

If a man have a (stubborn and rebellious) son (21:18): But not if a woman have such a son. A son, but not a daughter, nor an adult son. A minor is exempt, since he has not yet come under the rule of the commandments.<sup>1</sup> *Stubborn*—twice<sup>2</sup>—*and rebellious*—a fool.<sup>3</sup> Another interpretation: *Stubborn*—an apostate who teaches himself a different way.<sup>4</sup> [Another interpretation: Just because he has squandered his father's money, do you say that a stubborn and rebellious son should die?<sup>5</sup> Rather he is judged according to what he is bound to come to in the end: it is better that he should die innocent than die guilty. His father must have fallen in love with a comely captive woman and thus introduced a disturber into his house, so that the son became stubborn and rebellious, and will in the end cause his father to die an unnatural death. *And if a man have committed a sin worthy of death and he be put to death* (21:22)—but not on the Sabbath or on festivals.<sup>6</sup>

Another interpretation: *Stubborn*—against the words of his father—*and rebellious*—against the words of his mother; *stubborn*—against the teachings of the Torah—*and rebellious*—against the teachings of the prophets; *stubborn*—against the testimony of witnesses—*and rebellious*—against the rulings of the judges.<sup>7</sup>

R. Josiah said: Ze'era told me three rulings on the authority of the scholars of Jerusalem: If a husband wishes to forgive his wife whom he has suspected of adultery, he may do so; if a father and mother wish to forgive a stubborn and rebellious son, they may do so; if the members of a court wish to forgive an elder who has rebelled against their verdict, they may do so. When I came and recited these rulings before R. Judah ben Beterah, he agreed with two of them but disagreed with one; he agreed with the rulings about the wayward wife and the stubborn and rebellious son, and he disagreed with the ruling concerning the elder who rebels against the verdict of the court, since he would cause controversy in Israel.<sup>8</sup>

*That will not hearken to the voice of his father, or the voice of his mother* (21:18): Even if his father and mother tell him to kindle a light and he does not do so? (No,) and that is why Scripture repeats *that will not hearken* twice,<sup>9</sup> in order to draw an analogy: just as *that will not hearken* there applies only to one who is a *glutton and a drunkard* (21:20), so *that will not hearken* here refers to one who is a *glutton and a drunkard*. Just as *that will not hearken* there does not apply until he steals from his father and mother, so *that will not hearken* here does not apply until he steals from his father and mother.

*And though they chasten him, will not hearken unto them* (21:18): Showing that he is to be flogged in the presence of three (judges).<sup>10</sup>

## Sifre

# A Tannaitic Commentary on the Book of Deuteronomy

TRANSLATED FROM THE HEBREW  
WITH INTRODUCTION AND NOTES BY

REUVEN HAMMER

*Then shall his father and his mother lay hold on him* (21:19): This shows that he is not liable unless he has a father and a mother; so taught R. Meir. R. Judah says: If his mother was not fit for his father, he cannot be declared a stubborn and rebellious son.<sup>1</sup>

*And bring him out unto the elders of his city, and unto the gate of his place* (21:19): This is a positive commandment specifying the elders of his city and the gate of his place.

*And they shall say unto the elders of his city: This our son (is stubborn and rebellious)* (21:20): This is the one who was (previously) flogged in your presence. Hence we learn that if one of the judges has since died, the son may not be stoned. If one (of the parents) is an amputee, lame, mute, blind, or deaf, the son may not be declared stubborn and rebellious, since Scripture says, *Lay hold on him*—therefore they may not be amputees—*and bring him out* (21:19)—therefore they may not be lame—*and they shall say*—therefore they may not be mute—*this our son*—therefore they may not be blind—*doth not hearken to our voice* (21:20)—therefore they may not be deaf.<sup>2</sup> He should then be admonished in the presence of three (judges) and flogged. If he misbehaves again, he must be judged before a court of twenty-three (judges), but may not be stoned unless the original three judges are present, since it is said, *This our son*—this is the one who was flogged in your presence.

*He is a glutton, and a drunkard* (21:20): A glutton in eating meat and a drunkard in drinking wine. There is a reference to this (rule), though not a proof (for it), in the verse, *Be not among winebibbers; among gluttonous eaters of flesh, for the drunkard and the glutton shall come to poverty; and drowsiness shall clothe a man with rags* (Prov. 23:20–21).

