that? Let me offer this reading: *You think that you are so sophisticated that you can simply argue this away? You think that by employing your interpretive techniques that you would minimize the possibility of this ever occurring to zero? Let me tell you something, I saw a rebellious son and I sat at his grave! Not every court is compassionate. Not every judge is careful. Indeed, some courts are zealous literalists and are not tempered by reason or compassion. And some parents are indeed cruel enough to execute their child! I saw a rebellious son and I sat at his grave. And I mourned him as I sat there! And lamented the folly of the way his life was taken.* Read this way, it is a sharp critique of the limitations of reasoning. On the one hand, we can be very proud of the way the rabbis reasoned this difficult law out of existence. On the other hand, what R. Yonatan is saying is, don't be so sure of yourselves. Don't be so self-righteous to think that it couldn't happen in a community near you.

**3. Biblical Scholarship.** Several years ago the pre-eminent American biblical scholar David Noel Freedman (1922-2008) argued that the first nine books of the Hebrew Bible (Genesis, Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Samuel, Kings) conspicuously followed the order of the 10 Commandments in that books 2-9 each contained a violation of one of those commandments in consecutive order. Freedman believed that the first 9 books of the Bible (also known as the Primary History) tells an overarching story: Israel and its violation of the Sinai covenant with God.

He writes that using the Ten Commandments as the organizing structure of these books, *the editor is going to have Israel violate each one of the commandments directly and explicitly...in order, one by one, and, given the fact that the editor has a group of books (or scrolls) to deal with, one commandment and one violation will be assigned to each book. With respect to the incidents, each one will be related directly or indirectly ... and this linkage will be apparent. In addition, wherever possible, the seriousness of the episode*

*will be stressed in such a way as to show the violation (usually by an individual) nevertheless involved or implicated the whole nation, so that survival of the latter was put in jeopardy. In each instance, the nation or community was in peril or at risk, and on the verge of disaster... At the end of the string, all (but one) of the commandments will have been violated, and God's patience will have run out. Ie. Israel violates each law of the Covenant and thus is exiled. Here is how it works:*

#	Subject	Violation	Book	Location
2	Prohibition against idolatry.	The Golden Calf incident.	2. Exodus	Exod. 34
3	Prohibition against the misuse of God's name.	The Blasphemer.	3. Leviticus	Lev. 24:10-16
4	Prohibition against the violation of Shabbat.	The Wood-Gatherer.	4. Numbers	Num. 15:32-36
5	Commandment to honor parents.	The Rebellious Son.	5. Deuteronomy	Deut. 21:18-21
6	Prohibition against stealing.	The story of Achan.	6. Joshua	Josh. 7
7	Prohibition against murder.	The Concubine at Gibe'ah.	7. Judges	Judges 19-21
8	Prohibition against adultery.	David and Batsheva	8. Samuel	2 Sam. 11-12
9	Prohibition against bearing false witness.	Naboth's Vineyard	9. Kings	1 Kings 21

Freedman understands the 10th Commandment, *Thou shalt not covet*, as the underlying motivation of the previous commandments, especially the last four. The Rebellious Son is a violation of the 5th Commandment, and therefore it is in the 5th book. In contrast to the other violations... *it is couched in the hypothetical terminology of case law: prescribing the punishment for a specified crime.* To which we might comment, unlike the other commandments, the Torah leaves out a specific story or incident that violates the 5th commandment, because **executing someone who violates this law offends even the Torah's sensibility!** But Freedman says it this way: *...Here we have the more general formulation, presumably derived from a particular incident, now lost, or no longer included in the biblical tradition.* Meaning, the Torah puts this violation in theoretical (and not anecdotal) terms, either because there was no actual incident or because it deliberately deleted one due to the fact that an actual case of this infraction and penalty would have been so morally reprehensible.

**4. Close Reading.** We may look at this whole case differently if we ask a set of questions that arises from a close reading of the text. Let's *Zapruder* it, examining it frame by frame. Why do the parents appear before the elders of the town? The plausible backstory is that they cannot handle their son. Their son has become a public nuisance. He is a glutton and a drunkard. They live in a town in which everybody knows everybody else's business. It has a court of *elders* (note: they are not professional judges), that meets in the *town gate*, a public space, which also has enclosed space for administration and deliberation. The parents are at their wits end, and they don't know what to do with their son, so they come before the elders for help and guidance when they make their charge. **NOTE: The Torah doesn't tell us what happens after their charge. There is a huge gap between their appearance before the elders and the subsequent events. What happens in the space between the two verses? (noted by "☺" on the other side).** We would presume that the elders would deliberate on such a sensitive case, that it would employ language like *וְדַרְשְׁתָּ וְדָרַשְׁתָּ* - *then you are to inquire, to examine and to investigate well*, (Deut. 13:15 see also 17:4), but there is none of that. No procedure is delineated. So, what happens?

*וְרִגְמָהוּ כָּל אֲנָשֵׁי עִירוֹ בְּאֲבָנִים* - *the people of the town* - not the *elders*, not the *parents*, but *the people*, - those who have been angered by this behavior and are agitating to eliminate the problem; and very possibly those who want to victimize this boy and make him a scapegoat - they are the ones who go out and *stone this boy*. **NOTE: In all the other cases of Ten Commandment violations, there are stories of a process in which God communicates the punishment. But here, in this violation of the pivotal commandment! the process breaks down.** The parents bring the charge to the elders. *And there is no due process!* The people at the gate turn into a mob and the mob goes on a rampage. The townspeople execute the boy precisely because the town elders have become powerless to prevent it! *וְרִגְמָהוּ* - should therefore not be understood as a command *to execute* - *they shall stone him* - but it should be read in the past tense - *and they stoned him* - which is abhorrent, as all mob violence is. And when it then says, *וּבְעֵרְתָּ* - *And you shall eradicate the evil from your midst*, we might want to ask: which evil? The evil of the Rebellious Son or the evil of the Tyrannical Mob? *וְכָל־יִשְׂרָאֵל יִשְׁמָעוּ* - *and all Israel will hear and be awed* which, in this reading would mean, *of course the entire people of Israel would hear and be terrified! Of the Tyrannical Mob!* Hovering under this commandment then is a story about society, law, institutions, order, mob mentality, victimization, scapegoating, bullying, accountability, parental responsibility, oppositional defiance, love, and behavioral differences in children. There's also a story about God and the covenant and the peculiar anomaly that, *of all the covenantal violations, this is the only one in which God is not consulted in any way or has absolutely no role.* The people act alone, outside the court structure. Admittedly, this deserves more study. Today, we don't see rebellious children in the context of the 5th Commandment but as a behavioral disorder. Underlying this text then, is not a theoretical concern about disrespecting parents, but a very practical concern of how to create a society in which a family in distress can get the support it needs to manage a very difficult situation without letting it devolve into a catastrophe...of covenantal proportions.

**שְׁבַת שְׁלוֹמִים!**

**SHABBAT SHALOM!**