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*And all the men of his city shall stone him (with stones)* (21:21): All literally all the men of his city to stone him? Rather, the meaning is (that it shall be done) in the presence of all the men of his city. *With stones*: One might think that this means with many stones; therefore Scripture says elsewhere, *With a stone* (Lev. 20:27).<sup>1</sup> Or might therefore think that this means with only one stone; yet the verse here states *with stones* (in the plural). From this we conclude that if he does not die from the first stone, he is to die from the second. R. Jose said: Should he be stoned to death just because he has eaten a *partemar*<sup>2</sup> of meat and had drunk half a *log* of wine? Rather, the Torah foresaw what he will eventually come to do, and decreed that it is better for him to die while yet innocent than to die when guilty, for the death of the wicked is beneficial for them and beneficial for the world, whereas the death of the righteous is bad for them and bad for the world. Wine and (drunken) stupor for the wicked are beneficial for them and beneficial for the world, but for the righteous they are bad for them and bad for the world. Quietude for the wicked is bad for them and bad for the world, but for the righteous it is beneficial for them and beneficial for the world.

*So shalt thou put away the evil* (21:21): Remove the evildoers from the midst of Israel.

## Mishnah Sanhedrin 8:2

When is he liable [to be considered a wayward and rebellious son]? When he eats a tartemar of meat and drinks half a log of Italian wine. Rabbi Yosi says, A maneh [three times as much] meat and a log of wine.

If he ate it at a mitzvah gathering, or, if he ate it at the [festive occasion of celebrating] the determining of the new moon; if he ate it as the second tithe in Jerusalem, if he ate road kill, mutilated meat or unclean animals or creeping things...if he ate anything associated with a mitzvah or [if his eating] was the stuff of a transgression [like eating on a fast day], if he ate any kind of food other than meat, if he drank any kind of drink other than wine, then he has not become a wayward and defiant son. For it is written [concerning the wayward and defiant son that he is] *a glutton/zolel and a drunkard/soveah*. And although there is no proof for the matter [that this is the exclusive definition] there is a hint, as it is said, "Do not be among those who guzzle wine/sov'ei yayin, or glut themselves on meat/b'zolalei basar" (Proverbs 23:20).

Here is the next Mishnah in the sequence:

If he stole of his of that which is his father's and ate in his father's domain, from others and ate in the others' domain, from others and ate in his father's domain he has not become a wayward and defiant son. Not until he steals from his father and eats in the domain of others. Rabbi Yosi the son of Rabbi Judah says [he is not so labeled] until he steals from both his father and his mother.

See how the gemara extends the teaching of the Mishnah:

*If he stole of his of that which is his father's and ate in his father's domain—though this is easily within his reach, he is afraid; from others and ate in the others' domain—though he is not afraid, yet it is not easily within his reach. How much more so [is he not labeled a wayward and defiant son] if he stole from others and ate in his father's domain, this not being easily within his reach and he is afraid! [He is not a wayward and defiant son] until his steals from his father and eats in the domain of others [since] he is stealing from that which is easily within his reach and does not cause him fear...*

here is the next mishnah followed by the gemara—the grand finale!

If his father desires [to have him punished], but not his mother; or, the reverse, he is not treated as a wayward and defiant son, [not] unless they both desire it. Rabbi Judah said: if his mother is not fit for his father he does not become a wayward and defiant son.

(The gemara continues:)

What is meant by *not fit*?...He means not similar to his father. It has been taught in another handed down teaching: Rabbi Judah said: If his mother is not like his father in voice, appearance and stature, he does not become a wayward and defiant son. Why is this so? Because Scripture says: *he does not heed us* [literally: he does not listen to our voice]. And [furthermore] just as they must be alike in voice, so must they be alike in appearance and stature.

With whom does the following long handed down teaching agree: "There never has been a wayward and defiant son and there never will be. Why then was it written? Investigate it and receive reward"? This agrees with Rabbi Judah. Alternatively, you could say that it will agree with Rabbi Shimon. For it has been taught: Rabbi Shimon said, "Because one eats a tartemar of meat and drinks half a log of Italian wine, shall his father and mother have him stoned? But it never happened and never will happen. Why then was it written? Investigate it and you will receive reward." Rabbi Yonatan said, "I saw him and sat on his grave"

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